

2/27/02 Referred to State Gov.

FEB 26 2002

Place On Calendar

HOUSE FILE 2556

BY COMMITTEE ON STATE GOVERNMENT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the reorganization of certain state
2 departments by establishing a department of administrative
3 services and abolishing the executive council and transferring
4 or eliminating its duties.

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

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HF 2556

DIVISION I

DEPARTMENT OF ADMINISTRATIVE SERVICES

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2
3 Section 1. Section 2.12, Code Supplement 2001, is amended
4 to read as follows:

5 2.12 EXPENSES OF GENERAL ASSEMBLY AND LEGISLATIVE AGENCIES
6 -- BUDGETS.

7 There is appropriated out of any funds in the state
8 treasury not otherwise appropriated a sum sufficient to pay
9 for legislative printing and all current and miscellaneous
10 expenses of the general assembly, authorized by either the
11 senate or the house, and the director of ~~revenue-and-finance~~
12 the department of administrative services shall issue warrants
13 for such items of expense upon requisition of the president,
14 majority leader, and secretary of the senate or the speaker
15 and chief clerk of the house.

16 There is appropriated out of any funds in the state
17 treasury not otherwise appropriated, such sums as are
18 necessary, for each house of the general assembly for the
19 payment of any unpaid expense of the general assembly incurred
20 during or in the interim between sessions of the general
21 assembly, including but not limited to salaries and necessary
22 travel and actual expenses of members, expenses of standing
23 and interim committees or subcommittees, and per diem or
24 expenses for members of the general assembly who serve on
25 statutory boards, commissions, or councils for which per diem
26 or expenses are authorized by law. The director of ~~revenue~~
27 ~~and-finance~~ the department of administrative services shall
28 issue warrants for such items of expense upon requisition of
29 the president, majority leader, and secretary of the senate
30 for senate expense or the speaker and chief clerk of the house
31 for house expense.

32 There is appropriated out of any funds in the state
33 treasury not otherwise appropriated, such sums as are
34 necessary for the renovation, remodeling, or preparation of
35 the legislative chambers, legislative offices, or other areas

1 or facilities used or to be used by the legislative branch of
2 government, and for the purchase of legislative equipment and
3 supplies deemed necessary to properly carry out the functions
4 of the general assembly. The director of ~~revenue-and-finance~~
5 the department of administrative services shall issue warrants
6 for such items of expense, whether incurred during or between
7 sessions of the general assembly, upon requisition of the
8 president, majority leader, and secretary of the senate for
9 senate expense or the speaker and chief clerk of the house for
10 house expense.

11 There is appropriated out of any funds in the state
12 treasury not otherwise appropriated such sums as may be
13 necessary for the fiscal year budgets of the legislative
14 service bureau, the legislative fiscal bureau, the citizens'
15 aide office and the computer support bureau for salaries,
16 support, maintenance, and miscellaneous purposes to carry out
17 their statutory responsibilities. The legislative service
18 bureau, the legislative fiscal bureau, the citizens' aide
19 office and the computer support bureau shall submit their
20 proposed budgets to the legislative council not later than
21 September 1 of each year. The legislative council shall
22 review and approve the proposed budgets not later than
23 December 1 of each year. The budget approved by the
24 legislative council for each of its statutory legislative
25 agencies shall be transmitted by the legislative council to
26 the department of management on or before December 1 of each
27 year for the fiscal year beginning July 1 of the following
28 year. The department of management shall submit the approved
29 budgets received from the legislative council to the governor
30 for inclusion in the governor's proposed budget for the
31 succeeding fiscal year. The approved budgets shall also be
32 submitted to the chairpersons of the committees on
33 appropriations. The committees on appropriations may allocate
34 from the funds appropriated by this section the funds
35 contained in the approved budgets, or such other amounts as

1 specified, pursuant to a concurrent resolution to be approved
2 by both houses of the general assembly. The director of
3 revenue and finance shall issue warrants for salaries,
4 support, maintenance, and miscellaneous purposes upon
5 requisition by the administrative head of each statutory
6 legislative agency. If the legislative council elects to
7 change the approved budget for a legislative agency prior to
8 July 1, the legislative council shall transmit the amount of
9 the budget revision to the department of management prior to
10 July 1 of the fiscal year, however, if the general assembly
11 approved the budget it cannot be changed except pursuant to a
12 concurrent resolution approved by the general assembly.

13 Sec. 2. Section 2.13, Code 2001, is amended to read as
14 follows:

15 2.13 ISSUANCE OF WARRANTS.

16 The director of ~~revenue-and-finance~~ the department of
17 administrative services shall also issue to each officer and
18 employee of the general assembly, during legislative sessions
19 or interim periods, upon vouchers signed by the president,
20 majority leader, and secretary of the senate or the speaker
21 and chief clerk of the house, warrants for the amount due for
22 services rendered. The warrants shall be paid out of any
23 moneys in the treasury not otherwise appropriated.

24 Sec. 3. Section 7E.5, subsection 1, paragraph b, Code
25 2001, is amended to read as follows:

26 b. The department of ~~personnel~~ administrative services,
27 created in section ~~19A.1~~ 8A.102, which has primary
28 responsibility for ~~personnel~~ the management and coordination
29 of the major resources of state government.

30 Sec. 4. Section 7E.5, subsection 1, paragraphs c and x,
31 Code 2001, are amended by striking the paragraphs.

32 Sec. 5. Section 7E.5, subsection 1, paragraph d, Code
33 2001, is amended to read as follows:

34 d. The department of revenue and finance, created in
35 section 421.2, which has primary responsibility for revenue

1 collection and revenue law compliance, ~~financial-management~~
2 ~~and-assistance~~, and the Iowa lottery.

3 Sec. 6. Section 8.31, unnumbered paragraph 6, Code 2001,
4 is amended to read as follows:

5 The procedure to be employed in controlling the
6 expenditures and receipts of the state fair board and the
7 institutions under the state board of regents, whose
8 collections are not deposited in the state treasury, is that
9 outlined in section ~~421-31~~ 8A.503, subsection 6 9.

10 Sec. 7. Section 8.34, Code 2001, is amended to read as
11 follows:

12 8.34 CHARGING OFF UNEXPENDED APPROPRIATIONS.

13 Except as otherwise provided by law, the director of the
14 department of ~~revenue-and-finance~~ administrative services
15 shall transfer to the fund from which an appropriation was
16 made, any unexpended or unencumbered balance of that
17 appropriation remaining at the expiration of two months after
18 the close of the fiscal term for which the appropriation was
19 made. At the time the transfer is made on the books of the
20 department of ~~revenue-and-finance~~ administrative services, the
21 director shall certify that fact to the treasurer of state,
22 who shall make corresponding entries on the books of the
23 treasurer's office.

24 Sec. 8. NEW SECTION. 8A.101 DEFINITIONS.

25 As used in this chapter, unless the context otherwise
26 requires:

27 1. "Department" means the department of administrative
28 services.

29 2. "Director" means the director of the department of
30 administrative services.

31 Sec. 9. NEW SECTION. 8A.102 DEPARTMENT CREATED.

32 The department of administrative services is created. The
33 director of the department shall be appointed by the governor
34 to serve at the pleasure of the governor and is subject to
35 confirmation by the senate. If the office becomes vacant, the

1 vacancy shall be filled in the same manner as provided for the
2 original appointment.

3 Sec. 10. NEW SECTION. 8A.103 PURPOSE OF THE DEPARTMENT.

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

8 Sec. 11. NEW SECTION. 8A.104 POWERS AND DUTIES OF THE
9 DIRECTOR.

10 The director or designees of the director shall:

11 1. Coordinate the internal operations of the department
12 and develop and implement policies and procedures designed to
13 ensure the efficient administration of the department.

14 2. Appoint the administrators of the divisions within the
15 department and all other personnel deemed necessary for the
16 administration of this chapter, except for the chief executive
17 officer of the Iowa public employees' retirement system
18 division and other employees of the division.

19 3. Prepare an annual budget for the department.

20 4. Develop and recommend legislative proposals deemed
21 necessary for the continued efficiency of department
22 functions, and review legislative proposals generated outside
23 of the department which are related to matters within the
24 department's purview.

25 5. Adopt rules deemed necessary for the administration of
26 this chapter in accordance with chapter 17A. In addition,
27 rulemaking authority provided to the divisions of the
28 department shall be subject to review and approval of the
29 director.

30 6. Develop and maintain enterprise-wide support systems
31 within the department to provide appropriate administrative
32 support and sufficient data for the effective and efficient
33 operation of the enterprise.

34 7. Enter into contracts for the receipt and provision of
35 services as deemed necessary. The director and the governor

1 may obtain and accept grants and receipts to or for the state
2 to be used for the administration of this chapter.

3 Notwithstanding any provision of law to the contrary,
4 decisions made by an administrator of a division of the
5 department may be appealed to the director and the director's
6 determination shall constitute final agency action.

7 Sec. 12. NEW SECTION. 8A.105 DIVISIONS OF THE
8 DEPARTMENT.

9 The department is comprised of the following divisions:

- 10 1. Information technology division.
- 11 2. Physical resources division.
- 12 3. Human resources division.
- 13 4. Financial administration division.

14 The allocation of departmental duties to the divisions of
15 the department in chapters 14B, 18, and 19A, does not prohibit
16 the director from reallocating departmental duties within the
17 department. The director shall not reallocate any of the
18 duties of the Iowa public employees' retirement system
19 division, created by section 97B.1, to any other unit or
20 division of the department.

21 Sec. 13. NEW SECTION. 8A.106 ENERGY CONSERVATION LEASE-
22 PURCHASE.

23 1. As used in this section:

24 a. "Energy conservation measure" means installation or
25 modification of an installation in a building which is
26 primarily intended to reduce energy consumption or allow the
27 use of an alternative energy source, which may contain
28 integral control and measurement devices.

29 b. "State agency" means a board, department, commission,
30 or authority of or acting on behalf of the state having the
31 power to enter into contracts to acquire property in its own
32 name or in the name of the state. "State agency" does not
33 mean the general assembly, the courts, the governor, or a
34 political subdivision of the state.

35 2. a. A state agency may, with the approval of the

1 department, lease as lessee real and personal properties and
2 facilities for use as or in connection with any energy
3 conservation measure for which it may so acquire real and
4 personal properties and facilities, upon the terms,
5 conditions, and considerations the official or officials
6 having the authority with or without the approval of the
7 department to commit the state agency to acquire real and
8 personal property and facilities deemed in the best interests
9 of the state agency. A lease may include provisions for
10 ultimate ownership by the state or by the state agency and may
11 obligate the state agency to pay costs of maintenance,
12 operation, insurance, and taxes. The state agency shall pay
13 the rentals and the additional costs from the annual
14 appropriations for the state agency by the general assembly or
15 from other funds legally available. The lessor of the
16 properties or facilities may retain a security interest in
17 them until title passes to the state or state agency. The
18 security interest may be assigned or pledged by the lessor.
19 In connection with the lease, the state agency may contract
20 for a letter of credit, insurance, or other security
21 enhancement obligation with respect to its rental and other
22 obligations and pay the cost from annual appropriations for
23 such state agency by the general assembly or from other funds
24 legally available. The security enhancement arrangement may
25 contain customary terms and provisions, including
26 reimbursement and acceleration if appropriate. This section
27 is a complete and independent authorization and procedure for
28 a state agency, with the approval of the department, to enter
29 into a lease and related security enhancement arrangements,
30 and this section is not a qualification of any other powers
31 which a state agency may possess, including those under
32 chapter 262, and the authorization and powers granted under
33 this section are not subject to the terms or requirements of
34 any other provision of the Code.

35 b. Before a state agency seeks approval of the department

1 for leasing real or personal properties or facilities for use
2 as or in connection with any energy conservation measure, the
3 state agency shall have a comprehensive engineering analysis
4 done on a building in which it seeks to improve the energy
5 efficiency by an engineering firm approved by the department
6 of natural resources through a competitive selection process
7 and the engineering firm is subject to approval of the
8 department. Provisions of this section shall only apply to
9 energy conservation measures identified in the comprehensive
10 engineering analysis.

11 c. Before the department gives its approval for a state
12 agency to lease real and personal properties or facilities for
13 use as or in connection with any energy conservation measure,
14 the department shall in conjunction with the department of
15 natural resources and after review of the engineering analysis
16 submitted by the state agency make a determination that the
17 properties or facilities will result in energy cost savings to
18 the state in an amount that results in the state recovering
19 the cost of the properties or facilities within six years
20 after the initial acquisition of the properties or facilities.

21 Sec. 14. NEW SECTION. 8A.107 DISPUTE RESOLUTION.

22 The department shall resolve any disputes transmitted to it
23 by the department of natural resources, the state building
24 code commissioner, or both, arising under section 470.7.

25 Sec. 15. NEW SECTION. 8A.108 RULES -- DEPOSIT OF
26 DEPARTMENTAL MONEYS.

27 The director, in coordination with the administrator of the
28 financial administration division, shall further prescribe by
29 rule the manner and methods by which all departments and
30 agencies of the state who collect money for and on behalf of
31 the state shall cause the money to be deposited with the
32 treasurer of state or in a depository designated by the
33 treasurer of state. All such moneys collected shall be
34 deposited at such times and in such depositories to permit the
35 state of Iowa to deposit the funds in a manner consistent with

1 the state's investment policies. All such moneys shall be
2 promptly deposited, as directed, even though the individual
3 amount remitted may not be correct. If any individual amount
4 remitted is in excess of the amount required, the department
5 or agency receiving the same shall refund the excess amount
6 thereof. If the individual amount remitted is insufficient,
7 the person, firm, or corporation concerned shall be
8 immediately billed for the amount of the deficiency.

9 Sec. 16. NEW SECTION. 8A.201 INFORMATION TECHNOLOGY
10 DIVISION.

11 The information technology division is created within the
12 department of administrative services. The responsibilities
13 and organization of the division is provided by chapter 14B.
14 The mission of the division is to foster the development and
15 application of information technology to improve the lives of
16 Iowans. The division assists in the management and
17 coordination of information and information technology
18 resources for state government.

19 Sec. 17. NEW SECTION. 8A.301 PHYSICAL RESOURCES
20 DIVISION.

21 The physical resources division is created within the
22 department of administrative services. The responsibilities
23 and organization of the division is provided by chapter 18.

24 Sec. 18. NEW SECTION. 8A.401 HUMAN RESOURCES DIVISION.

25 The human resources division is created within the
26 department of administrative services. The responsibilities
27 and organization of the division is provided by chapter 19A.

28 Sec. 19. NEW SECTION. 8A.501 DEFINITIONS.

29 As used in this article, unless the context otherwise
30 requires:

31 1. "Administrator" means the administrator of the
32 financial administration division.

33 2. "Division" means the financial administration division
34 of the department of administrative services.

35 Sec. 20. NEW SECTION. 8A.502 FINANCIAL ADMINISTRATION

1 DIVISION CREATED.

2 The financial administration division is created within the
3 department of administrative services. The responsibilities
4 and organization of the division shall be established by the
5 director and as provided for in this article and shall provide
6 for the efficient management and administration of the
7 financial resources of state government.

8 Sec. 21. NEW SECTION. 8A.503 DIVISION DUTIES.

9 In addition to those duties delegated to the division by
10 the director of the department, the division shall have and
11 assume the following powers and duties:

12 1. CENTRALIZED ACCOUNTING SYSTEM. Assume the
13 responsibilities related to a centralized accounting system
14 for state government.

15 2. SETOFF PROCEDURES. Establish and maintain a setoff
16 procedure as provided in section 8A.504.

17 3. COST ALLOCATION SYSTEM. Establish a cost allocation
18 system as provided in section 8A.505.

19 4. COLLECTION AND PAYMENT OF FUNDS -- MONTHLY PAYMENTS.

20 To control the payment of all moneys into the treasury, and
21 all payments from the treasury by the preparation of
22 appropriate warrants, or warrant checks, directing such
23 collections and payment, and to advise the state treasurer
24 monthly in writing of the amount of public funds not currently
25 needed for operating expenses. Whenever the state treasury
26 includes state funds that require distribution to counties,
27 municipalities, or other political subdivisions of this state,
28 and the counties, municipalities, and other political
29 subdivisions certify to the director that warrants will be
30 stamped for lack of funds within the thirty-day period
31 following certification, the administrator may partially
32 distribute the funds on a monthly basis. Whenever the law
33 requires that any funds be paid by a specific date, the
34 administrator shall prepare a final accounting and shall make
35 a final distribution of any remaining funds prior to that

1 date.

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

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

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

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

21 6. AUDIT OF CLAIMS. To audit all demands by the state,
22 and to preaudit all accounts submitted for the issuance of
23 warrants.

24 7. CONTRACTS. To certify, record, and encumber all formal
25 contracts to prevent overcommitment of appropriations and
26 allotments.

27 8. ACCOUNTS. To keep the central budget and proprietary
28 control accounts of the general fund of the state and special
29 funds, as defined in section 8.2, of the state government.
30 Upon elimination of the state deficit under generally accepted
31 accounting principles, including the payment of items budgeted
32 in a subsequent fiscal year which under generally accepted
33 accounting principles should be budgeted in the current fiscal
34 year, the recognition of revenues received and expenditures
35 paid and transfers received and paid within the time period

1 required pursuant to section 8.33 shall be in accordance with
2 generally accepted accounting principles. Budget accounts are
3 those accounts maintained to control the receipt and
4 disposition of all funds, appropriations, and allotments.
5 Proprietary accounts are those accounts relating to assets,
6 liabilities, income, and expense. For each fiscal year, the
7 financial position and results of operations of the state
8 shall be reported in a comprehensive annual financial report
9 prepared in accordance with generally accepted accounting
10 principles, as established by the governmental accounting
11 standards board.

12 9. FAIR BOARD AND BOARD OF REGENTS. To control the
13 financial operations of the state fair board and the
14 institutions under the state board of regents:

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

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

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

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

32 10. ENTITIES REPRESENTING AGRICULTURAL PRODUCERS. To
33 control the financial operations of the Iowa dairy industry
34 commission as provided in chapter 179, the Iowa beef cattle
35 producers association as provided in chapter 181, the Iowa

1 pork producers council as provided in chapter 183A, the Iowa
2 egg council as provided in chapter 184, the Iowa turkey
3 marketing council as provided in chapter 184A, the Iowa
4 soybean promotion board as provided in chapter 185, and the
5 Iowa corn promotion board as provided in chapter 185C.

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

11 12. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer
12 the interest of the permanent school fund to the credit of the
13 interest for Iowa schools fund.

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

18 14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT
19 ADMINISTRATOR. To serve as administrator for state actions
20 relating to the federal Cash Management and Improvement Act of
21 1990, Pub. L. No. 101-453, as codified in 31 U.S.C. § 6503.
22 The administrator shall perform the following duties relating
23 to the federal law:

24 a. Act as the designated representative of the state in
25 the negotiation and administration of contracts between the
26 state and federal government relating to the federal law.

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

32 There is annually appropriated from the general fund of the
33 state to the department an amount sufficient to pay interest
34 costs that may be due the federal government as a result of
35 implementation of the federal law. Nothing in this paragraph

1 authorizes the payment of interest from the general fund of
2 the state for any departmental revolving, trust, or special
3 fund where monthly interest earnings accrue to the credit of
4 the departmental revolving, trust, or special fund. For any
5 departmental revolving, trust, or special fund where monthly
6 interest is accrued to the credit of the fund, the
7 administrator may authorize a supplemental expenditure to pay
8 interest costs from the individual fund which are due the
9 federal government as a result of implementation of the
10 federal law.

11 15. ADMINISTRATIVE RULES. Adopt rules under chapter 17A
12 relating to the administration of the division.

13 Sec. 22. NEW SECTION. 8A.504 SETOFF PROCEDURES.

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

16 a. "Division" means the division of financial
17 administration of the department of administrative services
18 and any other state agency that maintains a separate
19 accounting system and elects to establish a debt collection
20 setoff procedure for collection of debts owed to the state or
21 its agencies.

22 b. The term "person" does not include a state agency.

23 c. "State agency" means a board, commission, department,
24 including the department of administrative services, or other
25 administrative office or unit of the state of Iowa or any
26 other state entity reported in the Iowa comprehensive annual
27 financial report. The term "state agency" does not include
28 the general assembly, the governor, or any political
29 subdivision of the state, or its offices and units.

30 2. SETOFF PROCEDURE. The division shall establish and
31 maintain a procedure to set off against any claim owed to a
32 person by a state agency any liability of that person owed to
33 a state agency or a support debt being enforced by the child
34 support recovery unit pursuant to chapter 252B, except the
35 setoff procedures provided for in section 421.17, subsections

1 21, 23, and 25. The procedure shall only apply when at the
2 discretion of the administrator it is feasible. The procedure
3 shall meet the following conditions:

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

7 b. Before setoff, the state agency shall obtain and
8 forward to the division the full name and social security
9 number of the person liable to it or to whom a claim is owing
10 who is a natural person. If the person is not a natural
11 person, before setoff, the state agency shall forward to the
12 division the information concerning the person as the division
13 shall, by rule, require. The division shall cooperate with
14 other state agencies in the exchange of information relevant
15 to the identification of persons liable to or claimants of
16 state agencies. However, the division shall provide only
17 relevant information required by a state agency. The
18 information shall be held in confidence and used for the
19 purpose of setoff only. Section 422.72, subsection 1, does
20 not apply to this paragraph.

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

26 d. Before setoff, the amount of a person's claim on a
27 state agency and the amount of a person's liability to a state
28 agency shall constitute a minimum amount set by rule of the
29 division.

30 e. Upon submission of an allegation of liability by a
31 state agency, the division shall notify the state agency
32 whether the person allegedly liable is entitled to payment
33 from a state agency, and, if so entitled, shall notify the
34 state agency of the amount of the person's entitlement and of
35 the person's last address known to the division. Section

1 422.72, subsection 1, does not apply to this paragraph.

2 f. Upon notice of entitlement to a payment, the state
3 agency shall send written notification to that person of the
4 state agency's assertion of its rights to all or a portion of
5 the payment and of the state agency's entitlement to recover
6 the liability through the setoff procedure, the basis of the
7 assertion, the opportunity to request that a jointly or
8 commonly owned right to payment be divided among owners, and
9 the person's opportunity to give written notice of intent to
10 contest the amount of the allegation. The state agency shall
11 send a copy of the notice to the division. A state agency
12 subject to chapter 17A shall give notice, conduct hearings,
13 and allow appeals in conformity with chapter 17A.

14 However, upon submission of an allegation of the liability
15 of a person which is owing and payable to the clerk of the
16 district court and upon the determination by the division that
17 the person allegedly liable is entitled to payment from a
18 state agency, the division shall send written notification to
19 the person which states the assertion by the clerk of the
20 district court of rights to all or a portion of the payment,
21 the clerk's entitlement to recover the liability through the
22 setoff procedure, the basis of the assertions, the person's
23 opportunity to request within fifteen days of the mailing of
24 the notice that the division divide a jointly or commonly
25 owned right to payment between owners, the opportunity to
26 contest the liability to the clerk by written application to
27 the clerk within fifteen days of the mailing of the notice,
28 and the person's opportunity to contest the division's setoff
29 procedure.

30 g. Upon the timely request of a person liable to a state
31 agency or of the spouse of that person and upon receipt of the
32 full name and social security number of the person's spouse, a
33 state agency shall notify the division of the request to
34 divide a jointly or commonly owned right to payment. Any
35 jointly or commonly owned right to payment is rebuttably

1 presumed to be owned in equal portions by its joint or common
2 owners.

3 h. The division shall, after the state agency has sent
4 notice to the person liable or, if the liability is owing and
5 payable to the clerk of the district court, the division has
6 sent notice to the person liable, set off the amount owed to
7 the agency against any amount which a state agency owes that
8 person. The division shall refund any balance of the amount
9 to the person. The division shall periodically transfer
10 amounts set off to the state agencies entitled to them. If a
11 person liable to a state agency gives written notice of intent
12 to contest an allegation, a state agency shall hold a refund
13 or rebate until final disposition of the allegation. Upon
14 completion of the setoff, a state agency shall notify in
15 writing the person who was liable or, if the liability is
16 owing and payable to the clerk of the district court, shall
17 comply with the procedures as provided in paragraph "j".

18 i. The department of revenue and finance's existing right
19 to credit against tax due or to become due under section
20 422.73 is not to be impaired by a right granted to or a duty
21 imposed upon the division or other state agency by this
22 section. This section is not intended to impose upon the
23 division or the department of revenue and finance any
24 additional requirement of notice, hearing, or appeal
25 concerning the right to credit against tax due under section
26 422.73.

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

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

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

1 (3) Upon completion of the setoff, the division shall
2 file, at least monthly, with the clerk of the district court a
3 notice of satisfaction of each obligation to the full extent
4 of all moneys collected in satisfaction of the obligation.
5 The clerk shall record the notice and enter a satisfaction for
6 the amounts collected and no separate written notice is
7 required.

8 3. Under substantive rules established by the
9 administrator, the division shall seek reimbursement from
10 other state agencies to recover its costs for setting off
11 liabilities.

12 Sec. 23. NEW SECTION. 8A.505 COST ALLOCATION SYSTEM.

13 The division shall develop and administer an indirect cost
14 allocation system for state agencies. The system shall be
15 based upon standard cost accounting methodologies and shall be
16 used to allocate both direct and indirect costs of state
17 agencies or state agency functions in providing centralized
18 services to other state agencies. A cost that is allocated to
19 a state agency pursuant to this system shall be billed to the
20 state agency and the cost is payable to the general fund of
21 the state. The source of payment for the billed cost shall be
22 any revenue source except for the general fund of the state.
23 If a state agency is authorized by law to bill and recover
24 direct expenses, the state agency shall recover indirect costs
25 in the same manner. For the purposes of this section, "state
26 agency" means a board, commission, department, including the
27 department of administrative services, or other administrative
28 office, institution, bureau, or unit of the state of Iowa.
29 The term "state agency" does not include the general assembly,
30 the governor, the courts, or any political subdivision of the
31 state, or its offices and units.

32 Sec. 24. NEW SECTION. 8A.506 ACCOUNTING.

33 The administrator may at any time require any person
34 receiving money, securities, or property belonging to the
35 state, or having the management, disbursement, or other

1 disposition of them, an account of which is kept in the
2 division, to render statements thereof and information in
3 reference thereto.

4 Sec. 25. NEW SECTION. 8A.507 STATING ACCOUNT.

5 If an officer who is accountable to the treasury for any
6 money or property neglects to render an account to the
7 administrator within the time prescribed by law, or, if no
8 time is so prescribed, within twenty days after being required
9 so to do by the administrator, the administrator shall state
10 an account against the officer from the books of the officer's
11 office, charging ten percent damages on the whole sum
12 appearing due, and interest at the rate of six percent per
13 annum on the aggregate from the time when the account should
14 have been rendered; all of which may be recovered by action
15 brought on the account, or on the official bond of the
16 officer.

17 Sec. 26. NEW SECTION. 8A.508 COMPELLING PAYMENT.

18 If an officer fails to pay into the treasury the amount
19 received by the officer within the time prescribed by law, or,
20 having settled with the administrator, fails to pay the amount
21 found due, the administrator shall charge the officer with
22 twenty percent damages on the amount due, with interest on the
23 aggregate from the time it became due at the rate of six
24 percent per annum, and the whole may be recovered by an action
25 brought on the account, or on the official bond of the
26 officer, and the officer shall forfeit the officer's
27 commission.

28 Sec. 27. NEW SECTION. 8A.509 DEFENSE TO CLAIM.

29 The penal provisions in sections 8A.507 and 8A.508 are
30 subject to any legal defense which the officer may have
31 against the account as stated by the administrator, but
32 judgment for costs shall be rendered against the officer in
33 the action, whatever its result, unless the officer rendered
34 an account within the time named in those sections.

35 Sec. 28. NEW SECTION. 8A.510 REQUESTED CREDITS -- OATH

1 REQUIRED.

2 When a county treasurer or other receiver of public money
3 seeks to obtain credit on the books of the division for
4 payment made to the treasurer, before giving such credit the
5 administrator shall require that person to take and subscribe
6 an oath that the person has not used, loaned, or appropriated
7 any of the public money for the person's private benefit, nor
8 for the benefit of any other person.

9 Sec. 29. NEW SECTION. 8A.511 REQUISITION FOR
10 INFORMATION.

11 In those cases where the director or administrator is
12 authorized to call upon persons or officers for information,
13 or statements, or accounts, the administrator may issue a
14 requisition therefor in writing to the person or officer
15 called upon, allowing reasonable time, which, having been
16 served and return made to the administrator, as a notice in a
17 civil action, is evidence of the making of the requisition.

18 Sec. 30. NEW SECTION. 8A.512 LIMITS ON CLAIMS.

19 The administrator is limited in authorizing the payment of
20 claims, as follows:

21 1. a. FUNDING LIMIT. A claim shall not be allowed by the
22 division if the appropriation or fund of certification
23 available for paying the claim has been exhausted or proves
24 insufficient.

25 b. The authority of the administrator is subject to the
26 following exceptions:

27 (1) Claims by state employees for benefits pursuant to
28 chapters 85, 85A, 85B, and 86 are subject to limitations
29 provided in those chapters.

30 (2) Claims for medical assistance payments authorized
31 under chapter 249A are subject to the time limits imposed by
32 rule adopted by the division.

33 (3) Claims approved by an agency according to the
34 provisions of sections 25.1 and 25.2.

35 2. CONVENTION EXPENSES. Claims for expenses in attending

1 conventions, meetings, conferences, or gatherings of members
2 of an association or society organized and existing as a
3 quasi-public association or society outside the state of Iowa
4 shall not be allowed at public expense, unless authorized by
5 the division; and claims for these expenses outside of the
6 state shall not be allowed unless the voucher is accompanied
7 by a certified copy of the document showing that the expense
8 was authorized by the division. This section does not apply
9 to claims in favor of the governor, attorney general,
10 utilities board members, or to trips referred to in section
11 97B.7A.

12 3. PAYMENT FROM FEES. No claims for per diem and expenses
13 payable from fees shall be approved for payment in excess of
14 those fees if the law provides that such expenditures are
15 limited to the special funds collected and deposited in the
16 state treasury.

17 Sec. 31. NEW SECTION. 8A.513 CLAIMS -- APPROVAL.

18 The administrator before approving a claim on behalf of the
19 division shall determine:

20 1. That the creation of the claim is clearly authorized by
21 law. Statutes authorizing the expenditure may be referenced
22 through account coding authorized by the administrator.

23 2. That the claim has been authorized by an officer or
24 official body having legal authority to so authorize and that
25 the fact of authorization has been certified to the
26 administrator by such officer or official body.

27 3. That all legal requirements have been observed,
28 including notice and opportunity for competition, if required
29 by law.

30 4. That the claim is in proper form as the administrator
31 may provide.

32 5. That the charges are reasonable, proper, and correct
33 and no part of the claim has been paid.

34 Sec. 32. NEW SECTION. 8A.514 VOUCHERS -- INTEREST --
35 PAYMENT OF CLAIMS.

1 1. Before a warrant or its equivalent is issued for a
2 claim payable from the state treasury, the division shall file
3 an itemized voucher showing in detail the items of service,
4 expense, thing furnished, or contract for which payment is
5 sought. However, the administrator may authorize the
6 prepayment of claims when the best interests of the state are
7 served under rules adopted by the division. The claimant's
8 original invoice shall be attached to a division's approved
9 voucher. The administrator shall adopt rules specifying the
10 form and contents for invoices submitted by a vendor to a
11 department. The requirements apply to acceptance of an
12 invoice by a division. A department shall not impose
13 additional or different requirements on submission of invoices
14 than those contained in rules of the administrator unless the
15 administrator exempts the department from the invoice
16 requirements or a part of the requirements upon a finding that
17 compliance would result in poor accounting or management
18 practices.

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

21 3. The departments, the general assembly, and the courts
22 shall pay their claims in a timely manner. If a claim for
23 services, supplies, materials, or a contract which is payable
24 from the state treasury remains unpaid after sixty days
25 following the receipt of the claim or the satisfactory
26 delivery, furnishing, or performance of the services,
27 supplies, materials, or contract, whichever date is later, the
28 state shall pay interest at the rate of one percent per month
29 on the unpaid amount of the claim. This subsection does not
30 apply to claims against the state under chapters 25 and 669 or
31 to claims paid by federal funds. The interest shall be
32 charged to the appropriation or fund to which the claim is
33 certified. Departments may enter into contracts for goods or
34 services on payment terms of less than sixty days if the state
35 may obtain a financial benefit or incentive which would not

1 otherwise be available from the vendor. The division, in
2 consultation with the physical resources division and other
3 affected agencies, shall develop policies to promote
4 consistency and fiscal responsibility relating to payment
5 terms authorized under this subsection. The administrator
6 shall adopt rules under chapter 17A relating to the
7 administration of this subsection.

8 Sec. 33. NEW SECTION. 8A.515 WARRANTS -- FORM.

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

22 Sec. 34. NEW SECTION. 8A.516 REQUIRED PAYEE.

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

30 Sec. 35. NEW SECTION. 8A.517 PROHIBITED PAYEE.

31 In no case shall warrants be drawn in the name of the
32 certifying office, department, board, or institution, or in
33 the name of an employee of it, except for personal service
34 rendered or expense incurred by the employee, unless there is
35 express statutory authority therefor.

1 Sec. 36. NEW SECTION. 8A.518 CLAIMS EXCEEDING
2 APPROPRIATIONS.

3 No claim shall be allowed when the claim will exceed the
4 amount specifically appropriated for it.

5 Sec. 37. NEW SECTION. 8A.519 CANCELLATION OF STATE
6 WARRANTS.

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

11 Sec. 38. Section 9.3, Code 2001, is amended to read as
12 follows:

13 9.3 COMMISSIONS.

14 All commissions issued by the governor shall be
15 countersigned by the secretary, who shall register each
16 commission in a book to be kept for that purpose, specifying
17 the office, name of officer, date of commission, and tenure of
18 office, and forthwith forward to the directors of the
19 departments of management and of ~~revenue-and-finance~~
20 administrative services copies of the registration.

21 Sec. 39. Section 11.2, subsection 1, unnumbered paragraph
22 3, Code 2001, is amended to read as follows:

23 Provided further, that a preliminary audit of the
24 educational institutions and the state fair board shall be
25 made periodically, at least quarterly, to check the monthly
26 reports submitted to the director of ~~revenue-and-finance~~ the
27 department of administrative services as required by section
28 ~~421-31~~ 8A.503, subsection 4 7, and that a final audit of such
29 state agencies shall be made at the close of each fiscal year.

30 Sec. 40. Section 12.5, Code 2001, is amended to read as
31 follows:

32 12.5 PAYMENT.

33 The treasurer shall pay no money from the treasury but upon
34 the warrants of the director of ~~revenue-and-finance~~ the
35 department of administrative services, and only in the order

1 of their presentation.

2 Sec. 41. Section 12.6, Code 2001, is amended to read as
3 follows:

4 12.6 REPORT TO AND ACCOUNT WITH DIRECTOR OF REVENUE-AND
5 FINANCE THE DEPARTMENT OF ADMINISTRATIVE SERVICES.

6 Once in each week the treasurer shall certify to the
7 director of revenue-and-finance the department of
8 administrative services the number, date, amount, and payee of
9 each warrant taken up by the treasurer, with the date when
10 taken up, and the amount of interest allowed; and on the first
11 Monday of January, and the first day of April, July, and
12 October, annually, the treasurer is directed to account with
13 the director of revenue-and-finance the department of
14 administrative services and deposit with the department of
15 revenue-and-finance administrative services all such warrants
16 received at the treasury, and take the director's receipt
17 therefor.

18 Sec. 42. Section 12.14, Code 2001, is amended to read as
19 follows:

20 12.14 STATEMENT ITEMIZED.

21 Each deposit shall be accompanied by an itemized statement
22 of the sources from which the money has been collected, and
23 the funds to be credited, a duplicate of which shall, at the
24 time, be filed with the department of revenue-and-finance
25 administrative services.

26 Sec. 43. Section 12.15, Code 2001, is amended to read as
27 follows:

28 12.15 DIRECTOR AND TREASURER TO KEEP ACCOUNT.

29 The treasurer and director of revenue-and-finance the
30 department of administrative services shall each keep an
31 accurate account of the moneys so deposited.

32 Sec. 44. Section 14B.101, Code Supplement 2001, is amended
33 by adding the following new subsection before subsection 1:

34 NEW SUBSECTION. 0A. "Administrator" means the
35 administrator of the information technology division.

1 Sec. 45. Section 14B.101, subsection 2, Code Supplement
2 2001, is amended to read as follows:

3 2. "~~Director~~" "Division" means the ~~director-of-the~~
4 information technology department-appointed-as-provided-in
5 ~~section-14B-104~~ division established in section 8A.201.

6 Sec. 46. Section 14B.102, Code Supplement 2001, is amended
7 to read as follows:

8 14B.102 DEPARTMENT DIVISION ESTABLISHED---MISSION --
9 POWERS AND DUTIES.

10 1. DEPARTMENT-ESTABLISHED:--The-information-technology
11 department-is-established-as-a-state-department:--The-mission
12 of-the-department-is-to-foster-the-development-and-application
13 of-information-technology-to-improve-the-lives-of-Iowans:

14 2. POWERS AND DUTIES OF DEPARTMENT DIVISION. The powers
15 and duties of the department division shall include, but are
16 not limited to, all of the following:

17 a. Providing information technology to participating
18 agencies and other governmental entities as provided in this
19 chapter.

20 b. Implementing the strategic information technology plan
21 as prepared and updated by the information technology council.

22 c. Developing and implementing a business continuity plan,
23 as the ~~director~~ administrator determines is appropriate, to be
24 used if a disruption occurs in the provision of information
25 technology to participating agencies and other governmental
26 entities.

27 d. Developing and implementing recommended standards for
28 information technology, including but not limited to system
29 design and systems integration and interoperability, which
30 when implemented shall apply to all participating agencies
31 except as otherwise provided in this chapter. The department
32 division shall implement information technology standards as
33 established pursuant to this chapter which are applicable to
34 information technology procurements for participating
35 agencies.

1 e. Recommending and implementing standards for an
2 electronic repository for maintaining mandated agency reports
3 as provided in section 304.13A. Such repository shall be
4 developed and maintained for the purpose of providing public
5 access to such mandated reports. The department division
6 shall develop such standards in consultation with the state
7 librarian.

8 f. Developing and maintaining security policies and
9 systems to ensure the integrity of the state's information
10 resources and to prevent the disclosure of confidential
11 records.

12 g. Developing and implementing effective and efficient
13 strategies for the use and provision of information technology
14 for participating agencies and other governmental entities.

15 h. Coordinating the acquisition of information technology
16 by participating agencies in furtherance of the purposes of
17 this chapter. The information-technology-department division
18 shall review a request for information technology submitted by
19 a participating agency for purposes of determining whether
20 such request meets the applicable standards established
21 pursuant to this chapter. Upon a determination that the
22 request meets such standards, the information technology shall
23 be procured for the participating agency by the department-of
24 general services division. Nothing in this chapter shall be
25 construed to prohibit or limit a participating agency from
26 entering into an agreement or contract for information
27 technology with a qualified private entity.

28 i. Entering into agreements pursuant to chapter 28D or
29 28E, or memorandums of understanding or other agreements as
30 necessary and appropriate to administer this chapter.

31 j. Establishing and maintaining, in cooperation with the
32 department of revenue and finance and the department-of
33 general-services physical resources division, an inventory of
34 information technology devices used by participating agencies
35 and other governmental entities using the information

1 technology department's division's services. The information
2 technology department division may request a participating
3 agency to provide such information as is necessary to
4 establish and maintain an inventory as required under this
5 paragraph, and such participating agency shall provide such
6 information to the department division in a timely manner.

7 k. Receiving and accepting donations, gifts, and
8 contributions in the form of money, services, materials, or
9 otherwise, from the United States or any of its agencies, from
10 this state or any of its agencies, or from any other person,
11 and to using or expending such moneys, services, materials, or
12 other contributions in carrying on information technology
13 operations.

14 1. Charging a negotiated fee, to recover a share of the
15 costs related to the research and development, initial
16 production, and derivative products of the department's
17 division's proprietary software and hardware, information
18 technology architecture design, and proprietary technology
19 applications developed to support authorized users, to private
20 vendors and to other political entities and subdivisions,
21 including but not limited to states, territories,
22 protectorates, and foreign countries. The department division
23 may enter into nondisclosure agreements to protect the state
24 of Iowa's proprietary interests. The provisions of chapter
25 23A relating to noncompetition by state agencies and political
26 subdivisions with private enterprise shall not apply to
27 department division activities authorized under this
28 paragraph.

29 3- 2. SERVICE CHARGES. The department division shall
30 render a statement to a participating agency or other
31 governmental entity for a reasonable and necessary amount for
32 information technology provided by the department division to
33 such agency or entity. An amount indicated on a statement
34 rendered to a participating agency or other governmental
35 entity shall be paid by such agency or entity in a manner

1 determined by the department of revenue and finance. Amounts
2 charged and paid pursuant to this subsection shall be
3 deposited in the operations revolving fund created in section
4 14B.103.

5 ~~4-~~ 3. DISPUTE RESOLUTION. If a dispute arises between the
6 department division or information technology council and an
7 agency for which the department division provides or refuses
8 to provide information technology, the dispute shall be
9 resolved as provided in section 679A.19.

10 Sec. 47. Section 14B.104, Code 2001, is amended to read as
11 follows:

12 14B.104 DIRECTOR ADMINISTRATOR -- POWERS AND DUTIES --
13 APPEALS.

14 1. DIRECTOR ADMINISTRATOR APPOINTED. The chief
15 administrative officer of the department division is the
16 director administrator. The director administrator shall be
17 appointed by the ~~governor, subject to confirmation by the~~
18 senate director of the department of administrative services.
19 The director administrator shall serve at the pleasure of the
20 governor director of the department of administrative
21 services. ~~The governor shall set the salary of the director~~
22 ~~within the applicable salary range established by the general~~
23 ~~assembly.~~ The director administrator shall be selected on the
24 ability to administer the duties and functions granted to the
25 director administrator and the department division and shall
26 devote full time to the duties of the director administrator.
27 ~~If the office of director becomes vacant, the vacancy shall be~~
28 ~~filled in the same manner as the original appointment was~~
29 ~~made.~~

30 The director administrator shall also serve as the chief
31 information officer for the state.

32 2. POWERS AND DUTIES. The director administrator of the
33 department division shall do all of the following:

34 a. Plan, direct, coordinate, and execute the functions
35 necessary to carry out the duties of the department division.

- 1 b. Provide overall supervision, direction, and
2 coordination of functions of the department division.
- 3 c. Employ, in coordination with the director of the
4 department of administrative services, personnel as necessary
5 to carry out the functions vested in the department division
6 consistent with chapter 19A and enhance the recruitment,
7 retention, and training of professional staff.
- 8 d. Supervise and manage employees of the department
9 division, and provide for the internal organization of the
10 department division and for the allocation of functions within
11 the department division consistent with section 7E.2.
- 12 e. Recommend to the information-technology-council
13 director of the department of administrative services an
14 annual budget for the department division.
- 15 f. Recommend to the information technology council rules
16 deemed necessary for the implementation of this chapter and
17 proper administration of the department division.
- 18 g. Recommend to the information technology council
19 information technology standards.
- 20 h. Develop and implement operational policies of the
21 department division and be responsible for the day-to-day
22 operations of the department division.
- 23 i. Develop and recommend to the information technology
24 council legislative proposals deemed necessary for the
25 continued efficiency of department division functions, and
26 review legislative proposals generated outside of the
27 department division which are related to matters within the
28 department's division's purview.
- 29 j. Provide advice to the governor on issues related to
30 information technology.
- 31 k. Consult with agencies and other governmental entities
32 on issues relating to information technology.
- 33 l. Work with all governmental entities in an effort to
34 achieve the information technology goals established by the
35 information technology council.

1 3. DELEGATION OF POWERS AND DUTIES. Powers and duties
2 vested in the ~~director~~ administrator may be delegated by the
3 ~~director~~ administrator to an employee of the ~~department~~
4 division, but the ~~director~~ administrator retains the
5 responsibility for an employee's acts within the scope of the
6 delegation.

7 4. APPEAL OF ~~DIRECTOR'S~~ ADMINISTRATOR'S DECISION. A
8 decision by the ~~director~~ administrator may be appealed to the
9 information technology council. A person aggrieved by such
10 decision of the ~~director~~ administrator shall provide notice of
11 such appeal to the information technology council within
12 thirty calendar days of the decision of the ~~director~~
13 administrator. An appeal of a decision of the ~~director~~
14 administrator shall be treated as a contested case under
15 chapter 17A.

16 Sec. 48. Section 14B.105, Code Supplement 2001, is amended
17 to read as follows:

18 14B.105 INFORMATION TECHNOLOGY COUNCIL -- MEMBERS --
19 POWERS AND DUTIES.

20 1. MEMBERSHIP.

21 a. An information technology council is established with
22 the authority to oversee, in coordination with the director of
23 the department of administrative services, the ~~department~~
24 division and information technology activities of
25 participating agencies as provided in this chapter. The
26 information technology council is composed of seventeen
27 members including the following:

28 (1) The ~~director~~ administrator of the information
29 technology ~~department~~ division.

30 (2) The administrator of the public broadcasting division
31 of the department of education.

32 (3) The chairperson of the IowaAccess advisory council
33 established in section 14B.201, or the chairperson's designee.

34 (4) The state technology advisor in the department of
35 economic development.

1 (5) The executive director of the Iowa communications
2 network, or the executive director's designee.

3 (6) Two executive branch department heads appointed by the
4 governor.

5 (7) Five persons appointed by the governor who are
6 knowledgeable in information technology matters.

7 (8) One person representing the judicial branch appointed
8 by the chief justice of the supreme court who shall serve in
9 an ex officio, nonvoting capacity.

10 (9) Four members of the general assembly with not more
11 than one member from each chamber being from the same
12 political party. The two senators shall be designated by the
13 president of the senate after consultation with the majority
14 and minority leaders of the senate. The two representatives
15 shall be designated by the speaker of the house of
16 representatives after consultation with the majority and
17 minority leaders of the house of representatives. Legislative
18 members shall serve in an ex officio, nonvoting capacity. A
19 legislative member is eligible for per diem and expenses as
20 provided in section 2.10.

21 b. The members appointed by the governor pursuant to
22 paragraph "a"-subparagraphs-(3)-through-(7), shall serve
23 four-year staggered terms as designated by the governor and
24 such appointments to the information technology council are
25 subject to the requirements of sections 69.16, 69.16A, and
26 69.19. Members appointed by the governor pursuant to
27 paragraph "a"-subparagraphs-(3)-through-(7), shall not serve
28 consecutive four-year terms. Members appointed by the
29 governor are subject to senate confirmation and shall be
30 reimbursed for actual and necessary expenses incurred in
31 performance of their duties. Such members may also be
32 eligible to receive compensation as provided in section 7E.6.

33 The information technology council shall annually elect its
34 own chairperson from among the voting members of the council
35 ~~other than the director of the information technology~~

1 department. A majority of the voting members of the council
2 constitutes a quorum.

3 2. DUTIES. The information technology council shall do
4 all of the following:

5 a. Adopt rules in accordance with chapter 17A which are
6 necessary for the exercise of the powers and duties granted by
7 this chapter and the proper administration of the department
8 division.

9 b. Develop recommended standards for consideration with
10 respect to the procurement of information technology by all
11 participating agencies.

12 c. Appoint advisory committees as appropriate to assist
13 the information technology council in developing strategies
14 for the use and provision of information technology and
15 establishing other advisory committees as necessary to assist
16 the information technology council in carrying out its duties
17 under this chapter. The number of advisory committees and
18 their membership shall be determined by the information
19 technology council to assure that the public and agencies and
20 other governmental entities have an opportunity to comment on
21 the services provided and the service goals and objectives of
22 the department division.

23 d. Prepare and annually update a strategic information
24 technology plan for the use of information technology
25 throughout state government. The plan shall promote
26 participation in cooperative projects with other governmental
27 entities. The plan shall establish a mission, goals, and
28 objectives for the use of information technology, including
29 goals for electronic access to public records, information,
30 and services. The plan shall be submitted annually to the
31 governor and the general assembly.

32 e. Review and recommend to the general-assembly director
33 of the department of administrative services, as deemed
34 appropriate by the information technology council, legislative
35 proposals recommended by the director administrator, or other

1 legislative proposals as developed and deemed necessary by the
2 information technology council.

3 f. Review the recommendations of the IowAccess advisory
4 council regarding rates to be charged for access to and for
5 value-added services performed through IowAccess. The
6 information technology council shall report the establishment
7 of a new rate or change in the level of an existing rate to
8 the department of management, and the department of management
9 shall notify the legislative fiscal bureau regarding the rate
10 establishment or change.

11 ~~g. Review and approve, as deemed appropriate by the~~
12 ~~information technology council, the annual budget~~
13 ~~recommendation for the department as proposed by the director.~~

14 3. WAIVER. The information technology council, upon the
15 written request of a participating agency and for good cause
16 shown, may grant a waiver from a requirement otherwise
17 applicable to a participating agency relating to an
18 information technology standard established by the information
19 technology council.

20 4. FINAL AGENCY ACTION. A decision by the council is a
21 final agency action as provided under chapter 17A and an
22 appeal of the decision shall be made directly to the district
23 court. Any party to a contested case may appeal the decision
24 to the district court.

25 Sec. 49. Section 14B.109, subsection 1, Code Supplement
26 2001, is amended to read as follows:

27 1. Notwithstanding the provisions of this section, the
28 ~~information technology department and the department of~~
29 ~~general services shall enter into an interagency agreement~~
30 ~~regarding~~ director of the department of administrative
31 services shall establish the division of responsibilities
32 between the departments information technology division and
33 the general services division associated with the procurement
34 of information technology ~~which is acceptable to both~~
35 departments. ~~The interagency agreement shall be subject to~~

1 renegotiation-at-least-every-two-years,-unless-an-earlier-time
2 is-provided-for-in-the-interagency-agreement.--If-the
3 departments-are-unable-to-agree-on-the-terms-of-an-interagency
4 agreement-or-upon-a-failure-of-either-department-to-satisfy
5 the-terms-of-the-agreement,-the-departments-shall-inform-the
6 department-of-management-that-an-agreement-has-not-been
7 reached-or-that-one-of-the-departments-has-failed-to-satisfy
8 the-terms-of-the-agreement.--The-department-of-management,
9 upon-receipt-and-review-of-such-information,-may-direct-the
10 information-technology-department-to-proceed-with-the
11 procurement-of-information-technology-as-provided-in
12 subsections-2-through-5-

13 Sec. 50. Section 18.1, Code 2001, is amended to read as
14 follows:

15 18.1 DEFINITIONS.

16 When used in this chapter, unless the context otherwise
17 requires:

18 1. "Administrator" means the administrator of the physical
19 resources division.

20 ~~1-~~ 2. "Bid specification" means the standards or qualities
21 which must be met before a contract to purchase will be
22 awarded and any terms which the director has set as a
23 condition precedent to the awarding of a contract.

24 ~~2-~~ 3. "Competitive bidding procedure" means the
25 advertisement for, solicitation of, or the procurement of
26 bids; the manner and condition in which bids are received; and
27 the procedure by which bids are opened, accessed, accepted,
28 rejected, or awarded. A "competitive bidding procedure" may
29 include a transaction accomplished in an electronic format.

30 ~~3--~~ "Department" means the department of general services.

31 ~~4. "Director" means the director of the department of~~
32 ~~general services or the director's designee.~~ "Division" means
33 the physical resources division created in section 8A.301.

34 ~~5. "Governmental subdivision" means a county, city, school~~
35 ~~district, or combination thereof.~~

1 6. "State agency" means an executive board, commission,
2 bureau, division, office, or department of the state.

3 7. "State buildings and grounds" excludes any building
4 under the custody and control of the Iowa public employees'
5 retirement system.

6 Sec. 51. Section 18.2, Code 2001, is amended to read as
7 follows:

8 18.2 DEPARTMENT DIVISION ESTABLISHED.

9 ~~There is created a department of general services which is~~
10 ~~attached to the office of the governor and is under the~~
11 ~~governor's general direction, supervision, and control. A~~
12 physical resources division is created within the department
13 of administrative services. The governor director of the
14 department of administrative services shall appoint the
15 ~~director, subject to confirmation by the senate~~ administrator.
16 The ~~director~~ administrator shall not hold any other office,
17 engage in political activity, accept or solicit, directly or
18 indirectly, political contributions, and shall not use the
19 office to support the candidacy of anyone for elective or
20 appointive office. ~~The director shall hold office at the~~
21 ~~governor's pleasure and shall receive a salary as fixed by the~~
22 ~~general assembly.~~ Before entering upon the discharge of the
23 ~~director's~~ administrator's duties, the director administrator
24 may be required to give a surety bond in an amount fixed by
25 the governor. The premium on the bond shall be paid out of
26 funds appropriated to the department division.

27 ~~The director must be a qualified administrator.~~

28 Sec. 52. Section 18.74, Code 2001, is amended to read as
29 follows:

30 18.74 APPOINTMENT.

31 The director administrator of the department of general
32 services physical resources division shall appoint the state
33 printing administrator bureau chief to administer this
34 division article. The administrator bureau chief shall serve
35 at the pleasure of the director administrator and is not

1 subject to the merit system provisions of chapter 19A.

2 Sec. 53. Section 18.115, unnumbered paragraph 1, Code
3 2001, is amended to read as follows:

4 The ~~director~~ administrator of the ~~department-of-general~~
5 ~~services~~ physical resources division shall appoint a state
6 fleet ~~administrator~~ bureau chief and other employees as
7 necessary to administer this division article. The state
8 fleet ~~administrator~~ bureau chief shall serve at the pleasure
9 of the ~~director~~ administrator and is not governed by the merit
10 system provisions of chapter 19A. Subject to the approval of
11 the ~~director~~ administrator, the state fleet ~~administrator~~
12 bureau chief has the following duties:

13 Sec. 54. Section 19A.1, Code Supplement 2001, is amended
14 to read as follows:

15 19A.1 CREATION OF ~~DEPARTMENT-OF-PERSONNEL~~ HUMAN RESOURCES
16 DIVISION -- RESPONSIBILITIES.

17 1. A ~~department-of-personnel~~ human resources division
18 within the department of administrative services is created.

19 2. The ~~department~~ division is the central agency
20 responsible for state ~~personnel~~ human resources management,
21 including the following:

22 a. Policy and program development, workforce planning, and
23 research.

24 b. Employment activities and transactions, including
25 recruitment, examination, and certification of personnel
26 seeking employment or promotion.

27 c. Compensation and benefits, including position
28 classification, wages and salaries, and employee benefits.
29 Employee benefits include, but are not limited to, group
30 medical, dental, life, and long-term disability insurance,
31 workers' compensation, unemployment benefits, sick leave,
32 deferred compensation, holidays and vacations, tuition
33 reimbursement, and educational leaves. Employee benefits also
34 include the Iowa department of public safety peace officers'
35 retirement, accident, and disability system and the Iowa

1 public employees' retirement system, which are maintained as
2 distinct and independent systems within the department
3 division.

4 d. Equal employment opportunity, affirmative action, and
5 workforce diversity programs.

6 e. Education, training, and workforce development
7 programs.

8 f. Personnel records and administration, including the
9 audit of all personnel-related documents.

10 g. Employment relations, including the negotiation and
11 administration of collective bargaining agreements on behalf
12 of the executive branch of the state and its departments and
13 agencies as provided in chapter 20. However, the state board
14 of regents, for the purposes of implementing and administering
15 collective bargaining pursuant to chapter 20, shall act as the
16 exclusive representative of the state with respect to its
17 faculty, scientific, and other professional staff.

18 h. The coordination and management of the state's human
19 resource information system, except as otherwise required for
20 those employees governed by chapter 262.

21 3. The following part-time boards and commissions are
22 within the department division:

23 a. The board of trustees of the public safety peace
24 officers' retirement, accident, and disability system, created
25 by section 97A.5.

26 b. The investment board of the Iowa public employees'
27 retirement system created by section 97B.8.

28 ~~c. The equal opportunity in employment task force created~~
29 ~~pursuant to executive order, or its successor.~~

30 4. Specific powers and duties of the department division,
31 its director administrator, and the boards and commissions
32 within the department division are set forth in this chapter,
33 chapters 70A, 97A, 97B, and other provisions of law. Section
34 8.23 applies to the department division.

35 5. The personnel management powers and duties of the

1 department do not extend to the legislative branch or the
2 judicial branch of state government, except for functions
3 related to administering compensation and benefit programs.
4 Sec. 55. Section 19A.1A, Code 2001, is amended to read as
5 follows:

6 19A.1A ~~DIRECTOR-OF-DEPARTMENT~~ DIVISION ADMINISTRATOR.

7 1. The chief administrative officer of the department
8 division is the director administrator. The director
9 administrator shall be appointed by the governor, ~~subject to~~
10 ~~confirmation by the senate~~ director of the department of
11 administrative services. The director administrator serves at
12 the pleasure of the ~~governor and is subject to reconfirmation~~
13 ~~after four years in office~~ director of the department of
14 administrative services. The person appointed shall be
15 professionally qualified by education and experience in the
16 field of public personnel administration, including the
17 application of merit principles in public employment, and the
18 appointment shall be made without regard for political
19 affiliation. The director administrator shall not be a member
20 of any local, state, or national committee of a political
21 party, an officer or member of a committee in any partisan
22 political club or organization, or hold or be a candidate for
23 a paid elective public office. The director administrator is
24 subject to the restrictions on political activity provided in
25 section 19A.18. ~~The governor shall set the salary of the~~
26 ~~director within a range established by the general assembly.~~

27 2. The director administrator shall plan, direct,
28 coordinate, and execute the powers, duties, and functions of
29 the department division. The ~~director's~~ administrator's
30 powers and duties include those specifically set forth in this
31 chapter and other provisions of law.

32 3. The director administrator may establish ~~by rule~~
33 divisions bureaus and other subunits as necessary for the
34 organization of the department division. The director
35 administrator may also establish regional field offices

1 staffed by employees of the department division or the
 2 executive departments in which they are located. The
 3 functions and staffs of the regional offices are subject to
 4 policies set by the director administrator.

5 4. Reduction in force appeals shall be subject to review
 6 by the director administrator.

7 Sec. 56. Section 19A.2, Code 2001, is amended to read as
 8 follows:

9 19A.2 DEFINITIONS.

10 When used in this chapter, unless the context otherwise
 11 requires:

12 1. "Administrator" means the administrator of the human
 13 resources division.

14 2. "Appointing authority" means the chairperson or person
 15 in charge of any agency of the state government including, but
 16 not limited to, boards, bureaus, commissions, and departments,
 17 or an employee designated to act for an appointing authority.

18 ~~2. "Department" means the department of personnel.~~

19 3. "Director" "Division" means the director of the
 20 department of personnel human resources division created in
 21 section 8A.401.

22 4. "Merit system" means the merit system established under
 23 this chapter.

24 Sec. 57. Section 19A.8, Code Supplement 2001, is amended
 25 to read as follows:

26 19A.8 DIRECTOR'S ADMINISTRATOR'S DUTIES.

27 The director administrator, as executive head of the
 28 department division, shall direct and supervise all of the
 29 administrative and technical activities of the department
 30 division. In addition to the duties imposed by the director
 31 administrator elsewhere in this chapter, it shall be the
 32 director's administrator's duty:

33 1. To apply and carry out this law and the rules adopted
 34 thereunder.

35 2. To establish and maintain a list of all employees in

1 the executive branch of state government in which there shall
2 be set forth, as to each employee, the class title, pay,
3 status, and other pertinent data. For employees governed by
4 chapter 262, the director administrator shall work
5 collaboratively with the state board of regents to collect
6 such information.

7 3. To appoint, in coordination with the director of the
8 department of administrative services, such employees of the
9 department division and such experts and special assistants as
10 may be necessary to carry out effectively the provisions of
11 this chapter. Staff employees shall be appointed in
12 accordance with the provisions of this chapter.

13 4. To foster and develop, in cooperation with appointing
14 authorities and others, programs for the improvement of
15 employee effectiveness, including training, safety, health,
16 counseling, and welfare.

17 5. To encourage and exercise leadership in the development
18 of effective personnel administration within the several
19 departments of state government, and to make available the
20 facilities of the department-of personnel division to this
21 end.

22 6. To investigate the operation and effect of this chapter
23 and of the rules made under it and to report annually the
24 director's administrator's findings and recommendations to the
25 director of the department of administrative services and to
26 the governor.

27 7. To make ~~an-annual~~, in coordination with the director of
28 the department of administrative services, a report, not less
29 than annually, to the director of the department of
30 administrative services for submission to the governor
31 regarding the work of the department division and special
32 reports as the director administrator considers desirable.

33 8. To perform any other lawful acts which the director
34 administrator may consider necessary or desirable to carry out
35 the purposes and provisions of this chapter.

1 The director administrator shall designate an employee of
2 the department division to act for the director administrator
3 in the director's administrator's absence or inability from
4 any cause to discharge the powers and duties of this office.

5 The director administrator may delegate any or all aspects
6 of the recruitment, examination, and selection processes to an
7 agency in the executive branch upon request by that agency.

8 The director administrator shall oversee all activities
9 delegated to that agency.

10 The director administrator shall utilize appropriate
11 persons, including officers and employees in the executive
12 branch of state government, to assist in the recruitment and
13 examination of applicants for employment. These officers and
14 employees are not entitled to extra pay for their services,
15 but shall be paid their necessary traveling and other
16 expenses.

17 The director administrator shall quarterly render a
18 statement to each department or agency which operates in whole
19 or in part from other than general fund appropriations for a
20 pro rata share of the cost of administration of the department
21 of-personnel division. The expense shall be paid by the state
22 department or agency in the same manner as other expenses of
23 that department or agency are paid and all moneys received
24 shall be deposited in the general fund of the state.

25 The director administrator shall render monthly a statement
26 to each state department or agency for a pro rata share of the
27 cost of administration of the state employee flexible spending
28 accounts. The expense shall be paid by the state department
29 or agency in the same manner as other expenses of that state
30 department or agency are paid and all moneys received for
31 administration costs shall be deposited in the appropriate
32 fund.

33 Sec. 58. Section 25.2, subsections 4 and 5, Code 2001, are
34 amended to read as follows:

35 4. Notwithstanding the provisions of this section, the

1 director of ~~revenue-and-finance~~ the department of
2 administrative services may reissue outdated warrants.

3 5. On or before November 1 of each year, the director of
4 ~~revenue-and-finance~~ the department of administrative services
5 shall provide the treasurer of state with a report of all
6 unpaid warrants which have been outdated for two years or
7 more. The treasurer shall include information regarding
8 outdated warrants in the notice published pursuant to section
9 556.12. An agreement to pay compensation to recover or assist
10 in the recovery of an outdated warrant made within twenty-four
11 months after the date the warrant becomes outdated is
12 unenforceable. However, an agreement made after twenty-four
13 months from the date the warrant becomes outdated is valid if
14 the fee or compensation agreed upon is not more than fifteen
15 percent of the recoverable property, the agreement is in
16 writing and signed by the payee, and the writing discloses the
17 nature and value of the property and the name and address of
18 the person in possession. This section does not apply to a
19 payee who has a bona fide fee contract with a practicing
20 attorney regulated under chapter 602, article 10.

21 Sec. 59. Section 29A.13, Code 2001, is amended to read as
22 follows:

23 29A.13 APPROPRIATED FUNDS.

24 Operating expenses for the national guard including the
25 purchase of land, maintenance of facilities, improvement of
26 state military reservations, installations, and weapons firing
27 ranges owned or leased by the state of Iowa or the United
28 States shall be paid from funds appropriated for the support
29 and maintenance of the national guard. Claims for payment of
30 such expenses shall be subject to the approval of the adjutant
31 general. Upon approval of the adjutant general the claim
32 shall be submitted to the director of ~~revenue-and-finance~~ the
33 department of administrative services in accordance with the
34 procedures established by the director of ~~revenue-and-finance~~
35 the department of administrative services under chapter 421

1 8A.

2 Payment for personnel compensation and authorized benefits
3 shall be approved by the adjutant general prior to submission
4 to the director of ~~revenue-and-finance~~ the department of
5 administrative services for payment.

6 Sec. 60. Section 56.3A, Code 2001, is amended to read as
7 follows:

8 56.3A FUNDS FROM UNKNOWN SOURCE -- ESCHEAT.

9 The expenditure of funds from an unknown or unidentifiable
10 source received by a candidate or committee is prohibited.
11 Such funds received by a candidate or committee shall escheat
12 to the state. Any candidate or committee receiving such
13 contributions shall remit such contributions to the director
14 of ~~revenue-and-finance~~ the department of administrative
15 services for deposit in the general fund of the state.

16 Persons requested to make a contribution at a fundraising
17 event shall be advised that it is illegal to make a
18 contribution in excess of ten dollars unless the person making
19 the contribution also provides the person's name and address.

20 Sec. 61. Section 56.20, Code 2001, is amended to read as
21 follows:

22 56.20 RULES PROMULGATED.

23 The director of revenue and finance, in co-operation with
24 the director of the department of management, the director of
25 the department of administrative services, and the ethics and
26 campaign disclosure board, shall administer the provisions of
27 sections 56.18 to 56.26 and they shall promulgate all
28 necessary rules in accordance with chapter 17A.

29 Sec. 62. Section 56.22, subsection 1, Code 2001, is
30 amended to read as follows:

31 1. The money accumulated in the Iowa election campaign
32 fund to the account of each political party in the state shall
33 be remitted to the party on the first business day of each
34 month by warrant of the director of ~~revenue-and-finance~~ the
35 department of administrative services drawn upon the fund in

1 favor of the state chairperson of that party. The money
2 received by each political party under this section shall be
3 used as directed by the party's state statutory political
4 committee.

5 Sec. 63. Section 68B.2, subsection 23, Code 2001, is
6 amended to read as follows:

7 23. "Regulatory agency" means the department of
8 agriculture and land stewardship, department of workforce
9 development, department of commerce, Iowa department of public
10 health, department of public safety, department of education,
11 state board of regents, department of human services,
12 department of revenue and finance, department of inspections
13 and appeals, department of ~~personnel~~ administrative services,
14 public employment relations board, state department of
15 transportation, civil rights commission, department of public
16 defense, and department of natural resources.

17 Sec. 64. Section 96.11, subsection 15, Code Supplement
18 2001, is amended to read as follows:

19 15. REIMBURSEMENT OF SETOFF COSTS. The department shall
20 include in the amount set off in accordance with section
21 ~~421-177-subsection-29~~ 8A.504, for the collection of an
22 overpayment created pursuant to section 96.3, subsection 7, or
23 section 96.16, subsection 4, an additional amount for the
24 reimbursement of setoff costs incurred by the department of
25 ~~revenue-and-finance~~ administrative services.

26 Sec. 65. Section 97B.7, subsection 2, as amended by 2001
27 Iowa Acts, chapter 68, section 10, is amended to read as
28 follows:

29 2. The treasurer of the state of Iowa is hereby made the
30 custodian of the retirement fund and shall hold and disburse
31 the retirement fund in accordance with the requirements of
32 this chapter. As custodian, the treasurer shall be authorized
33 to disburse moneys in the retirement fund upon warrants drawn
34 by the director of ~~revenue-and-finance~~ the department of
35 administrative services pursuant to the order of the division.

1 The treasurer shall not select any bank or other third party
2 for the purposes of investment asset safekeeping, other
3 custody, or settlement services without prior consultation
4 with the board.

5 Sec. 66. Section 217.34, Code 2001, is amended to read as
6 follows:

7 217.34 DEBT SETOFF.

8 The investigations division of the department of
9 inspections and appeals and the department of human services
10 shall provide assistance to set off against a person's or
11 provider's income tax refund or rebate any debt which has
12 accrued through written contract, subrogation, departmental
13 recoupment procedures, or court judgment and which is in the
14 form of a liquidated sum due and owing the department of human
15 services. The department of inspections and appeals, with
16 approval of the department of human services, shall adopt
17 rules under chapter 17A necessary to assist the department of
18 revenue and finance in the implementation of the setoff under
19 section 421.17, subsection 21 and the department of
20 administrative services under section 8A.504 in regard to
21 money owed to the state for public assistance overpayments.
22 The department of human services shall adopt rules under
23 chapter 17A necessary to assist the department of revenue and
24 finance in the implementation of the setoff under section
25 421.17, subsection 21, and the department of administrative
26 services under section 8A.504 in regard to collections by the
27 child support recovery unit and the foster care recovery unit.

28 Sec. 67. Section 218.58, subsection 5, Code 2001, is
29 amended to read as follows:

30 5. A claim for payment relating to a project shall be
31 itemized on a voucher form pursuant to section ~~421-40~~ 8A.514,
32 certified by the claimant and the architect or engineer in
33 charge, and audited and approved by the ~~department-of-general~~
34 ~~services~~ physical resources division. Upon approval by the
35 ~~department-of-general-services~~ physical resources division,

1 the voucher shall be forwarded to the director of ~~revenue-and~~
2 ~~finance~~ the department of administration services, who shall
3 draw a warrant to be paid by the treasurer of state from funds
4 appropriated for the project. A partial payment made before
5 completion of the project does not constitute final acceptance
6 of the work or a waiver of any defect in the work.

7 Sec. 68. Section 218.85, Code 2001, is amended to read as
8 follows:

9 218.85 UNIFORM SYSTEM OF ACCOUNTS.

10 The director of human services through the administrators
11 in control of the institutions shall install in all the
12 institutions the most modern, complete, and uniform system of
13 accounts, records, and reports possible. The system shall be
14 prescribed by the director of ~~revenue-and-finance~~ the
15 department of administrative services as authorized in section
16 ~~421-31~~ 8A.503, subsection ~~10~~ 13, and, among other matters,
17 shall clearly show the detailed facts relative to the handling
18 and uses of all purchases.

19 Sec. 69. Section 218.100, Code 2001, is amended to read as
20 follows:

21 218.100 CENTRAL WAREHOUSE AND SUPPLY DEPOT.

22 The department of human services shall establish a fund for
23 maintaining and operating a central warehouse as a supply
24 depot and distribution facility for surplus government
25 products, carload canned goods, paper products, other staples
26 and such other items as determined by the department. The
27 fund shall be permanent and shall be composed of the receipts
28 from the sales of merchandise, recovery of handling, operating
29 and delivery charges of such merchandise and from the funds
30 contributed by the institutions now in a contingent fund being
31 used for this purpose. All claims for purchases of
32 merchandise, operating and salary expenses shall be subject to
33 the provisions of sections 218.86 to ~~218-89~~ 218.88.

34 Sec. 70. Section 234.8, Code 2001, is amended to read as
35 follows:

1 234.8 FEES FOR CHILD WELFARE SERVICES.

2 The department of human services may charge a fee for child
3 welfare services to a person liable for the cost of the
4 services. The fee shall not exceed the reasonable cost of the
5 services. The fee shall be based upon the person's ability to
6 pay and consideration of the fee's impact upon the liable
7 person's family and the goals identified in the case
8 permanency plan. The department may assess the liable person
9 for the fee and the means of recovery shall include a setoff
10 against an amount owed by a state agency to the person
11 assessed pursuant to section ~~421:17~~-~~subsection-29~~ 8A.504. In
12 addition the department may establish an administrative
13 process to recover the assessment through automatic income
14 withholding. The department shall adopt rules pursuant to
15 chapter 17A to implement the provisions of this section. This
16 section does not apply to court-ordered services provided to
17 juveniles which are a charge upon the state pursuant to
18 section 232.141 and services for which the department has
19 established a support obligation pursuant to section 234.39.

20 Sec. 71. Section 236.15B, unnumbered paragraph 5, Code
21 2001, is amended to read as follows:

22 The department of revenue and finance shall consult the
23 crime victim assistance board concerning the adoption of rules
24 to implement this section. However, before a checkoff
25 pursuant to this section shall be permitted, all liabilities
26 on the books of the department of ~~revenue-and-finance~~
27 administrative services and accounts identified as owing under
28 section ~~421:17~~ 8A.504 and the political contribution allowed
29 under section 56.18 shall be satisfied.

30 Sec. 72. Section 298.14, unnumbered paragraph 3, Code
31 2001, is amended to read as follows:

32 The At the request of the director of revenue and finance,
33 the department of administrative services shall draw warrants
34 in payment of the surtaxes collected in each school district.
35 Warrants shall be payable in two installments to be paid on

1 approximately the first day of December and the first day of
2 February following collection of the taxes and shall be
3 delivered to the respective school districts.

4 Sec. 73. Section 304.3, subsections 4, 8, and 9, Code
5 2001, are amended to read as follows:

6 4. The ~~director-of-revenue-and-finance~~ administrator of
7 the financial management division of the department of
8 administrative services.

9 8. The ~~director~~ administrator of the ~~department-of-general~~
10 ~~services~~ physical resources division of the department of
11 administrative services.

12 9. The ~~director~~ administrator of the information
13 technology division of the department of administrative
14 services.

15 Sec. 74. Section 304A.21, subsection 3, Code 2001, is
16 amended to read as follows:

17 3. "Department" "Division" means the ~~department-of-general~~
18 ~~services~~ physical resources division of the department of
19 administrative services.

20 Sec. 75. Section 304A.25, Code 2001, is amended to read as
21 follows:

22 304A.25 REVIEW AND DETERMINATION AS TO QUALIFICATION FOR
23 INDEMNITY COVERAGE.

24 1. Every application received by the administrator shall
25 be submitted to the ~~department-of-general-services~~ division
26 which shall review the application and determine whether the
27 applicant qualifies for indemnity coverage under this
28 division. The criteria for qualification shall be prescribed
29 by rule of the ~~department-of-general-services~~ division and
30 shall include but are not limited to:

31 a. Physical security of the applicant's exhibition
32 facilities and of the means of transportation of the items.

33 b. Experience and qualifications of the applicant's
34 director, curator, registrar, or other staff.

35 c. Eligibility of the applicant's exhibition facilities

1 for commercial insurance coverage of art objects and artifacts
2 exhibited there.

3 d. Availability of proper equipment to protect art objects
4 and artifacts from damage from extremes of temperature or
5 humidity or exposure to glare, dust, or corrosion.

6 2. The department division may consult with experts as
7 necessary to carry out its duties under this section.

8 3. If the ~~department-of-general-services~~ division is not
9 staffed for risk management, the department division shall
10 utilize the services of a consultant in carrying out the
11 ~~department's~~ division's duties under this chapter.

12 Sec. 76. Section 304A.26, subsection 1, Code 2001, is
13 amended to read as follows:

14 1. If the ~~department-of-general-services~~ division
15 determines that the applicant qualifies for indemnity
16 coverage, the administrator shall review and determine the
17 validity of other portions of the application, including the
18 eligibility of items for which coverage by an indemnity
19 agreement is sought and the estimated value of those items.

20 Sec. 77. Section 304A.29, Code 2001, is amended to read as
21 follows:

22 304A.29 CLAIMS.

23 1. Claims for losses covered by indemnity agreements under
24 ~~this-division~~ sections 304A.21 through 304A.30 shall be
25 submitted to the ~~department-of-general-services~~ division which
26 shall review the claims. If the department division
27 determines that the loss is covered by the agreement, the
28 department division shall certify the validity of the claim
29 and authorize payment of the amount of loss, less any
30 deductible portion, to the lender.

31 2. The department division shall prescribe rules providing
32 for prompt adjustment of valid claims. The rules shall
33 include provisions for the employment of consultants and for
34 the arbitration of issues relating to the dollar value of
35 damages involving less than total loss or destruction of

1 covered items.

2 3. The authorization for payment shall be forwarded to the
3 director of ~~revenue-and-finance~~ the department of
4 administrative services, who shall issue a warrant for payment
5 of the claim from the state general fund out of any funds not
6 otherwise appropriated.

7 Sec. 78. Section 331.552, subsection 5, Code Supplement
8 2001, is amended to read as follows:

9 5. Account for, report, and pay into the state treasury
10 any money, property, or securities received on behalf of the
11 state as provided in sections ~~421-32-to-421-34~~ 8A.506 through
12 8A.508.

13 Sec. 79. Section 405A.10, Code 2001, is amended to read as
14 follows:

15 405A.10 FRANCHISE TAX REVENUE ALLOCATION.

16 For the fiscal year beginning July 1, 1997, and each
17 subsequent fiscal year, there is appropriated from the general
18 fund of the state to the department of revenue and finance the
19 sum of eight million eight hundred thousand dollars which
20 shall be paid quarterly on warrants by the director of the
21 department of administrative services as allocated pursuant to
22 section 422.65.

23 Sec. 80. Section 421.17, subsections 28, 29, 30, and 33,
24 Code Supplement 2001, are amended by striking the subsections.

25 Sec. 81. Section 422.20, subsection 3, unnumbered
26 paragraph 1, Code 2001, is amended to read as follows:

27 Unless otherwise expressly permitted by section 421.17,
28 subsections 21, 22, 22A, 23, 25, 29, and 32, sections 8A.504,
29 252B.9, 421.19, 421.28, 422.72, and 452A.63, and this section,
30 a tax return, return information, or investigative or audit
31 information shall not be divulged to any person or entity,
32 other than the taxpayer, the department, or internal revenue
33 service for use in a matter unrelated to tax administration.

34 Sec. 82. Section 422.72, subsection 3, unnumbered
35 paragraph 1, Code 2001, is amended to read as follows:

1 Unless otherwise expressly permitted by section 421.17,
2 subsections 21, 22, 22A, 23, 25, 29, and 32, sections 8A.504,
3 252B.9, 421.19, 421.28, 422.20, and 452A.63, and this section,
4 a tax return, return information, or investigative or audit
5 information shall not be divulged to any person or entity,
6 other than the taxpayer, the department, or internal revenue
7 service for use in a matter unrelated to tax administration.

8 Sec. 83. Section 425.1, subsection 1, Code 2001, is
9 amended to read as follows:

10 1. A homestead credit fund is created. There is
11 appropriated annually from the general fund of the state to
12 the department of revenue and finance to be credited to the
13 homestead credit fund, an amount sufficient to implement this
14 chapter.

15 The director of ~~revenue-and-finance~~ the department of
16 administrative services shall issue warrants on the homestead
17 credit fund payable to the county treasurers of the several
18 counties of the state under this chapter.

19 Sec. 84. Section 452A.77, unnumbered paragraph 1, Code
20 2001, is amended to read as follows:

21 All fees, taxes, interest and penalties imposed under this
22 chapter must be paid to the department of revenue and finance
23 or the state department of transportation, whichever is
24 responsible for the collection. The appropriate state agency
25 shall transmit each payment daily to the treasurer of state.
26 Such payments shall be deposited by the treasurer of state in
27 a fund, hereby created, within the state treasury which shall
28 be known as the "motor fuel tax fund," the net proceeds of
29 which fund, after deductions by lawful transfers and refunds,
30 shall be known as the "motor vehicle fuel tax fund". The
31 department of revenue and finance and the state department of
32 transportation shall certify monthly to the director of
33 revenue and finance amounts of refunds of tax approved during
34 each month, and the director of ~~revenue-and-finance~~ the
35 department of administrative services shall draw warrants in

1 such amounts on the motor fuel tax fund and transmit them.
2 There is hereby appropriated out of the money received under
3 the provisions of this chapter and deposited in the motor fuel
4 tax fund sufficient funds to pay such refunds as may be
5 authorized in this chapter.

6 Sec. 85. Section 602.8102, subsection 4, Code Supplement
7 2001, is amended to read as follows:

8 4. Upon the death of a judge or magistrate of the district
9 court, give written notice to the department of management and
10 the department of ~~revenue-and-finance~~ administrative services
11 of the date of death. The clerk shall also give written
12 notice of the death of a justice of the supreme court, a judge
13 of the court of appeals, or a judge or magistrate of the
14 district court who resides in the clerk's county to the state
15 commissioner of elections, as provided in section 46.12.

16 Sec. 86. Sections 14B.106, 14B.107, 218.89, 421.6, 421.31,
17 421.32, 421.33, 421.34, 421.35, 421.36, 421.37, 421.38,
18 421.39, 421.40, 421.41, 421.42, 421.43, 421.44, and 421.45,
19 Code 2001, are repealed.

20 Sec. 87. AMENDMENTS CHANGING TERMINOLOGY -- DIRECTIVE TO
21 CODE EDITOR. Except as otherwise provided in this Act:

22 1. a. The Iowa Code editor is directed to strike the
23 words "information technology department" and insert the words
24 "information technology division of the department of
25 administrative services" wherever the words "information
26 technology department" appear in the Iowa Code unless a
27 contrary intent is clearly evident.

28 b. The Iowa Code editor is directed to strike the word
29 "department" and insert the word "division" wherever the word
30 "department" appears in Iowa Code chapter 14B and refers to
31 the information technology department unless a contrary intent
32 is clearly evident.

33 c. The Iowa Code editor is directed to strike the words
34 "director of the information technology department" or
35 "information technology department director" and insert the

1 words "administrator of the information technology division of
2 the department of administrative services" wherever the words
3 "director of the information technology department" or
4 "information technology department director" appear in the
5 Iowa Code unless a contrary intent is clearly evident.

6 d. The Iowa Code editor is directed to strike the word
7 "director" and insert the word "administrator" wherever the
8 word "director" appears in Iowa Code chapter 14B and refers to
9 the director of the information technology department unless a
10 contrary intent is clearly evident.

11 2. a. The Iowa Code editor is directed to strike the
12 words "department of general services" and insert the words
13 "physical resources division of the department of
14 administrative services" wherever the words "department of
15 general services" appear in the Iowa Code unless a contrary
16 intent is clearly evident.

17 b. The Iowa Code editor is directed to strike the word
18 "department" and insert the word "division" wherever the word
19 "department" appears in Iowa Code chapter 18 and refers to the
20 department of general services unless a contrary intent is
21 clearly evident.

22 c. The Iowa Code editor is directed to strike the words
23 "director of the department of general services" or "general
24 services department director" and insert the words
25 "administrator of the physical resources division of the
26 department of administrative services" wherever the words
27 "director of the department of general services" or "general
28 services department director" appear in the Iowa Code unless a
29 contrary intent is clearly evident.

30 d. The Iowa Code editor is directed to strike the word
31 "director" and insert the word "administrator" wherever the
32 word "director" appears in Iowa Code chapter 18 and refers to
33 the director of the department of general services unless a
34 contrary intent is clearly evident.

35 3. a. The Iowa Code editor is directed to strike the

1 words "department of personnel" and insert the words "human
2 resources division of the department of administrative
3 services" wherever the words "department of personnel" appear
4 in the Iowa Code unless a contrary intent is clearly evident.

5 b. The Iowa Code editor is directed to strike the word
6 "department" and insert the word "division" wherever the word
7 "department" appears in Iowa Code chapter 19A and refers to
8 the department of personnel unless a contrary intent is
9 clearly evident..

10 c. The Iowa Code editor is directed to strike the words
11 "director of the department of personnel" or "personnel
12 department director" and insert the words "administrator of
13 the human resources division of the department of
14 administrative services" wherever the words "director of the
15 department of personnel" or "personnel department director"
16 appear in the Iowa Code unless a contrary intent is clearly
17 evident.

18 d. The Iowa Code editor is directed to strike the word
19 "director" and insert the word "administrator" wherever the
20 word "director" appears in Iowa Code chapter 19A and refers to
21 the director of the department of personnel unless a contrary
22 intent is clearly evident.

23 4. a. Sections 1.15; 2.10, subsection 4; 2B.10,
24 subsection 4; 7.13; 8.61; 11.20; 12.4; 12.5; 12.26; 12B.16;
25 12B.17; 12B.18; 15E.112; 15E.117; 16.31; 17A.4; 18.19; 18.117;
26 29C.14; 35.10; 49A.9; 53.50; 74.9; 96.9; 97.51; 97A.8; 97A.11;
27 97B.33; 100B.11; 123.53; 152.3; 159.23; 159.29A; 159A.7;
28 161.7; 161C.5; 179.5; 186.5; 218.50; 218.57; 218.86; 218.87;
29 225.22; 225.23; 225.28; 225C.12; 227.7; 229.35; 233B.14;
30 249.8; 255.24; 255.26; 257B.11; 257B.18; 257B.35; 257B.37;
31 257B.39; 257B.40; 257B.42; 257C.9; 261.4; 262.29; 270.5;
32 270.6; 272.11; 272C.7; 298.11; 301.30; 310.7; 313.18; 313.19;
33 313.20; 313.28; 314.3; 315.7; 324A.5; 331.555; 450.84;
34 452A.72; 455B.107; 455B.183A; 455B.246; 455J.2; 456A.19;
35 456A.21; 473.11; 504A.63; 515.129; 518B.2; 518B.5; 524.209;

1 533.62; 534.403; 568.20; 569.4; 602.9109; 641.5; 679B.7;
2 820.24; 904.311; and 904.808, Code 2001, are amended by
3 striking from the applicable section or subsection the words
4 "director of revenue and finance" and inserting in lieu
5 thereof the following "director of the department of
6 administrative services".

7 b. Sections 7A.3, subsection 1; 8.35A, subsection 1; 96.7,
8 subsection 7; 96.14; 169A.13A; 225.30; 234.6; 251.5; 270.7;
9 and 602.1304, Code Supplement 2001, are amended by striking
10 from the sections the words "director of revenue and finance"
11 and inserting in lieu thereof the following "director of the
12 department of administrative services".

13 5. a. Sections 2.49, subsection 5; 8.34; 8.63, subsection
14 4; 11.28; 12.6; 12.28; 12B.2; 12B.17; 16.31; 16A.13; 18.9;
15 25.6; 74.9; 97A.8; 100B.11; 175.22; 179.5; 181.13; 184.13;
16 185.26; 185C.26; 255.24A; 256.12; 256.19; 256.20; 256D.4;
17 257.32; 257B.1B; 257C.9; 260A.1; 260C.18B; 260C.24; 282.28;
18 282.31; 283.1; 285.2; 294A.6; 294A.9; 303.14; 313.7; 405A.9;
19 455G.5; 602.9104; 633.545; 804.28; and 904.507A, Code 2001,
20 are amended by striking from the sections the words
21 "department of revenue and finance" and inserting in lieu
22 thereof the following "department of administrative services".

23 b. Sections 8.47; 8D.13; 14B.102; 22.7, subsection 32;
24 256D.6; and 455G.3, Code Supplement 2001, are amended by
25 striking from the sections the words "department of revenue
26 and finance" and inserting in lieu thereof the following
27 "department of administrative services".

28 Sec. 88. ADMINISTRATIVE RULES -- TRANSITION PROVISIONS.

29 1. Any rule, regulation, form, order, or directive
30 promulgated by any state agency mentioned in this Act,
31 including any agency abolished, merged, or altered in this
32 Act, and in effect on the effective date of this Act shall
33 continue in full force and effect until amended, repealed, or
34 supplemented by affirmative action of the appropriate state
35 agency under the duties and powers of state agencies as

1 established in this Act and under the procedure established in
2 subsection 2.

3 Any license or permit issued by any state agency mentioned
4 in this Act, including any agency abolished, merged, or
5 altered in this Act, and in effect on the effective date of
6 this Act shall continue in full force and effect until
7 expiration or renewal.

8 2. In regard to updating references and format in the Iowa
9 administrative code in order to correspond to the
10 restructuring of state government as established in this Act,
11 the administrative rules coordinator and the administrative
12 rules review committee, in consultation with the Code editor,
13 shall jointly develop a schedule for the necessary updating of
14 the Iowa administrative code.

15 DIVISION II

16 EXECUTIVE COUNCIL REPEAL AND CORRESPONDING CHANGES

17 Sec. 89. Section 1C.2, unnumbered paragraph 3, Code 2001,
18 is amended by striking the unnumbered paragraph.

19 Sec. 90. Section 2.46, subsection 2, Code 2001, is amended
20 to read as follows:

21 2. EXAMINATION. Examine the reports and official acts of
22 ~~the-executive-council-and-of~~ each officer, board, commission,
23 and department of the state, in respect to the conduct and
24 expenditures thereof and the receipts and disbursements of
25 public funds thereby. All state departments and agencies are
26 required to immediately notify the legislative fiscal
27 committee of the legislative council and the director of the
28 legislative fiscal bureau if any state facilities within their
29 jurisdiction have been cited for violations of any federal,
30 state, or local laws or regulations or have been decertified
31 or notified of the threat of decertification from compliance
32 with any state, federal, or other nationally recognized
33 certification or accreditation agency or organization.

34 Sec. 91. Section 6A.1, Code 2001, is amended to read as
35 follows:

1 6A.1 EXERCISE OF POWER BY STATE.

2 Proceedings may be instituted and maintained by the state
3 of Iowa, or for the use and benefit thereof, for the
4 condemnation of such private property as may be necessary for
5 any public improvement which the general assembly has
6 authorized to be undertaken by the state, and for which an
7 available appropriation has been made. The ~~executive-council~~
8 department of administrative services shall institute and
9 maintain such proceedings in case authority to so do be not
10 otherwise delegated.

11 Sec. 92. Section 6A.2, Code 2001, is amended to read as
12 follows:

13 6A.2 ON BEHALF OF FEDERAL GOVERNMENT.

14 The ~~executive-council~~ department of administrative services
15 may institute and maintain such proceedings when private
16 property is necessary for any use of the government of the
17 United States.

18 Sec. 93. Section 7A.30, unnumbered paragraph 2, Code 2001,
19 is amended to read as follows:

20 Inventories maintained in the files of each such agency of
21 state government shall be open to public inspection and
22 available for the information of the ~~executive-council-and~~
23 director of the department of ~~general~~ administrative services.

24 Sec. 94. Section 8.6, subsection 6, Code Supplement 2001,
25 is amended to read as follows:

26 6. INVESTIGATIONS. To make such investigations of the
27 organization, activities and methods of procedure of the
28 several departments and establishments as the director of
29 management may be called upon to make by the governor ~~or-the~~
30 ~~governor-and-executive-council~~, or the legislature.

31 Sec. 95. Section 8.6, subsection 8, Code Supplement 2001,
32 is amended to read as follows:

33 8. RULES. To make such rules, subject to the approval of
34 the governor, as may be necessary for effectively carrying on
35 the work of the department of management. The director may

1 ~~with the approval of the executive council~~, require any state
2 official, agency, department or commission, to require any
3 applicant, registrant, filer, permit holder or license holder,
4 whether individual, partnership, trust or corporation, to
5 submit to said official, agency, department or commission, the
6 social security or the tax number or both so assigned to said
7 individual, partnership, trust or corporation.

8 Sec. 96. Section 8.33, unnumbered paragraph 1, Code 2001,
9 is amended to read as follows:

10 No obligation of any kind shall be incurred or created
11 subsequent to the last day of the fiscal year for which an
12 appropriation is made, except when specific provision
13 otherwise is made in the Act making the appropriation. On
14 August 31, or as otherwise provided in an appropriation Act,
15 following the close of each fiscal year, all unencumbered or
16 unobligated balances of appropriations made for that fiscal
17 term revert to the state treasury and to the credit of the
18 funds from which the appropriations were made, except that
19 capital expenditures for the purchase of land or the erection
20 of buildings or new construction continue in force until the
21 attainment of the object or the completion of the work for
22 which the appropriations were made unless the Act making an
23 appropriation for the capital expenditure contains a specific
24 provision relating to a time limit for incurring an obligation
25 or reversion of funds. ~~This section does not repeal sections~~
26 ~~7B:11 through 7B:14.~~

27 Sec. 97. Section 9.6, Code Supplement 2001, is amended to
28 read as follows:

29 9.6 IOWA OFFICIAL REGISTER.

30 In odd-numbered years, the secretary of state shall compile
31 for publication the Iowa official register which shall contain
32 historical, political, and other statistics of general value,
33 but nothing of a partisan character. Included in each
34 official register shall be the official canvass of the votes
35 cast at the last general election.

1 Sec. 98. Section 11.32, Code 2001, is amended to read as
2 follows:

3 11.32 CERTIFIED ACCOUNTANTS EMPLOYED.

4 Nothing in this chapter will prohibit the auditor of state,
5 ~~with the prior written permission of the state executive~~
6 ~~council,~~ from employing certified public accountants or
7 registered public accountants for specific assignments. Under
8 the provision of this section, the auditor of state may employ
9 such accountants for any assignment now expressly reserved to
10 the auditor of state. ~~Payments, after approval by the~~
11 ~~executive council,~~ will be made to the accountants so employed
12 from funds from which the auditor of state would have been
13 paid had the auditor of state performed the assignment, ~~or if~~
14 ~~no such specific funds are indicated, then payment will be~~
15 ~~made from the funds of the executive council.~~

16 Sec. 99. Section 12.8, unnumbered paragraph 1, Code
17 Supplement 2001, is amended to read as follows:

18 The treasurer of state shall invest or deposit, as provided
19 by law, any of the public funds not currently needed for
20 operating expenses and shall do so upon receipt of monthly
21 notice from the director of revenue and finance of the amount
22 not so needed. In the event of loss on redemption or sale of
23 securities invested as prescribed by law, ~~and if the~~
24 ~~transaction is reported to the executive council,~~ neither the
25 treasurer nor director of revenue and finance is personally
26 liable but the loss shall be charged against the funds which
27 would have received the profits or interest of the investment
28 and there is appropriated from the funds the amount so
29 required.

30 Sec. 100. NEW SECTION. 12.26A ANTICIPATION OF REVENUES.

31 The treasurer of state may anticipate the revenues for any
32 year, when the current revenues for that year are insufficient
33 to pay all warrants issued in that year, by causing state
34 warrants, in an amount not exceeding the estimated state
35 revenues for that year, and bearing interest at a rate not

1 exceeding that permitted by chapter 74A, to be issued,
2 advertised, and sold on sealed bids, and to the bidder
3 offering the lowest interest rate. All bids and all records
4 pertaining thereto shall be kept on file. The treasurer of
5 state shall comply with the provisions of chapter 74.

6 Sec. 101. Section 12.28, subsection 6, Code 2001, is
7 amended to read as follows:

8 6. The maximum principal amount of financing agreements
9 which the treasurer of state can enter into shall be one
10 million dollars per state agency in a fiscal year, subject to
11 the requirements of section 8.46. For the fiscal year, the
12 treasurer of state shall not enter into more than one million
13 dollars of financing agreements per state agency, not
14 considering interest expense. However, the treasurer of state
15 may enter into financing agreements in excess of the one
16 million dollar per agency per fiscal year limit if a
17 constitutional majority of each house of the general assembly,
18 or the legislative council if the general assembly is not in
19 session, and the governor, authorize the treasurer of state to
20 enter into additional financing agreements above the one
21 million dollar authorization contained in this section. The
22 treasurer of state shall not enter into a financing agreement
23 for real or personal property which is to be constructed for
24 use as a prison or prison-related facility without prior
25 authorization by a constitutional majority of each house of
26 the general assembly and approval by the governor of the use,
27 location, and maximum cost, not including interest expense, of
28 the real or personal property to be financed. However,
29 financing agreements for an energy conservation measure, as
30 defined in section ~~7B-34~~ 8A.107, are exempt from the
31 provisions of this subsection, but are subject to the
32 requirements of section ~~7B-34~~ 8A.107 or 473.20A. In addition,
33 financing agreements funded through the materials and
34 equipment revolving fund established in section 307.47 are
35 exempt from the provisions of this subsection.

1 Sec. 102. Section 12.30, subsection 2, paragraph a, Code
2 Supplement 2001, is amended to read as follows:

3 a. Select and fix the compensation for, in consultation
4 with the respective authority, through a competitive selection
5 procedure, attorneys, accountants, financial advisors, banks,
6 underwriters, insurers, and other employees and agents which
7 in the treasurer's judgment are necessary to carry out the
8 authority's intention. Prior to the initial selection, the
9 treasurer shall, after consultation with the authorities,
10 establish a procedure which provides for a fair and open
11 selection process including, but not limited to, the
12 opportunity to present written proposals and personal
13 interviews. The treasurer shall maintain a list of firms
14 which have requested to be notified of requests for proposal.
15 The selection criteria shall take into consideration, but are
16 not limited to, compensation, expenses, experience with
17 similar issues, scheduling, ability to provide the services of
18 individuals with specific knowledge in the relevant subject
19 matter and length of the engagement. The treasurer may waive
20 the requirements for a competitive selection procedure for any
21 specific employment upon written notice to the ~~executive~~
22 ~~council~~ governor stating why the waiver is in the public
23 interest. Upon selection by the treasurer, the authority
24 shall promptly employ the individual or firm and be
25 responsible for payment of costs.

26 Sec. 103. Section 12B.10, subsection 6, paragraph h, Code
27 Supplement 2001, is amended to read as follows:

28 h. Investments under the deferred compensation plan
29 established by the ~~executive-council~~ governor pursuant to
30 section 509A.12.

31 Sec. 104. Section 12B.10A, subsection 6, paragraph h, Code
32 Supplement 2001, is amended to read as follows:

33 h. The deferred compensation plan established by the
34 ~~executive-council~~ governor pursuant to section 509A.12.

35 Sec. 105. Section 12B.10B, subsection 3, paragraph h, Code

1 Supplement 2001, is amended to read as follows:

2 h. The deferred compensation plan established by the
3 ~~executive-council~~ governor pursuant to section 509A.12.

4 Sec. 106. Section 12B.10C, subsection 7, Code Supplement
5 2001, is amended to read as follows:

6 7. The deferred compensation plan established by the
7 ~~executive-council~~ governor pursuant to section 509A.12.

8 Sec. 107. Section 12C.1, subsection 1, Code Supplement
9 2001, is amended to read as follows:

10 1. All funds held by the following officers or
11 institutions shall be deposited in one or more depositories
12 first approved by the appropriate governing body as indicated:
13 for the treasurer of state, by the ~~executive-council~~ governor;
14 for judicial officers and court employees, by the supreme
15 court; for the county treasurer, recorder, auditor, and
16 sheriff, by the board of supervisors; for the city treasurer
17 or other designated financial officer of a city, by the city
18 council; for the county public hospital or merged area
19 hospital, by the board of hospital trustees; for a memorial
20 hospital, by the memorial hospital commission; for a school
21 corporation, by the board of school directors; for a city
22 utility or combined utility system established under chapter
23 388, by the utility board; for a library service area
24 established under chapter 256, by the library service area
25 board of trustees; and for an electric power agency as defined
26 in section 28F.2 or 476A.20, by the governing body of the
27 electric power agency. However, the treasurer of state and
28 the treasurer of each political subdivision or the designated
29 financial officer of a city shall invest all funds not needed
30 for current operating expenses in time certificates of deposit
31 in approved depositories pursuant to this chapter or in
32 investments permitted by section 12B.10. The list of public
33 depositories and the amounts severally deposited in the
34 depositories are matters of public record. This subsection
35 does not limit the definition of "public funds" contained in

1 subsection 2. Notwithstanding provisions of this section to
2 the contrary, public funds of a state government deferred
3 compensation plan established by the ~~executive-council~~
4 governor may also be invested in the investment products
5 authorized under section 509A.12.

6 Sec. 108. Section 12E.2, subsection 10, Code Supplement
7 2001, is amended to read as follows:

8 10. "Program plan" means the tobacco settlement program
9 plan dated February 14, 2001, including exhibits to the
10 program plan, submitted by the authority to the legislative
11 council ~~and-the-executive-council~~, to provide the state with a
12 secure and stable source of funding for the purposes
13 designated by this chapter and section 12.65.

14 Sec. 109. Section 12E.9, subsection 5, Code Supplement
15 2001, is amended to read as follows:

16 5. The authority, the treasurer of state, and the attorney
17 general shall report to the legislative council ~~and-the~~
18 ~~executive-council~~ on or before the date of the sale, advising
19 them of the status of the sale, its terms, and conditions.

20 Sec. 110. Section 13.2, subsection 2, Code 2001, is
21 amended to read as follows:

22 2. Prosecute and defend in any other court or tribunal,
23 all actions and proceedings, civil or criminal, in which the
24 state may be a party or interested, when, in the attorney
25 general's judgment, the interest of the state requires such
26 action, or when requested to do so by the governor~~7-executive~~
27 ~~council~~7 or general assembly.

28 Sec. 111. Section 13.3, Code 2001, is amended to read as
29 follows:

30 13.3 DISQUALIFICATION -- SUBSTITUTE.

31 1. If, for any reason, the attorney general be
32 disqualified from appearing in any action or proceeding, the
33 ~~executive-council~~ governor shall appoint some suitable person
34 for that purpose and defray the reasonable expense thereof
35 from any unappropriated funds in the state treasury. The

1 department involved in the action or proceeding shall be
2 requested to recommend a suitable person to represent the
3 department and when the ~~executive-council~~ governor concurs in
4 the recommendation, the person recommended shall be appointed.

5 2. If the governor or a department is represented by an
6 attorney other than the attorney general in a court proceeding
7 as provided in this section, at the conclusion of the court
8 proceedings, the court shall review the fees charged to the
9 state to determine if the fees are fair and reasonable. The
10 ~~executive-council~~ governor shall not reimburse attorneys'
11 attorney fees in excess of those determined by the court to be
12 fair and reasonable.

13 Sec. 112. Section 13.7, Code 2001, is amended to read as
14 follows:

15 13.7 SPECIAL COUNSEL.

16 Compensation shall not be allowed to any person for
17 services as an attorney or counselor to an executive
18 department of the state government, or the head thereof, or to
19 a state board or commission. However, the ~~executive-council~~
20 governor may employ legal assistance, at a reasonable
21 compensation, in a pending action or proceeding to protect the
22 interests of the state, but only upon a sufficient showing, in
23 writing, made by the attorney general, that the department of
24 justice cannot for reasons stated by the attorney general
25 perform the service, which reasons and action of the council
26 shall be entered upon its records. When the attorney general
27 determines that the department of justice cannot perform legal
28 service in an action or proceeding, the ~~executive-council~~
29 governor shall request the department involved in the action
30 or proceeding to recommend legal counsel to represent the
31 department. If the attorney general concurs with the
32 department that the person recommended is qualified and
33 suitable to represent the department, the person recommended
34 shall be employed. If the attorney general does not concur in
35 the recommendation, the department shall submit a new

1 recommendation. This section does not affect the general
2 counsel for the utilities board of the department of commerce,
3 or the legal counsel of the department of workforce
4 development.

5 Sec. 113. Section 15.108, subsection 9, paragraph c, Code
6 Supplement 2001, is amended to read as follows:

7 c. Except as otherwise provided in sections ~~7B-33~~ 8A.106,
8 260C.14, and 262.9, provide that an inventor whose research is
9 funded in whole or in part by the state shall assign to the
10 state a proportionate part of the inventor's rights to a
11 letter patent resulting from that research. Royalties or
12 earnings derived from a letter patent shall be paid to the
13 treasurer of state and credited by the treasurer to the
14 general fund of the state. However, the department in
15 conjunction with other state agencies, including the board of
16 regents, shall provide incentives to inventors whose research
17 is funded in whole or in part by the state for having their
18 products produced in the state. These incentives may include
19 taking a smaller portion of the inventor's royalties or
20 earnings than would otherwise occur under this paragraph or
21 other provisions of the law.

22 Sec. 114. Section 18.6, subsection 8, Code 2001, is
23 amended to read as follows:

24 8. The director shall establish rules providing that any
25 state agency may, upon request, purchase directly from a
26 vendor if the direct purchasing is as economical or more
27 economical than purchasing through the department, or upon a
28 showing that direct purchasing by the state agency would be in
29 the best interests of the state due to an immediate or
30 emergency need. The rules shall include a provision
31 permitting a state agency to purchase directly from a vendor,
32 on the agency's own authority, if the purchase will not exceed
33 five thousand dollars and the purchase will contribute to the
34 agency complying with or exceeding the targeted small business
35 procurement goals under sections 73.15 through 73.21.

~~1 Any member of the executive council may bring before the
2 council for review a decision of the director granting a state
3 agency request for direct purchasing. The executive council
4 shall hear and review the director's decision in the same
5 manner as an appeal filed by an aggrieved bidder, except that
6 the three-day period for filing for review shall not apply.~~

7 Sec. 115. Section 18.7, Code 2001, is amended to read as
8 follows:

9 18.7 DISPUTES INVOLVING PURCHASING FROM IOWA STATE
10 INDUSTRIES.

11 Disputes arising between the department of corrections and
12 a purchasing department or agency over the procurement of
13 products from Iowa state industries as described in section
14 904.808 shall be referred to the director. The decision of
15 the director is final ~~unless a written appeal is filed with
16 the executive council within five days of receipt of the
17 decision of the director, excluding Saturdays, Sundays, and
18 legal holidays. If an appeal is filed, the executive council
19 shall hear and determine the appeal within thirty days. The
20 decision of the executive council is final.~~

21 Sec. 116. Section 18.9, subsection 1, Code 2001, is
22 amended to read as follows:

23 1. At the end of each month the director administrator
24 shall render a statement to each state agency for the actual
25 cost of items purchased through the department division, the
26 actual cost of services and postage used by the agency. The
27 monthly statement shall also include a fair proportion of the
28 cost of administration of the ~~department of general services~~
29 division during the month. The portion of administrative
30 costs shall be determined by the director administrator
31 subject to review by the ~~executive council~~ director of the
32 department of administrative services upon complaint from any
33 state agency adversely affected.

34 Sec. 117. Section 18.12, subsection 7, Code 2001, is
35 amended to read as follows:

1 7. ~~Contract, with the approval of the executive council,~~
2 for the repair, remodeling or, if the condition warrants,
3 demolition of all buildings and grounds of the state at the
4 seat of government and the institutions of the department of
5 human services and the department of corrections for which no
6 specific appropriation has been made, if the cost of repair,
7 remodeling or demolition will not exceed one hundred thousand
8 dollars when completed. If no specific appropriation has been
9 made, the proposed contract shall be submitted to the state
10 appeal board for approval. The cost of repair projects for
11 which no specific appropriation has been made shall be paid
12 from ~~the fund provided in section 7B-29~~ moneys in the state
13 treasury not otherwise appropriated.

14 Sec. 118. Section 18.12, subsection 9, Code 2001, is
15 amended to read as follows:

16 9. a. Lease all buildings and office space necessary to
17 carry out the provisions of this chapter or necessary for the
18 proper functioning of any state agency at the seat of
19 government. For state agencies at the seat of government, the
20 director may lease buildings and office space in Polk county
21 or in a county contiguous to Polk county. If no specific
22 appropriation has been made, the proposed lease shall be
23 submitted to the ~~executive council~~ state appeal board for
24 approval. The cost of any lease for which no specific
25 appropriation has been made shall be paid from ~~the fund~~
26 ~~provided in section 7B-29~~ moneys in the state treasury not
27 otherwise appropriated.

28 b. When the general assembly is not in session, the
29 director may request moneys from the ~~executive council~~ state
30 appeal board for moving state agencies located at the seat of
31 government from one location to another. The request may
32 include moving costs, telecommunications costs, repair costs,
33 or any other costs relating to the move. The ~~executive~~
34 ~~council~~ state appeal board may approve and shall pay the costs
35 from ~~funds provided in section 7B-29~~ moneys in the state

1 treasury not otherwise appropriated if it determines the
2 agency or department has no available funds for these
3 expenses.

4 c. Coordinate the leasing of buildings and office space by
5 state agencies throughout the state and develop cooperative
6 relationships with the state board of regents in order to
7 promote the colocation of state agencies.

8 Sec. 119. Section 18.12, subsection 12, Code 2001, is
9 amended to read as follows:

10 12. With the authorization of a constitutional majority of
11 each house of the general assembly and approval by the
12 governor, dispose of real property belonging to the state and
13 its state agencies upon terms, conditions, and consideration
14 as the director may recommend. If real estate subject to sale
15 under this subsection has been purchased or acquired from
16 appropriated funds, the proceeds of the sale shall be
17 deposited with the treasurer of state and credited to the
18 general fund of the state or other fund from which
19 appropriated. There is appropriated from that same fund, with
20 ~~the-prior-approval-of-the-executive-council-and~~ in cooperation
21 with the ~~director~~ administrator, a sum equal to the proceeds
22 so deposited and credited to the state agency to which the
23 disposed property belonged or by which it was used, for
24 purposes of the state agency.

25 Sec. 120. Section 18.95, Code 2001, is amended to read as
26 follows:

27 18.95 OLD CODES.

28 The state printing ~~administrator~~ bureau chief may
29 distribute to law enforcement officers and other persons in
30 the ~~administrator's~~ bureau chief's discretion all Codes and
31 Code Supplements which have been supplanted by a newly issued
32 Code, and all session laws which antedate the publication of
33 the last issued Code by at least four years. However, the
34 ~~administrator~~ bureau chief shall maintain in reserve a number
35 of copies of each publication as may be fixed by the director.

~~The reserve, when fixed, shall not be distributed except on~~
~~the order of the executive council.~~ Requests for publications
shall be handled upon receipt of postage by the administrator
bureau chief. However, county officials requesting
publications under this section shall not be required to pay
postage.

Sec. 121. Section 18.119, unnumbered paragraph 2, Code
2001, is amended to read as follows:

At the end of each month the state fleet administrator
bureau chief shall render a statement to each state department
or agency thereof for the actual cost of operation of all
motor vehicles assigned to such department or agency, together
with a fair proportion of the cost of administration of the
state fleet administrator's bureau chief's office during such
month, as shall be determined by the administrator, ~~all~~
~~subject to review by the executive council upon complaint of~~
~~any state department or agency adversely affected~~ bureau
chief. Such expense shall be paid by the state departments or
agencies in the same manner as other expenses of such
department are paid, and when such cost of operation and
administration is paid by the department, such sum shall be
credited to the state fleet administrator bureau chief
revolving fund. If any surplus accrues to said revolving fund
in excess of twenty-five thousand dollars for which there is
no anticipated need or use, the governor may order such
surplus turned over to the general fund of the state.

Sec. 122. Section 19A.32, Code Supplement 2001, is amended
to read as follows:

19A.32 WORKERS' COMPENSATION CLAIMS.

The director shall employ appropriate staff to handle and
adjust claims of state employees for workers' compensation
benefits pursuant to chapters 85, 85A, 85B, and 86, or with
~~the approval of the executive council~~ contract for the
services or purchase workers' compensation insurance coverage
for state employees or selected groups of state employees. A

1 state employee workers' compensation fund is established to
2 pay state employee workers' compensation claims and
3 administrative costs. The department shall establish a rating
4 formula and assess premiums to all agencies, departments, and
5 divisions of the state including those which have not received
6 an appropriation for the payment of workers' compensation
7 insurance and which operate from moneys other than from the
8 general fund of the state. The department shall collect the
9 premiums and deposit them into the state employee workers'
10 compensation fund. Notwithstanding section 8.33, moneys
11 deposited in the state employee workers' compensation fund
12 shall not revert to the general fund of the state at the end
13 of any fiscal year, but shall remain in the state employee
14 workers' compensation fund and be continuously available to
15 pay state employee workers' compensation claims. The director
16 may, to the extent practicable, contract with a private
17 organization to handle the processing and payment of claims
18 and services rendered under the provisions of this section.

19 Sec. 123. NEW SECTION. 24A.1 STATE APPEAL BOARD --
20 COMPROMISE OF CLAIMS.

21 The state appeal board, on a written report to it by the
22 attorney general together with the attorney general's opinion
23 as to the legal effect of the facts, may determine the terms
24 on which claims of doubtful equity or collectibility, and in
25 favor of the state, may be compromised and settled with all or
26 any of the parties thereto. Such terms may be withdrawn prior
27 to acceptance, or in case the debtor fails to comply therewith
28 within a reasonable time. The attorney general shall have
29 full authority to execute all papers necessary to effect any
30 such settlement.

31 Sec. 124. NEW SECTION. 24A.2 STATE APPEAL BOARD -- COURT
32 COSTS.

33 If sufficient funds for court costs have not been
34 appropriated to a state department, or if sufficient funds are
35 not otherwise available for such purposes within the budget of

1 a state department, the state appeal board may pay, out of any
2 money in the state treasury not otherwise appropriated,
3 expenses incurred, or costs taxed to the state, in any
4 proceeding brought by or against any of the state departments
5 or in which the state is a party or is interested. This
6 section shall not be construed to authorize the payment of
7 travel or other personal expenses of state officers or
8 employees.

9 Sec. 125. NEW SECTION. 24A.3 STATE APPEAL BOARD --
10 ALLOCATION TO MANURE STORAGE INDEMNITY FUND.

11 If moneys are not sufficient to support the manure storage
12 indemnity fund as provided in chapter 455J, the state appeal
13 board may allocate from moneys in the general fund of the
14 state, which are not otherwise obligated or encumbered, an
15 amount to the manure storage indemnity fund as provided under
16 section 455J.2. However, not more than a total of one million
17 dollars shall be allocated to the manure storage indemnity
18 fund at any time.

19 Sec. 126. Section 28D.6, subsection 3, Code 2001, is
20 amended to read as follows:

21 3. Employees who are detailed to the receiving agency
22 shall not by virtue of such detail be considered to be
23 employees thereof, except as provided in subsection 4. The
24 supervision of the duties of such employees, as well as the
25 contribution of each agency to the salary or wage of such
26 employees during the period of detail, may be governed by
27 agreement between the sending agency and the receiving agency.
28 The agreement shall be subject to the approval of the
29 ~~executive-council~~ director of the department of administrative
30 services for state participation and the local governing body
31 in the case of an agreement involving a political subdivision
32 of the state.

33 Sec. 127. Section 29A.27, unnumbered paragraph 8, Code
34 Supplement 2001, is amended to read as follows:

35 All payments herein provided for shall be paid on the

1 approval of the adjutant general from the contingent fund of
2 the ~~executive-council~~ state appeal board.

3 Sec. 128. Section 29A.57, subsection 2, Code 2001, is
4 amended to read as follows:

5 2. The board may acquire land or real estate by purchase,
6 contract for purchase, gift, or bequest and acquire, own,
7 contract for the construction of, erect, purchase, maintain,
8 alter, operate, and repair installations and facilities of the
9 Iowa national guard and the Iowa air national guard when funds
10 for the installations and facilities are made available by the
11 federal government, the state of Iowa, municipalities,
12 corporations or individuals. The title to the property so
13 acquired shall be taken in the name of the state of Iowa and
14 the real estate may be sold or exchanged by the ~~executive~~
15 ~~council~~ department of administrative services, upon
16 recommendation of the board, when it is no longer needed for
17 the purpose for which it was acquired. Income or revenue
18 derived from the sale of the real estate shall be credited to
19 the national guard facilities improvement fund and used for
20 the purposes specified in section 29A.14, subsection 2.

21 Sec. 129. Section 29A.57, subsection 7, Code 2001, is
22 amended to read as follows:

23 7. There is no liability to the state of Iowa under this
24 section. Members of the armory board and employees of the
25 ~~state-executive-council~~ department of administrative services
26 shall not be held to any personal or individual liability for
27 any action taken by them under this chapter.

28 Sec. 130. Section 29C.20, Code 2001, is amended to read as
29 follows:

30 29C.20 CONTINGENT FUND -- DISASTER AID.

31 1. A contingent fund is created in the state treasury for
32 the use of the ~~executive-council~~ state appeal board which may
33 be expended for the purpose of paying the expenses of
34 suppressing an insurrection or riot, actual or threatened,
35 when state aid has been rendered by order of the governor, and

1 for repairing, rebuilding, or restoring state property
2 injured, destroyed, or lost by fire, storm, theft, or
3 unavoidable cause, and for repairing, rebuilding, or restoring
4 state property which is fiberoptic cable and which is injured
5 or destroyed by a wild animal, and for aid to any governmental
6 subdivision in an area declared by the governor to be a
7 disaster area due to natural disasters or to expenditures
8 necessitated by the governmental subdivision toward averting
9 or lessening the impact of the potential disaster, where the
10 effect of the disaster or action on the governmental
11 subdivision is the immediate financial inability to meet the
12 continuing requirements of local government. Upon application
13 by a governmental subdivision in such an area, accompanied by
14 a showing of obligations and expenditures necessitated by an
15 actual or potential disaster in a form and with further
16 information the ~~executive-council~~ state appeal board requires,
17 the aid may be made in the discretion of the ~~executive-council~~
18 state appeal board and, if made, shall be in the nature of a
19 loan up to a limit of seventy-five percent of the showing of
20 obligations and expenditures. The loan, without interest,
21 shall be repaid by the maximum annual emergency levy
22 authorized by section 24.6, or by the appropriate levy
23 authorized for a governmental subdivision not covered by
24 section 24.6. The aggregate total of loans shall not exceed
25 one million dollars during a fiscal year. A loan shall not be
26 for an obligation or expenditure occurring more than two years
27 previous to the application.

28 When a state department or agency requests that moneys from
29 the contingent fund be expended to repair, rebuild, or restore
30 state property injured, destroyed, or lost by fire, storm,
31 theft, or unavoidable cause, or to repair, rebuild, or restore
32 state property which is fiberoptic cable and which is injured
33 or destroyed by a wild animal, the ~~executive-council~~ state
34 appeal board shall consider the original source of the funds
35 for acquisition of the property before authorizing the

1 expenditure. If the original source was other than the
2 general fund of the state, the department or agency shall be
3 directed to utilize moneys from the original source if
4 possible. The ~~executive-council~~ state appeal board shall not
5 authorize the repairing, rebuilding, or restoring of the
6 property from the disaster aid contingent fund if it
7 determines that moneys from the original source are available
8 to finance the project.

9 2. The proceeds of such loan shall be applied toward the
10 payment of costs and obligations necessitated by such actual
11 or potential disaster and the reimbursement of local funds
12 from which such expenditures have been made. Any such project
13 for repair, rebuilding or restoration of state property for
14 which no specific appropriation has been made, shall, before
15 work is begun, be subject to approval or rejection by the
16 ~~executive-council~~ state appeal board.

17 3. If the president of the United States, at the request
18 of the governor, has declared a major disaster to exist in
19 this state, the ~~executive-council~~ state appeal board may make
20 financial grants to meet disaster-related necessary expenses,
21 serious needs, or hazard mitigation projects of local
22 governments and eligible private nonprofit agencies adversely
23 affected by the major disaster if those expenses or needs
24 cannot otherwise be met from other means of assistance. The
25 amount of the grant shall not exceed ten percent of the total
26 eligible expenses and is conditional upon the federal
27 government providing at least seventy-five percent for public
28 assistance grants and at least fifty percent for hazard
29 mitigation grants of the eligible expenses.

30 4. If the president, at the request of the governor, has
31 declared a major disaster to exist in this state, the
32 ~~executive-council~~ state appeal board may make financial grants
33 to meet disaster-related necessary expenses or serious needs
34 of individuals or families adversely affected by a major
35 disaster which cannot otherwise adequately be met from other

1 means of assistance. The amount of a financial grant shall
2 not exceed the maximum federal authorization in the aggregate
3 to an individual or family in any single major disaster
4 declared by the president. All grants authorized to
5 individuals and families will be subject to the federal
6 government providing no less than seventy-five percent of each
7 grant and the declaration of a major disaster in the state by
8 the president of the United States.

9 5. If the president, at the request of the governor, has
10 declared a major disaster to exist in this state, the
11 ~~executive-council~~ state appeal board may lease or purchase
12 sites and develop such sites to accommodate temporary housing
13 units for disaster victims.

14 6. For the purposes of this section, "governmental
15 subdivision" means any political subdivision of this state.

16 Sec. 131. Section 43.73, unnumbered paragraph 1, Code
17 2001, is amended to read as follows:

18 Not less than sixty-nine days before the general election
19 the state commissioner shall certify to each commissioner,
20 under separate party headings, the name of each person
21 nominated as shown by the official canvass made by the
22 ~~executive-council~~ state canvassing board as described in
23 section 50.37, or as certified to the state commissioner by
24 the proper persons when any person has been nominated by a
25 convention or by a party committee, or by petition, the office
26 to which the person is nominated, and the order in which
27 federal and state offices, judges, constitutional amendments,
28 and state public measures shall appear on the official ballot.

29 Sec. 132. Section 50.37, Code 2001, is amended to read as
30 follows:

31 50.37 STATE CANVASSING BOARD.

32 The ~~executive-council-shall-constitute-a-board-of~~
33 ~~canvassers-of~~ state canvassing board shall canvass all
34 abstracts of votes required to be filed with the state
35 commissioner, except for the offices of governor and

1 lieutenant governor. Any clerical error found by the
2 secretary of state or state board of canvassers shall be
3 corrected by the county commissioner in a letter addressed to
4 the state board of canvassers. For purposes of this chapter,
5 the state canvassing board shall consist of the governor,
6 secretary of state, auditor of state, treasurer of state, and
7 secretary of agriculture.

8 Sec. 133. Section 67.3, Code 2001, is amended to read as
9 follows:

10 67.3 REFUSAL TO OBEY SUBPOENA -- FEES.

11 If any witness, duly subpoenaed, refuses to obey said
12 subpoena, or refuses to testify, said commission shall certify
13 said fact to the district court of the county where the
14 investigation is being had and said court shall proceed with
15 said witness in the same manner as though said refusal had
16 occurred in a legal proceeding before said court or judge.

17 Witnesses shall be paid in the manner provided for
18 witnesses ~~before the executive council~~ in section 66.28 and
19 from the same appropriation.

20 Sec. 134. Section 67.5, subsection 2, Code 2001, is
21 amended by striking the subsection.

22 Sec. 135. Section 72.2, Code 2001, is amended to read as
23 follows:

24 72.2 ~~EXECUTIVE-COUNCIL~~ GOVERNOR MAY AUTHORIZE
25 INDEBTEDNESS.

26 Nothing herein contained shall prevent the incurring of an
27 indebtedness on account of support funds for state
28 institutions, upon the prior written direction of the
29 ~~executive council~~ governor, specifying the items and amount of
30 such indebtedness to be increased, and the necessity therefor.

31 Sec. 136. Section 74.1, subsection 3, Code 2001, is
32 amended to read as follows:

33 3. The procedures of this chapter also apply to the
34 issuance of anticipatory warrants by the state under section
35 ~~7B-8~~ 12.26A.

1 Sec. 137. Section 75.8, Code 2001, is amended to read as
2 follows:

3 75.8 SALE OF STATE BONDS.

4 All contracts for the sale of bonds issued by the state
5 shall be subject to the approval of the ~~executive-council~~
6 governor.

7 Sec. 138. Section 86.8, unnumbered paragraph 2, Code 2001,
8 is amended to read as follows:

9 Subject to the approval of the director of the department
10 of workforce development, the commissioner may enter into
11 contracts with any state agency, with or without
12 reimbursement, for the purpose of obtaining the services,
13 facilities, and personnel of the agency and with the consent
14 of any state agency or political subdivision of the state,
15 accept and use the services, facilities, and personnel of the
16 agency or political subdivision, and employ experts and
17 consultants or organizations in order to expeditiously,
18 efficiently, and economically effectuate the purposes of this
19 chapter. ~~The-agreements-under-this-paragraph-are-subject-to~~
20 ~~approval-by-the-executive-council-if-approval-is-required-by~~
21 ~~law.~~

22 Sec. 139. Section 88.2, subsection 4, Code 2001, is
23 amended to read as follows:

24 4. Subject to the approval of the director of the
25 department of workforce development, the labor commissioner
26 may enter into contracts with any state agency, with or
27 without reimbursement, for the purpose of obtaining the
28 services, facilities, and personnel of the agency, and with
29 the consent of any state agency or any political subdivision
30 of the state, accept and use the services, facilities, and
31 personnel of the agency or political subdivision, and employ
32 experts and consultants or organizations, in order to
33 expeditiously, efficiently, and economically effectuate the
34 purposes of this chapter. ~~The-agreements-under-this~~
35 ~~subsection-are-subject-to-approval-of-the-executive-council-if~~

1 ~~approval-is-required-by-law~~

2 Sec. 140. Section 96.13, subsection 3, paragraph c, Code
3 2001, is amended to read as follows:

4 c. The department may appear before the ~~executive-council~~
5 state appeal board and request funds to meet unanticipated
6 emergencies.

7 Sec. 141. Section 97B.7A, subsection 5, as enacted by 2001
8 Iowa Acts, chapter 68, section 11, is amended to read as
9 follows:

10 5. TRAVEL. In the administration of the investment of
11 moneys in the retirement fund, employees of the division and
12 members of the board may travel outside the state for the
13 purpose of meeting with investment firms and consultants and
14 attending conferences and meetings to fulfill their fiduciary
15 responsibilities. ~~This-travel-is-not-subject-to-section~~
16 ~~421-387-subsection-2-~~

17 Sec. 142. Section 123.8, Code 2001, is amended to read as
18 follows:

19 123.8 SURETY BONDS.

20 Each commission member shall post a bond, at the expense of
21 the state, in an amount and with sureties as the ~~executive~~
22 ~~council~~ state appeal board approves, to guarantee to the state
23 the proper handling and accounting of the moneys, merchandise,
24 and other properties as required in the administration of this
25 chapter. The administrator shall secure from all employees of
26 the division holding positions of trust a bond with sureties
27 as the alcoholic beverages commission approves adequate to
28 guarantee to the state the proper handling and accounting of
29 all moneys, merchandise, and other properties.

30 Sec. 143. Section 123.37, unnumbered paragraph 2, Code
31 2001, is amended to read as follows:

32 The administrator may compromise and settle doubtful and
33 disputed claims for taxes imposed under this chapter or for
34 taxes of doubtful collectibility, notwithstanding section 7B-9
35 24A.1. The administrator may enter into informal settlements

1 pursuant to section 17A.10 to compromise and settle doubtful
2 and disputed claims for taxes imposed under this chapter. The
3 administrator may make a claim under a licensee's or
4 permittee's penal bond for taxes of doubtful collectibility.
5 Whenever a compromise or settlement is made, the administrator
6 shall make a complete record of the case showing the tax
7 assessed, reports and audits, if any, the licensee's or
8 permittee's grounds for dispute or contest, together with all
9 evidence of the dispute or contest, and the amounts,
10 conditions, and settlement or compromise of the dispute or
11 contest.

12 Sec. 144. Section 123.57, Code 2001, is amended to read as
13 follows:

14 123.57 EXAMINATION OF ACCOUNTS.

15 The financial condition and transactions of all offices,
16 departments, warehouses, and depots of the division shall be
17 examined at least once each year by the state auditor and at
18 shorter periods if requested by the administrator, or
19 ~~governor, or executive council.~~

20 Sec. 145. Section 135.83, Code Supplement 2001, is amended
21 to read as follows:

22 135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES, STUDIES,
23 AND DATA.

24 In furtherance of the department's responsibilities under
25 sections 135.76 and 135.78, the director may contract with the
26 Iowa hospital association and third-party payers, the Iowa
27 health care facilities association and third-party payers, or
28 the Iowa association of homes for the aging and third-party
29 payers for the establishment of pilot programs dealing with
30 prospective rate review in hospitals or health care
31 facilities, or both. Such contract ~~shall be subject to the~~
32 ~~approval of the executive council~~ and shall provide for an
33 equitable representation of health care providers, third-party
34 payers, and health care consumers in the determination of
35 criterion for rate review. No third-party payer shall be

1 excluded from positive financial incentives based upon volume
2 of gross patient revenues. No state or federal funds
3 appropriated or available to the department shall be used for
4 any such pilot program.

5 Sec. 146. Section 144.2, Code 2001, is amended to read as
6 follows:

7 144.2 DIVISION OF RECORDS AND STATISTICS.

8 There is established in the department a division for
9 records and statistics which shall install, maintain, and
10 operate the system of vital statistics throughout the state.
11 No system for the registration of births, deaths, fetal
12 deaths, adoptions, marriages, dissolutions, and annulments,
13 shall be maintained in the state or any of its political
14 subdivisions other than the one provided for in this chapter.
15 Suitable quarters shall be provided for the division by the
16 ~~executive-council~~ department of administrative services at the
17 seat of government. The quarters shall be properly equipped
18 for the permanent and safe preservation of all official
19 records made and returned under this chapter.

20 Sec. 147. Section 147.102, Code 2001, is amended to read
21 as follows:

22 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

23 Notwithstanding the provisions of this subtitle, every
24 application for a license to practice psychology,
25 chiropractic, or dentistry shall be made directly to the
26 chairperson, executive director, or secretary of the examining
27 board of such profession, and every reciprocal agreement for
28 the recognition of any such license issued in another state
29 shall be negotiated by the examining board for such
30 profession. All examination, license, and renewal fees
31 received from persons licensed to practice any of such
32 professions shall be paid to and collected by the chairperson,
33 executive director, or secretary of the examining board of
34 such profession, who shall transmit the fees to the treasurer
35 of state for deposit into the general fund of the state. The

1 salary of the secretary shall be established by the governor
2 ~~with-the-approval-of-the-executive-council~~ pursuant to section
3 19A.9, subsection 2, under the pay plan for exempt positions
4 in the executive branch of government.

5 Sec. 148. Section 147.103A, subsection 4, Code 2001, is
6 amended to read as follows:

7 4. Applications for a license shall be made to the
8 chairperson, executive director, or secretary of the board.
9 All examination, license, and renewal fees shall be paid to
10 and collected by the chairperson, executive director, or
11 secretary of the board, who shall transmit the fees to the
12 treasurer of state for deposit in the general fund of the
13 state. The salary of the executive director of the board
14 shall be established by the governor ~~with-approval-of-the~~
15 ~~executive-council~~ pursuant to section 19A.9, subsection 2,
16 under the pay plan for exempt positions in the executive
17 branch of government.

18 Sec. 149. Section 152.2, Code 2001, is amended to read as
19 follows:

20 152.2 EXECUTIVE DIRECTOR -- ASSISTANTS.

21 The board shall appoint a full-time executive director. The
22 executive director shall be a registered nurse and shall not
23 be a member of the board. The governor, ~~with-the-approval-of~~
24 ~~the-executive-council~~ pursuant to section 19A.9, subsection 2,
25 under the pay plan for exempt positions in the executive
26 branch of government, shall set the salary of the executive
27 director.

28 Sec. 150. Section 161E.14, unnumbered paragraph 2, Code
29 2001, is amended to read as follows:

30 The county auditor shall certify to the ~~executive-council~~
31 ~~of-the-state~~ department of management the amounts allocated to
32 each school district in the previous year, on January 2 of
33 each year. The remaining ten percent of a payment received by
34 the county treasurer from the federal government, or as much
35 thereof as is deemed necessary by the board of supervisors,

1 shall be allocated to the local fire departments of the
2 unincorporated villages, townships, and cities of the county
3 which are principally affected by the federal flood control
4 project involved, to be paid and prorated among them as
5 determined by the board of supervisors. If the funds prorated
6 to local fire departments in a county are less than ten
7 percent of the total county share of such federal payments for
8 a year, the amount which exceeds the prorations shall revert
9 back to and be divided equally between the secondary road fund
10 and the local school district fund.

11 Sec. 151. Section 163.15, Code 2001, is amended to read as
12 follows:

13 163.15 INDEMNIFYING OWNER.

14 Whenever any animal is found to be infected with one of the
15 contagious diseases enumerated in section 163.2 or one which
16 has been designated by the department thereunder, if there be
17 no other provisions for indemnifying the owner in case the
18 same be condemned and ordered by the department to be killed,
19 and the secretary of agriculture determines that the existence
20 of said communicable disease constitutes a threat to the
21 general welfare or the public health of the inhabitants of the
22 state, the secretary shall formulate a program of eradication
23 including therein the condemnation and killing of the infected
24 animals; provided however, that said program shall not be put
25 into effect as hereinafter provided until the same has been
26 approved by the ~~executive-council~~ governor.

27 Any animal killed under such a program shall be appraised
28 by three competent and disinterested persons, one to be
29 appointed by the state department of agriculture and land
30 stewardship, one by the owner, and the third by the other two,
31 and it shall be their duty to appraise and report their
32 appraisal under oath to the department of agriculture and land
33 stewardship, and they shall receive such compensation and
34 expenses as shall be provided for in the program. Any claim
35 for indemnity filed by the owner of such animal or animals so

1 appraised shall not exceed the amount agreed upon by the
2 majority of the appraisers based on current market prices
3 except in the case of registered purebred stock, then the
4 amount payable for indemnity may exceed market prices by not
5 more than fifty percent less any indemnity which the owner
6 might be allowed from the United States department of
7 agriculture. No indemnity shall be allowed for infected
8 animals if it is determined by the department of agriculture
9 and land stewardship that such animals have been fed raw
10 garbage. Claims for indemnity and those filed by the
11 appraisers for compensation and expenses shall be filed with
12 the secretary of agriculture and submitted by the secretary to
13 the ~~executive-council~~ state appeal board for its approval or
14 disapproval. There is appropriated from any funds in the
15 state treasury not otherwise appropriated sufficient funds to
16 carry out the provisions of this section.

17 Sec. 152. Section 163.51, subsection 4, Code Supplement
18 2001, is amended to read as follows:

19 4. a. To the extent that an animal's owner would not
20 otherwise be compensated, section 163.15 shall apply to the
21 owner's loss of any animal destroyed under this section.

22 b. Upon the request of the ~~executive-council~~ state appeal
23 board, the department shall develop and submit a plan to the
24 ~~executive-council~~ state appeal board that compensates an owner
25 of property, other than an animal, that is inadvertently
26 destroyed by the department as a result of the department's
27 regulation of activities in a quarantined area. The plan
28 shall not be implemented without the approval of at least
29 ~~three~~ two members of the ~~executive-council~~ state appeal board.
30 The payment of the compensation under the plan shall be made
31 in the same manner as provided in section 163.15. The owner
32 may submit a claim for compensation prior to the plan's
33 implementation. The ~~executive-council~~ state appeal board may
34 apply the plan retroactively, but not earlier than June 1,
35 2001.

1 Sec. 153. Section 173.16, unnumbered paragraph 1, Code
2 Supplement 2001, is amended to read as follows:

3 All expenses incurred in maintaining the state fairgrounds
4 and in conducting the annual fair on it, including the
5 compensation and expenses of the officers, members, and
6 employees of the board, shall be recorded by the secretary and
7 paid from the state fair receipts, unless a specific
8 appropriation has been provided for that purpose. The board
9 may request special capital improvement appropriations from
10 the state and may request emergency funding from the ~~executive~~
11 ~~council~~ state appeal board for natural disasters. The board
12 may request that the department of transportation provide
13 maintenance in accordance with section 307A.2, subsection 11.

14 Sec. 154. Section 173.19, Code 2001, is amended to read as
15 follows:

16 173.19 EXAMINATION OF FINANCIAL AFFAIRS.

17 The auditor of state shall annually examine and report to
18 the ~~executive-council~~ governor all financial affairs of the
19 board.

20 Sec. 155. Section 233A.6, Code 2001, is amended to read as
21 follows:

22 233A.6 VISITS.

23 ~~Members-of-the-executive-council, the~~ The governor,
24 lieutenant governor, secretary of state, auditor of state,
25 treasurer of state, secretary of agriculture, attorney
26 general, ~~the lieutenant-governor,~~ members of the general
27 assembly, judges of the supreme and district court and court
28 of appeals, magistrates, county attorneys, and persons
29 ordained or designated as regular leaders of a religious
30 community are authorized to visit the state training school at
31 reasonable times. No other person shall be granted admission
32 except by permission of the superintendent.

33 Sec. 156. Section 257B.6, Code 2001, is amended to read as
34 follows:

35 257B.6 SALE WITHOUT APPRAISEMENT.

1 When the county board of supervisors has once offered for
2 sale school lands held under section 257B.1A in compliance
3 with the requirements of this chapter, and they remain unsold,
4 and it is unable to obtain the appraised value of the lands
5 and, in the opinion of the board, it is for the best interests
6 of the permanent school fund that the lands be sold for a less
7 price, it may instruct the auditor to transmit to the
8 secretary of state a certified copy of its proceedings in
9 relation to the order of sale of the land and subsequent
10 proceedings in relation to the sale, including the action of
11 the township trustees, and the price per acre at which the
12 land had been appraised. The secretary of state shall submit
13 the transcript of the proceedings to the ~~executive-council~~
14 department of education; and if it approves of a sale at a
15 less sum, it shall certify the approval to the auditor of the
16 county from which the transcript came. The certificate shall
17 be recorded in the minute book of the board of supervisors,
18 and the land may again be offered and sold to the highest
19 bidder without again being appraised, after notice given as in
20 case of sales in the first instance.

21 Sec. 157. Section 257B.20, subsection 3, Code Supplement
22 2001, is amended to read as follows:

23 3. In savings accounts or in time deposits in Iowa banks
24 approved as depositories by the ~~executive-council~~ treasurer of
25 state.

26 Sec. 158. Section 262.9, subsection 7, Code Supplement
27 2001, is amended to read as follows:

28 7. With the approval of the ~~executive-council~~ governor,
29 acquire real estate for the proper uses of said institutions,
30 and dispose of real estate belonging to said institutions when
31 not necessary for their purposes. A disposal of such real
32 estate shall be made upon such terms, conditions and
33 consideration as the board may recommend and subject to the
34 approval of the ~~executive-council~~ governor. If real estate
35 subject to sale hereunder has been purchased or acquired from

1 appropriated funds, the proceeds of such sale shall be
2 deposited with the treasurer of state and credited to the
3 general fund of the state. There is hereby appropriated from
4 the general fund of the state a sum equal to the proceeds so
5 deposited and credited to the general fund of the state to the
6 state board of regents which, with the prior approval of the
7 ~~executive-council~~ governor, may be used to purchase other real
8 estate and buildings, and for the construction and alteration
9 of buildings and other capital improvements. All transfers
10 shall be by state patent in the manner provided by law.

11 Sec. 159. Section 262.9, subsection 17, Code Supplement
12 2001, is amended to read as follows:

13 17. In issuing bonds or notes under this chapter, chapter
14 262A, chapter 263A, or other provision of law, select and fix
15 the compensation for, through a competitive selection
16 procedure, attorneys, accountants, financial advisors, banks,
17 underwriters, insurers, and other employees and agents which
18 in the board's judgment are necessary to carry out the board's
19 intention. Prior to the initial selection, the board shall
20 establish a procedure which provides for a fair and open
21 selection process including, but not limited to, the
22 opportunity to present written proposals and personal
23 interviews. The board shall maintain a list of firms which
24 have requested to be notified of requests for proposal. The
25 selection criteria shall take into consideration, but are not
26 limited to, compensation, expenses, experience with similar
27 issues, scheduling, ability to provide the services of
28 individuals with specific knowledge in the relevant subject
29 matter and length of engagement. The board may waive the
30 requirements for a competitive selection procedure for any
31 specific employment upon adoption of a resolution of the board
32 stating why the waiver is in the public interest and shall
33 provide the ~~executive-council~~ governor with written notice of
34 the granting of any such waiver.

35 Sec. 160. Section 262.10, unnumbered paragraph 1, Code

1 2001, is amended to read as follows:

2 No sale or purchase of real estate shall be made save upon
3 the order of the board, made at a regular meeting, or one
4 called for that purpose, and then in such manner and under
5 such terms as the board may prescribe and only with the
6 approval of the ~~executive-council~~ governor. No member of the
7 board or any of its committees, offices or agencies nor any
8 officer of any institution, shall be directly or indirectly
9 interested in such purchase or sale.

10 Sec. 161. Section 262.67, Code 2001, is amended to read as
11 follows:

12 262.67 APPROVAL OF ~~EXECUTIVE-COUNCIL~~ GOVERNOR.

13 With the approval of the ~~executive-council~~ governor, the
14 board is hereby authorized to grant easements for rights of
15 way over, across, and under the surface of public lands under
16 its jurisdiction when in its judgment such easements are
17 desirable and will benefit the state of Iowa.

18 Sec. 162. Section 263B.8, Code 2001, is amended to read as
19 follows:

20 263B.8 CEMETERY FOR ANCIENT REMAINS.

21 The state archaeologist shall establish ~~with the approval~~
22 ~~of the executive-council~~, a cemetery on existing state lands
23 for the reburial of ancient human remains found in the state.
24 The cemetery shall not be open to the public. The state
25 archaeologist in co-operation with the department of natural
26 resources shall be responsible for co-ordinating interment in
27 the cemetery.

28 Sec. 163. Section 297.30, Code 2001, is amended to read as
29 follows:

30 297.30 PUBLIC SALE.

31 If the owner of the tract from which said site was taken
32 fails to pay the amount of such appraisalment to ~~such executive~~
33 ~~council~~ the treasurer of state within thirty days after the
34 filing of the same with the sheriff, the ~~executive-council~~
35 treasurer of state may sell said site or building to any other

1 person at the appraised value, or may sell the same at public
2 sale to the highest bidder and the proceeds of such sale are
3 to be added to the permanent school fund of the state.

4 Sec. 164. Section 303.14, unnumbered paragraph 1, Code
5 2001, is amended to read as follows:

6 After archives have been received by the state archivist,
7 they shall not be removed from the state archivist's custody
8 without the state archivist's consent except in obedience to a
9 subpoena of a court of record ~~or-a-written-order-of-the-state~~
10 ~~executive-council~~.

11 Sec. 165. Section 307.45, unnumbered paragraph 3, Code
12 2001, is amended to read as follows:

13 Assessments against property owned by the state and not
14 under the jurisdiction and control of the department's
15 administrator of highways shall be made in the same manner as
16 those made against private property and payment shall be made
17 by the ~~executive-council~~ state appeal board from any funds of
18 the state not otherwise appropriated.

19 Sec. 166. Section 313A.24, Code 2001, is amended to read
20 as follows:

21 313A.24 SALE OF EXCESS LAND TO POLITICAL SUBDIVISIONS.

22 If the department deems that any land, including
23 improvements thereon, is no longer required for toll bridge
24 purposes and that it is in the public interest, it may
25 negotiate for the sale of such land to the state or to any
26 city, county, or other political subdivision or municipal
27 corporation of the state. The department shall certify the
28 agreement for the sale to the ~~state-executive-council~~
29 department of administrative services, with a description of
30 the land and the terms of the sale and the ~~state-executive~~
31 ~~council~~ department of administrative services may execute the
32 deed and deliver it to the grantee.

33 Sec. 167. Section 313A.26, Code 2001, is amended to read
34 as follows:

35 313A.26 ACCEPTANCE OR REJECTION OF BIDS.

1 The department may reject all such bids if the highest bid
2 does not equal the reasonable fair market value of the real
3 property, plus the value of the improvements thereon, computed
4 on the basis of the reproduction value less depreciation. The
5 department may accept the highest and best bid, and certify
6 the agreement for the sale to the ~~state-executive-council~~
7 department of administrative services, with a description of
8 the land and the terms of the sale and the ~~state-executive~~
9 ~~council~~ department of administrative services shall execute
10 the deed and deliver it to the grantee.

11 Sec. 168. Section 357.27, Code 2001, is amended to read as
12 follows:

13 357.27 PUBLIC PROPERTY IN DISTRICT.

14 Whenever property of the state of Iowa, or any political
15 subdivision thereof, shall be included either wholly or in
16 part within such water district and shall own facilities which
17 may be used as a part of such water system, the ~~executive~~
18 ~~council~~, board of supervisors or city council, as the case may
19 be, may permit such use of said facilities for such
20 consideration and on such terms as may be agreed upon with the
21 board of trustees.

22 Sec. 169. Section 384.56, subsection 1, Code 2001, is
23 amended to read as follows:

24 1. Cities may assess the cost of a public improvement
25 which extends through, abuts upon, or is adjacent to lands
26 owned by the state, and the ~~executive-council~~ state appeal
27 board shall pay the assessable portion of the cost of the
28 improvement through or along the lands as provided. The
29 ~~executive-council~~ state appeal board shall pay assessments as
30 provided in section 307.45.

31 Sec. 170. Section 384.56, subsection 3, Code 2001, is
32 amended to read as follows:

33 3. When any portion of the cost of a public improvement is
34 to be paid by the state under this section, the clerk shall,
35 at the time of publication of the notice required by section

1 384.50, mail a copy of the notice to the ~~secretary-of-the~~
2 ~~executive-council~~ state appeal board.

3 Sec. 171. Section 421.5, Code 2001, is amended to read as
4 follows:

5 421.5 SETTLING DOUBTFUL CLAIMS FOR TAXES.

6 The director may compromise and settle doubtful and
7 disputed claims for taxes or refunds or tax liability of
8 doubtful collectibility notwithstanding the provisions of
9 section ~~7B-9~~ 24A.1. Whenever such a compromise and settlement
10 is made, the director shall make a complete record of the case
11 showing the tax assessed or claimed due, tax refund claimed,
12 recommendations, reports, and audits of departmental personnel
13 if any, the taxpayer's grounds for dispute or contest together
14 with all evidence thereof, and the amounts, conditions, and
15 settlement or compromise of same.

16 Sec. 172. Section 421.38, subsection 2, Code 2001, is
17 amended by striking the subsection.

18 Sec. 173. Section 441.73, Code 2001, is amended to read as
19 follows:

20 441.73 LITIGATION EXPENSE FUND.

21 1. A litigation expense fund is created in the state
22 treasury. The litigation expense fund shall be used for the
23 payment of litigation expenses incurred by the state to defend
24 property valuations established by the director of revenue and
25 finance pursuant to section 428.24 and chapters 430A, 433,
26 434, 436, 437, 437A, and 438, and for the payment of
27 litigation expenses incurred by the state to defend the
28 imposition of replacement taxes and statewide property taxes
29 under chapter 437A.

30 2. If the director of revenue and finance determines that
31 foreseeable litigation expenses will exceed the amount
32 available from appropriations made to the department of
33 revenue and finance, the director of revenue and finance may
34 apply to the ~~executive-council~~ state appeal board for use of
35 funds on deposit in the litigation expense fund. The initial

1 application for approval shall include an estimate of
2 potential litigation expenses, allocated to each of the next
3 four succeeding calendar quarters and substantiated by a
4 breakdown of all anticipated costs for legal counsel, expert
5 witnesses, and other applicable litigation expenses.

6 3. The ~~executive-council~~ state appeal board may approve
7 expenditures from the litigation expense fund on a quarterly
8 basis. Prior to each quarter, the director of revenue and
9 finance shall report to the ~~executive-council~~ state appeal
10 board and give a full accounting of actual litigation expenses
11 to date as well as estimated litigation expenses for the
12 remaining calendar quarters of the fiscal year. The ~~executive~~
13 ~~council~~ state appeal board may adjust quarterly expenditures
14 from the litigation expense fund based on this information.

15 4. The ~~executive-council~~ state appeal board shall transfer
16 ~~for the-fiscal-year-beginning-July-17-1992,-and~~ each fiscal
17 year thereafter, from funds established in sections 405A.8,
18 425.1, and 426.1, an amount necessary to pay litigation
19 expenses. The amount of the fund for each fiscal year shall
20 not exceed seven hundred thousand dollars. The ~~executive~~
21 ~~council~~ state appeal board shall determine annually the
22 proportionate amounts to be transferred from the three
23 separate funds. At any time when no litigation is pending or
24 in progress the balance in the litigation expense fund shall
25 not exceed one hundred thousand dollars. Any excess moneys
26 shall be transferred in a proportionate amount back to the
27 funds from which they were originally transferred.

28 Sec. 174. Section 450.6, unnumbered paragraph 2, Code
29 2001, is amended to read as follows:

30 ~~Upon-the-approval-of-the-executive-council,-the~~ The tax
31 liability of a beneficiary, heir, surviving joint tenant or
32 other transferee may be paid, in lieu of money, in whole or in
33 part by the transfer of real property or tangible personal
34 property to the state or a political subdivision of the state
35 to be used for public purposes. Before the tax liability may

1 be paid by transfer of property to the state, the director of
2 revenue and finance shall approve the transfer. Before the
3 tax liability may be paid by transfer of property to a
4 political subdivision, the governing body of the political
5 subdivision shall ~~also~~ approve the transfer. The property
6 transferred in payment of tax shall have been included in the
7 decedent's gross estate for inheritance tax purposes and its
8 value for the payment of the tax shall be the same as its
9 value for inheritance tax purposes. ~~The acceptance or~~
10 ~~rejection of the property in payment of the tax liability and~~
11 ~~the value of the property shall be certified by the executive~~
12 ~~council to the director of revenue and finance.~~ The
13 acceptance of the property transferred acts as payment and
14 satisfaction of the inheritance tax liability to the extent of
15 the value of the transferred property, but notwithstanding any
16 other provision, the taxpayer is not entitled to a refund if
17 the transferred property has a value in excess of the tax
18 liability.

19 Sec. 175. Section 455A.10, Code 2001, is amended to read
20 as follows:

21 455A.10 STATE FISH AND GAME PROTECTION FUND -- CAPITAL
22 PROJECTS AND CONTINGENCIES.

23 Funds remaining in the state fish and game protection fund
24 during a fiscal year which are not specifically appropriated
25 by the general assembly are appropriated and may be used for
26 capital projects and contingencies under the jurisdiction of
27 the fish and wildlife division arising during the fiscal year.
28 A contingency shall not include any purpose or project which
29 was presented to the general assembly by way of a bill or a
30 proposed bill and which failed to be enacted into law. For
31 the purpose of this section, a necessity of additional
32 operating funds may be construed as a contingency. Before any
33 of the funds authorized to be expended by this section are
34 allocated for contingencies, it shall be determined by the
35 ~~executive council~~ governor that a contingency exists and that

1 the contingency was not existent while the general assembly
2 was in session and that the proposed allocation shall be for
3 the best interests of the state. If a contingency arises or
4 could reasonably be foreseen during the time the general
5 assembly is in session, expenditures for the contingency must
6 be authorized by the general assembly.

7 Sec. 176. Section 455J.2, subsection 5, paragraphs b and
8 c, Code 2001, are amended to read as follows:

9 b. The ~~executive-council~~ state appeal board may allocate
10 moneys from the general fund of the state as provided in
11 section ~~7D-10A~~ 24A.3 in an amount necessary to support the
12 fund, including payment of claims as provided in section
13 455J.5. However, an allocation of moneys from the general
14 fund of the state shall be made only if the amount of moneys
15 in the fund, which are not obligated or encumbered, and not
16 counting the department's estimate of the cost to the fund for
17 pending or unsettled claims and any amount required to be
18 credited to the general fund of the state under this
19 subsection, is less than one million dollars.

20 c. The department shall credit an amount to the general
21 fund of the state which is equal to an amount allocated to the
22 fund by the ~~executive-council~~ state appeal board under
23 paragraph "b". The department shall credit the moneys to the
24 general fund of the state if the moneys in the fund which are
25 not obligated or encumbered, and not counting the department's
26 estimate of the cost to the fund for pending or unsettled
27 claims and any amount required to be transferred to the
28 general fund under this paragraph, are in excess of two
29 million five hundred thousand dollars. The department is not
30 required to credit the total amount to the general fund of the
31 state during any one fiscal year.

32 Sec. 177. Section 458A.21, unnumbered paragraph 1, Code
33 2001, is amended to read as follows:

34 The state, counties and cities and other political
35 subdivisions may lease publicly owned lands under their

1 respective jurisdictions for the purpose of oil or gas or
2 metallic minerals exploration and production. Any such leases
3 shall be entered into on behalf of the state by the ~~executive~~
4 ~~council~~ department of natural resources, on behalf of a county
5 by the board of supervisors, on behalf of a city by the
6 council and on behalf of another political subdivision by the
7 governing body. The leases shall be upon terms and conditions
8 as agreed upon.

9 Sec. 178. Section 461A.14, Code 2001, is amended to read
10 as follows:

11 461A.14 REVERSION OF GIFT.

12 If the lands transferred to the state as a gift, or if
13 lands purchased in whole or in part by the state from moneys
14 given for that purpose, shall be abandoned or sold and not
15 used for state park purposes, the donor shall reclaim the land
16 or funds donated by filing the donor's request in writing with
17 the ~~executive-council~~ department of natural resources within
18 six months of the time of the abandonment or sale by the state
19 of such lands, but no interest or other charge shall be
20 demanded of or paid by the state. Any unclaimed funds shall
21 be used for park purposes.

22 Sec. 179. Section 461A.15, Code 2001, is amended to read
23 as follows:

24 461A.15 USE OF PRIVATE FUNDS.

25 The commission may permit the improvement of parks, when
26 established, or the improvement of bodies of water, upon the
27 border of which such parks may be established, by the
28 expenditure of private funds, such improvement to be done,
29 however, under the direction of the commission, ~~by-and-with~~
30 ~~the-consent-of-the-executive-council~~.

31 Sec. 180. Section 461A.18, Code 2001, is amended to read
32 as follows:

33 461A.18 JURISDICTION.

34 Jurisdiction over all meandered streams and lakes of this
35 state and of state lands bordering thereon, not now used by

1 some other state body for state purposes, is conferred upon
2 the commission. The exercise of this jurisdiction is subject
3 to the approval of the department in matters relating to or in
4 any manner affecting flood control. The commission~~, with the~~
5 ~~approval of the executive council,~~ may establish parts of the
6 property into state parks, and when so established all of the
7 provisions of this chapter relative to public parks apply to
8 the property.

9 Sec. 181. Section 461A.22, Code 2001, is amended to read
10 as follows:

11 461A.22 SURVEYS AND PLATS.

12 All surveys and plats shall be filed with the ~~secretary of~~
13 ~~the executive council~~ department of natural resources, and
14 shall become public records of this state.

15 Sec. 182. Section 461A.25, unnumbered paragraph 1, Code
16 2001, is amended to read as follows:

17 The commission may recommend that the ~~executive council~~
18 department of natural resources lease property under the
19 commission's jurisdiction. All leases shall reserve to the
20 public of the state the right to enter upon the property
21 leased for any lawful purpose. The council may, if it
22 approves the recommendation and the lease to be entered into
23 is for five years or less, execute the lease in behalf of the
24 state and commission. If the recommendation is for a lease in
25 excess of five years, with the exception of agricultural lands
26 specifically dealt with in Article I, section 24, of the
27 Constitution of the State of Iowa, the council shall advertise
28 for bids. If a bid is accepted, the lease shall be let or
29 executed by the council in accordance with the most desirable
30 bid. The lease shall not be executed for a term longer than
31 fifty years. Any such leasehold interest, including any
32 improvements placed on it, shall be listed on the tax rolls as
33 provided in chapters 428 and 443; assessed and valued as
34 provided in chapter 441; taxes shall be levied on it as
35 provided in chapter 444 and collected as provided in chapter

1 445; and the leasehold interest is subject to tax sale,
2 redemption, and apportionment of taxes as provided in chapters
3 446, 447, and 448. The lessee shall discharge and pay all
4 taxes.

5 Sec. 183. Section 461A.31, Code 2001, is amended to read
6 as follows:

7 461A.31 SALE OF ISLANDS.

8 No islands in any of the meandered streams and lakes of
9 this state or in any of the waters bordering upon this state
10 shall hereafter be sold, except with the majority vote ~~of the~~
11 ~~executive-council-upon-the-majority-recommendation~~ of the
12 commission, and in the event any of such islands are sold as
13 herein provided the proceeds thereof shall become a part of
14 the funds to be expended under the terms and provisions of
15 this chapter.

16 Sec. 184. Section 461A.32, unnumbered paragraph 2, Code
17 2001, is amended to read as follows:

18 Upon request by resolution of any city or county or any
19 legal agency thereof, the ~~executive-council~~ commission may
20 ~~upon-majority-recommendation-of-the-commission~~, convey without
21 consideration to such city or county or legal agency thereof,
22 such public lands under the jurisdiction of the commission as
23 in its judgment may be desirable for city or county parks.
24 Conveyance shall be in the name of the state, with the great
25 seal of the state attached and shall contain a provision that
26 when such lands cease to be used as public park by said city
27 or county such lands revert to the state, and such park shall,
28 within one year after such land has reverted to the state, be
29 restored, as nearly as possible, to the condition it was in
30 when acquired by such city, county or legal agency thereof at
31 the expense of such city, county or legal agency.

32 Sec. 185. Section 461A.34, Code 2001, is amended to read
33 as follows:

34 461A.34 POWERS IN MUNICIPALITIES.

35 Municipalities, or individuals, or corporations organized

1 for that purpose only, acting separately or in conjunction
2 with each other, may establish like parks outside the limits
3 of cities, and when established without the support of the
4 public state parks fund, the municipalities, corporations, or
5 persons establishing the same, as the case may be, shall have
6 control thereof ~~independently-of-the-executive-council~~; but
7 none of the said municipalities, individuals, or corporations,
8 acting under the provisions of this section shall establish,
9 maintain or operate any such park as herein contemplated for
10 pecuniary profit.

11 Sec. 186. Section 461A.59, Code 2001, is amended to read
12 as follows:

13 461A.59 POWERS IN MUNICIPALITIES.

14 Municipalities or corporations organized for that purpose
15 only, acting separately or in conjunction with each other in
16 counties not having a county conservation board, may establish
17 water recreational areas and when established without the
18 support of public funds of the state of Iowa, the
19 municipalities or corporations establishing the same, as the
20 case may be, shall have control thereof ~~independently-of-the~~
21 ~~executive-council~~.

22 Sec. 187. Section 461A.75, Code 2001, is amended to read
23 as follows:

24 461A.75 CONDEMNATION OF LAND.

25 Whenever a permit has been granted as provided in section
26 461A.70 and the commission finds that the municipality or
27 corporation owning such permit cannot acquire at a reasonable
28 cost any necessary land or interest therein, the commission,
29 ~~with-the-approval-of-the-executive-council~~, may condemn such
30 land or interest therein as provided in chapter 6B. However,
31 such condemnation shall be limited to land and interests
32 therein which will be permanently subject to and available for
33 free public access and use, as provided in section 461A.71, or
34 which will be required for a dam or other facilities necessary
35 for the water recreational area. All costs of such

1 condemnation, including all costs occasioned by appeal as set
2 out in section 6B.33, and including the award and compensation
3 for such land or interest therein, shall be paid by such
4 municipality or corporation. The commission may permit such
5 municipality or corporation to use such land or interest
6 therein for the purposes of this division, upon such terms,
7 conditions and restrictions as the commission shall determine
8 to be just and proper and for free public access and use.
9 Title to such land or interest therein shall remain in the
10 state of Iowa.

11 Sec. 188. Section 468.43, unnumbered paragraph 4, Code
12 2001, is amended to read as follows:

13 The assessments against lands under the jurisdiction of the
14 department of natural resources shall be paid by the ~~executive~~
15 ~~council~~ state appeal board upon certification of the amount by
16 the county treasurer. There is appropriated from any funds in
17 the general fund of the state not otherwise appropriated
18 amounts sufficient to pay the certified assessments.

19 Sec. 189. Section 468.220, unnumbered paragraph 2, Code
20 2001, is amended to read as follows:

21 In the case of lands lying within the beds of meandered
22 streams and border streams the permission shall be obtained
23 from the natural resource commission of the department of
24 natural resources. In the case of lands that are under the
25 control of no office or agency of the state, then the
26 permission shall be obtained from the ~~executive-council~~
27 department of natural resources.

28 Sec. 190. Section 469A.1, Code 2001, is amended to read as
29 follows:

30 469A.1 CERTIFICATE OF CONVENIENCE AND NECESSITY.

31 It shall be unlawful for any person, firm, association, or
32 corporation to engage in the business of constructing,
33 maintaining, or operating within this state any hydroelectric
34 generating plant or project without first having obtained from
35 the ~~executive-council-of-Iowa~~ utilities board a certificate of

1 convenience and necessity declaring that the public
2 convenience and necessity require such construction,
3 maintenance, or operation.

4 Sec. 191. Section 469A.2, Code 2001, is amended to read as
5 follows:

6 469A.2 PUBLIC HEARING.

7 No certificate of convenience and necessity shall be issued
8 by the ~~executive-council~~ utilities board except after a public
9 hearing thereon. The ~~executive-council~~ utilities board shall,
10 upon the filing of an application for such a certificate, fix
11 the time of the public hearing thereon and shall prescribe the
12 notice which shall be given by the applicant. Any interested
13 person, firm, association, corporation, municipality, state
14 board, or commission may intervene and participate in such
15 proceeding and at such hearing.

16 Sec. 192. Section 469A.3, Code 2001, is amended to read as
17 follows:

18 469A.3 PUBLIC WELFARE PROMOTED.

19 Before the ~~executive-council~~ utilities board shall issue a
20 certificate of convenience and necessity, it shall first be
21 satisfied that the public convenience and necessity will be
22 promoted thereby, that the applicant has the financial ability
23 to carry out the terms and conditions imposed, and the
24 applicant has in writing agreed to accept, abide by and comply
25 with such reasonable terms and conditions as the executive
26 council may require and impose.

27 Sec. 193. Section 469A.4, Code 2001, is amended to read as
28 follows:

29 469A.4 RULES IMPOSED.

30 The ~~executive-council~~ utilities board shall prescribe such
31 rules as it may determine necessary for the administration of
32 the provisions of this chapter and may amend such rules at any
33 time.

34 Sec. 194. Section 469A.5, Code 2001, is amended to read as
35 follows:

1 469A.5 COSTS ADVANCED.

2 The ~~executive-council~~ utilities board shall, upon the
3 filing of an application, require the applicant to deposit
4 with the ~~secretary-of-the-executive-council~~ utilities board
5 such amount as the ~~council~~ utilities board shall determine, to
6 pay the expenses to be incurred by the ~~executive-council~~
7 utilities board in its investigations and in conducting the
8 proceedings, and the ~~executive-council~~ utilities board may,
9 from time to time as it deems necessary, require the deposit
10 of additional amounts for such purpose.

11 Sec. 195. Section 469A.6, Code 2001, is amended to read as
12 follows:

13 469A.6 AMENDMENT OR REVOCATION.

14 The ~~executive-council~~ utilities board may at any time for
15 just cause or upon the failure of the applicant to comply with
16 and to obey the terms and conditions attached to the issuance
17 of any certificate, or when the public convenience and
18 necessity demands, alter, amend, or revoke any certificate
19 issued under the provisions of this chapter.

20 Sec. 196. Section 469A.8, Code 2001, is amended to read as
21 follows:

22 469A.8 UNLAWFUL COMBINATION -- RECEIVERSHIP.

23 The state may take possession of a dam for which a permit
24 has been issued under section 455B.275 through receivership
25 proceedings, if the dam becomes owned, leased, trusteeed,
26 possessed, or controlled by a person in a manner constituting
27 an unlawful combination or trust, or if the dam is the subject
28 or part of the subject of an agreement to limit the output of
29 hydraulic or hydroelectric power derived from the dam for the
30 purpose of price fixing. The receivership proceedings must be
31 instituted by the ~~executive-council~~ utilities board, and shall
32 be conducted for the purpose of disposing of the dam for a
33 lawful use. The proceeds from the disposition shall be used
34 to reimburse the state for expenses incurred in the
35 receivership. The remaining proceeds shall be awarded to

1 persons found by the court to be entitled to the proceeds.

2 Sec. 197. Section 470.3, subsection 2, Code 2001, is
3 amended to read as follows:

4 2. A public agency or a person preparing a life cycle cost
5 analysis for a public agency shall consider the methods and
6 analytical models provided by the department and available
7 through the commissioner, which are suited to the purpose for
8 which the project is intended. Within sixty days of final
9 selection of a design architect or engineer, a public agency,
10 which is also a state agency under section ~~7B-34~~ 8A.106, shall
11 notify the commissioner and the department of the methodology
12 to be used to perform the life cycle cost analysis, on forms
13 provided by the department.

14 Sec. 198. Section 470.7, Code 2001, is amended to read as
15 follows:

16 470.7 LIFE CYCLE COST ANALYSIS -- APPROVAL.

17 The public agency responsible for the new construction or
18 renovation of a public facility shall submit a copy of the
19 life cycle cost analysis for review by the commissioner who
20 shall consult with the department. If the public agency is
21 also a state agency under section ~~7B-34~~ 8A.106, comments by
22 the department or the commissioner, including any
23 recommendation for changes in the analysis, shall, within
24 thirty days of receipt of the analysis, be forwarded in
25 writing to the public agency. If either the department or the
26 commissioner disagrees with any aspects of the life cycle cost
27 analysis, the public agency affected shall timely respond in
28 writing to the commissioner and the department. The response
29 shall indicate whether the agency intends to implement the
30 recommendations and, if the agency does not intend to
31 implement them, the public agency shall present its reasons.
32 The reasons may include, but are not limited to, a description
33 of the purpose of the facility or renovation, preservation of
34 historical architectural features, architectural and site
35 considerations, and health and safety concerns.

1 Within thirty days of receipt of the response of the public
2 agency affected, the department, the commissioner, or both,
3 shall notify in writing the public agency affected of the
4 department's, the commissioner's, or both's agreement or
5 disagreement with the response. In the event of a
6 disagreement, the department, the commissioner, or both, shall
7 at the same time transmit the notification of disagreement
8 with response and related papers to the executive-council
9 department of administrative services for resolution pursuant
10 to section ~~7B-34~~ 8A.106. The life cycle cost analysis
11 process, including submittal and approval, and implementation
12 exemption requests pursuant to section 470.8, shall be
13 completed prior to the letting of contracts for the
14 construction or renovation of a facility.

15 Sec. 199. Section 473.12, subsection 2, Code 2001, is
16 amended to read as follows:

17 2. The department may, pursuant to section ~~7B-34~~ 8A.106,
18 reduce the cost of financing for implementation of the energy
19 conservation measures identified, through funds deposited in
20 the state of Iowa facilities improvement corporation
21 established by the department. In order for the state board
22 of regents to receive financing under section ~~7B-34~~ 8A.106,
23 the department shall require completion of an energy
24 management plan, including an energy audit and a comprehensive
25 engineering analysis.

26 Sec. 200. Section 473.13, subsection 2, Code 2001, is
27 amended to read as follows:

28 2. The department may, pursuant to section ~~7B-34~~ 8A.106,
29 reduce the cost of financing for implementation of the energy
30 conservation measures identified, through funds deposited in
31 the state of Iowa facilities improvement corporation
32 established by the department. In order for the state
33 department of transportation to receive financing, the
34 department shall require completion of an energy management
35 plan, including an energy audit and a comprehensive

1 engineering analysis.

2 Sec. 201. Section 491.10, Code 2001, is amended to read as
3 follows:

4 491.10 INTERPRETATIVE CLAUSE.

5 Nothing in sections 491.5 to ~~491.9~~ 491.8 shall be construed
6 as repealing or modifying any statute now in force in respect
7 to the approval of articles of incorporation relating to
8 insurance companies, building and loan associations, or
9 investment companies.

10 Sec. 202. Section 491.107, unnumbered paragraph 2, Code
11 2001, is amended to read as follows:

12 The procedure set forth in sections 491.6 to ~~491.9~~ 491.8 of
13 this chapter shall be applicable to the filing of articles of
14 consolidation or merger.

15 Sec. 203. Section 492.2, Code 2001, is amended to read as
16 follows:

17 492.2 EFFECT OF VIOLATION.

18 Any certificate of stock issued, delivered, or transferred
19 in violation of section 492.1 when the corporation has not
20 received payment therefor at par in money or property at a
21 valuation approved by the ~~executive-council~~ treasurer of
22 state, shall be void, and the issuance, delivery, or transfer
23 of each certificate shall be considered a separate
24 transaction.

25 Sec. 204. Section 492.6, unnumbered paragraph 1, Code
26 2001, is amended to read as follows:

27 If it is proposed to pay for said capital stock in property
28 or in any other thing than money, the corporation proposing
29 the same must, before issuing capital stock in any form, apply
30 to the ~~executive-council~~ treasurer of the state for leave so
31 to do. Such application shall state the amount of capital
32 stock proposed to be issued for a consideration other than
33 money, and set forth specifically the property or other thing
34 to be received in payment for such stock, providing that the
35 foregoing provision shall not apply to trust companies or

1 insurance companies organized under the laws of this state.

2 Sec. 205. Section 492.7, Code 2001, is amended to read as
3 follows:

4 492.7 ~~EXECUTIVE-COUNCIL~~ TREASURER TO FIX AMOUNT.

5 The ~~executive-council~~ treasurer of state or the
6 commissioner of insurance as the case may be, shall make
7 investigation, under such rules as it may prescribe, and
8 ascertain the real value of the property or other thing which
9 the corporation is to receive for the stock. It shall enter
10 its finding, fixing the value at which the corporation may
11 receive the same in payment for capital stock; and no
12 corporation shall issue capital stock for the said property or
13 thing in a greater amount than the value so fixed.

14 Sec. 206. Section 497.13, Code 2001, is amended to read as
15 follows:

16 497.13 ISSUE OF SHARES AS PAYMENT.

17 Whenever an association created under this chapter shall
18 purchase the business of another association, person, or
19 persons, it may pay for the same in whole or in part by
20 issuing to the selling association or person shares of its
21 capital stock to an amount, which at fair market value as
22 determined by the ~~executive-council~~ treasurer of state, would
23 equal the fair market value of the business so purchased as
24 determined by the ~~executive-council~~ treasurer of state as in
25 cases of other corporations.

26 Sec. 207. Section 509A.5, unnumbered paragraph 2, Code
27 2001, is amended to read as follows:

28 Any interest earnings from investments or time deposits of
29 the funds under the control of the ~~state-executive-council~~
30 governor shall be deposited to the credit of these funds.

31 Sec. 208. Section 509A.11, subsection 1, Code 2001, is
32 amended to read as follows:

33 1. "Governing body" means the ~~executive-council-of-the~~
34 state governor, the school boards of school districts, and the
35 superintendent or other person in charge of an institution

1 supported in whole or in part by public funds.

2 Sec. 209. Section 534.515, subsection 2, Code 2001, is
3 amended to read as follows:

4 2. STATEMENT OF RESOURCES, LIABILITIES, AND PLAN. Every
5 such unincorporated organization, association, society,
6 partnership, or individual conducting and carrying on the
7 business defined in this section shall, before transacting any
8 business in this state, submit to the ~~executive-council~~
9 superintendent a full and complete sworn statement of the
10 resources and liabilities of such organization, association,
11 society, partnership, or individual, and of the proposed plan
12 or method of doing business.

13 Sec. 210. Section 534.515, subsection 6, Code 2001, is
14 amended to read as follows:

15 6. APPROVAL -- CERTIFICATE OF AUTHORITY. If the ~~executive~~
16 ~~council~~ superintendent approves the plan or method of business
17 of such a building and loan association, it shall endorse its
18 approval upon the statement of the resources and liabilities
19 and plan of business presented to it, and the statement shall
20 be filed in the office of the superintendent, who shall issue
21 a certificate to the building and loan association to transact
22 business within the state, if the association has deposited
23 with the superintendent the mortgages and securities required
24 by the other provisions of this chapter.

25 Sec. 211. Section 534.515, subsection 13, Code 2001, is
26 amended to read as follows:

27 13. REVOCATION OF CERTIFICATE -- RECEIVER. If any such
28 building and loan association holding a certificate of
29 authority to transact business within this state issued by the
30 superintendent as provided in this chapter, shall violate any
31 of the provisions of this chapter, or shall fail to deposit
32 with the superintendent such further amount of mortgages or
33 securities as the superintendent may require under this
34 chapter, the superintendent shall at once revoke the
35 certificate and notify the ~~executive-council~~ superintendent of

1 its revocation; and under the direction of the executive
2 council superintendent, application shall be made by the
3 attorney general to the proper court for the appointment of a
4 receiver to wind up the affairs of the association. In the
5 proceedings the amount due from the borrowing members or
6 persons making periodical payments upon contracts or mortgages
7 given by them shall be ascertained in the manner provided in
8 section 534.405; and the amount owing upon mortgages or
9 contracts from members of the association or persons making
10 periodical payments to it, shall be treated and considered as
11 due and payable within a reasonable time, to be fixed by the
12 court after the appointment of a receiver.

13 Sec. 212. Section 568.8, Code 2001, is amended to read as
14 follows:

15 568.8 CONTRACT FOR SURVEY.

16 The secretary of state shall make a contract with some
17 surveyor for making such survey; the surveyor to furnish all
18 the chainpersons and other attendants and pay all necessary
19 expenses, ~~which contract before it becomes binding shall be~~
20 ~~submitted to and approved by the executive council.~~

21 Sec. 213. Section 568.11, Code 2001, is amended to read as
22 follows:

23 568.11 LEASE AUTHORIZED -- LANDS READVERTISED -- SALE.

24 If no application is filed for the purchase of the land
25 within the sixty-day period by a bona fide occupant, and if no
26 bids are received for the purchase thereof, on or before the
27 date of the sale as advertised, then the secretary of state is
28 authorized to lease the land for a period of from one to five
29 years, upon as favorable terms as the secretary can obtain.
30 At the expiration of such lease the secretary shall
31 readvertise the land for sale in the manner provided in
32 section 568.10. If no bids for the purchase of the land are
33 received on the date of the second advertised sale, then the
34 secretary of state ~~shall submit the matter to the executive~~
35 ~~council, and they~~ may either order the land reappraised in the

1 manner provided in section 568.7, and then advertised and sold
2 in the manner provided in section 568.10, or if ~~they-deem~~ the
3 secretary deems it advisable, ~~they-may-authorize~~ the secretary
4 of state ~~to may~~ sell the land for less than the appraised
5 value. In such event the secretary of state shall readvertise
6 the land for sale in the manner provided in section 568.10,
7 and such advertisement shall also state that the land will be
8 sold to the highest bidder without restrictions as to the
9 appraised value.

10 Sec. 214. Section 568.14, Code 2001, is amended to read as
11 follows:

12 568.14 BOUNDARY COMMISSION.

13 If in any proceeding contemplated by the provisions of this
14 chapter, it shall become necessary to determine the boundary
15 line between this state and either of the states adjoining,
16 the matter shall then be at once referred to the ~~executive~~
17 ~~council~~ governor, who shall thereupon proceed to confer with
18 the proper authority of such adjoining state, and if the co-
19 operation of the proper authority of such adjoining state
20 shall be obtained, then the ~~executive-council~~ governor shall
21 appoint a commission of three disinterested, competent
22 persons, who shall, in conjunction with the parties acting for
23 such adjoining state, have authority to ascertain and locate
24 the true boundary line between this state and such adjoining
25 state, so far as the particular land under consideration at
26 the time is concerned. The report of the commissioners with a
27 statement of their findings shall be submitted to the
28 ~~executive-council~~ governor, who shall file the same with the
29 clerk of the state land office in the office of the secretary
30 of state. The line so ascertained and located shall
31 constitute the true and permanent boundary line between this
32 state and such other state to the extent such line shall be so
33 ascertainable and located.

34 Sec. 215. Section 568.16, Code 2001, is amended to read as
35 follows:

1 568.16 PURCHASE MONEY REFUNDED.
2 If the grantee of the state, or the grantee's successors,
3 administrators, or assigns, shall be deprived of the land
4 conveyed by the state under this chapter by the final decree
5 of a court of record for the reason that the conveyance by the
6 state passed no title whatever to the land therein described,
7 because title thereto had previously for any reason been
8 vested in others, then the money so paid the state for the
9 said land shall be refunded by the state to the person or
10 persons entitled thereto, provided the said grantee, or the
11 grantee's successors, administrators, or assigns, shall file a
12 certified copy of the transcript of the said final decree with
13 the ~~executive-council~~ state appeal board within one year from
14 the date of the issuance of such decree, and shall also file
15 satisfactory proof with the ~~executive-council~~ state appeal
16 board that the action over the title to the land was commenced
17 within ten years from the date of the issuance of patent or
18 deed by the state. The amount of money to be refunded under
19 the provisions of this section shall be certified by the
20 ~~executive-council~~ state appeal board to the director of
21 ~~revenue-and-finance~~ the department of administrative services,
22 who shall draw a warrant therefor, and the same shall be paid
23 out of the general fund.

24 Sec. 216. Section 568.18, Code 2001, is amended to read as
25 follows:

26 568.18 GOOD FAITH POSSESSION -- PREFERENCE.
27 If any lands in the present or in any former channel of any
28 navigable river, or island therein, or any lands formed by
29 accretion or avulsion in consequence of the changes of the
30 channel of any such river, have been for ten years or more in
31 the possession of any person, company, or corporation, or of
32 its grantors or predecessors in interest under a bona fide
33 claim of ownership, and the person, company or corporation so
34 in possession, or its grantors or predecessors in interest,
35 have paid state or county taxes upon said lands for a period

1 of five years, and have in good faith and under bona fide
2 claim of title made valuable improvements thereon, and also in
3 any other case where, in the judgment of the ~~executive-council~~
4 department of natural resources, the person in possession of
5 any land subject to the provisions of this chapter, has, in
6 equity and good conscience, a substantial interest therein,
7 then the said lands shall be sold to the person, company, or
8 corporation so in possession thereof as hereinafter provided.

9 Sec. 217. Section 568.19, Code 2001, is amended to read as
10 follows:

11 568.19 NOTICE -- ACTION TO DETERMINE TITLE AND VALUE --
12 PATENT.

13 When any person, company, or corporation so in possession
14 of any such lands shall give to the secretary of state written
15 notice of its claim, or whenever the ~~executive-council~~
16 department of natural resources shall deem it advisable, it
17 shall be the duty of the attorney general to bring an action
18 in equity, in the district court of the county in which said
19 lands are situated, against the party in possession thereof to
20 determine the title of the state to such lands, and the value
21 thereof, exclusive of improvements made thereon by the
22 occupant or by its grantors or predecessors in interest. If
23 the person, company, or corporation in possession of such land
24 shall, after the court has determined the value thereof as
25 herein provided, tender to the secretary of state the amount
26 adjudged to be the value of said lands, exclusive of
27 improvements made thereon by the occupant or by its grantors
28 or predecessors in interest, a deed or patent of such land
29 shall be executed by the governor, attested by the secretary
30 of state, and delivered to the person, company, or corporation
31 making such tender, as provided by law. If the person,
32 company, or corporation so in possession shall fail to pay to
33 the state the amount so adjudged within six months after the
34 final determination of the action so brought by the state,
35 then said lands shall be subject to the other provisions of

1 this chapter.

2 Sec. 218. Section 568.21, Code 2001, is amended to read as
3 follows:

4 568.21 SALE OR LEASE AUTHORIZED.

5 The ~~executive-council-of-the-state~~ department of natural
6 resources is hereby authorized and empowered to sell, convey,
7 lease, or demise any of the islands belonging to the state
8 which are within the meandered banks of rivers in the state,
9 and to execute and deliver a patent or lease thereof. Nothing
10 in this and sections 568.22 to 568.25 shall be construed to
11 apply to islands in the Mississippi or Missouri rivers.

12 Sec. 219. Section 568.22, Code 2001, is amended to read as
13 follows:

14 568.22 SURVEY -- APPRAISEMENT -- SALE.

15 Before a sale of any island is made under the provisions of
16 section 568.21, the ~~executive-council~~ department of natural
17 resources shall cause a survey and plat of such island to be
18 made, showing its location and area, and the plat and notes of
19 such survey shall be filed with the secretary of state. The
20 land composing the island shall then be appraised by a
21 commission appointed by the governor, consisting of three
22 disinterested freeholders of the state, who shall report their
23 appraisement to the ~~executive-council~~ department of natural
24 resources. The sale of the island shall then be advertised
25 once each week for four consecutive weeks in some newspaper of
26 general circulation published in the county where the island
27 is located, and proof of such publication filed with the
28 ~~executive-council~~ department of natural resources. The sale
29 shall be made upon written bids addressed to the ~~executive~~
30 ~~council-of-the-state~~ department of natural resources, and the
31 advertisement shall fix the time when such bids will be
32 received and opened. All bids shall be opened by the
33 ~~executive-council~~ department of natural resources at the time
34 fixed, and the island may thereupon be sold to the highest
35 bidder and at not less than its appraised value.

1 Sec. 220. Section 568.23, Code 2001, is amended to read as
2 follows:

3 568.23 LEASE.

4 If it shall be deemed expedient to lease any such island, a
5 lease thereof may be made upon written bids addressed to the
6 ~~executive-council~~ department of natural resources, and the
7 island proposed to be leased shall be surveyed and platted,
8 and notice of the leasing thereof and of the receiving and
9 opening of bids shall be published, in the manner provided in
10 section 568.22, but no appraisement shall be necessary. Upon
11 the opening of the bids received by the ~~executive-council~~
12 department of natural resources it may make a lease of such
13 island to the highest bidder for such term as is deemed
14 advisable.

15 Sec. 221. Section 568.24, Code 2001, is amended to read as
16 follows:

17 568.24 SALES AND LEASES FOR CASH -- EXPENSES.

18 All sales and leases must be for cash, and the money
19 received therefor shall be paid into the state treasury. All
20 expenses incurred in making the survey, plat, appraisement,
21 sale, or lease of any such island shall be certified by the
22 ~~executive-council~~ department of natural resources to the
23 director of revenue and finance, who shall draw a warrant upon
24 the state treasury for the amount, and the same shall be paid
25 from the general fund.

26 Sec. 222. Section 568.25, Code 2001, is amended to read as
27 follows:

28 568.25 PATENT OR LEASE.

29 When any sale or lease of any island belonging to the state
30 is made by the ~~executive-council~~ department of natural
31 resources as herein provided, the governor shall execute and
32 deliver to the purchaser or lessee a patent or a lease
33 thereof, as the case may be, duly attested by the seal of the
34 state.

35 Sec. 223. Section 569.5, Code 2001, is amended to read as

1 follows:

2 569.5 MANAGEMENT.

3 When the title to real estate becomes vested in the state,
4 or in a county or municipality under this chapter, or by
5 conveyance under the statutes relating to taxation, the
6 ~~executive-council~~ department of administrative services, board
7 of supervisors, or other governing body, as the case may be,
8 shall manage, control, protect by insurance, lease, or sell
9 said real estate on such terms, conditions, or security as
10 said governing body may deem best.

11 Sec. 224. Section 602.10133, Code 2001, is amended to read
12 as follows:

13 602.10133 COSTS AND EXPENSES.

14 The court costs incident to such proceedings, and the
15 reasonable expense of said judges in attending said hearing
16 after being approved by the supreme court shall be paid as
17 court costs by the ~~executive-council~~ state appeal board.

18 Sec. 225. Section 663.44, unnumbered paragraph 2, Code
19 2001, is amended to read as follows:

20 However, where the plaintiff is confined in any state
21 institution, and is discharged in habeas corpus proceedings,
22 or where the habeas corpus proceedings fail and costs and fees
23 cannot be collected from the person liable to pay the same,
24 such costs and fees shall be paid by the county in which such
25 state institution is located. The facts of such payment and
26 the proceedings on which it is based, with a statement of the
27 amount of fees or costs incurred, with approval in writing by
28 the presiding judge appended to such statement or endorsed
29 thereon, shall then be certified by the clerk of the district
30 court under the seal of office to the state ~~executive-council~~
31 appeal board. The ~~executive-council~~ state appeal board shall
32 then review the proceedings and authorize reimbursement for
33 all such fees and costs or such part thereof as the ~~executive~~
34 ~~council~~ state appeal board shall find justified, and shall
35 notify the director of revenue and finance to draw a warrant

1 to such county treasurer on the state general fund for the
2 amount authorized. The costs and fees referred to above shall
3 include any award of fees made to a court appointed attorney
4 representing an indigent party bringing the habeas corpus
5 action.

6 Sec. 226. Section 668A.1, subsection 2, paragraph b, Code
7 2001, is amended to read as follows:

8 b. If the answer or finding pursuant to subsection 1,
9 paragraph "b", is negative, after payment of all applicable
10 costs and fees, an amount not to exceed twenty-five percent of
11 the punitive or exemplary damages awarded may be ordered paid
12 to the claimant, with the remainder of the award to be ordered
13 paid into a civil reparations trust fund administered by the
14 state court administrator. Funds placed in the civil
15 reparations trust shall be under the control and supervision
16 of the ~~executive-council~~ attorney general's office, and shall
17 be disbursed only for purposes of indigent civil litigation
18 programs or insurance assistance programs.

19 Sec. 227. Section 693.1, Code 2001, is amended to read as
20 follows:

21 693.1 CONTRACT AUTHORIZED.

22 The commissioner of public safety may enter into such
23 contracts as the commissioner may deem necessary for the
24 purpose of utilizing a special radio broadcasting system for
25 law enforcement and police work and for direct and rapid
26 communication with the various peace officers of the state.
27 The said commissioner shall be empowered, subject to the
28 approval of the governor ~~and-executive-council~~, to equip
29 divisional headquarters, cars, and motorcycles in the
30 department with radio sending or receiving apparatus or both.

31 Sec. 228. Section 904.512, Code 2001, is amended to read
32 as follows:

33 904.512 VISITS.

34 ~~Members-of-the-executive-council, the~~ The governor,
35 lieutenant governor, secretary of state, auditor of state,

1 treasurer of state, secretary of agriculture, attorney
2 general, ~~the lieutenant-governor,~~ members of the general
3 assembly, judges of the supreme and district court and court
4 of appeals, judicial magistrates, county attorneys and persons
5 ordained or designated as regular leaders of a religious
6 community are authorized to visit all institutions under the
7 control of the Iowa department of corrections at reasonable
8 times. No other person shall be granted admission except by
9 permission of the superintendent.

10 Sec. 229. Section 904.808, subsection 1, paragraph b, Code
11 2001, is amended to read as follows:

12 b. When the state director releases, in writing, the
13 obligation of the department or agency to purchase the product
14 from Iowa state industries, after determining that Iowa state
15 industries is unable to meet the performance characteristics
16 of the purchase request for the product, and a copy of the
17 release is attached to the request to the director of revenue
18 and finance for payment for a similar product, or when Iowa
19 state industries is unable to furnish needed products,
20 comparable in both quality and price to those available from
21 alternative sources, within a reasonable length of time. Any
22 disputes arising between a purchasing department or agency and
23 Iowa state industries regarding similarity of products, or
24 comparability of quality or price, or the availability of the
25 product, shall be referred to the ~~director~~ administrator of
26 the ~~department-of-general-services~~ physical resources division
27 of the department of administrative services, whose decision
28 shall be subject to appeal as provided in section 18.7.
29 However, if the purchasing department is the department of
30 ~~general~~ administrative services, any matter which would be
31 referred to the director under this paragraph shall be
32 referred to the ~~executive-council~~ department of management in
33 the same manner as if the matter were to be heard by the
34 ~~director~~ administrator of the ~~department-of~~ general services
35 division. The decision of the ~~executive-council~~ department of

1 management is final.

2 Sec. 230. Chapter 7D, Code 2001, is repealed.

3 Sec. 231. Chapter 15C, Code 2001, is repealed.

4 Sec. 232. Section 66.26, Code 2001, is repealed.

5 Sec. 233. Section 66.27, Code 2001, is repealed.

6 Sec. 234. Section 217.20, Code 2001, is repealed.

7 Sec. 235. Section 491.9, Code 2001, is repealed.

8 Sec. 236. Section 904.114, Code 2001, is repealed.

9

EXPLANATION

10 This bill provides for the reorganization of several
11 departments of state government by establishing a new
12 department of administrative services and provides for the
13 repeal of the executive council and the transfer or
14 elimination of the duties of the executive council.

15 The bill creates a new department of administrative
16 services. The bill provides that the purpose of the new
17 department is to manage and coordinate the major resources of
18 state government including the personnel, financial, physical,
19 and information assets of state government.

20 The new department consists of four divisions, three of
21 which correspond to current state departments. The current
22 departments of personnel, information technology, and general
23 services are reorganized into divisions within the new
24 department. The division for personnel is renamed the human
25 resources division and the division for general services is
26 renamed the physical resources division. In addition, a
27 division of financial administration is created and given
28 certain duties currently performed by the department of
29 revenue and finance.

30 The bill provides that the current directors of the
31 departments of personnel, information technology, and general
32 services are no longer appointed by the governor but are
33 appointed by the director of the new department.

34 In regards to the information technology division, the bill
35 provides that the department of administrative services will

1 determine the division's budget recommendation and legislative
2 proposals. Currently, the information technology council has
3 the authority to recommend a budget and legislative proposals.
4 In addition, the bill eliminates the current divisions within
5 the information technology department.

6 The new financial administration division is given many of
7 the duties previously transferred to the department of revenue
8 and finance when the state comptroller position was
9 eliminated. Other duties currently performed by the
10 department of revenue and finance are also transferred to the
11 new division. The bill provides that the new division assumes
12 the accounting functions transferred to the department of
13 revenue and finance from the state comptroller's office in
14 legislation enacted in 1986 and provides that the division is
15 responsible for establishing setoff procedures concerning
16 certain liabilities owed the state. The bill also provides
17 that the current duties of the department of revenue and
18 finance under current Code sections 421.31 through 421.45 are
19 transferred to the new division. Of the duties transferred,
20 many include the responsibility for the collection and payment
21 of moneys into and from the treasury such as the payment of
22 warrants. In addition, current Code references to the
23 responsibility of the director of revenue and finance to
24 provide for warrants is changed to the director of the new
25 department in this bill.

26 The bill also provides that rules adopted, or licenses or
27 permits issued, by state agencies that are altered, merged, or
28 dissolved by this bill remain in effect until the successor
29 state agency amends, repeals, or supplements them. The bill
30 also provides for the updating of the Iowa administrative code
31 based upon the restructuring provided in the bill.

32 The bill also repeals Code chapter 7D, which establishes
33 the executive council. In addition, Code chapter 15C,
34 concerning the world trade center, is also repealed. The
35 executive council currently consists of the governor,

1 secretary of state, auditor of state, treasurer of state, and
2 the secretary of agriculture. Of the duties performed by the
3 executive council, some duties are eliminated while other
4 duties are transferred to other state departments or
5 constitutional officers. The applicable Code section or
6 chapter is referenced in parentheses.

7 The bill repeals and eliminates the following duties,
8 powers, and responsibilities of the executive council: the
9 ability to designate additional paid holidays for state
10 employees (1C.2), the report for the official register (7D.6),
11 the receipt of the report of unexpended balances on special
12 work (7D.11), the notice to transfer balance regarding special
13 funds (7D.12), the order and duty to transfer the balance in
14 special funds to the general fund (7D.13, 7D.14), the creation
15 of the public policy research foundation (7D.15), the ability
16 to employ others for the performance of duty (7D.29, 7D.30),
17 the state employee suggestion system (70.33), and the ability
18 to remove any appointive state officer from office for bad
19 conduct (66.26, 66.27). In addition, the bill eliminates the
20 requirement that executive council authority is needed for the
21 auditor to employ accountants (11.32), to distribute old Iowa
22 Codes (18.95), to contract for workers' compensation services
23 (19A.32), for the workers' compensation commissioner to enter
24 into certain contracts (86.8), to set the salary of certain
25 licensing board secretaries and directors (147.102, 147.103A,
26 152.2), to permit certain out-of-state travel (217.20,
27 421.38), and to approve the sale of park lands or islands by
28 the natural resource commission (461A). The bill also
29 eliminates the ability of the executive council to review the
30 decision of the administrator of the physical resources
31 division granting a state agency request for direct purchasing
32 (18.6), or to review the decision of the administrator of the
33 physical resources division resolving a dispute involving
34 purchasing from Iowa state industries.

35 The following duties, powers, and responsibilities of the

1 executive council are transferred to the governor: the
2 responsibility for establishing the state employee deferred
3 compensation plan, the ability to employ special counsel in
4 lieu of the attorney general (13.3, 13.7), the ability to
5 authorize indebtedness for state institutions (72.2), the
6 approval of all contracts for the sale of bonds issued by the
7 state (75.8), the review of certain purchasing authority by
8 the state board of regents (262), expending money from the
9 fish and game protection fund for contingencies (455A.10), and
10 certain boundary commission proceedings (568.14).

11 The following duties, powers, and responsibilities of the
12 executive council are transferred to the treasurer: the
13 ability to issue state warrants in anticipation of revenues
14 (new 12.26A from 7D.8), the public sale of mining camp schools
15 (297.30), and ascertaining the value of certain securities
16 (492, 497.13).

17 The following duties, powers, and responsibilities of the
18 executive council are transferred to the superintendent of
19 savings and loan associations: duties concerning
20 unincorporated associations (534.515).

21 The following duties, powers, and responsibilities of the
22 executive council are transferred to the attorney general's
23 office: the control and supervision of the civil reparations
24 trust (668A.1).

25 The following duties, powers, and responsibilities of the
26 executive council are transferred to the state appeal board
27 (the board consists of the director of the department of
28 management, the auditor of state, and the treasurer of state):
29 the ability to compromise certain claims (current 7D.9, now
30 24A.1), the payment of court costs (current 7D.10, now 24A.2,
31 602.10133, 663.44), allocation to the manure storage indemnity
32 fund (current 7D.10A, now 24A.3, 455J.2), authorize
33 expenditures from unappropriated funds for certain leases and
34 contracts by the administrator of the division of general
35 services (18.12), payment from a contingent fund for disasters

1 (29A.27, 29C.20), approve requests for funds to meet
2 emergencies relating to the special employment security
3 contingency fund (96.13), approve expenditures for the payment
4 to an owner of a killed animal (163.15, 163.51), approve
5 emergency funding for state fair maintenance for a natural
6 disaster (173.16), approve the payment of money to a city or
7 county for the cost of a public improvement which affects
8 state lands (384.56, 468.43), approve the use by the director
9 of revenue and finance of moneys in the litigation expense
10 fund (441.73), and the refund of moneys relating to islands
11 and abandoned river channels (568.16).

12 The following duties, powers, and responsibilities of the
13 executive council are transferred to the new department of
14 administrative services: certain eminent domain authority
15 (6A.1, 6A.2), the inventory of state property (7A.30), the
16 energy conservation lease-purchase program (current 7D.34, now
17 8A.106, 470.7), the authority to resolve disputes between the
18 department of natural resources and the state building code
19 commissioner (current 7D.35, now 8A.107), review of revolving
20 fund administrative costs (18.9), determining the status of
21 employees in regards to the interchange of federal, state, and
22 local government employees (28D.6), the sale of lands not
23 needed for an armory (29A.57), providing suitable quarters for
24 the division of records and statistics (144.2), to execute the
25 deeds for the sale of land no longer needed for toll bridges
26 by the state department of transportation (313A.24, 313A.26),
27 and the authority to manage property that comes under the
28 control of the state under Iowa Code chapter 569.

29 The following duties, powers, and responsibilities of the
30 executive council are transferred to the department of natural
31 resources: authorizing the lease of public lands for oil or
32 gas exploration (458A.21), several duties relating to public
33 lands and waters under Code chapter 461A, granting permission
34 of any levee or drainage district to occupy and use for any
35 lawful levee or drainage purpose certain land owned by the

1 state of Iowa not under the control of any state agency
2 (468.220).

3 The department of management is also designated as the
4 agency to certify allocation of funds to school districts from
5 counties under Code section 161E.14 and is given the authority
6 to review certain disputes between prison industries and the
7 division of general services under Code section 904.808. The
8 department of education is also given the authority to approve
9 the sale of certain school lands without an appraisalment
10 (257B.6). The utilities board is also given the duties
11 originally granted to the executive council concerning Code
12 chapter 469A relating to hydroelectric plants.

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