

Senate File 2088

H-8053

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 31, after line 21 by inserting:

4 <DIVISION
5 IOWA COMMUNICATIONS NETWORK
6 Sec. _____. SALE OR LEASE OF IOWA COMMUNICATIONS
7 NETWORK. The Iowa telecommunications and technology
8 commission shall implement a request for proposals
9 process to sell or lease the Iowa communications
10 network. The request for proposals shall provide for
11 the sale to be concluded or the lease to commence
12 during the fiscal year beginning July 1, 2010. The
13 commission shall condition the sale or lease of the
14 Iowa communications network with terms that will allow
15 existing authorized users of the network to continue
16 such use at a lower overall long-term cost when
17 compared to the anticipated operation and maintenance
18 costs if state ownership and control were to continue.
19 The commission shall submit periodic status reports
20 to the general assembly at three-month intervals,
21 beginning on October 1, 2010, regarding progress made
22 toward selling or leasing the network.>

23 2. Page 33, after line 3 by inserting:

24 <Sec. _____. Section 68B.8, Code 2009, is amended by
25 adding the following new unnumbered paragraph:
26 NEW UNNUMBERED PARAGRAPH. A state agency of the
27 executive branch of state government shall not employ
28 a person through the use of its public funds whose
29 position with the agency is primarily representing the
30 agency relative to the passage, defeat, approval, or
31 modification of bills that are being considered by the
32 general assembly.>

33 3. Page 34, after line 21 by inserting:

34 <Sec. _____. OFFICE EXPENSES — MANDATORY
35 REDUCTION. For the fiscal year beginning July 1,
36 2010, and ending June 30, 2011, the appropriations
37 from the general fund of the state to a state
38 department or state agency to which appropriations
39 are made pursuant to the 2010 Regular Session of the
40 Eighty-Third General Assembly are reduced by such
41 amount, as necessary to effect a 50 percent reduction
42 in the amount appropriated for expenditures for office
43 supplies, services contracts, and equipment purchases.
44 The reduction of the individual appropriations
45 shall be determined by the department of management
46 in consultation with the affected departments and
47 agencies on the basis of the expected expenditures
48 for such items by the affected state department or
49 agency for the fiscal year without the deduction
50 required by this section. The specific amount that

1 each individual appropriation is reduced shall be
2 outlines in a memorandum prepared by the department
3 of management which shall be submitted to the general
4 assembly and legislative services agency within 30
5 days of the effective date of this section of this
6 Act. The reduction of an individual appropriation
7 pursuant to this section shall be in addition to
8 any other reduction required by law and general fund
9 appropriations reduced pursuant to this section shall
10 not be expended for any other purposes but shall be
11 retained in the general fund of the state.>

12 4. Page 44, after line 32 by inserting:

13 <Sec. _____. DEPARTMENT OF ADMINISTRATIVE SERVICES —
14 STATE-OWNED PASSENGER VEHICLES — DISPOSITION AND SALE
15 — FLEET PRIVATIZATION.

16 1. Consistent with the requirements of section
17 8A.361, the department of administrative services shall
18 be the sole department authorized to operate a pool of
19 passenger vehicles located in Polk county for temporary
20 assignment to multiple drivers of a state department
21 or agency that is located within Polk county. By
22 September 30, 2010, all passenger vehicles located
23 in Polk county and designated for use by multiple
24 drivers that are assigned to a state department or
25 agency within Polk county on January 1, 2010, or later,
26 shall be returned to the department of administrative
27 services for use and disposition as provided by this
28 section.

29 2. On or before December 31, 2010, the department
30 of administrative services shall sell at auction
31 passenger vehicles returned to the department of
32 administrative services pursuant to subsection 1
33 and passenger vehicles otherwise under the control
34 of the department for use by multiple drivers of
35 state departments or agencies within Polk county.
36 Notwithstanding the provisions of section 8A.364 to the
37 contrary, proceeds from the sale of motor vehicles as
38 provided by this subsection shall be credited to the
39 fund from which the motor vehicles were purchased.

40 3. On or before December 31, 2010, the department
41 of administrative services shall implement a request
42 for proposal process and shall enter into a contract
43 for the purposes of outsourcing state vehicle leasing
44 to a private entity.

45 4. For purposes of this section, "passenger
46 vehicles" means United States environmental protection
47 agency designated compact sedans, compact wagons,
48 midsize sedans, midsize wagons, full-size sedans,
49 and passenger minivans. "Passenger vehicles" does
50 not mean utility vehicles, vans other than passenger

1 minivans, fire trucks, ambulances, motor homes, buses,
2 medium-duty and heavy-duty trucks, heavy construction
3 equipment, and other highway maintenance vehicles,
4 vehicles assigned for law enforcement purposes, and
5 any other classes of vehicles of limited application
6 approved by the director of the department of
7 administrative services.>

8 5. Page 112, after line 5 by inserting:

9 <DIVISION

10 REBUILD IOWA OFFICE

11 Sec. _____. Section 16.191, subsection 2, paragraph
12 e, Code Supplement 2009, is amended to read as follows:

13 e. ~~The executive director of the rebuild Iowa~~
14 ~~office or the director's designee until June 30, 2011,~~
15 ~~and then the administrator of the homeland security~~
16 ~~and emergency management division of the department of~~
17 ~~public defense or the administrator's designee.~~

18 Sec. _____. Section 103A.8C, subsection 1, Code
19 Supplement 2009, is amended to read as follows:

20 1. The commissioner, after consulting with
21 and receiving recommendations from the department
22 of public defense, and the department of natural
23 ~~resources, and the rebuild Iowa office,~~ shall adopt
24 rules pursuant to chapter 17A specifying standards and
25 requirements for design and construction of safe rooms
26 and storm shelters. In developing these standards,
27 the commissioner shall consider nationally recognized
28 standards. The standards and requirements shall be
29 incorporated into the state building code established
30 in section 103A.7, but shall not be interpreted
31 to require the inclusion of a safe room or storm
32 shelter in a building construction project unless such
33 inclusion is expressly required by another statute
34 or by a federal statute or regulation. However,
35 if a safe room or storm shelter is included in any
36 building construction project which reaches the
37 design development phase on or after January 1, 2011,
38 compliance with the standards developed pursuant to
39 this section shall be required.

40 Sec. _____. Section 466B.3, subsection 4, paragraph
41 n, Code Supplement 2009, is amended by striking the
42 paragraph.

43 Sec. _____. 2009 Iowa Acts, chapter 169, section 10,
44 subsection 6, is amended to read as follows:

45 6. a. This section is repealed June 30, 2011.

46 b. On July 1, 2010, the rebuild Iowa office shall
47 cease functioning and dissolve, and the homeland
48 security and emergency management division of the
49 department of public defense shall assume all duties of
50 the rebuild Iowa office designated in this section.

1 Sec. _____. 2009 Iowa Acts, chapter 181, section 25,
2 is amended to read as follows:

3 SEC. 25. REBUILD IOWA OFFICE. There is
4 appropriated from the general fund of the state to
5 the rebuild Iowa office for the fiscal year beginning
6 July 1, 2009, and ending June 30, 2010, the following
7 amount, or so much thereof as is necessary, to be used
8 for the purposes designated:

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

12 \$ 198,277
13 FTEs 12.00

14 It is the intent of the general assembly that,
15 pursuant to 2009 Iowa Acts, chapter 169, House File
16 64, as amended by this 2010 Iowa Act, the rebuild
17 Iowa office shall ~~be repealed~~ cease functioning and
18 dissolve effective June 30, 2011 July 1, 2010, and
19 shall not receive an appropriation from the general
20 fund of the state after that date.>

21 6. Page 161, after line 5 by inserting:

22 <DIVISION _____
23 OFFICE OF ENERGY INDEPENDENCE AND IOWA POWER FUND
24 Sec. _____. Section 7E.5, subsection 1, paragraph q,
25 Code Supplement 2009, is amended to read as follows:
26 q. The department of natural resources, created in
27 section 455A.2, which has primary responsibility for
28 state parks and forests, protecting the environment,
29 and managing energy, fish, wildlife, and land and water
30 resources.

31 Sec. _____. Section 11.5B, subsection 15, Code 2009,
32 is amended by striking the subsection.

33 Sec. _____. Section 15H.6, subsection 1, Code
34 Supplement 2009, is amended to read as follows:

35 1. The Iowa commission on volunteer service, in
36 collaboration with the department of natural resources,
37 the department of workforce development, ~~the office~~
38 ~~of energy independence~~, and the utilities board of
39 the department of commerce, shall establish an Iowa
40 green corps program. The commission shall work with
41 the collaborating agencies and nonprofit agencies
42 in developing a strategy for attracting additional
43 financial resources for the program from other sources
44 which may include but are not limited to utilities,
45 private sector, and local, state, and federal
46 government funding sources. The financial resources
47 received shall be credited to the community programs
48 account created pursuant to section 15H.5.

49 Sec. _____. Section 22.7, subsection 60, Code
50 Supplement 2009, is amended by striking the subsection.

1 Sec. _____. Section 103A.8B, Code 2009, is amended to
2 read as follows:

3 **103A.8B Sustainable design or green building**
4 **standards.**

5 The commissioner, after consulting with and
6 receiving recommendations from the department
7 of natural resources ~~and the office of energy~~
8 ~~independence~~, shall adopt rules pursuant to chapter 17A
9 specifying standards and requirements for sustainable
10 design and construction based upon or incorporating
11 nationally recognized ratings, certifications, or
12 classification systems, and procedures relating
13 to documentation of compliance. The standards and
14 requirements shall be incorporated into the state
15 building code established in section 103A.7, but
16 in lieu of general applicability shall apply to
17 construction projects only if such applicability is
18 expressly authorized by statute, or as established by
19 another state agency by rule.

20 Sec. _____. Section 268.6, subsection 2, Code
21 Supplement 2009, is amended to read as follows:

22 2. The university is encouraged to cooperate with
23 agricultural and energy efficiency advocates and
24 governmental entities in administering the program,
25 ~~including the office of energy independence established~~
26 ~~pursuant to section 469.2.~~

27 Sec. _____. Section 455A.2, Code Supplement 2009, is
28 amended to read as follows:

29 **455A.2 Department of natural resources.**

30 A department of natural resources is created, which
31 has the primary responsibility for state parks and
32 forests, protecting the environment, and managing
33 energy, fish, wildlife, and land and water resources in
34 this state.

35 Sec. _____. Section 455B.851, subsection 2, paragraph
36 a, subparagraph (17), Code 2009, is amended by striking
37 the subparagraph.

38 Sec. _____. Section 470.1, Code Supplement 2009, is
39 amended by adding the following new subsection:

40 NEW SUBSECTION. 1A. "*Department*" means the
41 department of natural resources.

42 Sec. _____. Section 470.1, subsection 2, Code
43 Supplement 2009, is amended to read as follows:

44 2. "*Director*" means the director of the ~~office of~~
45 ~~energy independence~~ department of natural resources.

46 Sec. _____. Section 470.1, subsection 8, Code
47 Supplement 2009, is amended by striking the subsection.

48 Sec. _____. Section 473.1, Code Supplement 2009, is
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 2A. "*Department*" means the

1 department of natural resources.

2 Sec. _____. Section 473.1, subsection 3, Code
3 Supplement 2009, is amended to read as follows:

4 3. "*Director*" means the director of the
5 office department or a designee.

6 Sec. _____. Section 473.1, subsection 5, Code
7 Supplement 2009, is amended by striking the subsection.

8 Sec. _____. REPEAL. Sections 469.1, 469.2, 469.5,
9 469.7, and 469.8, Code 2009, are repealed.

10 Sec. _____. REPEAL. Sections 469.3, 469.4, 469.6,
11 469.9, 469.10, and 469.11, Code Supplement 2009, are
12 repealed.

13 Sec. _____. CODE EDITOR DIRECTIVE.

14 1. The Code editor is directed to change the
15 words "*office of energy independence*" to "*department*
16 *of natural resources*" in Code sections 7D.34, 7D.35,
17 8A.362, 72.5, 103A.8, 103A.27, 159A.3, 159A.4, 159A.6B,
18 266.39C, 272C.2, 279.44, 323A.2, 441.21, 476.6, and
19 476.63.

20 2. The Code editor is directed to change the word
21 "*office*" to "*department*" in Code sections 470.3, 470.7,
22 473.7, 473.8, 473.10, 473.13A, 473.15, 473.19, 473.19A,
23 473.20, 473.20A, and 473.41.

24 Sec. _____. TRANSITION PROVISIONS — CONTINUATION OF
25 GRANTS.

26 1. Any moneys remaining in any account or fund
27 under the control of the office of energy independence
28 on the effective date of this division of this Act
29 relative to the provisions of this division of this
30 Act shall be transferred to a comparable fund or
31 account under the control of the department of natural
32 resources for such purposes. Notwithstanding section
33 8.33, the moneys transferred in accordance with this
34 subsection shall not revert to the account or fund from
35 which appropriated or transferred.

36 2. Any license, permit, or contract issued or
37 entered into by the office of energy independence
38 relative to the provisions of this division of this
39 Act in effect on the effective date of this division
40 of this Act shall continue in full force and effect
41 pending transfer of such licenses, permits, or
42 contracts to the department of natural resources.

43 3. Grants or loans awarded from the Iowa power
44 fund pursuant to section 469.9 prior to the effective
45 date of this division of this Act shall continue as
46 provided by the terms of the grants or loans and shall
47 be administered by the department of natural resources.

48 4. Federal funds utilized by the director of the
49 office of energy independence prior to the effective
50 date of this division of this Act to employ personnel

1 necessary to administer the provisions of this division
2 of this Act shall be applicable to the transfer of such
3 personnel from the office of energy independence to the
4 department of natural resources.

5 Sec. _____. TRANSITION PROVISIONS — EMERGENCY

6 RULEMAKING. Not later than July 1, 2010, the
7 department of natural resources shall adopt
8 administrative rules previously adopted by the office
9 of energy independence relative to the provisions of
10 this division of this Act in existence on the effective
11 date of this division of this Act by emergency
12 rulemaking pursuant to section 17A.4, subsection 3,
13 and section 17A.5, subsection 2, paragraph "b". The
14 rules shall be effective immediately upon filing unless
15 a later date is specified in the rules. Any rules
16 adopted in accordance with this section shall also be
17 published as a notice of intended action as provided
18 in section 17A.4. Any rule, regulation, form, order,
19 or directive promulgated by the office relative to the
20 provisions of this division of this Act shall continue
21 in full force and effect until such emergency rules are
22 adopted.

23 Sec. _____. EFFECTIVE UPON ENACTMENT. The section
24 of this division of this Act providing for emergency
25 rulemaking, being deemed of immediate importance, takes
26 effect upon enactment.>

27 7. Page 166, before line 25 by inserting:

28 <DIVISION _____
29 CORE CURRICULUM

30 Sec. _____. Section 280.3, subsection 3, paragraphs a
31 and b, Code 2009, are amended to read as follows:

32 a. Adopt an implementation plan by July 1,
33 ~~2010~~ 2011, which provides for the adoption of at
34 least one core curriculum subject area each year
35 as established by the state board of education for
36 grades nine through twelve pursuant to section 256.7,
37 subsection 26. The core curriculum established for
38 grades nine through twelve by the state board of
39 education pursuant to section 256.7, subsection 26,
40 shall be fully implemented by each school district and
41 school by July 1, ~~2012~~ 2013.

42 b. Adopt an implementation plan, by July 1,
43 ~~2012~~ 2013, which provides for the full implementation
44 of the core curriculum established for kindergarten
45 through grade eight by the state board of education
46 pursuant to section 256.7, subsection 26, by the
47 ~~2014-2015~~ 2015-2016 school year.

48 Sec. _____. CORE CURRICULUM APPROPRIATION FOR FISCAL
49 YEAR 2010-2011. State funds shall not be appropriated
50 or allocated to, or used by, the department of

1 education for the fiscal year beginning July 1, 2010,
2 and ending June 30, 2011, for purposes of developing or
3 implementing the core curriculum established pursuant
4 to section 256.7, subsection 26.

5 Sec. ____ . PROFESSIONAL DEVELOPMENT FOR CORE
6 CURRICULUM INFUSION AND IMPLEMENTATION — REDUCTION IN
7 STATE AID PAYMENT. Notwithstanding section 257.10,
8 subsection 10, paragraph "a" and section 257.37A,
9 subsection 1, paragraph "a", for the fiscal year
10 beginning July 1, 2010, the professional development
11 allocation made to a school district or area education
12 agency pursuant to section 257.10, subsection 10,
13 paragraph "a", or section 257.37A, subsection 1,
14 paragraph "a", shall be reduced by the proportion of
15 the professional development allocation designated
16 for model core curriculum made in the fiscal year
17 beginning July 1, 2008, and specified in section
18 284.13, subsection 1, paragraph "d", subparagraph (1),
19 as enacted by 2008 Iowa Acts, chapter 1181, subsection
20 83, to the total professional development allocation
21 made in the fiscal year beginning July 1, 2008,
22 pursuant to section 284.13, subsection 1, paragraph
23 "d", subparagraph (1), as enacted by 2008 Iowa Acts,
24 chapter 1181, subsection 83.>

25 8. Page 166, before line 25 by inserting:

26 <DIVISION ____
27 CORE CURRICULUM

28 Sec. ____ . Section 280.3, subsection 3, paragraphs a
29 and b, Code 2009, are amended to read as follows:

30 a. Adopt an implementation plan by July 1,
31 ~~2010~~ 2011, which provides for the adoption of at
32 least one core curriculum subject area each year
33 as established by the state board of education for
34 grades nine through twelve pursuant to section 256.7,
35 subsection 26. The core curriculum established for
36 grades nine through twelve by the state board of
37 education pursuant to section 256.7, subsection 26,
38 shall be fully implemented by each school district and
39 school by July 1, ~~2012~~ 2013.

40 b. Adopt an implementation plan, by July 1,
41 ~~2012~~ 2013, which provides for the full implementation
42 of the core curriculum established for kindergarten
43 through grade eight by the state board of education
44 pursuant to section 256.7, subsection 26, by the
45 ~~2014-2015~~ 2015-2016 school year.>

46 9. Page 166, before line 25 by inserting:

47 <DIVISION ____
48 STATEWIDE PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN
49 REPEAL

50 Sec. ____ . Section 237A.21, subsection 3, paragraph

1 p, Code 2009, is amended by striking the paragraph.
2 Sec. _____. Section 256.11, subsection 1, paragraph
3 c, Code 2009, is amended by striking the paragraph.
4 Sec. _____. Section 256A.3, subsection 9, Code 2009,
5 is amended by striking the subsection.
6 Sec. _____. Section 257.16, subsection 1, Code 2009,
7 is amended to read as follows:

8 1. There is appropriated each year from the
9 general fund of the state an amount necessary to pay
10 the foundation aid under this chapter, ~~the preschool~~
11 ~~foundation aid under chapter 256C,~~ supplementary
12 aid under section 257.4, subsection 2, and adjusted
13 additional property tax levy aid under section 257.15,
14 subsection 4.

15 Sec. _____. Section 272.2, subsection 18, Code
16 Supplement 2009, is amended to read as follows:

17 18. May adopt rules for practitioners who are not
18 eligible for a statement of professional recognition
19 under subsection 10, but have received a baccalaureate
20 degree and provide a service to students at any or all
21 levels from prekindergarten through grade twelve for a
22 school district, accredited nonpublic school, or area
23 education agency, ~~or preschool program established~~
24 ~~pursuant to chapter 256C.~~

25 Sec. _____. Section 285.1, subsection 1, paragraph
26 a, subparagraph (3), Code Supplement 2009, is amended
27 to read as follows:

28 (3) Children attending prekindergarten programs
29 offered or sponsored by the district or nonpublic
30 school and approved by the department of education or
31 department of human services ~~or children participating~~
32 ~~in preschool in an approved local program under chapter~~
33 ~~256C~~ may be provided transportation services. However,
34 transportation services provided to nonpublic school
35 children are not eligible for reimbursement under this
36 chapter.

37 Sec. _____. STATEWIDE PRESCHOOL FUNDING TO SCHOOL
38 READY CHILDREN PROGRAM.

39 1. There is appropriated from the general fund
40 of the state to the department of education for the
41 fiscal year beginning July 1, 2010, and ending June 30,
42 2011, the following amount, or so much thereof as is
43 necessary, to be used for the purposes designated:

44 For deposit in the school ready children grants
45 account of the Iowa empowerment fund created in section
46 28.9:

47 \$ 27,000,000

48 If an enactment in this Act or another Act repeals
49 the Iowa empowerment fund and creates a school ready
50 children account in the early childhood Iowa fund or in

1 another fund, the appropriation made in this section
2 shall be credited to such account and used in addition
3 to other appropriations for the school ready children
4 grant program in order to expand services under the
5 program to additional four-year-old children.

6 2. The appropriation made in this section replaces
7 a portion of the funding that would have otherwise
8 been appropriated for the statewide preschool program
9 for four-year-old children but for the repeal of that
10 program in accordance with this division of this Act.
11 It is the intent of the general assembly to continue
12 the supplemental funding provided in this section in
13 succeeding fiscal years.

14 Sec. _____. REPEAL. Sections 256C.1, 256C.2, 256C.3,
15 256C.4, 256C.5, 256C.6, and 279.51, Code 2009, are
16 repealed.>

17 10. Page 198, after line 24 by inserting:

18 <DIVISION _____
19 REGENTS INSTITUTIONS

20 Sec. _____. Section 262.12, Code 2009, is amended to
21 read as follows:

22 **262.12 Committees and administrative offices under**
23 **board.**

24 1. The state board of regents shall ~~also~~ have and
25 exercise all the powers necessary and convenient for
26 the effective administration of its office and of the
27 institutions under its control, and to this end may
28 create such committees, offices, and agencies from its
29 own members or others, and employ ~~persons to staff the~~
30 ~~same, fix their staff compensation and tenure, and~~
31 ~~delegate thereto, to staff~~ or to the administrative
32 officers and faculty of the institutions under its
33 control, such part of the authority and duties vested
34 by statute in the state board, and shall formulate
35 and establish such rules, outline such policies, and
36 prescribe such procedures ~~therefor, all~~ as may be
37 desired or determined by the state board as recorded
38 in ~~their~~ its minutes.

39 2. Notwithstanding subsection 1, the state board of
40 regents shall consolidate into one system all of the
41 operational functions of the institutions of higher
42 education the board governs, including but not limited
43 to communication and information technology, personnel
44 and fiscal management systems, and legal services.
45 This single system shall be administered by the state
46 board and shall provide services uniformly to all
47 of the institutions of higher education governed by
48 the state board. An institution of higher education
49 governed by the state board shall not administer any of
50 these operational services independently, and shall not

1 procure operational services from any entity unless the
2 system administered by the state board does not offer
3 substantially the same service.

4 Sec. _____. REGENTS UNIVERSITY LEAVE LIMITATION —
5 FISCAL YEAR 2011-2012. For the fiscal year beginning
6 July 1, 2011, and ending June 30, 2012, the state board
7 of regents shall limit the number of leaves of absence
8 granted to faculty members employed by an institution
9 pursuant to section 262.9, subsection 14, to not more
10 than the equivalent of 3.7 percent of the faculty
11 members employed by the institution on September 1,
12 2010.

13 Sec. _____. REGENTS INSTITUTIONS. The amounts
14 appropriated from the general fund of the state to
15 the state board of regents for the state university
16 of Iowa, the Iowa state university of science and
17 technology, and the university of northern Iowa, by any
18 legislation enacted during the 2010 Regular Session of
19 the Eighty-Third General Assembly, for the fiscal year
20 beginning July 1, 2010, and ending June 30, 2011, are
21 reduced by the following amount:

22 \$ 62,000,000

23 The state board of regents shall apply the reduction
24 made in this section to the appropriations made to
25 the indicated institutions in a manner so that an
26 institution's appropriation is reduced in proportion
27 to the amount the institution's appropriation in 2009
28 Iowa Acts, chapter 177, section 10, bears to the
29 total amount appropriated in that section to all three
30 institutions.>

31 11. Page 247, after line 22 by inserting:

32 <DIVISION _____
33 DEPARTMENT OF PUBLIC HEALTH — TOBACCO
34 USE PREVENTION AND CONTROL

35 Sec. _____. YOUTH PROGRAM COMPONENT — COMMUNITY
36 PARTNERSHIPS — TOBACCO USE PREVENTION AND CONTROL —
37 FISCAL YEAR 2010-2011. For the fiscal year beginning
38 July 1, 2010, the department of public health's
39 contracts with community partnership areas relating
40 to the tobacco use prevention and control initiative
41 established pursuant to chapter 142A shall no longer
42 allow state payment for the youth program component.

43 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
44 of this Act, being deemed of immediate importance,
45 takes effect upon enactment.>

46 12. Page 249, after line 11 by inserting:

47 <DIVISION _____
48 SHELTER CARE

49 Sec. _____. SHELTER CARE CONTRACTS — FY
50 2010-2011. For the fiscal year beginning July 1, 2010,

1 the shelter care provider contracts with the department
2 of human services applicable to that fiscal year shall
3 no longer allow state payment for guaranteed shelter
4 beds in order for such payment to be provided only for
5 beds that are actually used during the fiscal year.

6 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
7 of this Act, being deemed of immediate importance,
8 takes effect upon enactment.>

9 13. Page 249, after line 11 by inserting:

10 <DIVISION _____
11 DEPARTMENT OF HUMAN SERVICES — FAMILY PLANNING WAIVER
12 Sec. _____. MEDICAL ASSISTANCE FAMILY PLANNING WAIVER
13 — FY2010-2011. For the fiscal year beginning July 1,
14 2010, the department of human services shall no longer
15 allow payment for the state share under the medical
16 assistance Iowa family planning network waiver.

17 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
18 of this Act, being deemed of immediate importance,
19 takes effect upon enactment.>

20 14. Page 249, after line 11 by inserting:

21 <DIVISION _____
22 PUBLIC BENEFITS FOR UNAUTHORIZED ALIENS
23 Sec. _____. NEW SECTION. 234.15 Citizenship
24 verification program — public benefits.

25 1. Except as provided in subsection 3 or where
26 exempted by federal law, every state agency and
27 political subdivision shall verify the lawful presence
28 in the United States of any natural person eighteen
29 years of age or older who has applied for state
30 or local public benefits, as defined in 8 U.S.C. §
31 1621, or for federal public benefits, as defined in 8
32 U.S.C. § 1611, that are administered by an agency or a
33 political subdivision of this state.

34 2. The provisions of this section shall be enforced
35 without regard to race, religion, gender, ethnicity,
36 or national origin.

37 3. Verification of a person's lawful presence in
38 the United States under the provisions of this section
39 shall not be required for the following:

40 a. For any purpose for which lawful presence in the
41 United States is not restricted by law.

42 b. For assistance for health care items and
43 services that are necessary for the treatment of an
44 emergency medical condition, as defined in 42 U.S.C. §
45 1396b(v)(3), of the unauthorized alien involved and are
46 not related to an organ transplant procedure.

47 c. For short-term, noncash, in-kind emergency
48 disaster relief.

49 d. For public health assistance for immunizations
50 with respect to diseases and for testing and treatment

1 of symptoms of communicable diseases whether or not
2 such symptoms are caused by a communicable disease.
3 e. For programs, services, or assistance such as
4 soup kitchens, crisis counseling and intervention,
5 and short-term shelter specified by the United
6 States attorney general, in the sole and unreviewable
7 discretion of the United States attorney general after
8 consultation with appropriate federal agencies and
9 departments, which:

10 (1) Deliver in-kind services at the community
11 level, including through public or private nonprofit
12 agencies.

13 (2) Do not condition the provision of assistance,
14 the amount of assistance provided, or the cost of
15 assistance provided on the income or resources of the
16 individual recipient.

17 (3) Are necessary for the protection of life or
18 safety.

19 f. For prenatal care.

20 4. To verify a natural person's lawful presence in
21 the United States in order to receive benefits, the
22 agency or political subdivision required to make such
23 verification shall require that the applicant execute
24 an affidavit under penalty of perjury that makes one of
25 the following assertions:

26 a. The applicant is a United States citizen.

27 b. The applicant is a qualified alien under the
28 federal Immigration and Nationality Act, and is
29 lawfully present in the United States.

30 5. For any applicant who has executed the affidavit
31 described in subsection 4, paragraph "b", eligibility
32 for benefits shall be verified through the federal
33 systematic alien verification for entitlement program
34 operated by the United States department of homeland
35 security or a successor program designated by the
36 United States department of homeland security.
37 Until such eligibility verification is completed,
38 the affidavit may be presumed to be proof of lawful
39 presence for the purposes of this section.

40 6. a. A person who knowingly and willfully
41 makes a false, fictitious, or fraudulent statement
42 of representation in an affidavit executed pursuant
43 to subsection 4 is guilty of a fraudulent practice
44 pursuant to section 714.8, subsection 3.

45 b. If the affidavit constitutes a false claim of
46 United States citizenship under 18 U.S.C. § 911, a
47 complaint shall be filed by the agency requiring the
48 affidavit with the appropriate Iowa district of the
49 United States attorney's office.

50 7. An agency or political subdivision of this

1 state may adopt variations to the requirements of this
2 section which demonstrably improve the efficiency or
3 reduce delay in the verification process, or to provide
4 for adjudication of unique individual circumstances
5 where the verification procedures in this section would
6 impose unusual hardship on a legal resident of Iowa.

7 8. An agency or political subdivision of this state
8 shall not provide any state, local, or federal benefit,
9 as defined in 8 U.S.C. § 1621 or 8 U.S.C. § 1611, in
10 violation of the provisions of this section.

11 9. Each state agency or department which
12 administers any program of state or local public
13 benefits shall provide an annual report to the
14 secretary of state with respect to its compliance with
15 the provisions of this section. Any and all errors
16 shall be reported to the United States department of
17 homeland security by the secretary of state. The
18 secretary of state shall monitor the federal systematic
19 alien verification for entitlement program and its
20 verification application errors and significant delays
21 and shall issue an annual report to the governor and
22 the general assembly on such errors and significant
23 delays, and recommendations to ensure that the
24 application of the systematic alien verification of
25 entitlement program is not erroneously denying benefits
26 to legal residents of Iowa.>

27 15. By renumbering as necessary.

RANTS of Woodbury