

PROOF

STATE OF IOWA

House Journal

FRIDAY, FEBRUARY 12, 2010

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JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 12, 2010

The House met pursuant to adjournment at 10:07 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Mark Smith, state representative from Marshall County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by James Taylor, House Page from Mount Vernon.

The Journal of Thursday, February 11, 2010 was approved.

INTRODUCTION OF BILLS

[House Joint Resolution 2015](#), by Pettengill, Windschitl, Horbach, Arnold, Van Engelenhoven, Baudler, Sweeney, May, Chambers, L. Miller, Forristall, Tjepkes, Helland, Grassley, Kaufmann, Drake, Worthan, Hagenow, Lukan, Soderberg, Sorenson, Schulte, Heaton, Anderson, Tymeson, Upmeyer, Paulsen, Rayhons, Watts, Roberts, Dolecheck, Sands, S. Olson, Huseman, Struyk, De Boef, Alons, Cownie, Koester, Mertz and Berry, a joint resolution proposing an amendment to the Constitution of the State of Iowa modifying the oath of members of the general assembly.

Read first time and referred to committee on **state government**.

[House File 2402](#), by committee on human resources, a bill for an act relating to the development of a plan for a stroke triage system and registry.

Read first time and placed on the **calendar**.

[House File 2403](#), by committee on human resources, a bill for an act making changes to the uniform controlled substances Act.

Read first time and placed on the **calendar**.

[House File 2404](#), by committee on human resources, a bill for an act requiring certain health insurance contracts, policies, or plans to provide coverage for audiological services and hearing aids for children.

Read first time and placed on the **calendar**.

[House File 2405](#), by committee on commerce, a bill for an act relating to the confidentiality of information disclosed pursuant to applications for broadband technology project grants, and projects undertaken pursuant thereto, and including effective date and applicability provisions.

Read first time and placed on the **calendar**.

[House File 2406](#), by committee on veterans affairs, a bill for an act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

Read first time and placed on the **calendar**.

[House File 2407](#), by committee on local government, a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

Read first time and placed on the **calendar**.

[House File 2408](#), by committee on local government, a bill for an act relating to prohibited contracts and activities for civil service commissioners.

Read first time and placed on the **calendar**.

[House File 2409](#), by committee on commerce, a bill for an act eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions.

Read first time and placed on the **calendar**.

[House File 2410](#), by committee on commerce, a bill for an act relating to restrictions for drug product selection relative to antiepileptic drugs.

Read first time and placed on the **calendar**.

[House File 2411](#), by committee on commerce, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

Read first time and placed on the **calendar**.

[House File 2412](#), by committee on commerce, a bill for an act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

Read first time and placed on the **calendar**.

[House File 2413](#), by committee on education, a bill for an act directing school districts to prioritize resources in order to meet the goal of increasing the minimum days or hours of instructional time offered in a school year.

Read first time and placed on the **calendar**.

[House File 2414](#), by committee on veterans affairs, a bill for an act relating to service in an honor guard unit on public property.

Read first time and placed on the **calendar**.

[House File 2415](#), by committee on human resources, a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

Read first time and placed on the **calendar**.

[House File 2416](#), by committee on agriculture, a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

Read first time and placed on the **calendar**.

[House File 2417](#), by committee on veterans affairs, a bill for an act relating to assignment of visitation of a child to a family member when a parent is serving active duty in the military service of the United States and including effective date provisions.

Read first time and placed on the **calendar**.

[House File 2418](#), by committee on environmental protection, a bill for an act relating to periodic evaluations of certain air quality standards.

Read first time and placed on the **calendar**.

[House File 2419](#), by committee on agriculture, a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways.

Read first time and referred to committee on **transportation**.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of [Senate File 2088](#), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions.

Mascher of Johnson offered amendment [H-8045](#) filed by the committee on state government as follows:

[H-8045](#)

- 1 Amend [Senate File 2088](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, after line 31 by inserting:
- 4 <Oe. Network services, including equipment and
- 5 software which support local area networks, campus
- 6 area networks, wide area networks and metro area
- 7 networks. Network services also include data network
- 8 services such as routers, switches, firewalls, virtual
- 9 private networks, intrusion detection systems, access
- 10 control, internet protocol load balancers, event
- 11 logging and correlation, and content caching. Network

12 services do not include services provided by the Iowa
 13 communications network pursuant to chapter 8D or by
 14 the public broadcasting division of the department of
 15 education.>

16 2. Page 2, by striking lines 22 through 25 and
 17 inserting <director.>

18 3. Page 3, line 1, after <8A.416> by inserting <and
 19 shall not serve as an employee in any other executive
 20 branch agency>

21 4. Page 3, line 19, after <acquisition> by
 22 inserting <, utilization, or provision>

23 5. Page 3, line 27, after <Whether the> by
 24 inserting <failure to grant a>

25 6. Page 4, after line 12 by inserting:
 26 <(7) Whether the failure to grant a waiver would
 27 jeopardize federal funding.>

28 7. Page 4, after line 30 by inserting:
 29 <d. A participating agency may appeal the decision
 30 of the chief information officer to the director within
 31 seven calendar days following the decision of the chief
 32 information officer. The director, after consultation
 33 with the technology advisory council, shall respond
 34 within fourteen days following the receipt of the
 35 appeal.>

36 8. Page 4, after line 30 by inserting:
 37 <e. The department of public defense, including
 38 both the military division and the homeland security
 39 and emergency management division, shall not be
 40 required to obtain any information technology services
 41 pursuant to this subchapter for the department of
 42 public defense or its divisions that is provided by the
 43 department pursuant to this chapter without the consent
 44 of the adjutant general.>

45 9. Page 7, line 10, by striking <or other agencies>

46 10. Page 7, after line 25 by inserting:
 47 <g. Encourage participating agencies to utilize
 48 a print on demand strategy to reduce publication
 49 overruns, excessive inventory, and obsolete printed
 50 materials.>

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1 11. Page 35, by striking lines 29 through 32.

2 12. Page 35, line 33, by striking <(d)> and
 3 inserting <(c) (i)>

4 13. Page 36, after line 3 by inserting:

5 <(ii) The policy shall allow a director of
 6 an executive branch agency who believes that the
 7 agency will not be able to reach the applicable
 8 target aggregate ratio to apply for a waiver of that
 9 requirement through a five-person review board. The
 10 review board shall consist of the director of the

11 department of management or a designee of the director,
12 three agency directors or the designees of those
13 directors as designated by the governor, and one
14 public member selected by the employee organization
15 representing the greatest number of executive branch
16 employees.>

17 14. Page 36, line 4, by striking <(e)> and
18 inserting <(d)>

19 15. Page 36, line 8, by striking <(f)> and
20 inserting <(e)>

21 16. Page 36, line 11, by striking <(g)> and
22 inserting <(f)>

23 17. Page 36, line 17, by striking <(h)> and
24 inserting <(g)>

25 18. By striking page 46, line 22, through page 52,
26 line 22, and inserting:

27 <DIVISION ____
28 ALCOHOLIC BEVERAGES
29 DIVISION ____- MICRO-DISTILLERIES

30 Sec. ____ Section 123.32, subsection 1, Code
31 Supplement 2009, is amended to read as follows:

32 1. Filing of application. An application for a
33 class "A", class "B", class "C", or class "E" liquor
34 control license, for a class "A" micro-distilled
35 spirits permit, for a retail beer permit as provided
36 in sections 123.128 and 123.129, or for a class "B",
37 class "B" native, or class "C" native retail wine
38 permit as provided in section 123.178, 123.178A, or
39 123.178B, accompanied by the necessary fee and bond,
40 if required, shall be filed with the appropriate city
41 council if the premises for which the license or permit
42 is sought are located within the corporate limits of a
43 city, or with the board of supervisors if the premises
44 for which the license or permit is sought are located
45 outside the corporate limits of a city. An application
46 for a class "D" liquor control license and for a class
47 "A" beer or class "A" wine permit, accompanied by the
48 necessary fee and bond, if required, shall be filed
49 with the division, which shall proceed in the same
50 manner as in the case of an application approved by

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1 local authorities.

2 Sec. ____ NEW SECTION. 123.43A Micro-distilled
3 spirits – permit.

4 1. For the purposes of this section, unless the
5 context other requires:

6 a. "Micro-distillery" means a business with an
7 operational still which, combining all production
8 facilities of the business, produces and manufactures
9 less than fifty thousand proof gallons of distilled

10 spirits on an annual basis.

11 b. "Micro-distilled spirits" means distilled spirits
12 fermented, distilled, or, for a period of two years,
13 barrel matured at a micro-distillery. "Micro-distilled
14 spirits" also includes blended or mixed spirits
15 comprised solely of spirits fermented, distilled,
16 or, for a period of two years, barrel matured at a
17 micro-distillery.

18 2. Subject to rules of the division, a
19 micro-distillery holding a class "A" micro-distilled
20 spirits permit pursuant to this section may sell or
21 offer for sale micro-distilled spirits. As provided
22 in this section, sales may be made at retail for
23 off-premises consumption when sold on the premises of
24 the micro-distillery that manufactures micro-distilled
25 spirits. All sales shall be made through the state's
26 wholesale distribution system.

27 3. A micro-distillery shall not sell more than
28 one and one-half liters per person per day, of
29 micro-distilled spirits on the premises of the
30 micro-distillery. In addition, a micro-distillery
31 shall not directly ship micro-distilled spirits for
32 sale at retail. The micro-distillery shall maintain
33 records of individual purchases of micro-distilled
34 spirits at the micro-distillery for three years.

35 4. A micro-distillery shall not sell
36 micro-distilled spirits other than as permitted
37 in this chapter and shall not allow micro-distilled
38 spirits sold to be consumed upon the premises of
39 the micro-distillery. However, prior to sale,
40 micro-distilled spirits of no more than two ounces per
41 person per day may be sampled on the premises where
42 made, when no charge is made for the sampling.

43 5. A class "A" micro-distilled spirits permit for a
44 micro-distillery shall be issued and renewed annually
45 upon payment of a fee of five hundred dollars.

46 6. The sale of micro-distilled spirits to the
47 division for wholesale disposition and sale by the
48 division shall be subject to the requirements of this
49 chapter regarding such disposition and sale.

50 7. The division shall issue no more than three

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1 permits under this section to a person. In addition,
2 a micro-distillery issued a permit under this section
3 shall file with the division all documents filed by
4 the micro-distillery with the alcohol and tobacco tax
5 and trade bureau of the United States department of
6 the treasury, including all production, storage, and
7 processing reports.>

8 19. Page 52, before line 23 by inserting:

9 <DIVISION ____
10 ALCOHOLIC BEVERAGES DIVISION ____- CHARITY BEER AND WINE
11 AUCTION PERMIT
12 Sec. __. NEW SECTION. 123.173A Charity beer and
13 wine auction permit.
14 1. For purposes of this section, "authorized
15 nonprofit entity" includes a nonprofit entity which
16 has a principal office in the state, a nonprofit
17 corporation organized under chapter 504, or a foreign
18 corporation as defined in section 504.141, whose income
19 is exempt from federal taxation under section 501(c) of
20 the Internal Revenue Code.
21 2. An authorized nonprofit entity may, upon
22 application to the division and receipt of a charity
23 beer and wine auction permit from the division, conduct
24 a charity auction which includes beer and wine. The
25 application shall specify the date and time when the
26 charity beer and wine auction is to be conducted and
27 the premises in this state where the charity beer
28 and wine auction is to be physically conducted. The
29 applicant shall certify that the objective of the
30 charity beer and wine auction is to raise funds solely
31 to be used for educational, religious, or charitable
32 purposes and that the entire proceeds from the charity
33 beer and wine auction are to be expended for any of the
34 purposes described in section 423.3, subsection 78.
35 3. An authorized nonprofit entity shall be eligible
36 to receive only two charity beer and wine auction
37 permits during a calendar year and each charity beer
38 and wine auction permit shall be valid for a period not
39 to exceed thirty-six consecutive hours.
40 4. The authorized nonprofit entity conducting the
41 charity beer and wine auction shall obtain the beer
42 and wine to be auctioned at the charity beer and wine
43 auction from an Iowa retail beer permittee or an Iowa
44 retail wine permittee, or may receive donations of
45 beer or wine to be auctioned at the charity beer and
46 wine auction from persons who purchased the donated
47 beer or wine from an Iowa retail beer permittee or an
48 Iowa retail wine permittee and who present a receipt
49 documenting the purchase at the time the beer or wine
50 is donated. The authorized nonprofit entity conducting

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1 the charity beer and wine auction shall retain a copy
2 of the receipt for a period of one year from the date
3 of the charity beer and wine auction.
4 5. Persons shall be physically present at the
5 charity beer and wine auction to be eligible to bid on
6 beer and wine sold at the charity auction.
7 6. The beer and wine sold at the charity beer

8 and wine auction shall be in original containers for
 9 consumption off of the premises where the charity beer
 10 and wine auction is conducted. No other alcoholic
 11 beverage may be sold at the charity beer and wine
 12 auction. A purchaser of beer or wine at a charity
 13 beer and wine auction shall not take possession of the
 14 beer or wine until the person is leaving the event. A
 15 purchaser of beer or wine at a charity beer and wine
 16 auction shall not open the container or consume or
 17 permit the consumption of the beer or wine purchased on
 18 the premises where the charity beer and wine auction is
 19 conducted. A purchaser of beer or wine at a charity
 20 beer and wine auction shall not resell the beer or
 21 wine.

22 7. A liquor control licensee, beer permittee, or
 23 wine permittee shall not purchase beer or wine at a
 24 charity beer and wine auction. The charity beer and
 25 wine auction may be conducted on a premises for which a
 26 class "B" liquor control license or class "C" liquor
 27 control license has been issued, provided that the
 28 liquor control licensee does not participate in the
 29 charity beer and wine auction, supply beer or wine to
 30 be auctioned at the charity beer and wine auction, or
 31 receive any of the proceeds of the charity beer and
 32 wine auction.

33 Sec. ____ Section 123.179, Code 2009, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 5. The fee for a charity beer and
 36 wine auction permit is one hundred dollars.>

37 20. Page 52, before line 23 by inserting:

38 <DIVISION _____
 39 ALCOHOLIC BEVERAGES DIVISION ____ - HIGH
 40 ALCOHOL BEER

41 Sec. ____ Section 123.3, subsection 5, Code 2009,
 42 is amended to read as follows:

43 5. "Alcoholic liquor" or "intoxicating liquor" means
 44 the varieties of liquor defined in subsections 3 and
 45 33 which contain more than five percent of alcohol
 46 by weight, beverages made as described in subsection
 47 7 which beverages contain more than five percent of
 48 alcohol by weight but which are not wine as defined in
 49 subsection 37 or high alcoholic content beer as defined
 50 in subsection 14A, and every other liquid or solid,

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1 patented or not, containing spirits and every beverage
 2 obtained by the process described in subsection 37
 3 containing more than seventeen percent alcohol by
 4 weight or twenty-one and twenty-five hundredths percent
 5 of alcohol by volume, and susceptible of being consumed
 6 by a human being, for beverage purposes. Alcohol

7 manufactured in this state for use as fuel pursuant to
8 an experimental distilled spirits plant permit or its
9 equivalent issued by the federal bureau of alcohol,
10 tobacco and firearms is not an "alcoholic liquor".
11 Sec. _____. Section 123.3, Code 2009, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 14A. "High alcoholic content beer"
14 means beer which contains more than five percent of
15 alcohol by weight, but not more than ten percent of
16 alcohol by weight, that is made by the fermentation of
17 an infusion in potable water of barley, malt, and hops,
18 with or without unmalted grains or decorticated and
19 degerminated grains.
20 Sec. _____. Section 123.124, Code 2009, is amended to
21 read as follows:
22 123.124 Permits – classes.
23 Permits for the manufacture and sale, or sale of
24 beer shall be divided into ~~four~~ six classes, known
25 as class "A", special class "A", class "AA", special
26 class "AA", class "B", or class "C" permits. A class
27 "A" permit allows the holder to manufacture and sell
28 beer at wholesale. A holder of a special class "A"
29 permit may only manufacture beer to be consumed on
30 the licensed premises for which the person also holds
31 a class "C" liquor control license or class "B" beer
32 permit and to be sold to a class "A" permittee for
33 resale purposes. A class "AA" permit allows the holder
34 to manufacture and sell high alcoholic content beer at
35 wholesale. A holder of a special class "AA" permit
36 may only manufacture high alcoholic content beer to
37 be consumed on the licensed premises for which the
38 person also holds a class "C" liquor control license
39 or class "B" beer permit and to be sold to a class "AA"
40 permittee for resale purposes. A class "B" permit
41 allows the holder to sell beer to consumers at retail
42 for consumption on or off the premises. A class "C"
43 permit allows the holder to sell beer to consumers at
44 retail for consumption off the premises.
45 Sec. _____. Section 123.130, unnumbered paragraph 1,
46 Code 2009, is amended to read as follows:
47 Any person holding a class "A" permit issued by
48 the division shall be authorized to manufacture and
49 sell, or sell at wholesale, beer for consumption off
50 the premises, such sales within the state to be made

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1 only to persons holding subsisting class "A", "B", or
2 "C" permits, or liquor control licenses issued in
3 accordance with the provisions of this chapter. ~~The~~
4 ~~holder of a class "A" permit may manufacture beer of~~
5 ~~more than five percent alcohol by weight for shipment~~

6 ~~outside this state only. However, a~~ class "A", class
 7 "AA", or special class "AA" permit does not grant
 8 authority to manufacture wine as defined in section
 9 123.3, subsection 37.

10 Sec. _____. Section 123.134, Code 2009, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 1A. The annual permit fee for a
 13 class "AA" or special class "AA" permit is five hundred
 14 dollars.

15 Sec. _____. Section 123.135, subsection 1, Code 2009,
 16 is amended to read as follows:

17 1. A manufacturer, brewer, bottler, importer, or
 18 vendor of beer or any agent thereof desiring to ship
 19 or sell beer, or have beer brought into this state
 20 for resale by a class "A" permittee shall first make
 21 application for and be issued a brewer's certificate
 22 of compliance by the administrator for that purpose.
 23 The certificate of compliance expires at the end
 24 of one year from the date of issuance and shall be
 25 renewed for a like period upon application to the
 26 administrator unless otherwise revoked for cause. Each
 27 application for a certificate of compliance or renewal
 28 of a certificate shall be accompanied by a fee of
 29 ~~one~~ five hundred dollars payable to the division. Each
 30 holder of a certificate of compliance shall furnish the
 31 information in the form the administrator requires. ~~A~~
 32 ~~brewer whose plant is located in Iowa and who otherwise~~
 33 ~~holds a class "A" beer permit to sell beer at wholesale~~
 34 ~~is exempt from the fee, but not from the terms and~~
 35 ~~conditions of the permit. The holder of a special~~
 36 ~~class "A" permit is exempt from the requirements of~~
 37 ~~this section.~~>

38 21. Page 53, by striking lines 1 through 3 and
 39 inserting <year. This section does not repeal any
 40 authority previously granted to the division in chapter
 41 123.>

42 22. Page 53, before line 16 by inserting:

43 <DIVISION _____
 44 ALCOHOLIC LIQUOR SALES

45 Sec. _____. NEW SECTION. 123.24A Retail sales at
 46 less than cost – penalty.

47 1. A retailer shall not offer to sell, or sell,
 48 at retail, alcoholic liquor at less than the cost to
 49 the retailer. A retailer who violates this section is
 50 guilty of a simple misdemeanor. For purposes of this

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1 section, "cost to the retailer" means the true invoice
 2 cost of the alcoholic liquor to the retailer plus
 3 the cost of doing business by the retailer which is
 4 presumed to be eight percent of the true invoice cost

5 in the absence of proof of a lesser or higher cost.

6 2. Evidence of advertisement, offering to sell,
7 or sale of alcoholic liquor by any retailer at less
8 than the cost to the retailer shall be evidence of a
9 violation of this section.>

10 23. By striking page 53, line 16, through page 56,
11 line 1, and inserting:

12 <DIVISION _____

13 ALCOHOLIC BEVERAGES DIVISION ___- DIRECT
14 SHIPMENT OF WINE

15 Sec. ____ Section 123.173, subsection 1, Code 2009,
16 is amended to read as follows:

17 1. ~~Permits~~ Except as provided in section 123.187,
18 permits exclusively for the sale or manufacture and
19 sale of wine shall be divided into four classes, and
20 shall be known as class "A", "B", "B" native, or "C"
21 native wine permits.

22 Sec. ____ Section 123.183, Code 2009, is amended to
23 read as follows:

24 123.183 Wine gallonage tax and related funds.

25 1. In addition to the annual permit fee to be paid
26 by each class "A" wine permittee, a wine gallonage tax
27 shall be levied and collected from each class "A" wine
28 permittee on all wine manufactured for sale and sold
29 in this state at wholesale and on all wine imported
30 into this state for sale at wholesale and sold in this
31 state at wholesale. A wine gallonage tax shall also
32 be levied and collected on native wine manufactured as
33 provided in section 123.56, and on the direct shipment
34 of wine pursuant to section 123.187. The rate of
35 the wine gallonage tax is one dollar and seventy-five
36 cents for each wine gallon. The same rate shall apply
37 for the fractional parts of a wine gallon. The wine
38 gallonage tax shall not be levied or collected on wine
39 sold by one class "A" wine permittee to another class
40 "A" wine permittee.

41 2. a. Revenue collected from the wine gallonage
42 tax on wine manufactured for sale and sold in this
43 state shall be deposited in the wine gallonage tax fund
44 as created in this section.

45 b. A wine gallonage tax fund is created in the
46 office of the treasurer of state. Moneys deposited in
47 the fund are appropriated to the department of economic
48 development as provided in section 15E.117. Moneys in
49 the fund are not subject to section 8.33.

50 3. The revenue collected from the wine gallonage

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1 tax on wine imported into this state for sale at
2 wholesale and sold in this state at wholesale, native
3 wine manufactured as provided in section 123.56, and

4 wine subject to direct shipment as provided in section
5 123.187, shall be deposited in the beer and liquor
6 control fund created in section 123.53.
7 Sec. ____ Section 123.187, Code 2009, is amended by
8 striking the section and inserting in lieu thereof the
9 following:
10 123.187 Direct shipment of wine – licenses and
11 requirements.
12 1. A wine manufacturer licensed or permitted
13 pursuant to laws regulating alcoholic beverages in this
14 state or another state may apply for a wine direct
15 shipper license, as provided in this section. For the
16 purposes of this section, a "wine manufacturer" means a
17 person who processes the fruit, vegetables, dandelions,
18 clover, honey, or any combination of these ingredients,
19 by fermentation into wines.
20 2. a. The administrator shall issue a wine
21 direct shipper license to a wine manufacturer who
22 submits a written application for the license on a
23 form to be established by the administrator by rule,
24 accompanied by a true copy of the manufacturer's
25 current alcoholic beverage license or permit and a copy
26 of the manufacturer's winery license issued by the
27 federal alcohol and tobacco tax and trade bureau.
28 b. An application submitted pursuant to paragraph
29 "a" shall be accompanied by a license fee in the amount
30 of twenty-five dollars.
31 c. An application submitted pursuant to paragraph
32 "a" shall also be accompanied by a bond in the amount
33 of five thousand dollars in the form prescribed and
34 furnished by the division with good and sufficient
35 sureties to be approved by the division conditioned
36 upon compliance with this chapter.
37 d. A license issued pursuant to this section may
38 be renewed annually by resubmitting the information
39 required in paragraph "a", accompanied by the
40 twenty-five dollar license fee.
41 3. The direct shipment of wine pursuant to this
42 section shall be subject to the following requirements
43 and restrictions:
44 a. Wine may only be shipped by a wine direct
45 shipper licensee to a resident of this state who is
46 at least twenty-one years of age, for the resident's
47 personal use and consumption and not for resale.
48 b. Wine subject to direct shipping shall be
49 properly registered with the federal alcohol and
50 tobacco tax and trade bureau, and fermented on the

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1 winery premises of the wine direct shipper licensee.
2 c. All containers of wine shipped directly to

3 a resident of this state shall be conspicuously
4 labeled with the words CONTAINS ALCOHOL: SIGNATURE OF
5 PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY or shall
6 be conspicuously labeled with alternative wording
7 preapproved by the administrator.

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

11 4. a. In addition to the annual license fee,
12 a wine direct shipper licensee shall remit to the
13 division an amount equivalent to the wine gallonage tax
14 at the rate specified in section 123.183 for deposit
15 in the beer and liquor control fund created in section
16 123.53. The amount shall be remitted at the same time
17 and in the same manner as provided in section 123.184,
18 and the ten percent penalty specified therein shall be
19 applicable.

20 b. Shipment of wine pursuant to this subsection
21 does not require a refund value for beverage container
22 control purposes under chapter 455C.

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

30 6. a. Wine subject to direct shipment within this
31 state pursuant to this section shall be delivered only
32 by a carrier having obtained from the division an
33 alcohol carrier license. An alcohol carrier license
34 shall be issued upon payment of a one hundred dollar
35 license fee, and shall be subject to requirements, and
36 issued pursuant to application forms, to be determined
37 by the administrator by rule.

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

45 c. An alcohol carrier licensee shall maintain
46 records of wine shipped which include the license
47 number and name of the wine manufacturer, quantity
48 of wine shipped, recipient's name and address, and
49 an electronic or paper form of signature from the
50 recipient of the wine. Records shall be submitted to

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1 the division on a monthly basis in a form and manner to

2 be determined by the division by rule.

3 7. A violation of this section shall subject a
4 licensee to the penalty provisions of section 123.39.>

5 24. Page 58, line 26, after <affairs.> by inserting
6 <The term of office for voting members is four years.>

7 25. Page 83, line 2, by striking < one thousand
8 two hundred> and inserting <three thousand>

9 26. Page 83, lines 6 and 7, by striking
10 <one thousand two hundred> and inserting
11 <three thousand>

12 27. Page 83, after line 10 by inserting:
13 <Sec. ____ Section 99D.28, subsection 7, Code 2009,
14 is amended to read as follows:

15 7. A claimant agency or licensee, acting in good
16 faith, shall not be liable to any person for actions
17 taken ~~to comply with~~ pursuant to this section.>

18 28. Page 83, line 23, by striking <one thousand two
19 hundred> and inserting <three thousand>

20 29. Page 83, lines 27 and 28, by striking
21 <one thousand two hundred> and inserting
22 <three thousand>

23 30. Page 83, after line 31 by inserting:
24 <Sec. ____ Section 99F.19, subsection 7, Code 2009,
25 is amended to read as follows:

26 7. A claimant agency or licensee, acting in good
27 faith, shall not be liable to any person for actions
28 taken ~~to comply with~~ pursuant to this section.>

29 31. By striking page 114, line 31, through page
30 115, line 12.

31 32. Page 116, by striking lines 25 and 26 and
32 inserting:

33 <Sec. ____ REPEAL. Section 159A.5, Code 2009, is
34 repealed.>

35 33. Page 116, after line 27 by inserting:
36 <Sec. ____ ORGANIC ADVISORY COUNCIL –
37 FEES. Notwithstanding section 190C.5, for the fiscal
38 year beginning July 1, 2010, and ending June 30, 2011,
39 the department of agriculture and land stewardship
40 shall increase all fees that it establishes, imposes,
41 and collects pursuant to 21 IAC ch. 47 by ten percent.>

42 34. By striking page 118, line 9, through page 158,
43 line 15, and inserting:

44 <DIVISION ____

45 UNDERGROUND STORAGE TANKS
46 Sec. ____ Section 455B.474, subsection 1, paragraph
47 d, subparagraph (2), subparagraph division (e), Code
48 Supplement 2009, is amended to read as follows:

49 (e) (i) A site cleanup report which classifies
50 a site as either high risk, low risk, or no action

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1 required shall be submitted by a groundwater
2 professional to the department with a certification
3 that the report complies with the provisions of this
4 chapter and rules adopted by the department. The
5 report shall be determinative of the appropriate
6 classification of the site. ~~However, if~~
7 (ii) The department shall accept or reject
8 the report of the risk classification of the site
9 and notify the owner or operator regarding the
10 determination within one hundred twenty days of
11 receiving the site cleanup report, unless the
12 department requests and the owner or operator grants an
13 extension of not more than sixty days for purposes of
14 receiving additional information from the groundwater
15 professional. If the department does not meet the time
16 requirements provided in this subparagraph subdivision,
17 the report and the recommendations shall be deemed
18 accepted as submitted.
19 (iii) If the report is found to be inaccurate
20 or incomplete, and if based upon information in the
21 report the risk classification of the site cannot
22 be reasonably determined by the department based
23 upon industry standards, the department shall work
24 with the groundwater professional to obtain the
25 additional information necessary to appropriately
26 classify the site. A groundwater professional who
27 knowingly or intentionally makes a false statement
28 or misrepresentation which results in a mistaken
29 classification of a site shall be guilty of a
30 serious misdemeanor and shall have the groundwater
31 professional's certification revoked under this
32 section.
33 Sec. _____. Section 455B.474, subsection 1, paragraph
34 f, subparagraphs (5), (6), and (7), Code Supplement
35 2009, are amended to read as follows:
36 (5) (a) A corrective action design report
37 submitted by a groundwater professional shall be
38 accepted by the department and shall be primarily
39 relied upon by the department to determine the
40 corrective action response requirements of the site.
41 ~~However, if~~
42 (b) The department shall accept or reject the
43 corrective action response requirements for the
44 site and notify the owner or operator regarding
45 the response requirements within one hundred twenty
46 days of receiving the design report, unless the
47 department requests and the owner or operator grants an
48 extension of not more than sixty days for purposes of
49 receiving additional information from the groundwater
50 professional. If the department does not meet the time

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1 requirements provided in this subparagraph division.
2 the owner or operator shall proceed with corrective
3 action on the site and such action shall be considered
4 corrective action for purposes of section 455G.9.
5 (c) If the corrective action design report is found
6 to be inaccurate or incomplete, and if based upon
7 information in the report the appropriate corrective
8 action response cannot be reasonably determined by
9 the department based upon industry standards, the
10 department shall work with the groundwater professional
11 to obtain the additional information necessary
12 to appropriately determine the corrective action
13 response requirements. A groundwater professional who
14 knowingly or intentionally makes a false statement
15 or misrepresentation which results in an improper or
16 incorrect corrective action response shall be guilty of
17 a serious misdemeanor and shall have the groundwater
18 professional's certification revoked under this
19 section.

20 (6) Low risk sites shall be monitored as deemed
21 necessary by the department consistent with industry
22 standards. Monitoring shall not be required on a site
23 which has received a no further action certificate.
24 A site that has maintained a less than site specific
25 target level for four consecutive sampling events shall
26 be reclassified as a no further action site regardless
27 of exit monitoring criteria and guidance.

28 (7) An owner or operator may elect to proceed with
29 additional corrective action on the site. However,
30 any action taken in addition to that required pursuant
31 to this paragraph "f" shall be solely at the expense
32 of the owner or operator and shall not be considered
33 corrective action for purposes of section 455G.9,
34 unless otherwise previously agreed to by the board and
35 the owner or operator. Corrective action taken by an
36 owner or operator due to the department's failure to
37 meet the time requirements provided in subparagraph
38 (5), subparagraph division (b), shall be considered
39 corrective action for purposes of section 455G.9.
40 Sec. __. Section 455B.479, Code 2009, is amended
41 to read as follows:
42 455B.479 Storage tank management fee.
43 An owner or operator of an underground storage
44 tank shall pay an annual storage tank management fee
45 of sixty-five dollars per tank of over one thousand
46 one hundred gallons capacity. ~~Twenty-three percent~~
47 ~~of the~~ The fees collected shall be deposited in the
48 storage tank management account of the groundwater
49 protection fund. ~~Seventy-seven percent of the fees~~
50 collected shall be deposited in the Iowa comprehensive

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1 ~~petroleum underground storage tank fund created in~~
2 ~~chapter 455G.~~

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

5 d. A storage tank management account. All fees
6 collected pursuant to section 455B.473, subsection 5,
7 and section 455B.479, shall be deposited in the storage
8 tank management account, ~~except those moneys deposited~~
9 ~~into the Iowa comprehensive petroleum underground~~
10 ~~storage tank fund pursuant to section 455B.479.~~

11 Funds Moneys deposited in the account shall be expended
12 for the following purposes:

13 (1) One thousand dollars is appropriated annually
14 to the Iowa department of public health to carry out
15 departmental duties under section 135.11, subsections
16 19 and 20, and section 139A.21.

17 (2) ~~Twenty three percent of the proceeds of the~~
18 ~~fees imposed pursuant to section 455B.473, subsection~~
19 ~~5, and section 455B.479 shall be deposited in the~~
20 ~~account annually, up to a maximum of three hundred~~
21 ~~fifty thousand dollars. If twenty three percent of the~~
22 ~~proceeds exceeds three hundred fifty thousand dollars,~~
23 ~~the excess shall be deposited into the fund created in~~
24 ~~section 455G.3. Three hundred fifty thousand dollars~~
25 ~~is~~ The moneys remaining in the account after the
26 appropriation in subparagraph (1) are appropriated from
27 the storage tank management account to the department
28 of natural resources for the administration of a state
29 storage tank program pursuant to chapter 455B, division
30 IV, part 8, and for programs which reduce the potential
31 for harm to the environment and the public health from
32 storage tanks.

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

36 Sec. __. Section 455G.3, subsection 3, Code 2009,
37 is amended by adding the following new paragraph:
38 NEW PARAGRAPH. d. To establish a no further action
39 account. On July 1, 2010, the balance of the account
40 shall be five million dollars. On or after that
41 date, the board shall not transfer any moneys from the
42 account to any other account or fund and moneys in the
43 account shall only be used for purposes provided in
44 this paragraph. Moneys in the account may be used to
45 reimburse costs associated with a corrective action in
46 response to high risk conditions caused by a release
47 at a site for which a no further action certificate
48 has been issued when the high risk conditions are not
49 caused by a release which occurred after the issuance
50 of the no further action certificate.

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1 Sec. ____ Section 455G.3, Code 2009, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. 6. Each fiscal year, there is
4 appropriated from the Iowa comprehensive petroleum
5 underground storage tank fund to the department of
6 natural resources five hundred thousand dollars for
7 purposes of technical review support for underground
8 storage tank inspections conducted by nongovernmental
9 entities. During the fiscal year beginning July 1,
10 2010, from the moneys appropriated in this subsection,
11 the department shall use up to one hundred thousand
12 dollars for purposes of database modifications
13 necessary to accept external data regarding underground
14 storage tank inspections conducted by nongovernmental
15 entities.

16 NEW SUBSECTION. 7. Each fiscal year, there is
17 appropriated from the Iowa comprehensive petroleum
18 underground storage tank fund to the department
19 of agriculture and land stewardship five hundred
20 thousand dollars for purposes of inspecting motor
21 fuel, including salaries, support, maintenance, and
22 miscellaneous purposes.

23 NEW SUBSECTION. 8. Each fiscal year, there is
24 appropriated from the Iowa comprehensive petroleum
25 underground storage tank fund to the department
26 of natural resources two hundred fifty thousand
27 dollars for purposes of providing a grant to a
28 nonprofit corporation offering underground storage
29 tank operations training and leak prevention courses
30 necessary to meet minimum requirements of the United
31 States environmental protection agency.

32 Sec. ____ Section 455G.4, subsection 1, paragraph
33 a, subparagraphs (3) and (5), Code Supplement 2009, are
34 amended to read as follows:

35 (3) ~~The commissioner of insurance, or the~~
36 ~~commissioner's designee.~~ An employee of the department
37 of management who has been designated as a risk manager
38 by the director of the department of management.

39 (5) ~~Two owners or operators appointed by the~~
40 ~~governor. One of the owners or operators appointed~~
41 ~~pursuant to this subparagraph shall have~~ The governor
42 shall appoint only one of the following:

43 (a) An owner or operator who has been a petroleum
44 systems insured through the underground storage tank
45 insurance fund as it existed on June 30, 2004, or a
46 successor to the underground storage tank insurance
47 fund and shall have been an insured through the
48 insurance account of the comprehensive petroleum
49 underground storage tank fund on or before October
50 26, 1990. ~~One of the owners or operators appointed~~

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1 ~~pursuant to this subparagraph~~

2 (b) A member of the petroleum marketers and
3 convenience stores of Iowa.

4 (06) One member appointed by the governor shall be
5 an owner or operator that is self-insured.

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

8 Sec. __. Section 455G.9, subsection 1, paragraphs
9 d and k, Code 2009, are amended to read as follows:

10 d. One hundred percent of the costs of corrective
11 action and third-party liability for a release
12 situated on property acquired by a county for
13 delinquent taxes pursuant to chapters 445 through
14 448, for which a responsible owner or operator able
15 to pay, other than the county, cannot be found. A
16 county is not a "responsible party" for a release
17 in connection with property which it acquires in
18 connection with delinquent taxes, and does not become
19 a responsible party by sale or transfer of property
20 so acquired; rather, the county is an agent. Actual
21 corrective action on the site shall be overseen by the
22 department, the board, and a certified groundwater
23 professional. Third-party liability specifically
24 excludes any claim, cause of action, or suit, for
25 personal injury including, but not limited to, loss
26 of use or of private enjoyment, mental anguish, false
27 imprisonment, wrongful entry or eviction, humiliation,
28 discrimination, or malicious prosecution. Reasonable
29 acquisition costs may be reimbursed; however, such
30 costs do not include any taxes or costs related to the
31 collection of taxes.

32 k. Pursuant to an agreement between the board and
33 the department of natural resources, assessment and
34 corrective action arising out of releases at sites for
35 which a no further action certificate has been issued
36 pursuant to section 455B.474, when the department
37 determines that an unreasonable risk to public health
38 and safety may still exist or that previously reported
39 upon site specific target levels have been exceeded.
40 At a minimum, the agreement shall address eligible
41 costs, contracting for services, and conditions under
42 which sites may be reevaluated.

43 Sec. __. Section 455G.9, subsection 4, Code 2009,
44 is amended to read as follows:

45 4. Minimum copayment schedule.

46 a. An owner or operator shall be required to pay
47 the greater of five thousand dollars or eighteen
48 percent of the first eighty thousand dollars of the
49 total costs of corrective action for that release,
50 except when it is an innocent landowner claim in which

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1 case a copayment is not required.

2 b. If a site's actual expenses exceed eighty
3 thousand dollars, the remedial account shall pay the
4 remainder, as required by federal regulations, of
5 the total costs of the corrective action for that
6 release, not to exceed one million dollars, except that
7 a county shall not be required to pay a copayment in
8 connection with a release situated on property acquired
9 in connection with delinquent taxes, as provided in
10 subsection 1, paragraph "d", unless subsequent to
11 acquisition the county actively operates a tank on the
12 property for purposes other than risk assessment, risk
13 management, or tank closure.

14 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
15 APPLICABILITY. The section of this division of this
16 Act amending section 455G.9, subsection 4, being deemed
17 of immediate importance, takes effect upon enactment
18 and applies retroactively to January 1, 2010.>

19 35. By striking page 162, line 5, through page 164,
20 line 34.

21 36. Page 165, after line 22 by inserting:

22 <Sec. ____ NEW SECTION. 273.15 Advisory group.

23 1. The board of directors of each area education
24 agency shall appoint an advisory group to make
25 recommendations on policy, programs, and services to
26 the board. The advisory group shall provide input,
27 feedback, and recommendations to the board regarding
28 projected future needs, and shall provide a review
29 and response to any state-directed study or task
30 force report on area education agency efficiencies or
31 reorganization.

32 2. The advisory group shall consist of the
33 following:

34 a. A minimum of three superintendents employed by
35 school districts served by the area education agency;
36 at least one of whom shall represent a small school
37 district, at least one of whom shall represent a
38 medium-sized school district, and at least one of whom
39 shall represent a large school district.

40 b. A minimum of three principals employed by school
41 districts served by the area education agency; at least
42 one of whom shall represent an elementary school, at
43 least one of whom shall represent a middle school, and
44 at least one of whom shall represent a high school.

45 c. A minimum of four teachers employed by school
46 districts served by the area education agency; at least
47 one of whom shall represent early childhood teachers,
48 at least one of whom shall represent elementary
49 school teachers, at least one of whom shall represent
50 middle school teachers, and at least one of whom

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1 shall represent high school teachers. At least one of
2 the teachers appointed shall also represent special
3 education and at least one of the teachers appointed
4 shall represent general education. At least one of the
5 teachers appointed shall represent related personnel,
6 including but not limited to media and technology
7 specialists and counselors.

8 d. A minimum of three parents or guardians of
9 school age children receiving services from the
10 area education agency, at least one of whom shall be
11 the parent or guardian of a child requiring special
12 education.

13 e. One member who represents accredited nonpublic
14 schools located within the boundaries of the area
15 education agency.

16 3. In appointing members of the advisory group
17 pursuant to subsection 2, the area education agency
18 shall collaborate with the superintendents and school
19 boards of the school districts served by the area
20 education agency.

21 4. All member appointments made pursuant to
22 subsection 2 shall comply with sections 69.16, 69.16A,
23 and 69.16C. In addition, every reasonable effort
24 shall be made to appoint members to provide balanced
25 representation based on age, experience, ethnicity,
26 district size, and geography.

27 5. The advisory group shall meet at least twice
28 annually and shall submit its recommendations in a
29 report to the board of directors of the area education
30 agency at least once annually. The report shall be
31 timely submitted to allow for consideration of the
32 recommendations prior to program planning and budgeting
33 for the following fiscal year.>

34 37. By striking page 165, line 23, through page
35 166, line 1.

36 38. Page 166, by striking lines 4 and 5 and
37 inserting:

38 <Sec. ____ REPEAL. Sections 261D.1, 261D.2,
39 280A.1, 280A.3, 280A.4, and 280A.5, Code 2009, are
40 repealed.

41 Sec. ____ REPEAL. Sections 261D.3 and 280A.2, Code
42 Supplement 2009, are repealed.>

43 39. Page 166, by striking lines 7 through 24.

44 40. Page 168, line 24, by striking <nine> and
45 inserting <thirteen>

46 41. Page 168, line 25, by striking <three> and
47 inserting <seven>

48 42. Page 174, line 34, by striking <center> and
49 inserting <bureau>

50 43. Page 176, line 32, after <3> by inserting <

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- 1 including but not limited to any timeframe established
- 2 for transition to a newly configured early childhood
- 3 Iowa area>
- 4 44. Page 177, line 32, after <22.> by inserting <An
- 5 area board member shall not vote on any measure that
- 6 has the potential to benefit the member's employer.>
- 7 45. Page 178, line 4, after <board.> by inserting
- 8 <The department may allow an area board to designate
- 9 another entity as fiscal agent if the area board
- 10 provides acceptable documentation and assurances that
- 11 meet appropriate state requirements for fiscal agents.>
- 12 46. Page 179, line 29, by striking <each school
- 13 district> and inserting <a school district or an area
- 14 board>
- 15 47. Page 179, line 33, after <district> by
- 16 inserting <or early childhood Iowa area>
- 17 48. Page 180, line 5, by striking <board> and
- 18 inserting <school board or area board>
- 19 49. Page 180, line 6, by striking <another school
- 20 district or> and inserting <a>
- 21 50. Page 180, line 14, after <district> by
- 22 inserting <or early childhood Iowa area>
- 23 51. Page 180, lines 17 and 18, by striking <school
- 24 improvement> and inserting <early care needs>
- 25 52. Page 180, line 22, by striking <education> and
- 26 inserting <educational, health, social, and emotional
- 27 needs>
- 28 53. Page 181, line 29, after <services> by
- 29 inserting <or social work>
- 30 54. Page 182, line 7, after <district> by inserting
- 31 <or early childhood Iowa area>
- 32 55. Page 182, line 12, after <district> by
- 33 inserting <or early childhood Iowa area>
- 34 56. Page 182, by striking lines 13 and 14 and
- 35 inserting <any related services or programs provided
- 36 by other>
- 37 57. Page 197, by striking lines 25 through 31
- 38 and inserting <unexpended shall be remitted to the
- 39 successor early childhood Iowa board designated to
- 40 serve that area. The department shall implement
- 41 measures to ensure there is continuity of services
- 42 in the transition from the community empowerment
- 43 initiative to the early childhood Iowa initiative.
- 44 Each early childhood Iowa area board shall ensure
- 45 that any existing contracts between the predecessor
- 46 community empowerment area board and service providers
- 47 are provided to the fiscal agent for the early
- 48 childhood area board so that continuity of service is
- 49 maintained.>
- 50 58. By striking page 199, line 15, through page

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1 200, line 9.

2 59. By striking page 200, line 26, through page
3 211, line 6, and inserting:

4 <Sec. ____ NEW SECTION. 685.1 Definitions.

5 1. "Claim" means any request or demand, whether
6 pursuant to a contract or otherwise, for money or
7 property and whether the state has title to the money
8 or property, which is made to an officer, employee,
9 agent, or other representative of the state or to a
10 contractor, grantee, or other person if the money or
11 property is to be spent or used on the state's behalf
12 or to advance a state program or interest, and if the
13 state provides any portion of the money or property
14 which is requested or demanded, or if the state will
15 reimburse directly or indirectly such contractor,
16 grantee, or other person for any portion of the money
17 or property which is requested or demanded. "Claim"
18 does not include any requests or demands for money
19 or property that the state has paid to an individual
20 as compensation for state employment or as an income
21 subsidy with no restrictions on that individual's use
22 of the money or property.

23 2. a. "Knowing" or "knowingly" means that a person
24 with respect to information, does any of the following:

25 (1) Has actual knowledge of the information.

26 (2) Acts in deliberate ignorance of the truth or
27 falsity of the information.

28 (3) Acts in reckless disregard of the truth or
29 falsity of the information.

30 b. "Knowing" or "knowingly" does not require proof
31 of specific intent to defraud.

32 3. "Original source" means an individual who has
33 direct and independent knowledge of the information on
34 which the allegations are based and has voluntarily
35 provided the information to the state before filing
36 an action under this chapter which is based on the
37 information.

38 4. "Qui tam plaintiff" means a private plaintiff who
39 brings an action under this chapter on behalf of the
40 state.

41 Sec. ____ NEW SECTION. 685.2 Acts subjecting
42 person to treble damages, costs, and civil penalties –
43 exceptions.

44 1. A person who commits any of the following acts
45 is liable to the state for a civil penalty of not
46 less than five thousand dollars and not more than ten
47 thousand dollars plus three times the amount of damages
48 which the state sustains because of the act of that
49 person:

50 a. Knowingly presents, or causes to be presented, a

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- 1 false or fraudulent claim for payment or approval.
2 b. Knowingly makes, uses, or causes to be made or
3 used, a false record or statement material to a false
4 or fraudulent claim.
5 c. Conspires to commit a violation of paragraph
6 "a", "b", "d", "e", "f", or "g".
7 d. Has possession, custody, or control of property
8 or money used, or to be used, by the state and
9 knowingly delivers, or causes to be delivered, less
10 than all of that money or property.
11 e. Is authorized to make or deliver a document
12 certifying receipt of property used, or to be used, by
13 the state and, intending to defraud the state, makes or
14 delivers the receipt without completely knowing that
15 the information on the receipt is true.
16 f. Knowingly buys, or receives as a pledge of an
17 obligation or debt, public property from an officer
18 or employee of the state, or a member of the Iowa
19 national guard, who lawfully may not sell or pledge the
20 property.
21 g. Knowingly makes, uses, or causes to be made
22 or used, a false record or statement material to an
23 obligation to pay or transmit money or property to
24 the state, or knowingly conceals or knowingly and
25 improperly avoids or decreases an obligation to pay or
26 transmit money or property to the state.
- 27 2. Notwithstanding subsection 1, the court may
28 assess not less than two times the amount of damages
29 which the state sustains because of the act of the
30 person described in subsection 1, if the court finds
31 all of the following:
- 32 a. The person committing the violation furnished
33 officials of the state responsible for investigating
34 false claims violations with all information known to
35 such person about the violation within thirty days
36 after the date on which the person first obtained the
37 information.
38 b. The person fully cooperated with the state
39 investigation of such violation.
40 c. At the time the person furnished the state
41 with the information about the violation, a criminal
42 prosecution, civil action, or administrative action
43 had not commenced under this chapter with respect to
44 such violation, and the person did not have actual
45 knowledge of the existence of an investigation into
46 such violation.
- 47 3. A person violating this section shall also be
48 liable to the state for the costs of a civil action
49 brought to recover any such penalty or damages.
- 50 4. Any information furnished pursuant to subsection

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1 2 is deemed confidential information exempt from
2 disclosure pursuant to chapter 22.
3 5. This section shall not apply to claims, records,
4 or statements made under Tit. X relating to state
5 revenue and taxation.
6 Sec. __. NEW SECTION. 685.3 Investigations and
7 prosecutions – powers of prosecuting authority – civil
8 actions by individuals as qui tam plaintiffs and as
9 private citizens – jurisdiction of courts.
10 1. The attorney general shall diligently
11 investigate a violation under section 685.2. If the
12 attorney general finds that a person has violated or is
13 violating section 685.2, the attorney general may bring
14 a civil action under this section against that person.
15 2. a. A person may bring a civil action for a
16 violation of this chapter for the person and for the
17 state in the name of the state. The person bringing
18 the action shall be referred to as the qui tam
19 plaintiff. Once filed, the action may be dismissed
20 only if the court and the attorney general provide
21 written consent to the dismissal and the reasons for
22 such consent.
23 b. A copy of the complaint and written disclosure
24 of substantially all material evidence and information
25 the person possesses shall be served on the attorney
26 general pursuant to the Iowa rules of civil procedure.
27 The complaint shall also be filed in camera, shall
28 remain under seal for at least sixty days, and shall
29 not be served on the defendant until the court so
30 orders. The state may elect to intervene and proceed
31 with the action within sixty days after the state
32 receives both the complaint and the material evidence
33 and the information.
34 c. The state may, for good cause shown, move the
35 court for extensions of the time during which the
36 complaint remains under seal under paragraph "b".
37 Any such motions may be supported by affidavits or
38 other submissions in camera. The defendant shall not
39 be required to respond to any complaint filed under
40 this section until thirty days after the complaint is
41 unsealed and served upon the defendant pursuant to rule
42 1.302 of the Iowa rules of civil procedure.
43 d. Before the expiration of the sixty-day period or
44 any extensions obtained under paragraph "c", the state
45 shall do one of the following:
46 (1) Proceed with the action, in which case the
47 action shall be conducted by the state.
48 (2) Notify the court that the state declines to
49 take over the action, in which case the person bringing
50 the action shall have the right to conduct the action.

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1 e. When a person brings an action under this
2 section, no person other than the state may intervene
3 or bring a related action based on the facts underlying
4 the pending action.

5 3. a. If the state proceeds with the action,
6 the state shall have the primary responsibility for
7 prosecuting the action, and shall not be bound by an
8 act of the person bringing the action. Such person
9 shall have the right to continue as a party to the
10 action, subject to the limitations specified in
11 paragraph "b".

12 b. (1) The state may move to dismiss the action
13 for good cause notwithstanding the objections of the
14 qui tam plaintiff if the qui tam plaintiff has been
15 notified by the state of the filing of the motion and
16 the court has provided the qui tam plaintiff with an
17 opportunity for a hearing on the motion.

18 (2) The state may settle the action with the
19 defendant notwithstanding the objections of the qui tam
20 plaintiff if the court determines, after a hearing,
21 that the proposed settlement is fair, adequate, and
22 reasonable under all of the circumstances. Upon a
23 showing of good cause, such hearing may be held in
24 camera.

25 (3) Upon a showing by the state that unrestricted
26 participation during the course of the litigation by
27 the person initiating the action would interfere with
28 or unduly delay the state's prosecution of the case, or
29 would be repetitious, irrelevant, or for purposes of
30 harassment, the court may, in its discretion, impose
31 limitations on the person's participation, including
32 but not limited to any of the following:

33 (a) Limiting the number of witnesses the person may
34 call.

35 (b) Limiting the length of the testimony of such
36 witnesses.

37 (c) Limiting the person's cross-examination of
38 witnesses.

39 (d) Otherwise limiting the participation by the
40 person in the litigation.

41 (4) Upon a showing by the defendant that
42 unrestricted participation during the course of the
43 litigation by the person initiating the action would
44 be for purposes of harassment or would cause the
45 defendant undue burden or unnecessary expense, the
46 court may limit the participation by the person in the
47 litigation.

48 c. If the state elects not to proceed with the
49 action, the person who initiated the action shall
50 have the right to conduct the action. If the state

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1 requests, the state shall be served with copies of all
2 pleadings filed in the action and shall be supplied
3 with copies of all deposition transcripts at the
4 state's expense. When a person proceeds with the
5 action, the court, without limiting the status and
6 rights of the person initiating the action, may permit
7 the state to intervene at a later date upon a showing
8 of good cause.

9 d. Whether or not the state proceeds with the
10 action, upon a showing by the state that certain
11 actions of discovery by the person initiating the
12 action would interfere with the state's investigation
13 or prosecution of a criminal or civil matter arising
14 out of the same facts, the court may stay such
15 discovery for a period of not more than sixty days.
16 Such a showing shall be conducted in camera. The court
17 may extend the sixty-day period upon a further showing
18 in camera that the state has pursued the criminal or
19 civil investigation or proceedings with reasonable
20 diligence and any proposed discovery in the civil
21 action will interfere with the ongoing criminal or
22 civil investigation or proceedings.

23 e. Notwithstanding subsection 2, the state
24 may elect to pursue the state's claim through any
25 alternate remedy available to the state, including
26 any administrative proceeding to determine a civil
27 penalty. If any such alternate remedy is pursued in
28 another proceeding, the person initiating the action
29 shall have the same rights in such proceeding as such
30 person would have had if the action had continued under
31 this section. Any finding of fact or conclusion of law
32 made in such other proceeding that has become final,
33 shall be conclusive as to all such parties to an action
34 under this section. For purposes of this paragraph, a
35 finding or conclusion is final if it has been finally
36 determined on appeal to the appropriate court of the
37 state, if all time for filing such an appeal with
38 respect to the finding or conclusion has expired, or if
39 the finding or conclusion is not subject to judicial
40 review.

41 4. a. (1) If the state proceeds with an action
42 brought by a person under subsection 2, the person
43 shall, subject to subparagraph (2), receive at least
44 fifteen percent but not more than twenty-five percent
45 of the proceeds of the action or settlement of the
46 claim, depending upon the extent to which the person
47 substantially contributed to the prosecution of the
48 action.

49 (2) If the action is one which the court finds
50 to be based primarily on disclosures of specific

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1 information, other than information provided by the
2 person bringing the action, relating to allegations or
3 transactions in a criminal, civil, or administrative
4 hearing, or in a legislative, administrative or state
5 auditor report, hearing, audit, or investigation, or
6 from the news media, the court may award an amount the
7 court considers appropriate, but in no case more than
8 ten percent of the proceeds, taking into account the
9 significance of the information and the role of the
10 person bringing the action in advancing the case to
11 litigation.

12 (3) Any payment to a person under subparagraph
13 (1) or (2) shall be made from the proceeds. Any such
14 person shall also receive an amount for reasonable
15 expenses which the appropriate court finds to have been
16 necessarily incurred, plus reasonable attorney fees and
17 costs. All such expenses, fees, and costs shall be
18 awarded against the defendant.

19 b. If the state does not proceed with an action
20 under this section, the person bringing the action or
21 settling the claim shall receive an amount which the
22 court decides is reasonable for collecting the civil
23 penalty and damages. The amount shall be not less than
24 twenty-five percent and not more than thirty percent
25 of the proceeds of the action or settlement and shall
26 be paid out of such proceeds. Such person shall also
27 receive an amount for reasonable expenses which the
28 court finds to have been necessarily incurred, plus
29 reasonable attorney fees and costs. All such expenses,
30 fees, and costs shall be awarded against the defendant.

31 c. Whether or not the state proceeds with the
32 action, if the court finds that the action was brought
33 by a person who planned and initiated the violation
34 of section 685.2 upon which the action was brought,
35 the court may, to the extent the court considers
36 appropriate, reduce the share of the proceeds of the
37 action which the person would otherwise receive under
38 paragraph "a" or "b", taking into account the role of
39 that person in advancing the case to litigation and any
40 relevant circumstances pertaining to the violation. If
41 the person bringing the action is convicted of criminal
42 conduct arising from the person's role in the violation
43 of section 685.2, the person shall be dismissed from
44 the civil action and shall not receive any share of
45 the proceeds of the action. Such dismissal shall not
46 prejudice the right of the state to continue the action
47 represented by the attorney general.

48 d. If the state does not proceed with the action
49 and the person bringing the action conducts the
50 action, the court may award to the defendant reasonable

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1 attorney fees and expenses if the defendant prevails
2 in the action and the court finds that the claim of
3 the person bringing the action was clearly frivolous,
4 clearly vexatious, or brought primarily for purposes of
5 harassment.
6 5. a. A court shall not have jurisdiction over an
7 action brought by a former or present member of the
8 Iowa national guard under this chapter against a member
9 of the Iowa national guard arising out of such person's
10 services in the Iowa national guard.
11 b. An action shall not be filed under this chapter
12 against the federal government, the state or a local
13 government, or any officer, elected official, or
14 employee of any of these entities acting in the
15 person's official capacity.
16 c. A person shall not bring an action under
17 subsection 2 which is based upon allegations or
18 transactions which are the subject of a civil suit or
19 an administrative civil penalty proceeding in which the
20 state is already a party.
21 d. A court shall not have jurisdiction over an
22 action under this section based upon the public
23 disclosure of allegations or transactions in a
24 criminal, civil, or administrative hearing, or in a
25 legislative, administrative, or state auditor report,
26 hearing, audit, or investigation, or from the news
27 media, unless the action is brought by the attorney
28 general or the person bringing the action is an
29 original source of the information.
30 e. The state is not liable for expenses which a
31 person incurs in bringing an action under this section.
32 f. In a civil action brought under this section, a
33 prevailing defendant shall be entitled to reasonable
34 attorney fees and costs of defending the civil action.
35 6. Any employee, contractor, or agent who is
36 discharged, demoted, suspended, threatened, harassed,
37 or in any other manner discriminated against in the
38 terms and conditions of employment because of lawful
39 acts performed by the employee, contractor, or agent or
40 others in furtherance of an action under this section,
41 shall be entitled to all relief necessary to make the
42 employee, contractor, or agent whole. Such relief
43 shall include reinstatement with the same seniority
44 status such employee, contractor, or agent would have
45 had but for the discrimination, two times the amount of
46 back pay, interest on the back pay, and compensation
47 for any special damages sustained as a result of
48 the discrimination, including litigation costs and
49 reasonable attorney fees. An employee, contractor, or
50 agent may bring an action in the appropriate district

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1 court of the state for the relief provided in this
2 subsection.
3 Sec. ___. NEW SECTION. 685.4 Procedure – statute
4 of limitations.
5 1. A subpoena requiring the attendance of a witness
6 at a trial or hearing conducted under this chapter may
7 be served at any place in the state, or through any
8 means authorized in the Iowa rules of civil procedure.
9 2. A civil action under this chapter may not be
10 brought more than six years after the date on which
11 the violation of section 684.2 is committed, or more
12 than three years after the date when facts material
13 to the right of action are known or reasonably should
14 have been known by the official of state charged with
15 responsibility to act in the circumstances, but in no
16 event more than ten years after the date on which the
17 violation is committed, whichever occurs last.
18 3. A civil action under this chapter may be brought
19 based on conduct occurring prior to the effective date
20 of this division of this Act, if the limitations period
21 pursuant to subsection 2 has not lapsed.
22 4. If the state elects to intervene and proceed
23 with an action brought under this chapter, the state
24 may file its own complaint or amend the complaint of a
25 person who has brought an action under section 685.3 to
26 clarify or add detail to the claims in which the state
27 is intervening and to add any additional claims with
28 respect to which the state contends it is entitled to
29 relief. For statute of limitations purposes, any such
30 state pleading shall relate back to the filing date
31 of the complaint of the person who originally brought
32 the action, to the extent that the claim of the state
33 arises out of the conduct, transactions, or occurrences
34 set forth, or attempted to be set forth, in the prior
35 complaint of that person.
36 5. In any action brought under section 685.3, the
37 state shall prove all essential elements of the cause
38 of action, including damages, by a preponderance of the
39 evidence.
40 6. Notwithstanding any other provision of law, the
41 Iowa rules of criminal procedure, or the Iowa rules of
42 evidence, a final judgment rendered in favor of the
43 state in any criminal proceeding charging fraud or
44 false statements, whether upon a verdict after trial
45 or upon a plea of guilty or nolo contendere, shall
46 estop the defendant from denying the essential elements
47 of the offense in any action which involves the same
48 transaction as in the criminal proceeding and which is
49 brought under section 685.3.
50 Sec. ___. NEW SECTION. 685.5 Jurisdiction.

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1 1. Any action under section 685.3 may be brought
2 in any judicial district in which the defendant or, in
3 the case of multiple defendants, any one defendant can
4 be found, resides, transacts business, or in which any
5 act proscribed by section 685.2 occurred. A summons as
6 required by the Iowa rules of civil procedure shall be
7 issued by the appropriate district court and served in
8 accordance with the Iowa rules of civil procedure.

9 2. A seal on the action ordered by the court
10 under section 685.3 shall not preclude the state,
11 local government, or the person bringing the action
12 from serving the complaint, any other pleadings, or
13 the written disclosure of substantially all material
14 evidence and information possessed by the person
15 bringing the action on the law enforcement authorities
16 that are authorized under the law of the state or local
17 government to investigate and prosecute such actions
18 on behalf of such governments, except that such seal
19 applies to the law enforcement authorities so served to
20 the same extent as the seal applies to other parties in
21 the action.

22 Sec. __. NEW SECTION. 685.6 Rulemaking authority.

23 The attorney general may adopt such rules and
24 regulations as are necessary to effectuate the purposes
25 of this chapter.

26 Sec. __. ANNUAL REPORTING REQUIREMENT. On the
27 thirtieth day after the effective date of this division
28 of this Act, and on the anniversary of the effective
29 date of this division of this Act each year thereafter,
30 the attorney general shall submit to the chairpersons
31 and ranking members of the house and senate committees
32 on judiciary, the legislative caucus staffs, and the
33 legislative services agency, in electronic format, a
34 report containing all of the following information:

35 1. The number of cases the attorney general filed
36 during the previous calendar year under this chapter.

37 2. The number of cases private individuals filed
38 under this chapter during the previous calendar year,
39 including those cases that remain under seal, and
40 specifying all of the following for the cases:

41 a. The state or federal court in which each case
42 was filed and the total number filed in each court.

43 b. The state program or agency involved in each
44 case.

45 c. The number of cases filed by private individuals
46 who previously filed an action based on the same or
47 similar transaction or allegation under the federal
48 False Claims Act or the false claims act of another
49 state.

50 3. The amount recovered by the state in the form of

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1 settlement, damages, penalties, and litigation costs,
 2 if known, and specifying the following for each case:
 3 a. The case number and parties for each case in
 4 which there was a recovery.
 5 b. The amount of funds recovered respectively for
 6 damages, penalties, and litigation costs.
 7 c. The percentage of the recovery and the amount
 8 that the state paid to any private person who brought
 9 the action.

10 Sec. ____ DEPARTMENT OF JUSTICE – FALSE CLAIMS ACT
 11 ENFORCEMENT. There is appropriated from the general
 12 fund of the state to the department of justice for the
 13 fiscal year beginning July 1, 2010, and ending June 30,
 14 2011, the following amount, or so much thereof as is
 15 necessary, to be used for the purposes designated:

16 For the general office of the attorney general,
 17 including salaries, support, maintenance, miscellaneous
 18 purposes, and for not more than the following full-time
 19 equivalent positions:
 20 \$ 60,000
 21 FTEs 1.00>

22 60. By striking page 220, line 17, through page
 23 221, line 32, and inserting:

24 <DIVISION _____
 25 DEPARTMENT OF HUMAN SERVICES INSTITUTIONS
 26 Sec. ____ CONTINUUM OF MENTAL HEALTH SERVICES.

27 1. The department of human services shall develop
 28 a state-of-the-art continuum of mental health
 29 services and shall implement the continuum, subject
 30 to the limitations of available funding. As part
 31 of developing the continuum, the department shall
 32 determine the most cost-effective means of delivering
 33 mental health services through the institutions
 34 administered by the department. In addition to other
 35 needs, the continuum shall provide for the co-occurring
 36 treatment needs of persons with mental illness who also
 37 have intellectual disabilities or a substance abuse
 38 disorder.

39 2. It is anticipated that implementation of the
 40 continuum will produce savings that will result in the
 41 reversion of at least \$1,000,000 in appropriations made
 42 for such services for the fiscal year beginning July 1,
 43 2010, and that any additional savings will be invested
 44 in community-based services.

45 3. The council on human services shall review and
 46 approve the continuum developed by the department prior
 47 to its implementation. After approval is granted, the
 48 department shall commence implementation and notify
 49 the chairpersons and ranking members of the standing
 50 committees on human resources of the senate and house

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1 of representatives and of the joint appropriations
2 subcommittee on health and human services.
3 4. The department of human services may adopt
4 administrative rules under section 17A.4, subsection
5 3, and section 17A.5, subsection 2, paragraph "b", to
6 implement the provisions of this section and the rules
7 shall become effective immediately upon filing or on a
8 later effective date specified in the rules, unless the
9 effective date is delayed by the administrative rules
10 review committee. Any rules adopted in accordance with
11 this section shall not take effect before the rules are
12 reviewed by the administrative rules review committee.
13 The delay authority provided to the administrative
14 rules review committee under section 17A.4, subsection
15 7, and section 17A.8, subsection 9, shall be applicable
16 to a delay imposed under this section, notwithstanding
17 a provision in those sections making them inapplicable
18 to section 17A.5, subsection 2, paragraph "b". Any
19 rules adopted in accordance with the provisions of this
20 section shall also be published as a notice of intended
21 action as provided in section 17A.4.>
22 61. Page 222, by striking lines 5 through 32.
23 62. By striking page 223, line 34, through page
24 224, line 12.
25 63. Page 246, line 30, by striking <REPEAL OF>
26 64. Page 247, after line 9 by inserting:
27 <Sec. _____. Section 135.107, subsection 5, paragraph
28 a, Code Supplement 2009, is amended to read as follows:
29 a. There is established an advisory committee to
30 the center for rural health and primary care consisting
31 of one representative, approved by the respective
32 agency, of each of the following agencies: the
33 department of agriculture and land stewardship, the
34 Iowa department of public health, the department of
35 inspections and appeals, the national institute for
36 rural health policy, the rural health resource center,
37 the institute of agricultural medicine and occupational
38 health, and the Iowa state association of counties.
39 The governor shall appoint two representatives of
40 consumer groups active in rural health issues and a
41 representative of each of two farm organizations active
42 within the state, a representative of an agricultural
43 business in the state, a representative of a critical
44 needs hospital, a practicing rural family physician,
45 a practicing rural physician assistant, a practicing
46 rural advanced registered nurse practitioner, and
47 a rural health practitioner who is not a physician,
48 physician assistant, or advanced registered nurse
49 practitioner, as members of the advisory committee.
50 The advisory committee shall also include as members

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1 two state representatives, one appointed by the speaker
2 of the house of representatives and one by the minority
3 leader of the house, and two state senators, one
4 appointed by the majority leader of the senate and one
5 by the minority leader of the senate.>

6 65. Page 247, by striking line 17 and inserting:

7 <Sec. ____ REPEAL. Sections 135.28, 135N.1,
8 135N.2, 135N.3, 135N.4, 135N.5, 135N.6, and 142C.16,
9 Code 2009, are repealed.>

10 66. Page 248, after line 29 by inserting:

11 <DIVISION _____
12 DEPARTMENT OF HUMAN
13 SERVICES - LEVEL OF CARE
14 Sec. ____ LEVEL OF CARE EVALUATION. The department
15 of human services shall amend the medical assistance
16 program home and community-based services waiver for
17 persons with intellectual disabilities so that required
18 evaluations performed subsequent to the initial
19 diagnosis of mental retardation are for the purpose of
20 determining the appropriate level of care rather than
21 confirming the original diagnosis.>

22 67. Page 248, after line 29 by inserting:

23 <DIVISION _____
24 DEPARTMENT OF HUMAN
25 SERVICES - TRANSPORTATION SERVICES
26 Sec. ____ INCLUSION OF TRANSPORTATION
27 SERVICES. The department of human services shall amend
28 the medical assistance program home and community-based
29 services waiver for persons with intellectual
30 disabilities as necessary for employment-related
31 transportation to be covered by the supported community
32 living services provider.>

33 68. By striking page 249, line 12, through page
34 250, line 7.

35 69. Page 252, line 32, after <subdivision> by
36 inserting <and hired by the political subdivision>

37 70. Page 253, after line 3 by inserting:

38 <Sec. ____ Section 80B.11E, subsection 1, Code
39 2009, is amended to read as follows:

40 1. Notwithstanding any other provision of law to
41 the contrary, an individual who is not a certified law
42 enforcement officer may apply for attendance at the
43 law enforcement academy ~~at their own expense~~ if such
44 individual is sponsored by a law enforcement agency
45 that either intends to hire or has hired the individual
46 as a law enforcement officer on the condition that the
47 individual meets the minimum eligibility standards
48 described in subsection 2. The costs for attendance by
49 such an individual at the law enforcement academy shall
50 be paid as provided in section 80B.11B.>

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1 71. Page 255, after line 14 by inserting:
2 <DIVISION _____
3 ONGOING PROGRAM REVIEW
4 Sec. ____ NEW SECTION. 8.71 Ongoing program review –
5 repeal dates.
6 1. The general assembly finds that a regular review
7 of the programs and projects administered by state
8 government is necessary to determine whether each
9 program and project is effectively and efficiently
10 meeting the needs for which created and whether the
11 needs remain in place. The general assembly further
12 finds that a regular, systematic review process can
13 identify the programs and projects that are no longer
14 relevant or functioning at a desirable level and can
15 eliminate or reorganize those programs and projects so
16 that state resources can be used most effectively or
17 diverted to other priorities.
18 2. The committees on state government of the
19 senate and house of representatives shall propose
20 legislation for consideration by the Eighty-fourth
21 General Assembly, 2011 Session, providing a staggered
22 schedule for establishing an automatic repeal date for
23 each program or project administered by a department of
24 state government over the succeeding five-year period.
25 The committees on state government shall consult with
26 the office of the governor and the department of
27 management in formulating the staggered schedule and
28 the office and department shall cooperate in providing
29 necessary information requested by either committee.
30 The repeal date provisions shall be implemented
31 in a manner so that any program or project that is
32 reauthorized by law is again subject to automatic
33 repeal five years after reauthorization.>
34 72. By renumbering as necessary.

SPECIAL PRESENTATION

Grassley of Butler introduced to the House, his grandfather, U.S. Senator Charles Grassley.

The House rose and expressed its welcome.

Mascher of Johnson offered amendment [H-8100](#), to the committee amendment [H-8045](#), filed by her as follows:

[H-8100](#)

1 Amend the amendment, [H-8045](#), to [Senate File 2088](#),
2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, by striking lines 1 through 50 and
5 inserting: ____.

6 By striking page 1, line 3, through page 9,
7 line 34, and inserting:

8 <Sec. ____ Section 8.6, Code Supplement 2009, is
9 amended by adding the following new subsection:
10 NEW SUBSECTION. 17. Provide such assistance and
11 administrative support services to the information
12 technology division, created in section 8B.2, as the
13 department and the division determine maximizes the
14 efficiency and effectiveness of both the department and
15 division.

16 Sec. ____ Section 8A.101, unnumbered paragraph 1,
17 Code 2009, is amended to read as follows:

18 As used in this chapter and chapter 8B, unless the
19 context otherwise requires:

20 Sec. ____ Section 8A.104, subsection 12, Code 2009,
21 is amended by striking the subsection.

22 Sec. ____ Section 8A.111, subsections 3, 4, and 5,
23 Code 2009, are amended by striking the subsections.

24 SUBCHAPTER I

25 ADMINISTRATION – GENERAL PROVISIONS

26 Sec. ____ NEW SECTION. 8B.1 Definitions.

27 As used in this chapter, unless the context
28 otherwise requires:

29 1. "Council" means the technology advisory council
30 created in section 8B.8.

31 2. "Division" means the information technology
32 division of the department of management.

33 3. "Information technology" means computing and
34 electronics applications used to process and distribute
35 information in digital and other forms and includes
36 information technology devices, information technology
37 services, infrastructure services, and value added
38 services.

39 4. "Information technology device" means equipment
40 or associated software, including programs, languages,
41 procedures, or associated documentation, used
42 in operating the equipment which is designed for
43 utilizing information stored in an electronic format.

44 "Information technology device" includes but is not
45 limited to computer systems, computer networks, and
46 equipment used for input, output, processing, storage,
47 display, scanning, and printing.

48 5. "Information technology services" means services
49 designed to do any of the following:

50 a. Provide functions, maintenance, and support of

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- 1 information technology devices.
- 2 b. Provide services including but not limited to
- 3 any of the following:
 - 4 (1) Computer systems application development and
 - 5 maintenance.
 - 6 (2) Systems integration and interoperability.
 - 7 (3) Operating systems maintenance and design.
 - 8 (4) Computer systems programming.
 - 9 (5) Computer systems software support.
 - 10 (6) Planning and security relating to information
 - 11 technology devices.
 - 12 (7) Data management consultation.
 - 13 (8) Information technology education and
 - 14 consulting.
 - 15 (9) Information technology planning and standards.
 - 16 (10) Establishment of workstation management
 - 17 standards.
- 18 6. "Infrastructure services" includes all of the
- 19 following:
 - 20 a. Data centers used to support mainframe and other
 - 21 computers and their associated components including
 - 22 servers, information networks, storage systems,
 - 23 redundant or backup power systems, redundant data
 - 24 communications connections, environmental controls, and
 - 25 security devices.
 - 26 b. Servers, mainframes, or other centralized
 - 27 processing systems.
 - 28 c. Storage systems, including but not limited to
 - 29 disk, tape, optical, and other structured repositories
 - 30 for storing digital information.
 - 31 d. Computer networks commonly referred to as local
 - 32 area networks.
 - 33 e. Network services, including equipment and
 - 34 software which support local area networks, campus
 - 35 area networks, wide area networks and metro area
 - 36 networks. Network services also include data network
 - 37 services such as routers, switches, firewalls, virtual
 - 38 private networks, intrusion detection systems, access
 - 39 control, internet protocol load balancers, event
 - 40 logging and correlation, and content caching. Network
 - 41 services do not include services provided by the Iowa
 - 42 communications network pursuant to chapter 8D or by
 - 43 the public broadcasting division of the department of
 - 44 education.
 - 45 f. Groupware applications used to facilitate
 - 46 collaboration, communication, and workflow, including
 - 47 electronic mail, directory services, calendaring and
 - 48 scheduling, and imaging systems.
 - 49 g. Information technology help desk services.
 - 50 h. Cyber security functions and equipment.

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1 i. Digital printing and printing procurement
2 services.

3 j. Data warehouses, including services that assist
4 in managing and locating digital information.

5 k. Disaster recovery technology and services.

6 l. Other similar or related services as determined
7 by the chief information officer.

8 7. "Participating agency" means any state agency,
9 except the state board of regents and institutions
10 operated under the authority of the state board of
11 regents.

12 8. "Value-added services" means services that
13 offer or provide unique, special, or enhanced value,
14 benefits, or features to the customer or user including
15 but not limited to services in which information
16 technology is specially designed, modified, or adapted
17 to meet the special or requested needs of the user or
18 customer; services involving the delivery, provision,
19 or transmission of information or data that require or
20 involve additional processing, formatting, enhancement,
21 compilation, or security; services that provide the
22 customer or user with enhanced accessibility, security,
23 or convenience; research and development services; and
24 services that are provided to support technological
25 or statutory requirements imposed on participating
26 agencies and other governmental entities, businesses,
27 and the public.

28 Sec. ____ NEW SECTION. 8B.2 Division created –
29 chief information officer appointed.

30 1. The information technology division is created
31 as an independent office within the department
32 of management. The division is to be headed and
33 administered by the chief information officer for
34 the state. The chief information officer shall be
35 appointed by the governor to serve at the pleasure of
36 the governor and is subject to confirmation by the
37 senate. If the office becomes vacant, the vacancy
38 shall be filled in the same manner as provided for the
39 original appointment.

40 2. The person appointed as the chief information
41 officer for the state shall be professionally qualified
42 by education and have no less than five years'
43 experience in the field of information technology, and
44 a working knowledge of financial management. The chief
45 information officer shall not be a member of any local,
46 state, or national committee of a political party,
47 an officer or member of a committee in any partisan
48 political club or organization, or hold or be a
49 candidate for a paid elective public office. The chief
50 information officer is subject to the restrictions on

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1 political activity provided in section 8A.416 and shall
2 not serve as an employee in any other executive branch
3 agency.

4 Sec. ____ NEW SECTION. 8B.3 Division – purpose –
5 mission.

6 1. The division is created for the purpose of
7 managing and coordinating the major information
8 technology resources of state government.

9 2. The mission of the division is to provide high
10 quality, customer focused information technology
11 services and business solutions to government and to
12 citizens.

13 Sec. ____ NEW SECTION. 8B.4 Powers and duties of
14 the chief information officer.

15 The chief information officer shall do all of the
16 following:

17 1. Coordinate the internal operations of
18 the division and develop and implement policies
19 and procedures designed to ensure the efficient
20 administration of the division.

21 2. Appoint all personnel deemed necessary for the
22 administration of the division's functions as provided
23 in this chapter.

24 3. Prepare an annual budget for the division.

25 4. Develop and recommend legislative proposals
26 deemed necessary for the continued efficiency of the
27 division's functions, and review legislative proposals
28 generated outside the division which are related to
29 matters within the division's purview.

30 5. Adopt rules deemed necessary for the
31 administration of this chapter in accordance with
32 chapter 17A.

33 6. Prescribe and adopt information technology
34 standards and rules.

35 7. Develop and recommend legislative proposals
36 deemed necessary for the continued efficiency of
37 the division in performing information technology
38 functions, and review legislative proposals generated
39 outside of the division which are related to matters
40 within the division's purview.

41 8. Provide advice to the governor on issues related
42 to information technology.

43 9. Consult with agencies and other governmental
44 entities on issues relating to information technology.

45 10. Work with all governmental entities in an
46 effort to achieve the information technology goals
47 established by the division.

48 11. Utilize, in a manner determined by the chief
49 information officer, such assistance and administrative
50 support services as provided by the department of

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1 management as the division determines maximizes the
2 efficiency and effectiveness of the division.

3 12. Enter into contracts for the receipt and
4 provision of services as deemed necessary. The chief
5 information officer and the governor may obtain and
6 accept grants and receipts to or for the state to be
7 used for the administration of the division's functions
8 as provided in this chapter.

9 13. Exercise and perform such other powers and
10 duties as may be prescribed by law.

11 Sec. ____ NEW SECTION. 8B.5 Prohibited interests –
12 penalty.

13 The chief information officer shall not have any
14 pecuniary interest, directly or indirectly, in any
15 contract for supplies furnished to the state, or in any
16 business enterprise involving any expenditure by the
17 state. A violation of the provisions of this section
18 is a serious misdemeanor, and upon conviction, the
19 chief information officer shall be removed from office
20 in addition to any other penalty.

21 Sec. ____ NEW SECTION. 8B.6 Acceptance of funds.

22 The division may receive and accept donations,
23 grants, gifts, and contributions in the form of moneys,
24 services, materials, or otherwise, from the United
25 States or any of its agencies, from this state or any
26 of its agencies, or from any other person, and may use
27 or expend such moneys, services, materials, or other
28 contributions, or issue grants, in carrying out the
29 operations of the division. All federal grants to and
30 the federal receipts of the division are appropriated
31 for the purpose set forth in such federal grants
32 or receipts. The division shall report annually to
33 the general assembly on or before September 1 the
34 donations, grants, gifts, and contributions with a
35 monetary value of one thousand dollars or more that
36 were received during the most recently concluded fiscal
37 year.

38 Sec. ____ NEW SECTION. 8B.7 Federal funds.

39 1. Neither the provisions of this chapter nor
40 rules adopted pursuant to this chapter shall apply
41 in any situation where such provision or rule is in
42 conflict with a governing federal regulation or where
43 the provision or rule would jeopardize the receipt of
44 federal funds.

45 2. If it is determined by the attorney general that
46 any provision of this chapter would cause denial of
47 funds or services from the United States government
48 which would otherwise be available to an agency of this
49 state, such provision shall be suspended as to such
50 agency, but only to the extent necessary to prevent

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1 denial of such funds or services.
2 Sec. ____ NEW SECTION. 8B.8 Technology advisory
3 council.
4 1. Definitions. For purposes of this section,
5 unless the context otherwise requires:
6 a. "Large agency" means a participating agency
7 with more than seven hundred full-time, year-round
8 employees.
9 b. "Medium-sized agency" means a participating
10 agency with at least seventy or more full-time,
11 year-round employees, but not more than seven hundred
12 permanent employees.
13 c. "Small agency" means a participating agency with
14 less than seventy full-time, year-round employees.
15 2. Membership.
16 a. The technology advisory council is composed of
17 ten members as follows:
18 (1) The chief information officer.
19 (2) The director of the department of management,
20 or the director's designee.
21 (3) Eight members appointed by the governor as
22 follows:
23 (a) Three representatives from large agencies.
24 (b) Two representatives from medium-sized agencies.
25 (c) One representative from a small agency.
26 (d) Two public members who are knowledgeable and
27 have experience in information technology matters.
28 b. (1) Members appointed pursuant to paragraph
29 "a", subparagraph (3), shall serve two-year staggered
30 terms. The division shall provide, by rule, for
31 the commencement of the term of membership for the
32 nonpublic members. The terms of the public members
33 shall be staggered at the discretion of the governor.
34 (2) Sections 69.16, 69.16A, and 69.19 shall apply
35 to the public members of the council.
36 (3) Public members appointed by the governor are
37 subject to senate confirmation.
38 (4) Public members appointed by the governor may be
39 eligible to receive compensation as provided in section
40 7E.6.
41 (5) Members shall be reimbursed for actual and
42 necessary expenses incurred in performance of the
43 members' duties.
44 (6) A director, deputy director, or employee
45 with information technology expertise of an agency
46 is preferred as an appointed representative for each
47 of the agency categories of membership pursuant to
48 paragraph "a", subparagraph (3).
49 c. The technology advisory council annually shall
50 elect a chair and a vice chair from among the members

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- 1 of the council, by majority vote, to serve one-year
2 terms.
- 3 d. A majority of the members of the council shall
4 constitute a quorum.
- 5 e. Meetings of the council shall be held at the
6 call of the chairperson or at the request of three
7 members.
- 8 3. Powers and duties of the council. The powers
9 and duties of the technology advisory council as they
10 relate to information technology services shall include
11 but are not limited to all of the following:
- 12 a. Advise the chief information officer in
13 developing and adopting information technology
14 standards pursuant to sections 8B.4 and 8B.23
15 applicable to all agencies.
- 16 b. Make recommendations to the chief information
17 officer regarding all of the following:
- 18 (1) Technology utility services to be implemented
19 by the division.
- 20 (2) Improvements to information technology service
21 levels and modifications to the business continuity
22 plan for information technology operations developed by
23 the division for agencies, and to maximize the value of
24 information technology investments by the state.
- 25 (3) Technology initiatives for the executive
26 branch.
- 27 c. Advise the division regarding rates to be
28 charged for access to and for value-added services
29 performed through IowAccess.
- 30 Sec. ____ NEW SECTION. 8B.9 Reports required.
31 The division shall provide all of the following
32 reports:
- 33 1. An annual report of the division.
- 34 2. Internal service fund service business plans
35 and financial reports as required under section 8B.13,
36 subsection 5, paragraph "a", and an annual internal
37 service fund expenditure report as required under
38 section 8B.13, subsection 5, paragraph "b".
- 39 3. An annual report regarding total spending on
40 technology as required under section 8B.21, subsection
41 6.
- 42 4. A technology audit of the electronic
43 transmission system as required under section 8B.33.
- 44 5. An annual report of expenditures from the
45 IowAccess revolving fund as provided in section 8B.34.
- 46 SUBCHAPTER II
47 SERVICES - PROVISION AND FUNDING
- 48 Sec. ____ NEW SECTION. 8B.11 Financing division
49 services.
- 50 1. The division shall establish a process by which

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1 the division shall determine which services provided
2 by the division shall be funded by an appropriation to
3 the division and which services shall be funded by the
4 governmental entity receiving the service.

5 2. a. For services which the division determines
6 shall be funded by the governmental entity receiving
7 the service, the division shall establish a process
8 for determining whether the division shall be the sole
9 provider of the service.

10 b. If the division determines that it shall be
11 the sole provider of a service, the division shall
12 establish a procedure for resolving complaints
13 concerning the service provided and shall set rates for
14 the service as provided in section 8B.21.

15 3. The division shall annually prepare a listing
16 separately identifying services to be provided by the
17 division and funded by an appropriation, services
18 to be provided by the division and funded by the
19 governmental entity receiving the service, and services
20 which the division is authorized to provide but which
21 governmental entities may provide on their own or
22 obtain from another provider of the service.

23 Sec. ____ NEW SECTION. 8B.12 Services to
24 governmental entities and nonprofit organizations.

25 1. The chief information officer shall enter
26 into agreements with state agencies, and may enter
27 into agreements with any other governmental entity
28 or a nonprofit organization, to furnish services
29 and facilities of the division to the applicable
30 governmental entity or nonprofit organization. The
31 agreement shall provide for the reimbursement to the
32 division of the reasonable cost of the services and
33 facilities furnished. All governmental entities
34 of this state may enter into such agreements. For
35 purposes of this subsection, "nonprofit organization"
36 means a nonprofit entity which is exempt from federal
37 income taxation pursuant to section 501(c)(3) of the
38 Internal Revenue Code and which is funded in whole or
39 in part by public funds.

40 2. This chapter does not affect any city civil
41 service programs established under chapter 400.

42 3. The state board of regents shall not be required
43 to obtain any service for the state board of regents or
44 any institution under the control of the state board
45 of regents that is provided by the division pursuant
46 to this chapter without the consent of the state board
47 of regents.

48 Sec. ____ NEW SECTION. 8B.13 Division internal
49 service funds.

50 1. Activities of the division shall be accounted

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1 for within the general fund of the state, except
2 that the chief information officer may establish and
3 maintain internal service funds in accordance with
4 generally accepted accounting principles, as defined
5 in section 8.57, subsection 5, for activities of the
6 division which are primarily funded from billings to
7 governmental entities for services rendered by the
8 division. The establishment of an internal service
9 fund is subject to the approval of the director of the
10 department of management and the concurrence of the
11 auditor of state. At least ninety days prior to the
12 establishment of an internal service fund pursuant
13 to this section, the chief information officer shall
14 notify in writing the general assembly, including the
15 legislative council, legislative fiscal committee, and
16 the legislative services agency.

17 2. Internal service funds shall be administered by
18 the division and shall consist of moneys collected by
19 the division from billings issued in accordance with
20 section 8B.15 and any other moneys obtained or accepted
21 by the division, including but not limited to gifts,
22 loans, donations, grants, and contributions, which are
23 designated to support the activities of the individual
24 internal service funds. The chief information officer
25 may obtain loans from the innovations fund created in
26 section 8.63 for deposit in an internal service fund
27 established pursuant to this section to provide seed
28 and investment capital to enhance the delivery of
29 services provided by the division.

30 3. The proceeds of an internal service fund
31 established pursuant to this section shall be used
32 by the division for the operations of the division
33 consistent with this chapter. The chief information
34 officer may appoint the personnel necessary to ensure
35 the efficient provision of services funded pursuant
36 to an internal service fund established under this
37 section. However, this usage requirement shall not
38 limit or restrict the division from using proceeds from
39 gifts, loans, donations, grants, and contributions
40 in conformance with any conditions, directions,
41 limitations, or instructions attached or related
42 thereto.

43 4. Section 8.33 does not apply to any moneys in
44 internal service funds established pursuant to this
45 section. Notwithstanding section 12C.7, subsection 2,
46 interest or earnings on moneys deposited in these funds
47 shall be credited to these funds.

48 5. a. The chief information officer shall annually
49 provide internal service fund service business plans
50 and financial reports to the department of management

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1 and the general assembly. The business plans may
2 include the recommendation that a portion of unexpended
3 net income be periodically returned to the appropriate
4 funding source.

5 b. The division shall submit an annual report not
6 later than October 1 to the members of the general
7 assembly and the legislative services agency of the
8 activities funded by and expenditures made from an
9 internal service fund established pursuant to this
10 section during the preceding fiscal year.

11 Sec. __. NEW SECTION. 8B.14 Additional personnel.

12 The division may employ, upon the approval of the
13 department of management, additional personnel in
14 excess of the number of full time equivalent positions
15 authorized by the general assembly if such additional
16 personnel are reasonable and necessary to perform such
17 duties as required to meet the needs of the division
18 to provide services to other governmental entities and
19 as authorized by this chapter. The chief information
20 officer shall notify in writing the department of
21 management, the legislative fiscal committee, and the
22 legislative services agency of any additional personnel
23 employed pursuant to this section.

24 Sec. __. NEW SECTION. 8B.15 Billing – credit
25 card payments.

26 1. The chief information officer may bill a
27 governmental entity for services rendered by the
28 division in accordance with the duties of the division
29 as provided in this chapter. Bills may include
30 direct, indirect, and developmental costs which have
31 not been funded by an appropriation to the division.
32 The division shall periodically render a billing
33 statement to a governmental entity outlining the cost
34 of services provided to the governmental entity. The
35 amount indicated on the statement shall be paid by
36 the governmental entity and amounts received by the
37 division shall be considered repayment receipts as
38 defined in section 8.2, and deposited into the accounts
39 of the division.

40 2. In addition to other forms of payment, a person
41 may pay by credit card for services provided by the
42 division, according to rules adopted by the treasurer
43 of state. The credit card fees to be charged shall
44 not exceed those permitted by statute. A governmental
45 entity may adjust its payment to reflect the costs of
46 processing as determined by the treasurer of state.
47 The discount charged by the credit card issuer may
48 be included in determining the fees to be paid for
49 completing a financial transaction under this section
50 by using a credit card. All credit card payments

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1 shall be credited to the fund used to account for the
2 services provided.

3 Sec. __. NEW SECTION. 8B.16 Division debts and
4 liabilities – appropriation request.

5 If a service provided by the division and funded
6 from an internal service fund established under
7 section 8B.13 ceases to be provided and insufficient
8 funds remain in the internal service fund to pay any
9 outstanding debts and liabilities relating to that
10 service, the chief information officer shall notify
11 the general assembly and request that moneys be
12 appropriated from the general fund of the state to pay
13 such debts and liabilities.

14 SUBCHAPTER III

15 INFORMATION TECHNOLOGY

16 Sec. __. NEW SECTION. 8B.21 Information
17 technology services – division powers and duties –
18 responsibilities.

19 1. Powers and duties of division. The powers and
20 duties of the division as it relates to information
21 technology services shall include but are not limited
22 to all of the following:

23 a. Providing information technology to agencies and
24 other governmental entities.

25 b. Implementing the strategic information
26 technology plan.

27 c. Developing and implementing a business
28 continuity plan, as the chief information officer
29 determines is appropriate, to be used if a disruption
30 occurs in the provision of information technology to
31 participating agencies and other governmental entities.

32 d. Prescribing standards and adopting rules
33 relating to information technology and procurement,
34 including but not limited to system design and systems
35 integration and interoperability, which shall apply
36 to all participating agencies except as otherwise
37 provided in this chapter. The division shall implement
38 information technology standards as established
39 pursuant to this chapter which are applicable to
40 information technology procurements for participating
41 agencies.

42 e. Developing and maintaining security policies
43 and systems to ensure the integrity of the state's
44 information resources and to prevent the disclosure of
45 confidential records.

46 f. Developing and implementing effective and
47 efficient strategies for the use and provision of
48 information technology for participating agencies and
49 other governmental entities.

50 g. Coordinating and managing the acquisition of

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1 information technology services by participating
2 agencies in furtherance of the purposes of this
3 chapter. The division shall institute procedures to
4 ensure effective and efficient compliance with the
5 applicable standards established pursuant to this
6 chapter.

7 h. Entering into contracts, leases, licensing
8 agreements, royalty agreements, marketing agreements,
9 memorandums of understanding, or other agreements as
10 necessary and appropriate to administer this chapter.

11 i. Requesting that a participating agency provide
12 such information as is necessary to establish and
13 maintain an inventory of information technology used by
14 participating agencies, and such participating agency
15 shall provide such information to the division in a
16 timely manner. The form and content of the information
17 to be provided shall be determined by the division.

18 j. Charging reasonable fees, costs, expenses,
19 charges, or other amounts to an agency, governmental
20 entity, public official, or person or entity related to
21 the provision, sale, use, or utilization of, or cost
22 sharing with respect to, information technology and
23 any intellectual property interests related thereto;
24 research and development; proprietary hardware,
25 software, and applications; and information technology
26 architecture and design. The division may enter into
27 nondisclosure agreements and take any other legal
28 action reasonably necessary to secure a right to an
29 interest in information technology development by
30 or on behalf of the state of Iowa and to protect the
31 state of Iowa's proprietary information technology
32 and intellectual property interests. The provisions
33 of chapter 23A relating to noncompetition by state
34 agencies and political subdivisions with private
35 enterprise shall not apply to division activities
36 authorized under this paragraph.

37 k. Charging reasonable fees, costs, expenses,
38 charges, or other amounts to an agency, governmental
39 entity, public official, or other person or entity to
40 or for whom information technology or other services
41 have been provided by or on behalf of, or otherwise
42 made available through, the division.

43 l. Providing, selling, leasing, licensing,
44 transferring, or otherwise conveying or disposing of
45 information technology, or any intellectual property
46 or other rights with respect thereto, to agencies,
47 governmental entities, public officials, or other
48 persons or entities.

49 m. Entering into partnerships, contracts, leases,
50 or other agreements with public and private entities

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1 for the evaluation and development of information
2 technology pilot projects.

3 n. Initiating and supporting the development
4 of electronic commerce, electronic government, and
5 internet applications across participating agencies and
6 in cooperation with other governmental entities. The
7 division shall foster joint development of electronic
8 commerce and electronic government involving the
9 public and private sectors, develop customer surveys
10 and citizen outreach and education programs and
11 material, and provide for citizen input regarding the
12 state's electronic commerce and electronic government
13 applications.

14 2. Responsibilities. The responsibilities of
15 the division as it relates to information technology
16 services include the following:

17 a. Coordinate the activities of the division in
18 promoting, integrating, and supporting information
19 technology in all business aspects of state government.

20 b. Provide for server systems, including mainframe
21 and other server operations, desktop support, and
22 applications integration.

23 c. Provide applications development, support, and
24 training, and advice and assistance in developing and
25 supporting business applications throughout state
26 government.

27 3. Information technology charges. The division
28 shall render a statement to an agency, governmental
29 entity, public official, or other person or entity
30 to or for whom information technology, value added
31 services, or other items or services have been provided
32 by or on behalf of, or otherwise made available
33 through, the division. Such an agency, governmental
34 entity, public official, or other person or entity
35 shall pay an amount indicated on such statement in a
36 manner determined by the division.

37 4. Dispute resolution. If a dispute arises between
38 the division and an agency for which the division
39 provides or refuses to provide information technology,
40 the dispute shall be resolved as provided in section
41 679A.19.

42 5. Waivers. a. The division shall adopt rules
43 allowing for participating agencies to seek a temporary
44 or permanent waiver from any of the requirements
45 of this subchapter concerning the acquisition,
46 utilization, or provision of information technology.
47 The rules shall provide that a waiver may be granted
48 upon a written request by a participating agency and
49 approval of the chief information officer. A waiver
50 shall only be approved if the participating agency

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1 shows that a waiver would be in the best interests of
2 the state.

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

6 (1) Whether the failure to grant a waiver would
7 violate any state or federal law; or any published
8 policy, standard, or requirement established by a
9 governing body other than the department.

10 (2) Whether the failure to start a waiver would
11 result in the duplication of existing services,
12 resources, or support.

13 (3) Whether the waiver would obstruct the state's
14 information technology strategic plan, enterprise
15 architecture, security plans, or any other information
16 technology policy, standard, or requirement.

17 (4) Whether the waiver would result in excessive
18 expenditures or expenditures above market rates.

19 (5) The life cycle of the system or application for
20 which the waiver is requested.

21 (6) Whether the participating agency can show that
22 it can obtain or provide the information technology
23 more economically than the information technology
24 can be provided by the department. For purposes of
25 determining if the participating agency can obtain or
26 provide the information technology more economically,
27 the chief information officer shall consider the
28 impact on other participating agencies if the waiver is
29 approved or denied.

30 (7) Whether the failure to grant a waiver would
31 jeopardize federal funding.

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

35 (1) The request shall be in writing and signed
36 by the head of the participating agency seeking the
37 waiver.

38 (2) The request shall include a reference to the
39 specific policy, standard, or requirement for which the
40 waiver is submitted.

41 (3) The request shall include a statement of
42 facts including a description of the problem or issue
43 prompting the request; the participating agency's
44 preferred solution; an alternative approach to be
45 implemented by the participating agency intended to
46 satisfy the waived policy, standard, or requirement;
47 the business case for the alternative approach; the
48 economic justification for the waiver or a statement
49 as to why the waiver is in the best interests of
50 the state; the time period for which the waiver

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1 is requested; and any other information deemed
2 appropriate.

3 d. A participating agency may appeal the decision
4 of the chief information officer to the director of
5 the department of management within seven calendar
6 days following the decision of the chief information
7 officer. The director of the department of management,
8 after consultation with the technology advisory
9 council, shall respond within fourteen days following
10 the receipt of the appeal.

11 e. The department of public defense, including both
12 the military division and the homeland security and
13 emergency management division, shall not be required to
14 obtain any information technology services pursuant to
15 this subchapter for the department of public defense
16 or its divisions that is provided by the department of
17 management pursuant to this chapter without the consent
18 of the adjutant general.

19 6. Annual report. On an annual basis, prepare a
20 report to the governor, the department of management,
21 and the general assembly regarding the total spending
22 on technology for the previous fiscal year, the total
23 amount appropriated for the current fiscal year, and
24 an estimate of the amount to be requested for the
25 succeeding fiscal year for all agencies. The report
26 shall include a five year projection of technology cost
27 savings, an accounting of the level of technology cost
28 savings for the current fiscal year, and a comparison
29 of the level of technology cost savings for the current
30 fiscal year with that of the previous fiscal year.
31 This report shall be filed as soon as possible after
32 the close of a fiscal year, and by no later than the
33 second Monday of January of each year.

34 Sec. ____ NEW SECTION. 8B.22 Digital government.

35 1. The division is responsible for initiating and
36 supporting the development of electronic commerce,
37 electronic government, and internet applications across
38 participating agencies and in cooperation with other
39 governmental entities.

40 2. In developing the concept of digital
41 government, the division shall do all of the following:

42 a. Establish standards, consistent with other state
43 law, for the implementation of electronic commerce,
44 including standards for electronic signatures,
45 electronic currency, and other items associated with
46 electronic commerce.

47 b. Establish guidelines for the appearance and
48 functioning of applications.

49 c. Establish standards for the integration of
50 electronic data across state agencies.

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1 d. Foster joint development of electronic commerce
2 and electronic government involving the public and
3 private sectors.

4 e. Develop customer surveys and citizen outreach
5 and education programs and material, and provide for
6 citizen input regarding the state's electronic commerce
7 and electronic government applications.

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

12 g. Encourage participating agencies to utilize
13 a print on demand strategy to reduce publication
14 overruns, excessive inventory, and obsolete printed
15 materials.

16 Sec. __. NEW SECTION. 8B.23 Information
17 technology standards.

18 1. The division, after consultation with the
19 council, shall develop and adopt information technology
20 standards applicable to the procurement of information
21 technology by all participating agencies. Such
22 standards, unless waived by the division, shall
23 apply to all information technology procurements for
24 participating agencies.

25 2. The office of the governor or the office of
26 an elective constitutional or statutory officer
27 shall consult with the division prior to procuring
28 information technology and consider the information
29 technology standards adopted by the division, and
30 provide a written report to the division relating to
31 the office's decision regarding such acquisitions.

32 Sec. __. NEW SECTION. 8B.24 Procurement of
33 information technology.

34 1. Standards established by the division, unless
35 waived by the division, shall apply to all information
36 technology procurements for participating agencies.

37 2. The division shall institute procedures to
38 ensure effective and efficient compliance with
39 standards established by the division.

40 3. The division shall develop policies and
41 procedures that apply to all information technology
42 goods and services acquisitions, and shall ensure the
43 compliance of all participating agencies. The division
44 shall also be the sole provider of infrastructure
45 services for participating agencies.

46 4. The division, by rule, may implement a
47 prequalification procedure for contractors with which
48 the division has entered or intends to enter into
49 agreements regarding the procurement of information
50 technology.

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1 5. Notwithstanding the provisions governing
2 purchasing as provided in chapter 8A, subchapter III,
3 the division may procure information technology as
4 provided in this section. The division may cooperate
5 with other governmental entities in the procurement
6 of information technology in an effort to make such
7 procurements in a cost-effective, efficient manner as
8 provided in this section. The division, as deemed
9 appropriate and cost-effective, may procure information
10 technology using any of the following methods:
11 a. Cooperative procurement agreement. The division
12 may enter into a cooperative procurement agreement with
13 another governmental entity relating to the procurement
14 of information technology, whether such information
15 technology is for the use of the division or other
16 governmental entities. The cooperative procurement
17 agreement shall clearly specify the purpose of the
18 agreement and the method by which such purpose will be
19 accomplished. Any power exercised under such agreement
20 shall not exceed the power granted to any party to the
21 agreement.
22 b. Negotiated contract. The division may enter into
23 an agreement for the purchase of information technology
24 if any of the following applies:
25 (1) The contract price, terms, and conditions are
26 pursuant to the current federal supply contract, and
27 the purchase order adequately identifies the federal
28 supply contract under which the procurement is to be
29 made.
30 (2) The contract price, terms, and conditions
31 are no less favorable than the contractor's current
32 federal supply contract price, terms, and conditions;
33 the contractor has indicated in writing a willingness
34 to extend such price, terms, and conditions to the
35 division; and the purchase order adequately identifies
36 the contract relied upon.
37 (3) The contract is with a vendor which has a
38 current exclusive or nonexclusive price agreement
39 with the state for the information technology to be
40 procured, and such information technology meets the
41 same standards and specifications as the items to be
42 procured and both of the following apply:
43 (a) The quantity purchased does not exceed the
44 quantity which may be purchased under the applicable
45 price agreement.
46 (b) The purchase order adequately identifies the
47 price agreement relied upon.
48 c. Contracts let by another governmental
49 entity. The division, on its own behalf or on the
50 behalf of another participating agency or governmental

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1 entity, may procure information technology under a
2 contract let by another agency or other governmental
3 entity, or approve such procurement in the same manner
4 by a participating agency or governmental entity.

5 d. Reverse auction.

6 (1) The division may enter into an agreement for
7 the purchase of information technology utilizing a
8 reverse auction process. Such process shall result in
9 the purchase of information technology from the vendor
10 submitting the lowest responsible bid amount for the
11 information technology to be acquired. The division,
12 in establishing a reverse auction process, shall do all
13 of the following:

14 (a) Determine the specifications and requirements
15 of the information technology to be acquired.

16 (b) Identify and provide notice to potential
17 vendors concerning the proposed acquisition.

18 (c) Establish prequalification requirements to be
19 met by a vendor to be eligible to participate in the
20 reverse auction.

21 (d) Conduct the reverse auction in a manner as
22 deemed appropriate by the division and consistent with
23 rules adopted by the division.

24 (2) Prior to conducting a reverse auction, the
25 division shall establish a threshold amount which shall
26 be the maximum amount which the division is willing to
27 pay for the information technology to be acquired.

28 (3) The division shall enter into an agreement
29 with a vendor who is the lowest responsible bidder
30 which meets the specifications or description of the
31 information technology to be procured, or the division
32 may reject all bids and begin the process again. In
33 determining the lowest responsible bidder, the division
34 may consider various factors including but not limited
35 to the past performance of the vendor relative to
36 quality of product or service, the past experience of
37 the division in relation to the product or service, the
38 relative quality of products or services, the proposed
39 terms of delivery, and the best interest of the state.

40 e. Competitive bidding. The division may enter
41 into an agreement for the procurement or acquisition of
42 information technology in the same manner as provided
43 under chapter 8A, subchapter III, for the purchasing
44 of service.

45 f. Other agreement. In addition to the competitive
46 bidding procedure provided for under paragraph "e",
47 the division may enter into an agreement for the
48 purchase, disposal, or other disposition of information
49 technology in the same manner and subject to the same
50 limitations as otherwise provided in this chapter. The

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1 division, by rule, shall provide for such procedures.
2 6. The division shall adopt rules pursuant to
3 chapter 17A to implement the procurement methods and
4 procedures provided for in subsections 2 through 5.

5 SUBCHAPTER IV

6 IOWACCESS

7 Sec. ____ NEW SECTION. 8B.31 IowAccess – division
8 duties and responsibilities.

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

20 2. Duties. The division shall do all of the
21 following:

22 a. Establish rates to be charged for access to and
23 for value-added services performed through IowAccess.

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

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

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

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

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

44 d. Establish the IowAccess total budget request and
45 ensure that such request reflects the priorities and
46 goals of IowAccess as established by the division.

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

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1 f. Receive status and operations reports associated
2 with IowAccess.

3 3. Data purchasing. This section shall not be
4 construed to impair the right of a person to contract
5 to purchase information or data from the Iowa court
6 information system or any other governmental entity.
7 This section shall not be construed to affect a data
8 purchase agreement or contract in existence on April
9 25, 2000.

10 Sec. ____ NEW SECTION. 8B.32 Financial
11 transactions.

12 1. Moneys paid to a participating agency from
13 persons who complete an electronic financial
14 transaction with the agency by accessing IowAccess
15 shall be transferred to the treasurer of state for
16 deposit in the general fund of the state, unless the
17 disposition of the moneys is specifically provided for
18 under other law. The moneys may include all of the
19 following:

20 a. Fees required to obtain an electronic public
21 record as provided in section 22.3A.

22 b. Fees required to process an application or file
23 a document, including but not limited to fees required
24 to obtain a license issued by a licensing authority.

25 c. Moneys owed to a governmental entity by a
26 person accessing IowAccess in order to satisfy a
27 liability arising from the operation of law, including
28 the payment of assessments, taxes, fines, and civil
29 penalties.

30 2. Moneys transferred using IowAccess may include
31 amounts owed by a governmental entity to a person
32 accessing IowAccess in order to satisfy a liability of
33 the governmental entity. The moneys may include the
34 payment of tax refunds, and the disbursement of support
35 payments as defined in section 252D.16 or 598.1 as
36 required for orders issued pursuant to section 252B.14.

37 3. In addition to other forms of payment, credit
38 cards shall be accepted in payment for moneys owed to
39 or fees imposed by a governmental entity in the same
40 manner as provided in section 8B.15.

41 Sec. ____ NEW SECTION. 8B.33 Audits required.

42 A technology audit of the electronic transmission
43 system by which government records are transmitted
44 electronically to the public shall be conducted not
45 less than once annually for the purpose of determining
46 that government records and other electronic data are
47 not misappropriated or misused by the division or a
48 contractor of the division.

49 Sec. ____ NEW SECTION. 8B.34 IowAccess revolving
50 fund.

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1 1. An IowAccess revolving fund is created in
2 the state treasury. The revolving fund shall be
3 administered by the division and shall consist of
4 moneys collected by the division as fees, moneys
5 appropriated by the general assembly, and any other
6 moneys obtained or accepted by the division for
7 deposit in the revolving fund. The proceeds of the
8 revolving fund are appropriated to and shall be used
9 by the division to maintain, develop, operate, and
10 expand IowAccess consistent with this chapter, and for
11 the support of activities of the technology advisory
12 council pursuant to section 8B.8.

13 2. The division shall submit an annual report
14 not later than January 31 to the members of the
15 general assembly and the legislative services agency
16 of the activities funded by and expenditures made
17 from the revolving fund during the preceding fiscal
18 year. Section 8.33 does not apply to any moneys in
19 the revolving fund, and, notwithstanding section
20 12C.7, subsection 2, earnings or interest on moneys
21 deposited in the revolving fund shall be credited to
22 the revolving fund.

23 Sec. ____ Section 12C.1, subsection 2, paragraph
24 e, subparagraph (6), Code 2009, is amended to read as
25 follows:

26 (6) Moneys placed in a depository for the purpose
27 of completing an electronic financial transaction
28 pursuant to section ~~8A.222~~ **8B.32** or 331.427.

29 Sec. ____ Section 12C.4, Code 2009, is amended to
30 read as follows:

31 12C.4 Location of depositories.

32 Deposits by the treasurer of state shall be in
33 depositories located in this state; by a county
34 officer or county public hospital officer or merged
35 area hospital officer, in depositories located in the
36 county or in an adjoining county within this state;
37 by a memorial hospital treasurer, in a depository
38 located within this state which shall be selected by
39 the memorial hospital treasurer and approved by the
40 memorial hospital commission; by a city treasurer or
41 other city financial officer, in depositories located
42 in the county in which the city is located or in an
43 adjoining county, but if there is no depository in the
44 county in which the city is located or in an adjoining
45 county then in any other depository located in this
46 state which shall be selected as a depository by the
47 city council; by a school treasurer or by a school
48 secretary in a depository within this state which
49 shall be selected by the board of directors or the
50 trustees of the school district; by a township clerk

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1 in a depository located within this state which shall
2 be selected by the township clerk and approved by the
3 trustees of the township. However, deposits may be
4 made in depositories outside of Iowa for the purpose of
5 paying principal and interest on bonded indebtedness
6 of any municipality when the deposit is made not
7 more than ten days before the date the principal
8 or interest becomes due. Further, the treasurer of
9 state may maintain an account or accounts outside the
10 state of Iowa for the purpose of providing custodial
11 services for the state and state retirement fund
12 accounts. Deposits made for the purpose of completing
13 an electronic financial transaction pursuant to section
14 ~~8A.222~~ 8B.32 or 331.427 may be made in any depository
15 located in this state.

16 Sec. ____ Section 23A.2, subsection 10, paragraph
17 o, Code Supplement 2009, is amended to read as follows:

18 o. The performance of an activity authorized
19 pursuant to section ~~8A.202~~ 8B.21, subsection ~~2~~ 1,
20 paragraph "j".

21 Sec. ____ REPEAL. Sections 8A.201, 8A.202, 8A.203,
22 8A.204, 8A.205, 8A.206, 8A.207, 8A.221, 8A.222, and
23 8A.223, Code 2009, are repealed.

24 Sec. ____ REPEAL. Section 8A.224, Code Supplement
25 2009, is repealed. > ____.

26 Page 9, line 35, by striking <DEPARTMENT OF
27 ADMINISTRATIVE SERVICES> ____.

28 Page 10, line 1, after <TECHNOLOGY> by
29 inserting <DIVISION> ____.

30 Page 10, line 2, by striking <department of
31 administrative services> and inserting <information
32 technology division of the department of management>

33 ____ Page 10, line 13, by striking <department> and
34 inserting <information technology division>

35 ____ Page 35, line 4, by striking <~~2011~~ 2016> and
36 inserting <2011> ____.

37 Page 35, by striking lines 11 through 20.>

38 2. Page 2, by striking lines 1 through 3.

39 3. Page 2, line 5, by striking <(ii) The> and
40 inserting <(e) (1) Beginning July 1, 2011, the>

41 4. Page 2, line 9, after <board.> by inserting
42 <In applying for a waiver, the director shall provide
43 detailed documentation to the board describing the
44 efforts that the executive branch agency has made in
45 attempting to meet the applicable target aggregate
46 ratio provided in this paragraph "g".>

47 5. Page 2, line 16, after <employees.> by inserting
48 <However, if a department represented on the review
49 board seeks a waiver, the member representing the
50 department shall not participate in the decision on

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1 whether to grant a waiver for that department.>
2 6. Page 2, after line 16 by inserting:
3 < (2) Prior to determining whether to grant a
4 waiver, the review board shall make an initial
5 determination of whether the executive branch agency
6 has provided sufficient information to conduct a
7 review. If not, the review board shall deny the
8 request and notify the executive branch agency of the
9 information needed to consider the request for waiver.
10 If a waiver is granted, the review board shall limit
11 the waiver to only those operations within an executive
12 branch agency in which adequate justification for
13 granting a waiver has been established.>
14 7. Page 2, line 18, by striking <(d)> and inserting
15 <(f)>
16 8. Page 2, line 20, by striking <(e)> and inserting
17 <(g)>
18 9. Page 2, after line 20 by inserting:
19 ____ Page 36, after line 10 by inserting:
20 < (h) The policy shall provide that in calculating
21 the span of control ratio for an executive branch
22 agency, unfunded full-time equivalent positions shall
23 not be utilized. >>
24 10. Page 2, line 22, by striking <(f)> and
25 inserting <(i)>
26 11. Page 2, after line 22 by inserting:
27 ____ Page 36, line 14, by striking <2017> and
28 inserting <2012>>
29 12. Page 2, line 24, by striking <(g)> and
30 inserting <(j)>
31 13. Page 2, after line 24 by inserting:
32 ____ Page 38, line 18, after <services> by
33 inserting <, the chief information officer of the
34 state,> ____.
35 Page 38, line 19, after <agencies> by
36 inserting <authorized to purchase goods and services>
37 ____ Page 38, line 29, after <agencies> by
38 inserting <authorized to purchase goods and services>
39 ____ Page 39, line 10, after <agency> by inserting
40 <authorized to purchase goods and services>
41 ____ Page 39, line 22, after <improvements> by
42 inserting <, and shall seek input from the department
43 of administrative services and the chief information
44 officer of the state regarding specific areas of
45 potential cooperation between the institutions
46 under the control of the board and the department of
47 ____ administrative services>
48 Page 39, line 26, after <agency> by inserting
49 <authorized to purchase goods and services> .
50 ____ Page 39, line 29, by striking <July 1,> and

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1 inserting <July 1>>
2 14. Page 3, line 13, by striking <at a
3 micro-distillery> and inserting <on the licensed
4 premises of the micro-distillery where fermented,
5 distilled, or matured>
6 15. Page 3, line 39, by striking <prior to sale>
7 and inserting <as a part of a micro-distillery tour>
8 16. Page 3, line 42, by striking <made,> and
9 inserting <fermented, distilled, or matured,>
10 17. Page 4, after line 7 by inserting:
11 <8. Micro-distilled spirits purchased at a
12 micro-distillery shall not be consumed within three
13 hundred feet of a micro-distillery or on any property
14 owned, operated, or controlled by a micro-distillery.>
15 18. Page 5, line 11, after <sold> by inserting <by
16 the charity beer and wine auction permittee>
17 19. Page 6, line 15, by striking <ten> and
18 inserting <twelve>
19 20. Page 6, after line 44 by inserting:
20 <Sec. ____ Section 123.125, Code 2009, is amended
21 to read as follows:
22 123.125 Issuance of permits.
23 The administrator shall issue class "A", special
24 class "A", class "AA", special class "AA", class "B",
25 and class "C" beer permits and may suspend or revoke
26 permits for cause as provided in this chapter.
27 Sec. ____ Section 123.127, subsection 1, unnumbered
28 paragraph 1, Code Supplement 2009, is amended to read
29 as follows:
30 A class "A" or class "AA" permit shall be issued by
31 the administrator to any person who:
32 Sec. ____ Section 123.127, subsection 2, Code
33 Supplement 2009, is amended to read as follows:
34 2. An applicant for a special class "A" or
35 special class "AA" permit shall comply with the
36 requirements for a class "A" or class "AA" permit, as
37 applicable, and shall also state on the application
38 that the applicant holds or has applied for a class "C"
39 liquor control license or class "B" beer permit.>
40 21. By striking page 7, line 42, through page 8,
41 line 9.
42 22. By striking page 8, line 22, through page 9,
43 line 6.
44 23. Page 10, by striking lines 11 through 20 and
45 inserting:
46 4. Shipment of wine pursuant to this subsection>
47 24. Page 11, by striking lines 7 through 11.
48 25. Page 11, by striking lines 18 through 22.
49 26. By striking page 11, line 43, through page 17,
50 line 18, and inserting <line 15.>

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1 27. By striking page 20, line 4, through page 29,
2 line 21, and inserting:
3 <Sec. ____ NEW SECTION. 685.1 Definitions.
4 1. "Claim" means any request or demand, whether
5 pursuant to a contract or otherwise, for money or
6 property and whether the state has title to the
7 money or property, which is presented to an officer,
8 employee, agent, or other representative of the
9 state or to a contractor, grantee, or other person
10 if the money or property is to be spent or used on
11 the state's behalf or to advance a state program or
12 interest, and if the state provides any portion of
13 the money or property which is requested or demanded,
14 or if the state will reimburse directly or indirectly
15 such contractor, grantee, or other person for any
16 portion of the money or property which is requested
17 or demanded. "Claim" does not include any requests or
18 demands for money or property that the state has paid
19 to an individual as compensation for state employment
20 or as an income subsidy with no restrictions on that
21 individual's use of the money or property.
22 2. "Custodian" means the custodian, or any deputy
23 custodian, designated by the attorney general under
24 section 685.6.
25 3. "Documentary material" includes the original
26 or any copy of any book, record, report, memorandum,
27 paper, communication, tabulation, chart, or other
28 document, or data compilations stored in or accessible
29 through computer or other information retrieval
30 systems, together with instructions and all other
31 materials necessary to use or interpret such data
32 compilations, and any product of discovery.
33 4. "False claims law" means this chapter.
34 5. "False claims law investigation" means any
35 inquiry conducted by a false claims law investigator
36 for the purpose of ascertaining whether any person is
37 or has been engaged in any violation of a false claims
38 law.
39 6. "False claims law investigator" means any
40 attorney or investigator employed by the department
41 of justice who is charged with the duty of enforcing
42 or carrying into effect any false claims law, or
43 any officer or employee of the state acting under
44 the direction and supervision of such attorney or
45 investigator in connection with a false claims law
46 investigation.
47 7. a. "Knowing" or "knowingly" means that a person
48 with respect to information, does any of the following:
49 (1) Has actual knowledge of the information.
50 (2) Acts in deliberate ignorance of the truth or

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1 falsity of the information.

2 (3) Acts in reckless disregard of the truth or
3 falsity of the information.

4 b. "Knowing" or "knowingly" does not require proof
5 of specific intent to defraud.

6 8. "Material" means having a natural tendency to
7 influence, or be capable of influencing, the payment or
8 receipt of money or property.

9 9. "Obligation" means an established duty, whether
10 or not fixed, arising from an express or implied
11 contractual, grantor-grantee, or licensor-licensee
12 relationship, from a fee-based or similar relationship,
13 from statute or regulation, or from the retention of
14 any overpayment.

15 10. "Official use" means any use that is consistent
16 with the law, and the regulations and policies of the
17 department of justice, including use, in connection
18 with internal department of justice memoranda and
19 reports; communications between the department of
20 justice and a federal, state, or local government
21 agency or a contractor of a federal, state, or local
22 government agency, undertaken in furtherance of a
23 department of justice investigation or prosecution of
24 a case; interviews of any qui tam plaintiff or other
25 witness; oral examinations; depositions; preparation
26 for and response to civil discovery requests;
27 introduction into the record of a case or proceeding;
28 applications, motions, memoranda and briefs submitted
29 to a court or other tribunal; and communications with
30 government investigators, auditors, consultants and
31 experts, the counsel of other parties, and arbitrators
32 and mediators, concerning an investigation, case, or
33 proceeding.

34 11. "Original source" means an individual who has
35 direct and independent knowledge of the information on
36 which the allegations are based and has voluntarily
37 provided the information to the state before filing
38 an action under section 685.3 which is based on the
39 information.

40 12. "Person" means any natural person, partnership,
41 corporation, association, or other legal entity,
42 including any state or political subdivision of the
43 state.

44 13. "Product of discovery" includes all of the
45 following:

46 a. The original or duplicate of any deposition,
47 interrogatory, document, thing, result of the
48 inspection of land or other property, examination, or
49 admission, which is obtained by any method of discovery
50 in any judicial or administrative proceeding of an

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1 adversarial nature.

2 b. Any digest, analysis, selection, compilation, or
3 derivation of any item listed in paragraph "a".

4 c. Any index or other manner of access to any item
5 listed in paragraph "a".

6 14. "Qui tam plaintiff" means a private plaintiff who
7 brings an action under this chapter on behalf of the
8 state.

9 Sec. __. NEW SECTION. 685.2 Acts subjecting
10 person to treble damages, costs, and civil penalties –
11 exceptions.

12 1. A person who commits any of the following acts
13 is liable to the state for a civil penalty of not
14 less than five thousand dollars and not more than
15 ten thousand dollars, plus three times the amount of
16 damages which the state sustains because of the act of
17 that person:

18 a. Knowingly presents, or causes to be presented, a
19 false or fraudulent claim for payment or approval.

20 b. Knowingly makes, uses, or causes to be made or
21 used, a false record or statement material to a false
22 or fraudulent claim.

23 c. Conspires to commit a violation of paragraph
24 "a", "b", "d", "e", "f", or "g".

25 d. Has possession, custody, or control of property
26 or money used, or to be used, by the state and
27 knowingly delivers, or causes to be delivered, less
28 than all of that money or property.

29 e. Is authorized to make or deliver a document
30 certifying receipt of property used, or to be used, by
31 the state and, intending to defraud the state, makes or
32 delivers the receipt without completely knowing that
33 the information on the receipt is true.

34 f. Knowingly buys, or receives as a pledge of an
35 obligation or debt, public property from an officer or
36 employee of the state, or a member of the Iowa national
37 guard, who lawfully may not sell or pledge property.

38 g. Knowingly makes, uses, or causes to be made
39 or used, a false record or statement material to an
40 obligation to pay or transmit money or property to
41 the state, or knowingly conceals or knowingly and
42 improperly avoids or decreases an obligation to pay or
43 transmit money or property to the state.

44 2. Notwithstanding subsection 1, the court may
45 assess not less than two times the amount of damages
46 which the state sustains because of the act of the
47 person described in subsection 1, if the court finds
48 all of the following:

49 a. The person committing the violation furnished
50 officials of the state responsible for investigating

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1 false claims violations with all information known to
2 such person about the violation within thirty days
3 after the date on which the person first obtained the
4 information.
5 b. The person fully cooperated with the state
6 investigation of such violation.
7 c. At the time the person furnished the state
8 with the information about the violation, a criminal
9 prosecution, civil action, or administrative action
10 had not commenced under this chapter with respect to
11 such violation, and the person did not have actual
12 knowledge of the existence of an investigation into
13 such violation.
14 3. A person violating this section shall also be
15 liable to the state for the costs of a civil action
16 brought to recover any such penalty or damages.
17 4. Any information furnished pursuant to subsection
18 2 is deemed confidential information exempt from
19 disclosure pursuant to chapter 22.
20 5. This section shall not apply to claims, records,
21 or statements made under Tit. X relating to state
22 revenue and taxation.
23 Sec. __. NEW SECTION. 685.3 Investigations and
24 prosecutions – powers of prosecuting authority – civil
25 actions by individuals as qui tam plaintiffs and as
26 private citizens – jurisdiction of courts.
27 1. The attorney general shall diligently
28 investigate a violation under section 685.2. If the
29 attorney general finds that a person has violated or is
30 violating section 685.2, the attorney general may bring
31 a civil action under this section against that person.
32 2. a. A person may bring a civil action for a
33 violation of this chapter for the person and for
34 the state, in the name of the state. The person
35 bringing the action shall be referred to as the qui tam
36 plaintiff. Once filed, the action may be dismissed
37 only if the court and the attorney general provide
38 written consent to the dismissal and the reasons for
39 such consent.
40 b. A copy of the complaint and written disclosure
41 of substantially all material evidence and information
42 the person possesses shall be served on the attorney
43 general pursuant to the Iowa rules of civil procedure.
44 The complaint shall also be filed in camera, shall
45 remain under seal for at least sixty days, and shall
46 not be served on the defendant until the court so
47 orders. The state may elect to intervene and proceed
48 with the action within sixty days after the state
49 receives both the complaint and the material evidence
50 and the information.

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1 c. The state may, for good cause shown, move the
2 court for extensions of the time during which the
3 complaint remains under seal under paragraph "b".
4 Any such motions may be supported by affidavits or
5 other submissions in camera. The defendant shall not
6 be required to respond to any complaint filed under
7 this section until twenty days after the complaint is
8 unsealed and served upon the defendant pursuant to rule
9 1.302 of the Iowa rules of civil procedure.

10 d. Before the expiration of the sixty-day period or
11 any extensions obtained under paragraph "c", the state
12 shall do one of the following:

13 (1) Proceed with the action, in which case the
14 action shall be conducted by the state.

15 (2) Notify the court that the state declines
16 to take over the action, in which case the qui tam
17 plaintiff shall have the right to conduct the action.

18 e. When a person brings an action under this
19 section, no person other than the state may intervene
20 or bring a related action based on the facts underlying
21 the pending action.

22 3. a. If the state proceeds with the action,
23 the state shall have the primary responsibility for
24 prosecuting the action, and shall not be bound by an
25 act of the qui tam plaintiff. Such qui tam plaintiff
26 shall have the right to continue as a party to the
27 action, subject to the limitations specified in
28 paragraph "b".

29 b. (1) The state may move to dismiss the action,
30 notwithstanding the objections of the qui tam plaintiff
31 if the qui tam plaintiff has been notified by the state
32 of the filing of the motion and the court has provided
33 the qui tam plaintiff with an opportunity for a hearing
34 on the motion.

35 (2) The state may settle the action with the
36 defendant notwithstanding the objections of the qui tam
37 plaintiff if the court determines, after a hearing,
38 that the proposed settlement is fair, adequate, and
39 reasonable under all of the circumstances. Upon a
40 showing of good cause, such hearing may be held in
41 camera.

42 (3) Upon a showing by the state that unrestricted
43 participation during the course of the litigation by
44 the qui tam plaintiff would interfere with or unduly
45 delay the state's prosecution of the case, or would be
46 repetitious, irrelevant, or for purposes of harassment,
47 the court may, in its discretion, impose limitations on
48 the qui tam plaintiff's participation, including but
49 not limited to any of the following:

50 (a) Limiting the number of witnesses the qui tam

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1 plaintiff may call.

2 (b) Limiting the length of the testimony of such
3 witnesses.

4 (c) Limiting the qui tam plaintiff's
5 cross-examination of witnesses.

6 (d) Otherwise limiting the participation by the qui
7 tam plaintiff in the litigation.

8 (4) Upon a showing by the defendant that
9 unrestricted participation during the course of the
10 litigation by the qui tam plaintiff would be for
11 purposes of harassment or would cause the defendant
12 undue burden or unnecessary expense, the court may
13 limit the participation by the qui tam plaintiff in the
14 litigation.

15 c. If the state elects not to proceed with the
16 action, the qui tam plaintiff shall have the right to
17 conduct the action. If the state so requests, the
18 state shall be served with copies of all pleadings
19 filed in the action and shall be supplied with copies
20 of all deposition transcripts at the state's expense.
21 When a qui tam plaintiff proceeds with the action, the
22 court, without limiting the status and rights of the
23 qui tam plaintiff, may permit the state to intervene at
24 a later date upon a showing of good cause.

25 d. Whether or not the state proceeds with the
26 action, upon a showing by the state that certain
27 actions of discovery by the qui tam plaintiff would
28 interfere with the state's investigation or prosecution
29 of a criminal or civil matter arising out of the
30 same facts, the court may stay such discovery for a
31 period of not more than sixty days. Such a showing
32 shall be conducted in camera. The court may extend
33 the sixty-day period upon a further showing in camera
34 that the state has pursued the criminal or civil
35 investigation or proceedings with reasonable diligence
36 and any proposed discovery in the civil action
37 will interfere with the ongoing criminal or civil
38 investigation or proceedings.

39 e. Notwithstanding subsection 2, the state
40 may elect to pursue the state's claim through any
41 alternate remedy available to the state, including any
42 administrative proceeding to determine a civil penalty.
43 If any such alternate remedy is pursued in another
44 proceeding, the qui tam plaintiff shall have the same
45 rights in such proceeding as such qui tam plaintiff
46 would have had if the action had continued under this
47 section. Any finding of fact or conclusion of law
48 made in such other proceeding that has become final,
49 shall be conclusive as to all such parties to an action
50 under this section. For purposes of this paragraph, a

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1 finding or conclusion is final if it has been finally
2 determined on appeal to the appropriate court of the
3 state, if all time for filing such an appeal with
4 respect to the finding or conclusion has expired, or if
5 the finding or conclusion is not subject to judicial
6 review.

7 4. a. (1) If the state proceeds with an action
8 brought by a qui tam plaintiff under subsection 2, the
9 qui tam plaintiff shall, subject to subparagraph (2),
10 receive at least fifteen percent but not more than
11 twenty-five percent of the proceeds of the action or
12 settlement of the claim, depending upon the extent to
13 which the qui tam plaintiff substantially contributed
14 to the prosecution of the action.

15 (2) If the action is one which the court finds
16 to be based primarily on disclosures of specific
17 information, other than information provided by the qui
18 tam plaintiff, relating to allegations or transactions
19 in a criminal, civil, or administrative hearing, or
20 in a legislative, administrative or state auditor
21 report, hearing, audit, or investigation, or from
22 the news media, the court may award an amount the
23 court considers appropriate, but in no case more than
24 ten percent of the proceeds, taking into account the
25 significance of the information and the role of the qui
26 tam plaintiff in advancing the case to litigation.

27 (3) Any payment to a qui tam plaintiff under
28 subparagraph (1) or (2) shall be made from the
29 proceeds. Any such qui tam plaintiff shall also
30 receive an amount for reasonable expenses which the
31 appropriate court finds to have been necessarily
32 incurred, plus reasonable attorney fees and costs. All
33 such expenses, fees, and costs shall be awarded against
34 the defendant.

35 b. If the state does not proceed with an action
36 under this section, the qui tam plaintiff or person
37 settling the claim shall receive an amount which the
38 court decides is reasonable for collecting the civil
39 penalty and damages. The amount shall be not less than
40 twenty-five percent and not more than thirty percent
41 of the proceeds of the action or settlement and shall
42 be paid out of such proceeds. Such qui tam plaintiff
43 or person shall also receive an amount for reasonable
44 expenses which the court finds to have been necessarily
45 incurred, plus reasonable attorney fees and costs. All
46 such expenses, fees, and costs shall be awarded against
47 the defendant.

48 c. Whether or not the state proceeds with the
49 action, if the court finds that the action was brought
50 by a qui tam plaintiff who planned and initiated

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1 the violation of section 685.2 upon which the action
2 was brought, the court may, to the extent the court
3 considers appropriate, reduce the share of the proceeds
4 of the action which the qui tam plaintiff would
5 otherwise receive under paragraph "a" or "b", taking
6 into account the role of that qui tam plaintiff in
7 advancing the case to litigation and any relevant
8 circumstances pertaining to the violation. If the qui
9 tam plaintiff is convicted of criminal conduct arising
10 from the qui tam plaintiff's role in the violation of
11 section 685.2, the qui tam plaintiff shall be dismissed
12 from the civil action and shall not receive any share
13 of the proceeds of the action. Such dismissal shall
14 not prejudice the right of the state to continue the
15 action represented by the attorney general.

16 d. If the state does not proceed with the action
17 and the qui tam plaintiff conducts the action, the
18 court may award to the defendant reasonable attorney
19 fees and expenses if the defendant prevails in the
20 action and the court finds that the claim of the qui
21 tam plaintiff was clearly frivolous, clearly vexatious,
22 or brought primarily for purposes of harassment.

23 5. a. A court shall not have jurisdiction over an
24 action brought by a former or present member of the
25 Iowa national guard under this chapter against a member
26 of the Iowa national guard arising out of such person's
27 services in the Iowa national guard.

28 b. A qui tam plaintiff shall not bring an action
29 under subsection 2 which is based upon allegations or
30 transactions which are the subject of a civil suit or
31 an administrative civil penalty proceeding in which the
32 state is already a party.

33 c. A court shall not have jurisdiction over an
34 action under this section based upon the public
35 disclosure of allegations or transactions in a
36 criminal, civil, or administrative hearing, or in a
37 legislative, administrative, or state auditor report,
38 hearing, audit, or investigation, or from the news
39 media, unless the action is brought by the attorney
40 general or the qui tam plaintiff is an original source
41 of the information.

42 d. The state is not liable for expenses which a
43 person incurs in bringing an action under this section.

44 6. Any employee, contractor, or agent who is
45 discharged, demoted, suspended, threatened, harassed,
46 or in any other manner discriminated against in
47 the terms and conditions of employment because of
48 lawful acts performed by the employee, contractor,
49 or agent on behalf of the employee, contractor, or
50 agent or associated others in furtherance of other

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1 efforts to stop a violation of this chapter, shall
2 be entitled to all relief necessary to make the
3 employee, contractor, or agent whole. Such relief
4 shall include reinstatement with the same seniority
5 status such employee, contractor, or agent would have
6 had but for the discrimination, two times the amount of
7 back pay, interest on the back pay, and compensation
8 for any special damages sustained as a result of
9 the discrimination, including litigation costs and
10 reasonable attorney fees. An employee, contractor, or
11 agent may bring an action in the appropriate district
12 court of the state for the relief provided in this
13 subsection.

14 Sec. __. NEW SECTION. 685.4 Procedure – statute
15 of limitations.

16 1. A subpoena requiring the attendance of a witness
17 at a trial or hearing conducted under this chapter may
18 be served at any place in the state, or through any
19 means authorized in the Iowa rules of civil procedure.

20 2. A civil action under this chapter may not be
21 brought more than six years after the date on which
22 the violation of section 685.2 is committed, or more
23 than three years after the date when facts material
24 to the right of action are known or reasonably should
25 have been known by the official of state charged with
26 responsibility to act in the circumstances, but in no
27 event more than ten years after the date on which the
28 violation is committed, whichever occurs last.

29 3. If the state elects to intervene and proceed
30 with an action brought under this chapter, the state
31 may file its own complaint or amend the complaint of
32 a qui tam plaintiff to clarify or add detail to the
33 claims in which the state is intervening and to add
34 any additional claims with respect to which the state
35 contends it is entitled to relief. For statute of
36 limitations purposes, any such state pleading shall
37 relate back to the filing date of the complaint of the
38 qui tam plaintiff who originally brought the action, to
39 the extent that the claim of the state arises out of
40 the conduct, transactions, or occurrences set forth,
41 or attempted to be set forth, in the prior complaint
42 of that person.

43 4. In any action brought under section 685.3, the
44 state shall prove all essential elements of the cause
45 of action, including damages, by a preponderance of the
46 evidence.

47 5. Notwithstanding any other provision of law, the
48 Iowa rules of criminal procedure, or the Iowa rules of
49 evidence, a final judgment rendered in favor of the
50 state in any criminal proceeding charging fraud or

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1 false statements, whether upon a verdict after trial
2 or upon a plea of guilty or nolo contendere, shall
3 estop the defendant from denying the essential elements
4 of the offense in any action which involves the same
5 transaction as in the criminal proceeding and which is
6 brought under section 685.3.

7 Sec. ___. NEW SECTION. 685.5 Jurisdiction.

8 1. Any action under section 685.3 may be brought
9 in any county in which the defendant or, in the case
10 of multiple defendants, any one defendant can be
11 found, resides, transacts business, or in which any
12 act proscribed by section 685.2 occurred. An original
13 notice as required by the Iowa rules of civil procedure
14 shall be issued by the appropriate district court and
15 served in accordance with the Iowa rules of civil
16 procedure.

17 2. A seal on the action ordered by the court under
18 section 685.3 shall not preclude the state, local
19 government, or the qui tam plaintiff from serving
20 the complaint, any other pleadings, or the written
21 disclosure of substantially all material evidence and
22 information possessed by the qui tam plaintiff on the
23 law enforcement authorities that are authorized under
24 the law of the state or local government to investigate
25 and prosecute such actions on behalf of such
26 governments, except that such seal applies to the law
27 enforcement authorities so served to the same extent as
28 the seal applies to other parties in the action.

29 Sec. ___. NEW SECTION. 685.6 Civil investigative
30 demands.

31 1. Issuance and service.

32 a. If the attorney general, or a designee, for the
33 purposes of this section, has reason to believe that
34 any person may be in possession, custody, or control
35 of any documentary material or information relevant
36 to a false claims law investigation, the attorney
37 general, or a designee, may, before commencing a civil
38 proceeding under section 685.3, subsection 1, or other
39 false claims law, or making an election under section
40 685.3, subsection 2, issue in writing and cause to be
41 served upon such person, a civil investigative demand
42 requiring any of the following of such person:

43 (1) To produce such documentary material for
44 inspection and copying.

45 (2) To answer in writing, written interrogatories
46 with respect to such documentary material or
47 information.

48 (3) To give oral testimony concerning such
49 documentary material or information.

50 (4) To furnish any combination of such material,

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1 answers, or testimony.

2 b. The attorney general may delegate the authority
3 to issue civil investigative demands under this
4 subsection. If a civil investigative demand is an
5 express demand for any product of discovery, the
6 attorney general, a deputy attorney general, or an
7 assistant attorney general shall cause to be served,
8 in any manner authorized by this section, a copy of
9 such demand upon the person from whom the discovery
10 was obtained and shall notify the person to whom such
11 demand is issued of the date on which such copy was
12 served. Any information obtained by the attorney
13 general or a designee of the attorney general under
14 this section may be shared with any qui tam plaintiff
15 if the attorney general or designee determines
16 it is necessary as part of any false claims law
17 investigation.

18 2. Contents and deadlines.

19 a. Each civil investigative demand issued under
20 subsection 1 shall state the nature of the conduct
21 constituting the alleged violation of a false claims
22 law which is under investigation, and the applicable
23 provision of law alleged to be violated.

24 b. If such demand is for the production of
25 documentary material, the demand shall provide all of
26 the following:

27 (1) Describe each class of documentary material to
28 be produced with such definiteness and certainty as to
29 permit such material to be fairly identified.

30 (2) Prescribe a return date for each such class
31 which will provide a reasonable period of time within
32 which the material so demanded may be assembled and
33 made available for inspection and copying.

34 (3) Identify the false claims law investigator to
35 whom such material shall be made available.

36 c. If such demand is for answers to written
37 interrogatories, the demand shall provide for all of
38 the following:

39 (1) Set forth with specificity the written
40 interrogatories to be answered.

41 (2) Prescribe dates at which time answers to
42 written interrogatories shall be submitted.

43 (3) Identify the false claims law investigator to
44 whom such answers shall be submitted.

45 d. If such demand is for the giving of oral
46 testimony, the demand shall provide for all of the
47 following:

48 (1) Prescribe a date, time, and place at which oral
49 testimony shall be commenced.

50 (2) Identify a false claims law investigator who

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1 shall conduct the examination and the custodian to whom
2 the transcript of such examination shall be submitted.

3 (3) Specify that such attendance and testimony are
4 necessary to the conduct of the investigation.

5 (4) Notify the person receiving the demand of the
6 right to be accompanied by an attorney and any other
7 representative.

8 (5) Describe the general purpose for which the
9 demand is being issued and the general nature of the
10 testimony, including the primary areas of inquiry,
11 which will be taken pursuant to the demand.

12 e. Any civil investigative demand issued under this
13 section which is an express demand for any product of
14 discovery shall not be returned or returnable until
15 twenty days after a copy of such demand has been served
16 upon the person from whom the discovery was obtained.

17 f. The date prescribed for the commencement of oral
18 testimony pursuant to a civil investigative demand
19 issued under this section shall be a date which is not
20 less than seven days after the date on which demand is
21 received, unless the attorney general or an assistant
22 attorney general designated by the attorney general
23 determines that exceptional circumstances are present
24 which warrant the commencement of such testimony within
25 a lesser period of time.

26 g. The attorney general shall not authorize the
27 issuance under this section of more than one civil
28 investigative demand for oral testimony by the same
29 person, unless the person requests otherwise or unless
30 the attorney general, after investigation, notifies
31 that person in writing that an additional demand for
32 oral testimony is necessary.

33 3. Protected material or information.

34 a. A civil investigative demand issued under
35 subsection 1 shall not require the production of any
36 documentary material, the submission of any answers
37 to written interrogatories, or the giving of any oral
38 testimony if such material, answers, or testimony
39 would be protected from disclosure under any of the
40 following:

41 (1) The standards applicable to subpoenas or
42 subpoenas duces tecum issued by a court of the state to
43 aid in a grand jury investigation.

44 (2) The standards applicable to discovery requests
45 under the Iowa rules of civil procedure, to the
46 extent that the application of such standards to any
47 such demand is appropriate and consistent with the
48 provisions and purposes of this section.

49 b. Any such demand which is an express demand for
50 any product of discovery, supersedes any inconsistent

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1 order, rule, or provision of law, other than this
2 section, preventing or restraining disclosure of such
3 product of discovery to any person. Disclosure of
4 any product of discovery pursuant to any such express
5 demand does not constitute a waiver of any right or
6 privilege which the person making such disclosure may
7 be entitled to invoke to resist discovery of trial
8 preparation materials.

9 4. Service.

10 a. Any civil investigative demand issued under
11 subsection 1 may be served by a false claims law
12 investigator, or by any official authorized to issue
13 civil investigative demands.

14 b. Service of any civil investigative demand
15 issued under subsection 1 or of any petition filed
16 under subsection 9 may be made upon a partnership,
17 corporation, association, or other legal entity by any
18 of the following methods:

19 (1) Delivering an executed copy of such demand
20 or petition to any partner, executive officer,
21 managing agent, or general agent of the partnership,
22 corporation, association, or entity, or to any agent
23 authorized by appointment or by law to receive service
24 of process on behalf of such partnership, corporation,
25 association, or entity.

26 (2) Delivering an executed copy of such demand or
27 petition to the principal office or place of business
28 of the partnership, corporation, association, or
29 entity.

30 (3) Depositing an executed copy of such demand
31 or petition in the United States mails by registered
32 or certified mail, with a return receipt requested,
33 addressed to such partnership, corporation,
34 association, or entity at its principal office or place
35 of business.

36 c. Service of any such demand or petition may be
37 made upon any natural person by any of the following
38 methods:

39 (1) Delivering an executed copy of such demand or
40 petition to the person.

41 (2) Depositing an executed copy of such demand
42 or petition in the United States mails by registered
43 or certified mail, with a return receipt requested,
44 addressed to the person at the person's residence or
45 principal office or place of business.

46 d. A verified return by the individual serving any
47 civil investigative demand issued under subsection 1 or
48 any petition filed under subsection 9 setting forth the
49 manner of such service shall be proof of such service.
50 In the case of service by registered or certified mail,

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1 such return shall be accompanied by the return post
2 office receipt of delivery of such demand.
3 5. Documentary material.
4 a. The production of documentary material in
5 response to a civil investigative demand served under
6 this section shall be made under a sworn certificate,
7 in such form as the demand designates, by the following
8 persons, as applicable:
9 (1) In the case of a natural person, the person to
10 whom the demand is directed.
11 (2) In the case of a person other than a natural
12 person, a person having knowledge of the facts
13 and circumstances relating to such production and
14 authorized to act on behalf of such person.
15 b. The certificate shall state that all of the
16 documentary material required by the demand and in
17 the possession, custody, or control of the person to
18 whom the demand is directed has been produced and
19 made available to the false claims law investigator
20 identified in the demand.
21 c. Any person upon whom any civil investigative
22 demand for the production of documentary material has
23 been served under this section shall make such material
24 available for inspection and copying to the false
25 claims law investigator identified in such demand at
26 the principal place of business of such person, or at
27 such other place as the false claims law investigator
28 and the person agree and prescribe in writing, or as
29 the court may direct under subsection 9. Such material
30 shall be made available on the return date specified in
31 such demand, or on such later date as the false claims
32 law investigator may prescribe in writing. Such person
33 may, upon written agreement between the person and the
34 false claims law investigator, substitute copies for
35 originals of all or any part of such material.
36 6. Interrogatories.
37 a. Each interrogatory in a civil investigative
38 demand served under this section shall be answered
39 separately and fully in writing under oath and shall
40 be submitted under a sworn certificate, in such form
41 as the demand designates, by the following persons, as
42 applicable:
43 (1) In the case of a natural person, the person to
44 whom the demand is directed.
45 (2) In the case of a person other than a natural
46 person, the person or persons responsible for answering
47 each interrogatory.
48 b. If any interrogatory is objected to, the reasons
49 for the objection shall be stated in the certificate
50 instead of an answer. The certificate shall state

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1 that all information required by the demand and in
2 the possession, custody, control, or knowledge of
3 the person to whom the demand is directed has been
4 submitted. To the extent that any information is not
5 furnished, the information shall be identified and
6 reasons set forth with particularity regarding the
7 reasons why the information was not furnished.

8 7. Oral examinations.

9 a. The examination of any person pursuant to a
10 civil investigative demand for oral testimony served
11 under this section shall be taken before an officer
12 authorized to administer oaths and affirmations by
13 the laws of this state or of the place where the
14 examination is held. The officer before whom the
15 testimony is to be taken shall put the witness on oath
16 or affirmation and shall, personally or by someone
17 acting under the direction of the officer and in
18 the officer's presence, record the testimony of the
19 witness. The testimony shall be taken stenographically
20 and shall be transcribed. When the testimony is fully
21 transcribed, the officer before whom the testimony is
22 taken shall promptly transmit a copy of the transcript
23 of the testimony to the custodian. This subsection
24 shall not preclude the taking of testimony by any means
25 authorized by, and in a manner consistent with, the
26 Iowa rules of civil procedure.

27 b. The false claims law investigator conducting
28 the examination shall exclude from the place where
29 the examination is held all persons except the person
30 giving the testimony, the attorney for and any other
31 representative of the person giving the testimony, the
32 attorney for the state, any person who may be agreed
33 upon by the attorney for the state and the person
34 giving the testimony, the officer before whom the
35 testimony is to be taken, and any stenographer taking
36 such testimony.

37 c. The oral testimony of any person taken pursuant
38 to a civil investigative demand served under this
39 section shall be taken in any state in which such
40 person resides, is found, or transacts business, or in
41 such other place as may be agreed upon by the false
42 claims law investigator conducting the examination and
43 such person.

44 d. When the testimony is fully transcribed, the
45 false claims law investigator or the officer before
46 whom the testimony is taken shall afford the witness,
47 who may be accompanied by counsel, a reasonable
48 opportunity to examine and read the transcript, unless
49 such examination and reading are waived by the witness.
50 Any changes in form or substance which the witness

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1 desires to make shall be entered and identified upon
2 the transcript by the officer or the false claims law
3 investigator, with a statement of the reasons given by
4 the witness for making such changes. The transcript
5 shall then be signed by the witness, unless the witness
6 in writing waives the signing, is ill, cannot be found,
7 or refuses to sign. If the transcript is not signed by
8 the witness within thirty days after being afforded a
9 reasonable opportunity to examine the transcript, the
10 officer or the false claims law investigator shall sign
11 the transcript and state on the record the fact of the
12 waiver, illness, absence of the witness, or the refusal
13 to sign, together with the reasons, if any, for the
14 waiver, illness, absence, or refusal.

15 e. The officer before whom the testimony is taken
16 shall certify on the transcript that the witness was
17 sworn by the officer and that the transcript is a true
18 record of the testimony given by the witness, and the
19 officer or false claims law investigator shall promptly
20 deliver the transcript, or send the transcript by
21 registered or certified mail, to the custodian.

22 f. Upon payment of reasonable charges for a copy,
23 the false claims law investigator shall furnish a copy
24 of the transcript to the witness only, except that the
25 attorney general, the deputy attorney general, or an
26 assistant attorney general may, for good cause, limit
27 such witness to inspection of the official transcript
28 of the witness' testimony.

29 g. (1) Any person compelled to appear for oral
30 testimony under a civil investigative demand issued
31 under subsection 1 may be accompanied, represented, and
32 advised by counsel. Counsel may advise such person,
33 in confidence, with respect to any question asked of
34 such person. Such person or counsel may object on
35 the record to any question, in whole or in part, and
36 shall briefly state for the record the reason for the
37 objection. An objection may be made, received, and
38 entered upon the record when it is claimed that such
39 person is entitled to refuse to answer the question
40 on the grounds of any constitutional or other legal
41 right or privilege, including the privilege against
42 self-incrimination. Such person may not otherwise
43 object to or refuse to answer any question, and may not
44 directly or through counsel otherwise interrupt the
45 oral examination. If such person refuses to answer any
46 question, a petition may be filed in the district court
47 of the state under subsection 9 for an order compelling
48 such person to answer such question.

49 (2) If such person refuses to answer any
50 question on the grounds of the privilege against

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1 self-incrimination, the testimony of such person may be
2 compelled in accordance with applicable law.

3 h. Any person appearing for oral testimony under a
4 civil investigative demand issued under subsection 1
5 shall be entitled to the same fees and allowances which
6 are paid to witnesses in the district courts of the
7 state.

8 8. Custodians of documents, answers, and
9 transcripts.

10 a. The attorney general shall designate a false
11 claims law investigator to serve as custodian of
12 documentary material, answers to interrogatories, and
13 transcripts of oral testimony received under this
14 section, and shall designate such additional false
15 claims law investigators as the attorney general
16 determines from time to time to be necessary to serve
17 as deputies to the custodian.

18 b. (1) A false claims law investigator who
19 receives any documentary material, answers to
20 interrogatories, or transcripts of oral testimony under
21 this section shall transmit them to the custodian.
22 The custodian shall take physical possession of
23 such material, answers, or transcripts and shall
24 be responsible for their use and for the return of
25 documentary material under paragraph "d".

26 (2) The custodian may cause the preparation of
27 such copies of such documentary material, answers to
28 interrogatories, or transcripts of oral testimony as
29 may be required for official use by any false claims
30 law investigator, or other officer or employee of the
31 department of justice. Such material, answers, and
32 transcripts may be used by any such authorized false
33 claims law investigator or other officer or employee
34 in connection with the taking of oral testimony under
35 this section.

36 (3) Except as otherwise provided in this
37 subsection, documentary material, answers to
38 interrogatories, or transcripts of oral testimony,
39 or copies of documentary materials, answers or
40 transcripts, while in the possession of the custodian,
41 shall not be available for examination by any
42 individual other than a false claims law investigator
43 or other officer or employee of the department
44 of justice authorized under subparagraph 2. This
45 prohibition on the availability of material, answers,
46 or transcripts shall not apply if consent is given
47 by the person who produced such material, answers,
48 or transcripts, or, in the case of any product of
49 discovery produced pursuant to an express demand
50 for such material, consent is given by the person

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1 from whom the discovery was obtained. Nothing in
2 this subparagraph is intended to prevent disclosure
3 to the general assembly, including any committee
4 or subcommittee of the general assembly, or to any
5 other agency of the state for use by such agency in
6 furtherance of its statutory responsibilities.

7 (4) While in the possession of the custodian and
8 under such reasonable terms and conditions as the
9 attorney general shall prescribe all of the following
10 shall apply, as applicable:

11 (a) Documentary material and answers to
12 interrogatories shall be available for examination by
13 the person who produced such material or answers, or
14 by a representative of that person authorized by that
15 person to examine such material and answers.

16 (b) Transcripts of oral testimony shall be
17 available for examination by the person who produced
18 such testimony, or by a representative of that person
19 authorized by that person to examine such transcripts.

20 c. If an attorney of the department of justice
21 has been designated to appear before any court, grand
22 jury, state agency, or federal agency in any case or
23 proceeding, the custodian of any documentary material,
24 answers to interrogatories, or transcripts of oral
25 testimony received under this section may deliver to
26 such attorney such material, answers, or transcripts
27 for official use in connection with any such case or
28 proceeding as such attorney determines to be required.
29 Upon the completion of any such case or proceeding,
30 such attorney shall return to the custodian any such
31 material, answers, or transcripts delivered which have
32 not passed into the control of such court, grand jury,
33 or agency through introduction into the record of such
34 case or proceeding.

35 d. If any documentary material has been produced
36 by any person in the course of any false claims
37 law investigation pursuant to a civil investigative
38 demand under this section, and any case or proceeding
39 before the court or grand jury arising out of such
40 investigation, or any proceeding before any state
41 agency or federal agency involving such material,
42 has been completed, or a case or proceeding in which
43 such material may be used has not been commenced
44 within a reasonable time after completion of the
45 examination and analysis of all documentary material
46 and other information assembled in the course of such
47 investigation, the custodian shall, upon written
48 request of the person who produced such material,
49 return to such person any such material, other than
50 copies furnished to the false claims law investigator

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1 under subsection 5 or made for the department of
2 justice under paragraph "b" which has not passed
3 into the control of any court, grand jury, or agency
4 through introduction into the record of such case or
5 proceeding.
6 e. (1) In the event of the death, disability, or
7 separation from service in the department of justice
8 of the custodian of any documentary material, answers
9 to interrogatories, or transcripts of oral testimony
10 produced pursuant to a civil investigative demand under
11 this section, or in the event of the official relief
12 of such custodian from responsibility for the custody
13 and control of such material, answers, or transcripts,
14 the attorney general shall promptly do all of the
15 following:
16 (a) Designate another false claims law investigator
17 to serve as custodian of such material, answers, or
18 transcripts.
19 (b) Transmit in writing to the person who produced
20 such material, answers, or testimony notice of the
21 identity and address of the successor designated.
22 (2) Any person who is designated to be a successor
23 under this paragraph "e" shall have, with regard to
24 such material, answers, or transcripts, the same duties
25 and responsibilities as were imposed by this section
26 upon that person's predecessor in office, except that
27 the successor shall not be held responsible for any
28 default or dereliction which occurred before that
29 designation.
30 9. Judicial proceedings.
31 a. If a person fails to comply with any civil
32 investigative demand issued under subsection 1, or if
33 satisfactory copying or reproduction of any material
34 requested in such demand cannot be completed and such
35 person refuses to surrender such material, the attorney
36 general may file, in the district court of the state
37 for any county in which such person resides, is found,
38 or transacts business, and serve upon such person, a
39 petition for an order of such court for the enforcement
40 of the civil investigative demand.
41 b. (1) A person who has received a civil
42 investigative demand issued under subsection 1 may
43 file, in the district court of the state for the
44 county within which such person resides, is found, or
45 transacts business, and serve upon the false claims
46 law investigator identified in such demand, a petition
47 for an order of the court to modify or set aside such
48 demand. In the case of a petition addressed to an
49 express demand for any product of discovery, a petition
50 to modify or set aside such demand may be brought only

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1 in the district court of the state for the county
2 in which the proceeding in which such discovery was
3 obtained is or was last pending. Any petition under
4 this paragraph shall be filed in accordance with the
5 following, as applicable:
6 (a) Within twenty days after the date of service of
7 the civil investigative demand, or at any time before
8 the return date specified in the demand, whichever date
9 is earlier.
10 (b) Within such longer period as may be prescribed
11 in writing by any false claims law investigator
12 identified in the demand.
13 (2) The petition shall specify each ground upon
14 which the petitioner relies in seeking relief under
15 subparagraph (1), and may be based upon any failure
16 of the demand to comply with the provisions of this
17 section or upon any constitutional or other legal right
18 or privilege of such person. During the pendency of
19 the petition in the court, the court may stay, as it
20 deems proper, the running of the time allowed for
21 compliance with the demand, in whole or in part, except
22 that the person filing the petition shall comply with
23 any portions of the demand not sought to be modified
24 or set aside.
25 c. (1) In the case of any civil investigative
26 demand issued under subsection 1 which is an express
27 demand for any product of discovery, the person from
28 whom such discovery was obtained may file, in the
29 district court of the state for the county in which
30 the proceeding in which such discovery was obtained is
31 or was last pending, and serve upon any false claims
32 law investigator identified in the demand and upon the
33 recipient of the demand, a petition for an order of
34 such court to modify or set aside those portions of
35 the demand requiring production of any such product
36 of discovery. Any petition under this subparagraph
37 shall be filed in accordance with the following, as
38 applicable:
39 (a) Within twenty days after the date of service of
40 the civil investigative demand, or at any time before
41 the return date specified in the demand, whichever date
42 is earlier.
43 (b) Within such longer period as may be prescribed
44 in writing by any false claims law investigator
45 identified in the demand.
46 (2) The petition shall specify each ground upon
47 which the petitioner relies in seeking relief under
48 subparagraph (1), and may be based upon any failure of
49 the portions of the demand from which relief is sought
50 to comply with the provisions of this section, or upon

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1 any constitutional or other legal right or privilege of
2 the petitioner. During the pendency of the petition,
3 the court may stay, as it deems proper, compliance with
4 the demand and the running of the time allowed for
5 compliance with the demand.

6 d. At any time during which any custodian is in
7 custody or control of any documentary material or
8 answers to interrogatories produced, or transcripts of
9 oral testimony given, by any person in compliance with
10 any civil investigative demand issued under subsection
11 1, such person, and in the case of an express demand
12 for any product of discovery, the person from whom such
13 discovery was obtained, may file, in the district court
14 of state for the judicial district within which the
15 office of such custodian is located, and serve upon
16 such custodian, a petition for an order of such court
17 to require the performance by the custodian of any duty
18 imposed upon the custodian by this section.

19 e. If a petition is filed in any district court
20 of the state under this subsection, such court shall
21 have jurisdiction to hear and determine the matter so
22 presented, and to enter such order or orders as may be
23 required to carry out the provisions of this section.
24 Any final order so entered shall be subject to appeal
25 in accordance with the Iowa rules of civil procedure.
26 Any disobedience of any final order entered under this
27 section by any court shall be punished as a contempt
28 of the court.

29 f. The Iowa rules of civil procedure shall apply to
30 any petition under this subsection, to the extent that
31 such rules are not inconsistent with the provisions of
32 this section.

33 10. Disclosure exemption. Any documentary material,
34 answers to written interrogatories, or oral testimony
35 provided under any civil investigative demand issued
36 under subsection 1 shall be deemed confidential and
37 exempt from disclosure under chapter 22.

38 Sec. __. NEW SECTION. 685.7 Rulemaking authority.
39 The attorney general may adopt such rules and
40 regulations as are necessary to effectuate the purposes
41 of this chapter.

42 Sec. __. ANNUAL REPORTING REQUIREMENT. On the
43 thirtieth day after the effective date of this division
44 of this Act, and on the anniversary of the effective
45 date of this division of this Act each year thereafter,
46 the attorney general shall submit to the chairpersons
47 and ranking members of the house and senate committees
48 on judiciary, the legislative caucus staffs, and the
49 legislative services agency, in electronic format, a
50 report containing all of the following information:

Page 46

- 1 1. The number of cases the attorney general filed
- 2 during the previous calendar year under this chapter.
- 3 2. The number of cases qui tam plaintiffs filed
- 4 under this chapter during the previous calendar year,
- 5 including those cases that remain under seal, and
- 6 specifying all of the following for the cases:
- 7 a. The state or federal court in which each case
- 8 was filed and the total number filed in each court.
- 9 b. The state program or agency involved in each
- 10 case.
- 11 c. The number of cases filed by qui tam plaintiffs
- 12 who previously filed an action based on the same or
- 13 similar transaction or allegation under the federal
- 14 False Claims Act or the false claims act of another
- 15 state.
- 16 3. The amount recovered by the state in the form of
- 17 settlement, damages, penalties, and litigation costs,
- 18 if known, and specifying the following for each case:
- 19 a. The case number and parties for each case in
- 20 which there was a recovery.
- 21 b. The amount of funds recovered respectively for
- 22 damages, penalties, and litigation costs.
- 23 c. The percentage of the recovery and the amount
- 24 that the state paid to any qui tam plaintiff.
- 25 Sec. ____ DEPARTMENT OF JUSTICE – FALSE CLAIMS ACT
- 26 ENFORCEMENT. There is appropriated from the general
- 27 fund of the state to the department of justice for the
- 28 fiscal year beginning July 1, 2010, and ending June 30,
- 29 2011, the following amount, or so much thereof as is
- 30 necessary, to be used for the purposes designated:
- 31 For the general office of the attorney general,
- 32 including salaries, support, maintenance, miscellaneous
- 33 purposes, and for not more than the following full-time
- 34 equivalent positions:
- 35 \$ 60,000
- 36 FTEs 1.00 >>
- 37 28. By striking page 29, line 23, through page 30,
- 38 line 21, and inserting <222, line 2.>
- 39 29. Page 31, after line 50 by inserting:
- 40 ____ Page 253, line 19, by striking <four> and
- 41 inserting <two> ____.
- 42 Page 254, line 26, by striking <2014> and
- 43 inserting <2013> ____.
- 44 Page 254, line 27, by striking <fourth> and
- 45 inserting <second> >>
- 46 30. Page 32, by striking lines 1 through 33.
- 47 31. By renumbering as necessary.

The House stood at ease at 10:24 a.m., until the fall of the gavel.

The House resumed session at 12:06 p.m., Speaker Murphy in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-six members present, thirty-four absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, Roberts of Carroll, Drake of Cass; Rayhons of Hancock and Helland of Polk, until their arrival, on request of Paulsen of Linn.

The House resumed consideration of [Senate File 2088](#), and amendment [H-8100](#) to the committee amendment [H-8045](#).

Division was requested as follows:

Page 1, line 1 through Page 46 line 38 and Page 46 line 47, Division A.

Page 46 lines 39 through lines 46, Division B.

Mascher of Johnson moved the adoption of amendment [H-8100A](#) to the committee amendment [H-8045](#).

Amendment [H-8100A](#) was adopted placing the following amendments to the committee amendment [H-8045](#) out of order:

Amendment [H-8060](#) filed by Rants of Woodbury and Struyk of Pottawattamie on February 9, 2010.

Amendment [H-8061](#) filed by Rants of Woodbury on February 9, 2010.

Amendment [H-8065](#) filed by Mascher of Johnson on February 9, 2010.

Amendment [H-8084](#) filed by Smith of Marshall on February 10, 2010.

Masher of Johnson moved the adoption of amendment [H-8100B](#), to the committee amendment [H-8045](#).

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8100B](#) to the committee amendment [H-8045](#) be adopted?" ([S.F. 2088](#))

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Ishhart	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Steckman	Swaim	Taylor
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

The nays were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Smith	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 3:

Drake	Raecker	Shomshor
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Amendment [H-8100B](#) to the committee amendment [H-8045](#) was adopted, placing out of order amendment [H-8070](#) to the committee amendment [H-8045](#), filed by Struyk of Pottawattamie on February 9, 2010.

Watts of Dallas asked and received unanimous consent that amendment [H-8094](#) be deferred.

Sweeney of Hardin offered the following amendment [H-8097](#), to the committee amendment [H-8045](#), filed by her and moved its adoption:

[H-8097](#)

1 Amend the amendment, [H-8045](#), to [Senate File 2088](#),
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 11, after line 41 by inserting:
 5 <__.Page 118, after line 8 by inserting:
 6 <DIVISION _____
 7 DEPARTMENT OF NATURAL
 8 RESOURCES RULEMAKING
 9 Sec. ____. Section 455A.4, subsection 1, unnumbered
 10 paragraph 1, Code Supplement 2009, is amended to read
 11 as follows:
 12 Except as otherwise provided by law ~~and subject to~~
 13 ~~rules adopted by the natural resource commission and~~
 14 ~~the environmental protection commission~~, the director
 15 shall:
 16 Sec. ____. Section 455A.4, subsection 1, paragraph
 17 i, Code Supplement 2009, is amended to read as follows:
 18 i. Adopt rules in accordance with chapter 17A
 19 as necessary or desirable ~~for the organization or~~
 20 ~~reorganization of the department to provide for the~~
 21 administration of chapter 321G, 321I, 455B, 455C,
 22 456A, 456B, 457A, 459, 459A, 461A, 462A, 462B, 464A,
 23 465C, 481A, 481B, 483A, 484A, or 484B. Rulemaking
 24 authority held by the natural resource commission or
 25 the environmental protection commission is vested in
 26 the director upon the effective date of this division
 27 of this Act. Rules adopted by the natural resource
 28 commission or the environmental protection commission
 29 prior to the effective date of this division of this
 30 Act, shall remain effective until modified or rescinded
 31 by action of the director in accordance with the
 32 provisions of chapter 17A.
 33 Sec. ____. Section 455A.5, subsection 6, paragraph
 34 a, Code 2009, is amended to read as follows:
 35 a. ~~Establish Recommend policy and adopt rules,~~
 36 ~~pursuant to chapter 17A, necessary~~ to provide for the
 37 effective administration of chapter 321G, 321I, 456A,
 38 456B, 457A, 461A, 462A, 462B, 464A, 465C, 481A, 481B,
 39 483A, 484A, or 484B.
 40 Sec. ____. Section 455A.5, subsection 6, paragraph
 41 e, Code 2009, is amended by striking the paragraph.
 42 Sec. ____. NEW SECTION. 455A.5A Schedule of fees
 43 – rules.
 44 1. The director shall adopt, by rule, a schedule
 45 of fees for permits issued by the natural resource
 46 commission, including conditional permits, and a

47 schedule of fees for administration of the permits.
48 The fees shall be collected by the department and used
49 to offset costs incurred in administering a program
50 for which the issuance of the permit is made or under

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1 which enforcement is carried out.

2 2. In determining the fee schedule, the director
3 shall consider all of the following:

4 a. The reasonable costs associated with reviewing
5 applications, issuing permits, and monitoring
6 compliance with the terms of issued permits.

7 b. The relative benefits to the applicant and to
8 the public of a permit review, permit issuance, and
9 monitoring compliance with the terms of the permit.

10 c. The typical costs associated with a type of
11 project or activity for which a permit is required.
12 However, a fee shall not exceed the actual costs
13 incurred by the department.

14 Sec. ____ Section 455A.6, subsection 6, paragraph
15 a, Code 2009, is amended to read as follows:

16 a. ~~Establish~~ Recommend policy for the department
17 ~~and adopt rules, pursuant to chapter 17A,~~ necessary to
18 provide for the effective administration of chapter
19 455B, 455C, or 459.

20 Sec. ____ Section 455B.103, subsections 1 and
21 2, Code Supplement 2009, are amended by striking
22 the subsections and inserting in lieu thereof the
23 following:

24 1. Adopt, modify, or repeal rules necessary to
25 implement this chapter, chapter 455C, chapter 459,
26 and chapter 459A, only to the extent that the rules
27 are consistent with the provisions of these chapters.
28 Any rulemaking authority held by the commission is
29 vested in the director upon the effective date of this
30 division of this Act. Rules adopted by the commission
31 prior to the effective date of this division of this
32 Act shall remain in effect until modified or rescinded
33 by action of the director in accordance with the
34 provisions of chapter 17A.

35 a. The director shall include in the preamble of a
36 rule, a statement referencing the authority delegated
37 to the director pursuant to which the rule is adopted.
38 The preamble for the rule shall indicate when the
39 director is implementing a federal rule by reference
40 and include a financial impact statement detailing the
41 general impact of the rule upon the regulated parties.

42 b. When proposing or adopting rules to implement a
43 specific federal environmental program, the director
44 shall not impose requirements more restrictive than the
45 requirements of the federal program being implemented.

46 c. When proposing or adopting rules, the director
47 shall include departmental policy relating to the
48 disclosure of information concerning a violation or
49 alleged violation of the rules, standards, permits, or
50 orders issued by the department and the confidentiality

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1 of information obtained by the department in the
2 administration and enforcement of this chapter, chapter
3 455C, chapter 459, and chapter 459A.

4 Sec. ____ Section 455B.105, subsections 3 and
5 11, Code Supplement 2009, are amended by striking the
6 subsections.

7 Sec. ____ NEW SECTION. 455B.106 Schedule of fees
8 – rules.

9 1. The director shall adopt, by rule, procedures
10 and forms necessary to implement the provisions of this
11 chapter and chapters 459 and 459A relating to permits,
12 conditional permits, and general permits.

13 2. The director may also adopt, by rule, a schedule
14 of fees for permit and conditional permit applications
15 and a schedule of fees which may be periodically
16 assessed for administration of permits and conditional
17 permits. In determining the fee schedules, the
18 director shall consider:

19 a. The state's reasonable cost of reviewing
20 applications, issuing permits and conditional permits,
21 and checking compliance with the terms of the permits.

22 b. The relative benefits to the applicant and to
23 the public of permit and conditional permit review,
24 issuance, and monitoring compliance. It is the
25 intention of the general assembly that permit fees
26 shall not cover any costs connected with correcting
27 violation of the terms of any permit and shall not
28 impose unreasonable costs on any municipality.

29 c. The typical costs of the particular types of
30 projects or activities for which permits or conditional
31 permits are required, provided that in no circumstances
32 shall fees be in excess of the actual costs to the
33 department.

34 3. Except as otherwise provided in this chapter and
35 chapter 459, fees collected by the department under
36 this subsection shall be remitted to the treasurer of
37 state and credited to the general fund of the state.

38 4. The director shall adopt rules for applications
39 or permits related to the national pollutant discharge
40 elimination system (NPDES) coverage as described in
41 section 455B.197, including fees, only to the extent
42 that the rules are consistent with that section.

43 Sec. ____ INTENT. It is the intent of the
44 general assembly that upon the effective date of this

45 division of this Act, the director of the department
 46 of natural resources shall have the powers and duties
 47 and shall assume the sole responsibility for proposing
 48 and adopting rules as necessary for the effective
 49 administration of the duties of the department of
 50 natural resources. All references in statute or

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1 rules to the rulemaking authority of the natural
 2 resource commission or the environmental protection
 3 commission of the department of natural resources
 4 shall upon the effective date of this division of this
 5 Act be construed to refer only to the director of the
 6 department of natural resources.
 7 Sec. __. APPLICABILITY. This division of this
 8 Act applies to all rules noticed or adopted after
 9 the effective date of this division of this Act. If
 10 a rule with an effective date prior to the effective
 11 date of this division of this Act is amended after the
 12 effective date of this division of this Act, then the
 13 provisions of this division of this Act are applicable
 14 to the entire rule being amended and not only to the
 15 precise portion of the rules that is being amended.
 16 For purposes of applying the provisions of this
 17 division, the effective date of the amendment to a rule
 18 shall be the new effective date of the rule as a whole.
 19 Sec. __. EFFECTIVE UPON ENACTMENT. This division
 20 of this Act, being deemed of immediate importance,
 21 takes effect upon enactment. >>
 22 2. By renumbering as necessary.

Roll call was requested by Sweeney of Hardin and Smith of Marshall.

Rule 75 was invoked.

On the question "Shall amendment [H-8097](#) to the committee amendment [H-8045](#) be adopted?" ([S.F. 2088](#))

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Quirk	Raecker
Rants	Rayhons	Roberts	Sands

Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Reasoner	Reichert
Running-Marquardt	Schueller	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Drake	Shomshor	Zirkelbach
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Amendment [H-8097](#) lost.

Isenhart of Dubuque offered the following amendment [H-8105](#), to the committee amendment [H-8045](#), filed by him from the floor and moved its adoption:

[H-8105](#)

1 Amend the amendment, [H-8045](#), to [Senate File 2088](#),
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 11, line 41, after <percent.> by inserting
 5 <Of the fees collected by the department, the amount
 6 collected representing the ten percent increase in fees
 7 authorized by this section shall not be deposited in
 8 the general fund of the state but shall be retained by
 9 the department for the purposes of the department.>

Amendment [H-8105](#) was adopted.

Watts of Dallas asked and received unanimous consent to withdraw amendments [H-8048](#) and [H-8050](#), to the committee amendment [H-8045](#), filed by him on February 8, 2010.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk on request of McCarthy of Polk.

Tymeson of Madison offered the following amendment [H-8083](#) to the committee amendment [H-8045](#), filed by her and Wendt of Woodbury and moved its adoption:

[H-8083](#)

1 Amend the amendment, [H-8045](#), to [Senate File 2088](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 18, line 38, by striking <261D.1, 261D.2,>
5 2. Page 18, line 41, by striking <Sections 261D.3
6 and> and inserting <Section>
7 3. Page 18, line 42, by striking <are> and
8 inserting <is>

A non-record roll call was requested.

The ayes were 55, nays 18.

Amendment [H-8083](#) was adopted.

Winckler of Scott offered the following amendment [H-8096](#), to the committee amendment [H-8045](#), filed by her and moved its adoption:

[H-8096](#)

1 Amend the amendment, [H-8045](#), to [Senate File 2088](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 18, by striking lines 44 through 47 and
5 inserting:
6 _____. Page 167, line 23, by striking <and school
7 district> _____.
8 Page 168, line 23, after <department.>
9 by inserting <The state council or subunit of the
10 council shall also serve as the Iowa head start
11 program advisory board, as authorized by the federal
12 government. For purposes of the head start advisory
13 board function, the membership shall comply with
14 federal requirements but the majority of the members
15 shall be citizen members.>

16 __. Page 168, by striking lines 24 through 35 and
 17 inserting:
 18 <2. a. The state council shall consist of fifteen
 19 voting members with eight citizen members and seven
 20 agency members. A citizen member shall not be an
 21 elected official, public employee, or paid staff
 22 member of an agency receiving funding through an
 23 early childhood initiative stakeholder. The state
 24 agency members shall be the director or administrator
 25 of the following state agencies or units, or their
 26 designees: the departments of economic development,
 27 education, human services, public health, and workforce
 28 development, and the head start collaboration office.
 29 The state agency designees shall be selected on an
 30 annual basis. The citizen members shall be appointed
 31 by the governor, subject to confirmation by the
 32 senate. The citizen member appointees shall include
 33 representatives of institutions of higher education in
 34 the state, local providers of early childhood services,
 35 and head start program agencies. >
 36 __. Page 169, by striking line 23 and inserting:
 37 <5. The state council shall select a chairperson
 38 from the state >
 39 __. Page 172, after line 2 by inserting:
 40 <__. Promote evidence-based practices and
 41 programs, continuous improvement, and accountability.
 42 __. Create advisory bodies of stakeholders to
 43 address general or specific purposes. >
 44 __. Page 172, line 3, by striking <Bureau> and
 45 inserting <Early childhood Iowa administrative home –
 46 bureau >
 47 __. Page 172, by striking lines 5 through 8 and
 48 inserting:
 49 <The department shall serve as the administrative
 50 home for the early childhood Iowa initiative and shall

Page 2

1 establish a bureau of early childhood services to
 2 perform various departmental functions relating to the
 3 initiative. The functions, which shall be performed
 4 by the bureau in collaboration with the state agencies
 5 participating in the initiative, the state council, and
 6 early childhood Iowa areas, shall include but are not
 7 limited to all of the following: >>
 8 2. Page 19, after line 11 by inserting:
 9 <__. Page 178, line 16, after <five.> by inserting
 10 <The plan shall be submitted to the state council for
 11 recommendation to the state board regarding approval of
 12 the plan.>>
 13 3. Page 19, after line 27 by inserting:
 14 <__. Page 180, line 30, after <department> by

15 inserting <, in collaboration with the state council,>
16 _____. Page 180, line 31, after <programs> by
17 inserting <offered by school districts. The state
18 council shall develop guidelines and adopt rules for
19 family support programs offered by early childhood Iowa
20 areas>>
21 4. Page 19, after line 36 by inserting:
22 _____. By striking page 185, line 35, through page
23 186, line 1, and inserting <areas pursuant to criteria
24 established by the department of human services in
25 accordance with state and federal law. The criteria
26 shall include but are not>>
27 5. By renumbering as necessary.

Amendment [H-8096](#) lost.

Tymeson of Madison asked and received unanimous consent that amendment [H-8069](#) be deferred.

Koester of Polk asked and received unanimous consent that amendment [H-8075](#) be deferred.

T. Olson of Linn offered the following amendment [H-8076](#), to the committee amendment [H-8045](#), filed by T. Olson, et al., and moved its adoption:

[H-8076](#)

1 Amend the amendment, [H-8045](#), to [Senate File 2088](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 18, line 44, through page 19,
5 line 49, and inserting: < _____.
6 By striking page 166, line 25, through page
7 198, line 6, and inserting:
8 <DIVISION _____
9 EARLY CHILDHOOD IOWA INITIATIVE
10 Sec. _____. NEW SECTION. 256I.1 Definitions.
11 For the purposes of this chapter, unless the context
12 otherwise requires:
13 1. "Department" means the department of management.
14 2. "Desired results" means the set of desired
15 results for improving the quality of life in this state
16 for young children and their families identified in
17 section 256I.2.
18 3. "Early care", "early care services", or "early
19 care system" means the programs, services, support, or
20 other assistance made available to a parent or other
21 person who is involved with addressing the health
22 and education needs of a child from zero through age

23 five. "Early care", "early care services", or "early
 24 care system" includes but is not limited to public and
 25 private efforts and formal and informal settings.
 26 4. "Early childhood Iowa area" means a geographic
 27 area designated in accordance with this chapter.
 28 5. "Early childhood Iowa area board" or "area board"
 29 means the board for an early childhood Iowa area
 30 created in accordance with this chapter.
 31 6. "Early childhood Iowa state board" or "state
 32 board" means the early childhood Iowa state board
 33 created in section 256I.3.
 34 Sec. ____ NEW SECTION. 256I.2 Desired results –
 35 purpose and scope.
 36 1. It is intended that through the early childhood
 37 Iowa initiative every community in Iowa will develop
 38 the capacity and commitment for using local, informed
 39 decision making to achieve the following set of desired
 40 results for improving the quality of life in this state
 41 for young children and their families:
 42 a. Healthy children.
 43 b. Children ready to succeed in school.
 44 c. Safe and supportive communities.
 45 d. Secure and nurturing families.
 46 e. Secure and nurturing early learning
 47 environments.
 48 2. The purpose of creating the early childhood Iowa
 49 initiative is to empower individuals, communities, and
 50 state level partners to achieve the desired results.

Page 2

1 The desired results will be achieved as private and
 2 public entities work collaboratively. This initiative
 3 creates a partnership between communities and state
 4 level partners to support children zero through
 5 age five and their families. The role of the early
 6 childhood Iowa state board, area boards, and other
 7 state and local government agencies is to provide
 8 support, leadership, and facilitation of the growth
 9 of individual, community, and state responsibility in
 10 addressing the desired results.
 11 3. To achieve the desired results, the initiative's
 12 primary focus shall be on the efforts of the state and
 13 communities to work together to improve the efficiency
 14 and effectiveness of early care, education, health, and
 15 human services provided to families with children from
 16 zero through age five.
 17 Sec. ____ NEW SECTION. 256I.3 Early childhood Iowa
 18 state board created.
 19 1. The early childhood Iowa state board is
 20 created to promote a vision for a comprehensive early
 21 care, education, health, and human services system

22 in this state. The board shall oversee state and
23 local efforts. The vision shall be achieved through
24 strategic planning, funding identification, guidance,
25 and decision-making authority to assure collaboration
26 among state and local early care, education, health,
27 and human services systems.

28 2. a. The board shall consist of twenty-one voting
29 members with fifteen citizen members and six state
30 agency members. The six state agency members shall
31 be the directors or their designees of the following
32 departments: economic development, education, human
33 rights, human services, public health, and workforce
34 development. The designees of state agency directors
35 shall be selected on an annual basis. The citizen
36 members shall be appointed by the governor, subject
37 to confirmation by the senate. The governor's
38 appointments of citizen members shall be made in
39 a manner so that each of the state's congressional
40 districts is represented by at least two citizen
41 members and so that all the appointments as a whole
42 reflect the ethnic, cultural, social, and economic
43 diversity of the state.

44 b. The governor's appointees shall be selected from
45 individuals nominated by area boards. The nominations
46 shall reflect the range of interests represented on the
47 area boards so that the governor is able to appoint one
48 or more members each for early care, education, health,
49 human services, business, faith, and public interests.
50 At least one of the citizen members shall be a service

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1 consumer or the parent of a service consumer. The term
2 of office of the citizen members is three years. A
3 citizen member vacancy on the board shall be filled in
4 the same manner as the original appointment for the
5 balance of the unexpired term.

6 3. Citizen members shall be reimbursed for actual
7 and necessary expenses incurred in performance of their
8 duties. Citizen members shall be paid a per diem as
9 specified in section 7E.6.

10 4. In addition to the voting members, the state
11 board shall include four members of the general
12 assembly with not more than one member from each
13 chamber being from the same political party. The two
14 senators shall be appointed one each by the majority
15 leader of the senate and by the minority leader of the
16 senate. The two representatives shall be appointed one
17 each by the speaker of the house of representatives and
18 by the minority leader of the house of representatives.
19 Legislative members shall serve in an ex officio,
20 nonvoting capacity. A legislative member is eligible

21 for per diem and expenses as provided in section 2.10.
22 5. The state board shall elect a chairperson from
23 among the citizen members and may select other officers
24 from the voting members as determined to be necessary
25 by the board. The board shall meet regularly as
26 determined by the board, upon the call of the board's
27 chairperson, or upon the call of a majority of voting
28 members. The board shall meet at least quarterly.
29 Sec. ____ NEW SECTION. 256I.4 Early childhood Iowa
30 state board duties.
31 The state board shall perform the following duties:
32 1. Provide oversight of early childhood Iowa areas.
33 2. Manage and coordinate the provision of grant
34 funding and other moneys made available to early
35 childhood Iowa areas by combining all or portions of
36 appropriations or other revenues as authorized by law.
37 3. Approve the geographic boundaries for the early
38 childhood Iowa areas throughout the state and approve
39 any proposed changes in the boundaries.
40 4. Create a strategic plan that supports a
41 comprehensive system of early care, education, health,
42 and human services. The strategic plan shall be
43 developed with extensive community involvement.
44 The strategic plan shall be annually updated and
45 disseminated to the public. Specific items to be
46 addressed in the strategic plan shall include but are
47 not limited to all of the following:
48 a. Provisions to strengthen the state structure
49 including interagency levels of collaboration,
50 coordination, and integration.

Page 4

1 b. Provisions for building public-private
2 partnerships.
3 c. Provisions to support consolidating, blending,
4 and redistributing state-administered funding streams
5 and the coordination of federal funding streams. The
6 strategic plan shall also address integration of
7 services provided through area boards, other state and
8 local commissions, committees, and other bodies with
9 overlapping and similar purposes which contribute to
10 redundancy and fragmentation in early care, education,
11 health, and human services programs provided to the
12 public.
13 d. Provisions for improving the efficiency of
14 working with federally mandated bodies.
15 e. Identification of indicators that measure
16 the success of the various strategies that impact
17 communities, families, and children. The indicators
18 shall be developed with input from area boards.
19 5. Adopt common performance measures and data for

20 services, programs, and activities provided by area
21 boards. Data from common performance measures shall be
22 included in the state board's annual report.

23 6. Assist with the linkage of child welfare and
24 juvenile justice decategorization projects with early
25 childhood Iowa areas.

26 7. Coordinate and respond to requests from an area
27 board relating to any of the following:

28 a. Waiver of existing rules, federal regulation, or
29 amendment of state law, or removal of other barriers.

30 b. Pooling and redirecting of existing federal,
31 state, or other public or private funds.

32 c. Seeking of federal waivers.

33 d. Consolidating community-level committees,
34 planning groups, and other bodies with common
35 memberships formed in response to state requirements.

36 8. Develop and implement a levels of excellence
37 rating system for use with the state board's
38 designation process for area boards. Allow for
39 flexibility and creativity of area boards in
40 implementing area board responsibilities and
41 provide authority for the area boards to support
42 the communities in the areas served. The levels
43 of excellence rating system shall utilize a tiered
44 approach for recognizing the performance of an area
45 board. The system shall provide for action to address
46 poor performing areas as well as higher performing
47 areas. If an area board achieves the highest rating
48 level, the state board shall allow special flexibility
49 provisions in regard to the funding appropriated or
50 allocated for that area board. The state board may

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1 determine how often area boards are reviewed under the
2 system.

3 9. Adopt rules pursuant to chapter 17A as necessary
4 for the designation, governance, and oversight of area
5 boards and the administration of this chapter. The
6 state board shall provide for area board input in the
7 rules adoption process.

8 10. Develop guidelines for recommended insurance
9 or other liability coverage and take other actions to
10 assist area boards in acquiring such coverage at a
11 reasonable cost. Moneys expended by an area board to
12 acquire necessary insurance or other liability coverage
13 shall be considered an administrative cost.

14 11. In January each year, submit an annual report
15 to the governor and general assembly that includes but
16 is not limited to all of the following:

17 a. Any updates to the strategic plan.

18 b. The status and results of the early childhood

19 Iowa initiative efforts to engage the public regarding
20 the early care, education, health, human services, and
21 other needs of children zero through age five.

22 c. The status and results of the efforts to develop
23 and promote private sector involvement with the early
24 care system.

25 d. The status of the early childhood Iowa
26 initiative and the overall early care system in
27 achieving the set of desired results.

28 e. The data and common performance measures
29 addressed by the strategic plan, which shall include
30 but is not limited to funding amounts.

31 f. The indicators addressed by the strategic plan
32 along with associated data trends and their source.

33 12. Integrate statewide quality standards and
34 results indicators adopted by other boards and
35 commissions into the state board's funding requirements
36 for investments in early care, health, education, and
37 human services.

38 13. Ensure alignment of other state departments'
39 activities with the strategic plan.

40 14. Develop and keep current memoranda of
41 agreements between the state agencies represented
42 on the state board to promote system development
43 and integration and to clarify the roles and
44 responsibilities of partner agencies.

45 15. Work with the early childhood coordination
46 center in building public-private partnerships for
47 promoting the collaborative early care, education,
48 health, and human services system.

49 16. Support and align the early childhood Iowa
50 internet site with other agencies and improve internet

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1 communication.

2 17. Adopt rules to implement this chapter. The
3 rules shall include but are not limited to the
4 following:

5 a. Indicators of the effectiveness of early
6 childhood Iowa areas, area boards, and the services
7 provided under the auspices of the area boards. The
8 indicators shall be developed with input from area
9 boards and shall build upon the core indicators of
10 effectiveness for the school ready children grant
11 program.

12 b. Minimum standards to further the provision of
13 equal access to services subject to the authority of
14 area boards.

15 c. Core functions for family support services,
16 parent education programs, preschool services provided
17 under a school ready children grant, and other programs

18 and services provided under this chapter. The state
19 board shall also develop guidelines and standards for
20 state-supported family support programs, based upon
21 existing guidelines and standards for the services.

22 18. Address other measures to advance the
23 initiative. The measures may include any of the
24 following:

25 a. Advance the development of integrated data
26 systems.

27 b. Expand efforts to improve quality and utilize
28 evidence-based practices.

29 c. Further develop kindergarten assessment
30 approaches that are tied to state early learning
31 standards.

32 Sec. __. NEW SECTION. 256I.5 Early childhood
33 coordination center.

34 1. The department shall provide administrative
35 support for implementation of the early childhood Iowa
36 initiative and for the state board.

37 2. a. The early childhood coordination center
38 is established as a work unit of the department to
39 provide a center for facilitation, communication, and
40 coordination for early childhood Iowa activities and
41 funding and for improvement of the individual early
42 care, education, health, and human services systems and
43 the comprehensive system.

44 b. Staffing for the center shall be provided
45 by a project director, a deputy, a family support
46 coordinator, and a first years first coordinator.
47 Dedicated fiscal staff and support staff may be
48 designated, subject to an appropriation made for this
49 purpose. The project director shall be appointed by
50 the governor, subject to confirmation by the senate,

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1 and shall serve at the pleasure of the governor.
2 The center shall submit reports to the governor,
3 state board, and the general assembly. The project
4 director shall provide primary staffing to the board,
5 coordinate state technical assistance activities and
6 implementation of the technical assistance system, and
7 oversee other communication and coordination functions.

8 3. The state agencies represented on the state
9 board may designate additional staff, as part of
10 the early childhood Iowa initiative, to work as
11 a technical assistance team with the center in
12 providing coordination and other support to the state's
13 comprehensive early care, education, health, and human
14 services system.

15 4. The center shall work with the state and area
16 boards to provide leadership for comprehensive system

17 development. The center shall also do all of the
18 following:

- 19 a. Enter into memoranda of agreement with the
20 departments of economic development, education, human
21 rights, human services, public health, and workforce
22 development to formalize the respective departments'
23 commitments to collaborating with and integrating a
24 comprehensive early care, education, health, and human
25 services system. Items addressed in the memoranda
26 shall include but are not limited to data sharing and
27 providing staffing to the technical assistance team.
- 28 b. Work with private businesses, foundations, and
29 nonprofit organizations to develop sustained funding.
- 30 c. Maintain the internet site in accordance with
31 section 256I.10.
- 32 d. Propose any needed revisions to administrative
33 rules based on stakeholder input.
- 34 e. Provide technical support to the state and area
35 boards and to the early childhood Iowa areas through
36 staffing services made available through the state
37 agencies that serve on the state board.
- 38 f. Develop, collect, disseminate, and provide
39 guidance for common performance measures for the
40 programs receiving funding under the auspices of the
41 area boards.
- 42 g. If a disagreement arises within an early
43 childhood Iowa area regarding the interests represented
44 on the area's board, board decisions, or other disputes
45 that cannot be locally resolved, upon request, provide
46 state or regional technical assistance as deemed
47 appropriate by the center to assist the area in
48 resolving the disagreement.

49 Sec. __. NEW SECTION. 256I.6 Early childhood Iowa
50 areas.

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1 1. The purpose of an early childhood Iowa area is
2 to enable local citizens to lead collaborative efforts
3 involving early care, education, health, and human
4 services on behalf of the children, families, and other
5 citizens residing in the area. Leadership functions
6 may include but are not limited to strategic planning
7 for and oversight and managing of such programs and
8 the funding made available to the early childhood Iowa
9 area for such programs from federal, state, local,
10 and private sources. The focus of the area shall be
11 to achieve the desired results and to improve other
12 results for families with young children.

13 2. An early childhood Iowa area shall be designated
14 by using existing county boundaries to the extent
15 possible.

16 3. The designation of an early childhood Iowa
17 area boundaries and the creation of an area board
18 are both subject to the approval of the state board.
19 The state board shall determine if a proposed area
20 board can efficiently and effectively administer
21 the responsibilities and authority of the area to be
22 served. The state board may apply additional criteria
23 for designating areas and approving area boards, but
24 shall apply all of the following minimum criteria:
25 a. An area cannot encompass more than four
26 counties.
27 b. The counties encompassing a multicounty area
28 must have contiguous borders.
29 c. A single county area shall have a minimum
30 population of children zero through age five in excess
31 of five thousand, based on the most recent population
32 estimates issued by the United States bureau of the
33 census.
34 4. If the state board determines exceptional
35 circumstances exist, the state board may waive any of
36 the criteria otherwise specified in subsection 3.
37 Sec. __. NEW SECTION. 256I.7 Early childhood Iowa
38 area boards created.
39 1. a. The early childhood Iowa functions for
40 an area shall be performed under the authority of an
41 early childhood Iowa area board. A majority of the
42 members of an area board shall be elected officials
43 or members of the public who are not employed by a
44 provider of services to or for the area board. In
45 addition, the membership of an area board shall include
46 representation from early care, education, health,
47 human services, business, and faith interests, and at
48 least one parent, grandparent, or guardian of a child
49 from zero through age five. The education, health, and
50 human services agencies represented on an area board

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1 may receive funding from the area board.
2 b. Terms of office of area board members shall
3 be not more than three years and the terms shall be
4 staggered.
5 2. An area board may designate an advisory council
6 consisting of persons employed by or otherwise paid to
7 represent an entity listed in subsection 1 or other
8 provider of service. However, the deliberations of and
9 documents considered by such an advisory council shall
10 be public.
11 3. An area board shall elect a chairperson
12 from among the members who are citizens or elected
13 officials.
14 4. An area board is a unit of local government for

15 purposes of chapter 670, relating to tort liability
16 of governmental subdivisions. For purposes of
17 implementing a formal organizational structure, an area
18 board may utilize recommended guidelines and bylaws
19 established for this purpose by the state board.

20 5. All meetings of an area board or any committee
21 or other body established by an area board at which
22 public business is discussed or formal action taken
23 shall comply with the requirements of chapter 21. An
24 area board shall maintain its records in accordance
25 with chapter 22.

26 Sec. ____ NEW SECTION. 256I.8 Early childhood Iowa
27 area board duties.

28 1. An early childhood Iowa area board shall do all
29 of the following:

30 a. Designate a fiscal agent for grant moneys or
31 for other moneys administered by the area board. The
32 fiscal agent shall meet the qualifications developed
33 by the state board.

34 b. Administer early childhood Iowa grant moneys
35 available from the state to the area board as provided
36 by law and other federal, state, local, and private
37 moneys made available to the area board. Eligibility
38 for receipt of early childhood Iowa grant moneys shall
39 be limited to those early childhood area boards that
40 have developed an approved community plan in accordance
41 with this chapter. An early childhood area board
42 may apply to the state board for any private moneys
43 received by the early childhood Iowa initiative outside
44 of a state appropriation.

45 c. Develop a comprehensive community plan for
46 providing services for children from zero through
47 age five. At a minimum, the plan shall do all of the
48 following:

49 (1) Describe community and area needs for children
50 from zero through age five as identified through

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1 ongoing assessments.

2 (2) Describe the current and desired levels of
3 community and area coordination of services for
4 children from zero through age five, including the
5 involvement and specific responsibilities of all
6 related organizations and entities.

7 (3) Identify all federal, state, local, and private
8 funding sources including funding estimates available
9 in the early childhood Iowa area that will be used
10 to provide services to children from zero through age
11 five.

12 (4) Describe how funding sources will be used
13 collaboratively and the degree to which the sources

14 can be combined to provide necessary services to young
15 children and their families.

16 (5) Identify the desired results and the
17 community-wide indicators the area board
18 expects to address through implementation of the
19 comprehensive community plan. The plan shall identify
20 community-specific, quantifiable performance measures
21 to be reported in the area board's annual report and
22 integration with the strategic plan adopted by the
23 state board.

24 (6) Describe the current status of support services
25 to prevent the spread of infectious diseases, prevent
26 child injuries, develop health emergency protocols,
27 help with medication, and care for children with
28 special health needs that are being provided to child
29 care facilities registered or licensed under chapter
30 237A within the early childhood Iowa area.

31 d. Submit an annual report on the effectiveness of
32 the community plan in addressing school readiness and
33 children's health and safety needs to the state board
34 and to the local government bodies in the area. The
35 annual report shall indicate the effectiveness of the
36 area board in addressing state and locally determined
37 goals.

38 e. Function as a coordinating body for services
39 offered by different entities directed to similar
40 purposes within the area.

41 f. Assume other responsibilities established by law
42 or administrative rule.

43 g. Cooperate with the state board, department
44 of education, and school districts and other local
45 education agencies in securing unique student
46 identifiers, in compliance with all applicable federal
47 and state confidentiality provisions.

48 2. An area board may do any of the following:

49 a. Designate one or more committees to assist with
50 area board functions.

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1 b. Utilize community bodies for input to the area
2 board and implementation of services.

3 Sec. __. NEW SECTION. 256I.9 School ready
4 children grant program.

5 1. The state board shall develop and promote a
6 school ready children grant program which shall provide
7 for all of the following components:

8 a. Identify the performance measures that will
9 be used to assess the effectiveness of the school
10 ready children grants, including the amount of early
11 intellectual stimulation of very young children, the
12 basic skill levels of students entering school, the

13 health status of children, the incidence of child
14 abuse and neglect, the level of involvement by parents
15 with their children, and the degree of quality of an
16 accessibility to child care.

17 b. Identify guidelines and a process to be used for
18 determining the readiness of an early childhood Iowa
19 area board for administering a school ready children
20 grant.

21 c. Provide for technical assistance concerning
22 funding sources, program design, and other pertinent
23 areas.

24 2. The state board shall provide maximum
25 flexibility to grantees for the use of the grant moneys
26 included in a school ready children grant.

27 3. A school ready children grant shall, to the
28 extent possible, be used to support programs that meet
29 quality standards identified by the state board. At a
30 minimum, a grant shall be used to provide all of the
31 following:

32 a. Preschool services provided on a voluntary basis
33 to children deemed at risk.

34 b. Family support services and parent education
35 programs promoted to parents of children from zero
36 through age five. Family support services shall
37 include but are not limited to home visitation.

38 c. Other services to support the strategic plan
39 developed by the state board.

40 d. Services to improve the quality and availability
41 of all types of child care. The services may include
42 but are not limited to making nurse consultants
43 available to support quality improvement.

44 4. a. A school ready children grant shall be
45 awarded to an area board annually, as funding is
46 available. Receipt of continued funding is subject
47 to submission of the required annual report and the
48 state board's determination that the area board is
49 measuring, through the use of performance measures
50 and community-wide indicators developed by the state

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1 board with input from area boards, progress toward and
2 is achieving the desired results and other results
3 identified in the community plan. Each area board
4 shall participate in the levels of excellence rating
5 system to measure the area's success. If the use of
6 performance measures and community-wide indicators does
7 not show that an area board has made progress toward
8 achieving the results identified in the community
9 plan, the state board may request a plan of corrective
10 action, withhold any increase in funding, or withdraw
11 grant funding.

12 b. The state board shall distribute school
13 ready children grant moneys to area boards with
14 approved comprehensive community plans based upon
15 a determination of an early childhood Iowa area's
16 readiness to effectively utilize the grant moneys.
17 The grant moneys shall be adjusted for other federal
18 and state grant moneys to be received by the area for
19 services to children from zero through age five.
20 c. An area board's readiness shall be determined
21 by evidence of successful collaboration among public
22 and private early care, education, health, and
23 human services interests in the area or a documented
24 program design that supports a strong likelihood of
25 a successful collaboration between these interests.
26 Other criteria which may be used by the state board
27 to determine readiness and evaluate the funding
28 flexibility for an area include one or more of the
29 following:
30 (1) The levels of excellence rating received by the
31 area.
32 (2) Experience or other evidence of the area's
33 capacity to successfully implement the services in the
34 area's community plan.
35 (3) Local public and private funding and other
36 resources committed to implementation of the community
37 plan.
38 (4) The adequacy of plans for commitment of local
39 funding and other resources for implementation of the
40 community plan.
41 d. The provisions for distribution of school ready
42 children grant moneys shall be determined by the state
43 board.
44 e. The amount of school ready children grant
45 funding an area board may carry forward from one fiscal
46 year to the succeeding fiscal year shall not exceed
47 twenty percent of the grant amount for the fiscal year.
48 All of the school ready children grant funds received
49 by an area board for a fiscal year which remain
50 unencumbered or unobligated at the close of a fiscal

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1 year shall be carried forward to the succeeding fiscal
2 year. However, the grant amount for the succeeding
3 fiscal year shall be reduced by the amount in excess
4 of twenty percent of the grant amount received for the
5 fiscal year.
6 Sec. __. NEW SECTION. 256I.10 Early childhood
7 Iowa internet site.
8 1. The department shall provide for the operation
9 of an internet site for purposes of widely distributing
10 information regarding early care, education, health,

11 and human services and other information provided
12 by the departments represented on the state board
13 and the public and private agencies addressing the
14 comprehensive system for such services.
15 2. Information provided on the internet site shall
16 include but is not limited to all of the following:
17 a. Information about the early childhood Iowa
18 initiative for state and local use.
19 b. A link to a special internet site directed to
20 parents, including parent-specific information on early
21 care, education, health, and human services and links
22 to other resources available on the internet and from
23 other sources.
24 c. Program standards for early care, education,
25 health, and human services that have been approved by
26 state agencies.
27 3. The department shall provide to the state board
28 information regarding the extent and frequency of usage
29 of the internet site or sites and this information
30 shall be included in the board's annual report to the
31 governor and general assembly.
32 Sec. ____ NEW SECTION. 256I.11 Early childhood
33 Iowa fund.
34 1. An early childhood Iowa fund is created in
35 the state treasury. The moneys credited to the
36 fund are not subject to section 8.33 and moneys in
37 the fund shall not be transferred, used, obligated,
38 appropriated, or otherwise encumbered except as
39 provided by law. Notwithstanding section 12C.7,
40 subsection 2, interest or earnings on moneys deposited
41 in the fund shall be credited to the fund.
42 2. A school ready children grants account is
43 created in the fund under the authority of the director
44 of the department of education. Moneys credited to
45 the account shall be distributed by the department
46 in the form of grants to early childhood Iowa areas
47 pursuant to criteria established by the state board in
48 accordance with law.
49 3. Unless a different amount is authorized by law,
50 up to five percent of the school ready children grant

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1 moneys distributed to an area board may be used by the
2 area board for administrative costs.
3 4. a. An early childhood programs grants account
4 is created in the fund under the authority of the
5 director of the department of management. Moneys
6 credited to the account under the auspices of the
7 department of human services are appropriated to and
8 shall be distributed by the department of management
9 in the form of grants to early childhood Iowa areas

10 pursuant to criteria established by the state board
11 in accordance with law. The criteria shall include
12 but are not limited to a requirement that an early
13 childhood Iowa area must be designated by the state
14 board in order to be eligible to receive an early
15 childhood programs grant.

16 b. The maximum funding amount an early childhood
17 Iowa area is eligible to receive from the early
18 childhood programs grant account for a fiscal year
19 shall be determined by applying the area's percentage
20 of the state's average monthly family investment
21 program population in the preceding fiscal year to the
22 total amount credited to the account for the fiscal
23 year.

24 c. An early childhood Iowa area receiving funding
25 from the early childhood programs grant account
26 shall comply with any federal reporting requirements
27 associated with the use of that funding and other
28 results and reporting requirements established by the
29 state board. The early childhood coordination center
30 shall provide technical assistance in identifying and
31 meeting the federal requirements. The availability of
32 funding provided from the account is subject to changes
33 in federal requirements and amendments to Iowa law.

34 d. The moneys distributed from the early childhood
35 programs grant account shall be used by early childhood
36 Iowa areas for the purposes of enhancing quality child
37 care capacity in support of parent capability to obtain
38 or retain employment. The moneys shall be used with a
39 primary emphasis on low-income families and children
40 from zero to age five. Moneys shall be provided
41 in a flexible manner and shall be used to implement
42 strategies identified by the early childhood Iowa area
43 to achieve such purposes. The department of management
44 may use a portion of the funding appropriated to the
45 department under this subsection for provision of
46 technical assistance and other support to the early
47 childhood Iowa areas developing and implementing
48 strategies with grant moneys distributed from the
49 account.

50 e. Moneys from a federal block grant that are

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1 credited to the early childhood programs grant account
2 but are not distributed to an early childhood Iowa area
3 or otherwise remain unobligated or unexpended at the
4 end of the fiscal year shall revert to the fund created
5 in section 8.41 to be available for appropriation by
6 the general assembly in a subsequent fiscal year.

7 5. A first years first account is created in
8 the fund under the authority of the department of

9 management. The account shall consist of gift or grant
 10 moneys obtained from any source, including but not
 11 limited to the federal government. Moneys credited to
 12 the account are appropriated to the department to be
 13 used for the early childhood-related purposes for which
 14 the moneys were received.

15 Sec. ____ Section 135.106, subsection 3, Code 2009,
 16 is amended to read as follows:

17 3. It is the intent of the general assembly to
 18 provide communities with the discretion and authority
 19 to redesign existing local programs and services
 20 targeted at and assisting families expecting babies
 21 and families with children who are newborn through
 22 five years of age. The Iowa department of public
 23 health, department of human services, department of
 24 education, and other state agencies and programs, as
 25 appropriate, shall provide technical assistance and
 26 support to communities desiring to redesign their
 27 local programs and shall facilitate the consolidation
 28 of existing state funding appropriated and made
 29 available to the community for family support services.
 30 Funds which are consolidated in accordance with this
 31 subsection shall be used to support the redesigned
 32 service delivery system. In redesigning services,
 33 communities are encouraged to implement a single
 34 uniform family risk assessment mechanism and shall
 35 demonstrate the potential for improved outcomes for
 36 children and families. Requests by local communities
 37 for the redesigning of services shall be submitted to
 38 the Iowa department of public health, department of
 39 human services, and department of education, and are
 40 subject to the approval of the early childhood Iowa
 41 ~~empowerment state~~ board in consultation with the
 42 departments, based on the practices utilized with
 43 ~~community empowerment~~ early childhood Iowa areas under
 44 chapter ~~28~~ 256I.

45 Sec. ____ Section 135.119, subsection 2, paragraph
 46 d, Code Supplement 2009, is amended to read as follows:

47 d. The program plan shall incorporate a multiyear,
 48 collaborative approach for implementation of the
 49 plan. The plan shall address how to involve those who
 50 regularly work with parents and persons responsible for

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1 the care of a child, including but not limited to child
 2 abuse prevention programs, child care resource and
 3 referral programs, child care providers, family support
 4 programs, programs receiving funding through the
 5 ~~community empowerment~~ early childhood Iowa initiative
 6 public and private schools, health care providers,
 7 local health departments, birth centers, and birthing

8 hospitals.

9 Sec. ____ Section 135.159, subsection 3, paragraph
10 i, Code Supplement 2009, is amended to read as follows:

11 i. For children, coordinate with and integrate
12 guidelines, data, and information from existing newborn
13 and child health programs and entities, including but
14 not limited to the healthy opportunities for parents
15 to experience success - healthy families Iowa program,
16 the ~~community empowerment program~~ early childhood Iowa
17 initiative, the center for congenital and inherited
18 disorders screening and health care programs, standards
19 of care for pediatric health guidelines, the office of
20 multicultural health established in section 135.12, the
21 oral health bureau established in section 135.15, and
22 other similar programs and services.

23 Sec. ____ Section 135.173, Code 2009, is amended to
24 read as follows:

25 135.173 Early childhood ~~Iowa council~~ stakeholders
26 alliance.

27 1. Council Alliance created. An early childhood
28 ~~Iowa council stakeholders alliance~~ is created ~~as an~~
29 ~~alliance of stakeholders in~~ to address the early care,
30 health, and education systems that affect children ages
31 zero through five in Iowa.

32 2. Purpose. The purpose of the early childhood
33 ~~Iowa council stakeholders alliance~~ is to oversee and
34 provide broad input into the development of ~~an a high~~
35 quality Iowa early childhood system ~~by integrating~~
36 ~~the early care, health, and education systems~~
37 ~~addressing that meets~~ the needs of children ages
38 zero through five and their families and integrates
39 the early care, health, and education systems. The
40 ~~council alliance~~ shall advise the governor, general
41 assembly, and public and private policy bodies and
42 service providers in coordinating activities throughout
43 the state to fulfill its purpose.

44 3. Vision statement. All system development
45 activities addressed by the early childhood ~~Iowa~~
46 ~~council stakeholders alliance~~ shall be aligned around
47 the following vision statement for the children of
48 Iowa: "Every child, beginning at birth, will be
49 healthy and successful."

50 4. Membership. The early childhood ~~Iowa~~

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1 ~~council stakeholders alliance~~ membership shall
2 include a representative of any organization that
3 touches the lives of young children in the state
4 ages zero through five, has endorsed the purpose
5 and vision statement for the ~~council alliance~~,
6 has endorsed the guiding principles adopted by the

7 ~~council alliance~~ for the early childhood system,
 8 and has formally asked to be a member and remains
 9 actively engaged in ~~council alliance~~ activities.
 10 The ~~council alliance~~ shall work to ensure there is
 11 geographic, cultural, and ethnic diversity among the
 12 membership.
 13 5. Procedure. Except as otherwise provided by
 14 law, the early childhood ~~Iowa council stakeholders~~
 15 ~~alliance~~ shall determine its own rules of procedure and
 16 operating provisions.
 17 6. Steering committee. The early childhood
 18 ~~Iowa council stakeholders alliance~~ shall operate
 19 with a steering committee to organize, manage, and
 20 coordinate the activities of the ~~council alliance~~ and
 21 its component groups. The steering committee may act
 22 on behalf of the ~~council alliance~~ as necessary. The
 23 steering committee membership shall consist of the
 24 co-chairpersons of the ~~council's alliance's~~ component
 25 groups, ~~the chairperson of the state agency liaison~~
 26 ~~team, the community empowerment facilitator or the~~
 27 ~~facilitator's designee, the primary staff person~~
 28 ~~for the early childhood Iowa state board created~~
 29 ~~in chapter 256I, a staff member of the early~~
 30 ~~childhood coordination center of the department~~
 31 ~~of management,~~ and other leaders designated by the
 32 ~~council alliance~~.
 33 7. Component groups. The early childhood ~~Iowa~~
 34 ~~council stakeholders alliance~~ shall maintain component
 35 groups to address the key components of the Iowa early
 36 childhood system. Each component group shall have one
 37 private and one public agency co-chairperson. The
 38 ~~council alliance~~ may change the component groups as
 39 deemed necessary by the ~~advisory council alliance~~.
 40 Initially, there shall be a component group for each
 41 of the following:
 42 a. Governance planning and administration.
 43 b. Professional development.
 44 c. Public engagement.
 45 d. Quality services and programs.
 46 e. Resources and funding.
 47 f. Results accountability.
 48 8. State agency liaison team. A state agency
 49 liaison team shall provide input into the efforts of
 50 the early childhood ~~Iowa council stakeholders alliance~~.

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1 In addition to designees of the governor, the team
 2 shall consist of the directors or chief administrators,
 3 or their designees, from the following state agencies
 4 and programs:
 5 a. Child health specialty clinics.

6 b. ~~Office of community empowerment in the~~
7 ~~department of management~~ Early childhood Iowa state
8 board staff.
9 c. Department of education.
10 d. Department of education, office of head start
11 collaboration.
12 e. Division of libraries and information services
13 of the department of education.
14 e. f. Office of the governor.
15 g. Department of human rights.
16 h. Department of human services.
17 ~~h.~~ i. Postsecondary education institutions,
18 including but not limited to institutions of higher
19 learning under the control of the state board of
20 regents and Iowa community colleges.
21 j. Department of management.
22 ~~i.~~ k. Department of public health.
23 l. Department of workforce development.
24 9. Duties. ~~In addition to the advisory function~~
25 ~~specified in subsection 2, the~~ The early childhood Iowa
26 council's stakeholders alliance duties shall include
27 but are not limited to all of the following regarding
28 the Iowa early childhood system:
29 a. Coordinate with the early childhood Iowa state
30 board concerning the development and implementation of
31 a the strategic plan required under chapter 256I. The
32 coordination and development activities shall emphasize
33 strengthening the early childhood system components
34 enumerated in this section.
35 b. Serve as the state advisory council required
36 under the federal Improving Head Start for School
37 Readiness Act of 2007, Pub. L. No. 110-134, if
38 designated by the governor.
39 c. Work to secure necessary funding support for
40 strengthening the design and implementation of a
41 high quality early childhood system. The support may
42 include but is not limited to federal funding available
43 for planning under early childhood comprehensive
44 service system grants by the federal maternal and child
45 health bureau and federal early learning challenge
46 grants.
47 d. Assist in the development of responsibilities
48 across agencies and ~~other entities to achieve strategic~~
49 goals between the state board and area boards for the
50 early childhood Iowa initiative under chapter 256I to

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1 develop and maintain a high quality early childhood
2 system in the state.
3 e. e. Work with the early childhood Iowa
4 ~~empowerment board~~ state board in developing

5 public-private partnerships to support the early
 6 childhood system through the first years first account
 7 in the early childhood Iowa empowerment fund and other
 8 efforts for expanding investment of private funding
 9 in the early childhood system. ~~As this and similar~~
 10 ~~efforts to expand and coordinate investments from all~~
 11 ~~public and private sources evolve and mature, make~~
 12 ~~recommendations for designation of or contracting~~
 13 ~~with a private nonprofit organization to serve as a~~
 14 ~~fiscal agent for the early childhood system or another~~
 15 ~~approach for increasing public and private investment~~
 16 ~~in the system.~~

17 ~~d. f.~~ Report annually by December 31 to the
 18 governor and general assembly. The report content
 19 shall include but is not limited to all of the
 20 following:

21 (1) The status and results of the
 22 ~~council's~~ alliance's efforts to engage the public
 23 regarding the early care, health, and education needs
 24 of children ages zero through five and the efforts to
 25 develop and promote private sector involvement with the
 26 early childhood system.

27 (2) The status of the ~~community empowerment~~ early
 28 childhood Iowa initiative and the overall early
 29 childhood system in achieving the following initial set
 30 of desired results identified in ~~section 28.2~~ chapter
 31 256I:

- 32 (a) Healthy children.
- 33 (b) Children ready to succeed in school.
- 34 (c) Safe and supportive communities.
- 35 (d) Secure and nurturing families.
- 36 (e) Secure and nurturing early care and education
 37 environments.

38 10. Staff support for the early childhood
 39 stakeholders alliance shall be provided by the
 40 department of public health.

41 Sec. ____. Section 135.174, subsection 1, Code 2009,
 42 is amended to read as follows:

43 1. The lead agency for support of the early
 44 childhood ~~Iowa council~~ stakeholders alliance for state
 45 agency efforts to develop an early childhood system for
 46 Iowa shall be the department of public health.

47 Sec. ____. Section 135.174, subsection 2, unnumbered
 48 paragraph 1, Code 2009, is amended to read as follows:

49 The department shall work with the early childhood
 50 ~~Iowa council~~ stakeholders alliance in integrating early

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1 care, health, and education systems to develop an early
 2 childhood system for Iowa. The department shall do all
 3 of the following in developing the system:

4 Sec. ____ Section 142A.4, subsection 8, Code
5 Supplement 2009, is amended to read as follows:
6 8. Assist with the linkage of the initiative with
7 child welfare and juvenile justice decategorization
8 projects, education programming, ~~community~~
9 ~~empowerment~~ early childhood Iowa areas, and other
10 programs and services directed to youth at the state
11 and community level.

12 Sec. ____ Section 142A.8, subsection 2, Code 2009,
13 is amended to read as follows:
14 2. A community partnership area shall encompass
15 a county or multicounty area, school district or
16 multischool district area, economic development
17 enterprise zone that meets the requirements of an urban
18 or rural enterprise community under ~~Title Tit.~~ XIII of
19 the federal Omnibus Budget Reconciliation Act of 1993,
20 or ~~community empowerment~~ early childhood Iowa area, in
21 accordance with criteria adopted by the commission for
22 appropriate population levels and size of geographic
23 areas.

24 Sec. ____ Section 216A.140, subsection 5, paragraph
25 j, Code Supplement 2009, is amended to read as follows:
26 j. ~~Office of community empowerment~~ Early childhood
27 coordination center in the department of management.

28 Sec. ____ Section 217.42, subsection 1, Code 2009,
29 is amended to read as follows:
30 1. The organizational structure to deliver the
31 department's field services shall be based upon service
32 areas. The service areas shall serve as a basis for
33 providing field services to persons residing in the
34 counties comprising the service area. The service
35 areas shall be those designated by the department
36 effective January 1, 2002. In determining the
37 service areas, the department shall consider other
38 geographic service areas including but not limited to
39 judicial districts and ~~community empowerment~~ early
40 childhood Iowa areas. The department shall consult
41 with the county boards of supervisors in a service
42 area with respect to the selection of the service
43 area manager responsible for the service area who is
44 initially selected for the service area designated
45 effective January 1, 2002, and any service area manager
46 selected for the service area thereafter. Following
47 establishment of the service areas effective January
48 1, 2002, if a county seeks to change the boundaries
49 of a service area, the change shall only take place
50 if the change is mutually agreeable to the department

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1 and all affected counties. If it is necessary for the
2 department to significantly modify its field operations

3 or the composition of a designated service area, or
 4 if it is necessary for the department to change the
 5 number of offices operating less than full-time, the
 6 department shall consult with the affected counties
 7 prior to implementing such action.

8 Sec. ____ Section 232.188, subsection 4, paragraph
 9 c, Code 2009, is amended to read as follows:
 10 c. A decategorization governance board shall
 11 coordinate the project's planning and budgeting
 12 activities with the departmental service area manager
 13 for the county or counties comprising the project area
 14 and the ~~community empowerment~~ early childhood Iowa area
 15 board or boards for the ~~community empowerment~~ early
 16 childhood Iowa area or areas within which the
 17 decategorization project is located.

18 Sec. ____ Section 237A.21, subsection 3, paragraph
 19 n, Code Supplement 2009, is amended to read as follows:
 20 n. One designee of the ~~community empowerment~~
 21 ~~office~~ early childhood coordination center of the
 22 department of management.

23 Sec. ____ Section 237A.21, subsection 3, paragraph
 24 q, Code Supplement 2009, is amended to read as follows:
 25 q. One person who represents the early childhood
 26 Iowa ~~council~~ state board created in section
 27 ~~135.173 256L.3.~~

28 Sec. ____ Section 237A.22, subsection 1, paragraph
 29 j, Code Supplement 2009, is amended to read as follows:
 30 j. Advise and assist the early childhood Iowa
 31 ~~council~~ state board in developing the strategic plan
 32 required pursuant to section ~~135.173 256L.4.~~

33 Sec. ____ Section 237A.26, subsection 8, Code 2009,
 34 is amended to read as follows:
 35 8. For purposes of improving the quality and
 36 consistency of data collection, consultation, and other
 37 support to child care home and child development home
 38 providers, a resource and referral services agency
 39 grantee shall coordinate and assist with publicly
 40 and privately funded efforts administered at the
 41 community level to provide the support. The support
 42 and efforts addressed by a grantee may include but are
 43 not limited to community-funded child care home and
 44 child development home consultants. Community members
 45 involved with the assistance may include but are not
 46 limited to the efforts of a ~~community empowerment~~ an
 47 early childhood Iowa area board under chapter ~~28 256L.~~
 48 and of community representatives of education, health,
 49 human services, business, faith, and public interests.

50 Sec. ____ Section 237A.30, subsection 1, Code 2009,

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1 is amended to read as follows:

2 1. The department shall work with the ~~community~~
3 ~~empowerment office of early childhood coordination~~
4 ~~center in~~ the department of management established in
5 section ~~28.3~~ 256I.5 and the state child care advisory
6 council in designing and implementing a voluntary
7 quality rating system for each provider type of child
8 care facility.

9 Sec. ____ Section 256C.3, subsection 3, paragraph
10 e, Code 2009, is amended to read as follows:

11 e. Collaboration with participating families, early
12 care providers, and community partners including but
13 not limited to ~~community empowerment~~ early childhood
14 Iowa area boards, head start programs, shared visions
15 and other programs provided under the auspices of the
16 child development coordinating council, licensed child
17 care centers, registered child development homes,
18 area education agencies, child care resource and
19 referral services provided under section 237A.26, early
20 childhood special education programs, services funded
21 by ~~Title Tit.~~ I of the federal Elementary and Secondary
22 Education Act of 1965, and family support programs.

23 Sec. ____ Section 256C.3, subsection 4, paragraph
24 a, Code 2009, is amended to read as follows:

25 a. Methods of demonstrating community readiness
26 to implement high-quality instruction in a local
27 program shall be identified. The potential provider
28 shall submit a collaborative program proposal that
29 demonstrates the involvement of multiple community
30 stakeholders including but not limited to, and only as
31 applicable, parents, the school district, accredited
32 nonpublic schools and faith-based representatives, the
33 area education agency, the ~~community empowerment~~ early
34 childhood Iowa area board, representatives of business,
35 head start programs, shared visions and other programs
36 provided under the auspices of the child development
37 coordinating council, center-based and home-based
38 providers of child care services, human services,
39 public health, and economic development programs. The
40 methods may include but are not limited to a school
41 district providing evidence of a public hearing on
42 the proposed programming and written documentation of
43 collaboration agreements between the school district,
44 existing community providers, and other community
45 stakeholders addressing operational procedures and
46 other critical measures.

47 Sec. ____ Section 256C.4, subsection 2, paragraph
48 b, Code 2009, is amended to read as follows:

49 b. The enrollment count of eligible students shall
50 not include a child who is included in the enrollment

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1 count determined under section 257.6 or a child who is
2 served by a program already receiving state or federal
3 funds for the purpose of the provision of four-year-old
4 preschool programming while the child is being served
5 by the program. Such preschool programming includes
6 but is not limited to child development assistance
7 programs provided under chapter 256A, special education
8 programs provided under section 256B.9, school ready
9 children grant programs and other programs provided
10 under chapter ~~28~~ 256I, and federal head start programs
11 and the services funded by ~~Title Tit.~~ I of the federal
12 Elementary and Secondary Education Act of 1965.

13 Sec. ____ Section 279.60, Code 2009, is amended to
14 read as follows:

15 279.60 Kindergarten assessment – access to data –
16 reports.

17 Each school district shall administer the dynamic
18 indicators of basic early literacy skills kindergarten
19 benchmark assessment or other kindergarten benchmark
20 assessment adopted by the department of education
21 in consultation with the early childhood Iowa
22 ~~empowerment state~~ board to every kindergarten student
23 enrolled in the district not later than the date
24 specified in section 257.6, subsection 1. The school
25 district shall also collect information from each
26 parent, guardian, or legal custodian of a kindergarten
27 student enrolled in the district, including but not
28 limited to whether the student attended preschool,
29 factors identified by the early ~~care staff~~ childhood
30 coordination center pursuant to section ~~28.3~~ 256I.5,
31 and other demographic factors. Each school district
32 shall report the results of the assessment and the
33 preschool information collected to the department of
34 education in the manner prescribed by the department
35 not later than January 1 of that school year. The
36 ~~early care staff designated pursuant to section~~
37 ~~28.3~~ early childhood coordination center in the
38 department of management shall have access to the raw
39 data. The department shall review the information
40 submitted pursuant to this section and shall submit
41 its findings and recommendations annually in a report
42 to the governor, the general assembly, the early
43 childhood Iowa ~~empowerment state~~ board, and the
44 ~~community empowerment~~ early childhood Iowa area boards.

45 Sec. ____ Section 915.35, subsection 4, paragraph
46 b, Code Supplement 2009, is amended to read as follows:

47 b. A child protection assistance team may also
48 consult with or include juvenile court officers,
49 medical and mental health professionals, physicians
50 or other hospital-based health professionals,

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1 court-appointed special advocates, guardians ad litem,
2 and members of a multidisciplinary team created by
3 the department of human services for child abuse
4 investigations. A child protection assistance team
5 may work cooperatively with the ~~local community~~
6 ~~empowerment~~ early childhood Iowa area board established
7 under ~~section 28.6~~ chapter 256I. The child protection
8 assistance team shall work with the department of human
9 services in accordance with section 232.71B, subsection
10 3, in developing the protocols for prioritizing the
11 actions taken in response to child abuse reports and
12 for law enforcement agencies working jointly with the
13 department at the local level in processes for child
14 abuse reports. The department of justice may provide
15 training and other assistance to support the activities
16 of a child protection assistance team.

17 Sec. ____ REPEALS. Chapter 28, Code and Code
18 Supplement 2009, is repealed.

19 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
20 subsection 3, shall not apply to this division of this
21 Act.

22 Sec. ____ TRANSITION.

23 1. The initial membership of the early childhood
24 Iowa state board shall be composed of the membership of
25 the Iowa empowerment board.

26 2. Effective on or after July 1, 2011, as
27 determined by the early childhood Iowa state board
28 created pursuant to this division of this Act, the
29 designations granted by the Iowa empowerment board to
30 community empowerment areas and community empowerment
31 area boards under chapter 28, Code 2009, are withdrawn.
32 However, subject to the approval of the early childhood
33 Iowa state board in accordance with the area board
34 designation criteria established by this division
35 of this Act, all or a portion of the membership of a
36 community empowerment area board may be redesignated to
37 serve as the membership of the initial early childhood
38 Iowa area board for the relevant early childhood Iowa
39 area to be served. Subject to rules to be adopted by
40 the state board addressing redesignation of community
41 empowerment areas as early childhood Iowa areas,
42 existing multicounty community empowerment area boards
43 may choose to be redefined as early childhood Iowa area
44 boards.

45 3. Until the early childhood Iowa state board
46 has adopted administrative rules to implement the
47 provisions of chapter 256I, as enacted by this division
48 of this Act, the department of management shall apply
49 the relevant rules adopted to implement the community
50 empowerment initiative under chapter 28, Code 2009.

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- 1 The state board shall also adopt rules addressing
- 2 transition of contracts entered into by community
- 3 empowerment area boards that include provisions in
- 4 effect on or after July 1, 2012.>
- 5 2. By renumbering as necessary.

Amendment [H-8076](#) was adopted, placing out of order the following amendments to the committee amendment [H-8045](#), [H-8069](#), previously deferred, filed by Tymeson of Madison on February 9, 2010, [H-8075](#), previously deferred, filed by Koester of Polk, et al., on February 9, 2010 and [H-8095](#) filed by Winckler of Scott on February 11, 2010.

L. Miller of Scott asked and received unanimous consent to withdraw amendment [H-8101](#), to the committee amendment [H-8045](#), filed by her on February 11, 2010.

Paulsen of Linn offered the following amendment [H-8106](#), to the committee amendment [H-8045](#), filed by him and Mascher of Johnson from the floor and moved its adoption:

[H-8106](#)

- 1 Amend the amendment, [H-8045](#), to [Senate File 2088](#),
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, before line 4 by inserting: ____.
- 5 Page 30, line 4, after <2B.5A.> by inserting
- 6 <The agency shall also submit a copy of the notice to
- 7 the chairpersons and ranking members of the appropriate
- 8 standing committees of the general assembly for
- 9 additional study.>
- 10 ____ Page 31, after line 21 by inserting:
- 11 <Sec. ____ APPLICABILITY. The amendment to section
- 12 17A.4 in this division of this Act, establishing
- 13 requirements for an agency to submit copies of rule
- 14 notices to the chairpersons and ranking members of
- 15 the appropriate standing committees, is applicable
- 16 beginning January 11, 2011. >>
- 17 2. By renumbering as necessary.

Amendment [H-8106](#) was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Helland of Polk and Sorenson of Warren, until their return, on request of Paulsen of Linn.

Watts of Dallas offered the following amendment [H-8094](#), previously deferred, to the committee amendment [H-8045](#), filed by him and moved its adoption:

[H-8094](#)

1 Amend the amendment, [H-8045](#), to [Senate File 2088](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 11, after line 41 by inserting:
5 <__.Page 118, after line 8 by inserting:
6 <DIVISION _____
7 WIND ENERGY TAX CREDIT REPEAL
8 Sec. ____. Section 422.11J, Code 2009, is amended to
9 read as follows:
10 422.11J Tax credits for wind energy production and
11 renewable energy.
12 The taxes imposed under this division, less the
13 credits allowed under section 422.12, shall be reduced
14 by ~~the tax credits credit for wind energy production~~
15 ~~allowed under chapter 476B and for renewable energy~~
16 allowed under chapter 476C.
17 Sec. ____. Section 422.33, subsection 16, Code
18 Supplement 2009, is amended to read as follows:
19 16. The taxes imposed under this division shall
20 be reduced by ~~the tax credits credit for wind energy~~
21 ~~production allowed under chapter 476B and for renewable~~
22 energy allowed under chapter 476C.
23 Sec. ____. Section 422.60, subsection 8, Code
24 Supplement 2009, is amended to read as follows:
25 8. The taxes imposed under this division shall
26 be reduced by ~~the tax credits credit for wind energy~~
27 ~~production allowed under chapter 476B and for renewable~~
28 energy allowed under chapter 476C.
29 Sec. ____. Section 423.4, subsection 4, Code
30 Supplement 2009, is amended to read as follows:
31 4. A person in possession of a ~~wind energy~~
32 ~~production tax credit certificate pursuant to chapter~~
33 ~~476B or a renewable energy tax credit certificate~~
34 issued pursuant to chapter 476C may apply to the
35 director for refund of the amount of sales or use tax
36 imposed and paid upon purchases made by the applicant.
37 a. The refunds may be obtained only in the
38 following manner and under the following conditions:
39 (1) On forms furnished by the department and filed
40 by January 31 after the end of the calendar year in
41 which the tax credit certificate is to be applied, the
42 applicant shall report to the department the total

43 amount of sales and use tax paid during the reporting
44 period on purchases made by the applicant.

45 (2) The applicant shall separately list the amounts
46 of sales and use tax paid during the reporting period.

47 (3) If required by the department, the applicant
48 shall prove that the person making the sales has
49 included the amount thereof in the computation of the
50 sales price of such person and that such person has

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1 paid the tax levied by this subchapter or subchapter
2 III, based upon such computation of the sales price.

3 (4) The applicant shall provide the tax credit
4 ~~certificates~~ certificate issued pursuant to chapter
5 ~~476B or 476C~~ to the department with the forms require
6 by this paragraph "a".

7 b. If satisfied that the foregoing conditions
8 and requirements have been complied with, the
9 director shall refund the amount claimed by the
10 applicant for an amount not greater than the
11 amount of tax ~~credits~~ credit issued in a tax credit
12 ~~certificates~~ certificate pursuant to chapter
13 ~~476B or 476C~~.

14 Sec. ____ Section 432.12E, Code 2009, is amended to
15 read as follows:

16 432.12E Tax credits for wind energy production and
17 renewable energy.

18 The taxes imposed under this chapter shall be
19 reduced by ~~the tax credits for wind energy production~~
20 ~~allowed under chapter 476B and credit~~ for renewable
21 energy allowed under chapter 476C.

22 Sec. ____ Section 437A.6, subsection 1, paragraph
23 c, Code Supplement 2009, is amended to read as follows:

24 c. Wind energy conversion property subject to
25 section 427B.26 ~~or eligible for a tax credit under~~
26 ~~chapter 476B~~.

27 Sec. ____ Section 437A.17B, Code 2009, is amended
28 to read as follows:

29 437A.17B Reimbursement for renewable energy.

30 A person in possession of ~~a wind energy tax credit~~
31 ~~certificate issued pursuant to chapter 476B or a~~
32 renewable energy tax credit certificate issued
33 pursuant to chapter 476C may apply to the director
34 for a reimbursement of the amount of taxes imposed
35 and paid by the person pursuant to this chapter in
36 an amount not more than the person received in ~~wind~~
37 ~~energy tax credit certificates pursuant to chapter~~
38 ~~476B or~~ renewable energy tax credit certificates
39 pursuant to chapter 476C. To obtain the reimbursement,
40 the person shall attach to the return required under
41 section 437A.8 ~~the wind energy tax credit certificates~~

42 ~~issued to the person pursuant to chapter 476B, or the~~
 43 renewable energy tax credit certificates issued to the
 44 person pursuant to chapter 476C, and provide any other
 45 information the director may require. The director
 46 shall direct a warrant to be issued to the person for
 47 an amount equal to the tax imposed and paid by the
 48 person pursuant to this chapter but for not more than
 49 the amount of the ~~wind energy tax credit certificates~~
 50 ~~or~~ renewable energy tax credit certificates attached to

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1 the return.
 2 Sec. ____ Section 476C.4, subsection 6, Code 2009,
 3 is amended by striking the subsection.
 4 Sec. ____ Section 524.802, subsection 14, Code
 5 2009, is amended by striking the subsection.
 6 Sec. ____ REPEAL. Section 476B.2, 476B.3, 476B.7,
 7 476B.8, 476B.9, and 476B.10, Code 2009, is repealed.
 8 Sec. ____ REPEAL. Sections 476B.1, 476B.4,
 9 476B.5, 476B.6, and 476B.6A, Code Supplement 2009, are
 10 repealed. >>

Roll call was requested by Bailey of Hamilton and Gayman of Scott.

Rule 75 was invoked.

On the question "Shall amendment [H-8094](#) to the committee amendment [H-8045](#) be adopted?" ([S.F. 2088](#))

The ayes were, 1:

Watts

The nays were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.

Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker Murphy			

Absent or not voting, 2:

Drake Helland

Amendment [H-8094](#) lost.

On motion by Mascher of Johnson, the committee amendment [H-8045](#), as amended, was adopted, placing out of order amendments [H-8054](#) filed by Winckler of Scott and Wendt of Woodbury on February 9, 2010, [H-8064](#) filed by Tymeson of Madison on February 9, 2010 and [H-8074](#) filed by Horbach of Tama, et al., on February 9, 2010.

Rants of Woodbury offered the following amendment [H-8053](#) filed by him and moved its adoption:

[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

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1 each individual appropriation is reduced shall be
2 outlined 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

Page 3

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 and
 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.

Page 4

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.

Page 5

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 460.2.~~

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

Page 6

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

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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

Page 8

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

Page 9

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

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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

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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,

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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

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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

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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.

Roll call was requested by Rants of Woodbury and McCarthy of Polk.

On the question "Shall amendment [H-8053](#) be adopted?" ([S.F. 2088](#))

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley

Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 3:

Berry Drake Olson, R.

Amendment [H-8053](#) lost.

Watts of Dallas asked and received unanimous consent to withdraw amendment [H-8047](#) filed by him on February 8, 2010.

Kaufmann of Cedar offered the following amendment [H-8059](#) filed by him and moved its adoption:

[H-8059](#)

- 1 Amend [Senate File 2088](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 36, line 18, by striking <not> and
- 4 inserting <~~not~~>
- 5 2. By striking page 37, line 4, through page 38,
- 6 line 4.
- 7 3. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Taylor of Linn.

On the question "Shall amendment [H-8059](#) be adopted?" ([S.F. 2088](#))

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg

Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitehead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 2:

Drake Olson, R.

Amendment [H-8059](#) lost.

Raecker of Polk asked and received unanimous consent to withdraw amendment [H-8057](#) filed by him on February 9, 2010.

Pettengill of Benton offered the following amendment [H-8072](#) filed by her and moved its adoption:

[H-8072](#)

- 1 Amend [Senate File 2088](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 36, line 33, by striking <noncontract>

Amendment [H-8072](#) was adopted.

Petersen of Polk asked and received unanimous consent to withdraw amendment [H-8077](#) filed by her on February 9, 2010, placing out of order amendment [H-8093](#) filed by her on February 11, 2010.

Rants of Woodbury offered the following amendment [H-8062](#) filed by him and moved its adoption:

[H-8062](#)

1 Amend [Senate File 2088](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 44, after line 3 by inserting:
4 <DIVISION _____
5 ETHICS AND CAMPAIGN DISCLOSURE
6 BOARD – CIVIL PENALTIES
7 Sec. ____ Section 68A.401, subsection 3, Code
8 Supplement 2009, is amended to read as follows:
9 3. The candidate of a candidate's committee, or
10 the chairperson of any other committee, is responsible
11 for filing statements and reports under this chapter.
12 The board shall send notice to a committee that has
13 failed to file a disclosure report at the time required
14 under section 68A.402. A Notwithstanding section
15 68B.32D, subsection 1, paragraph "h", a candidate of
16 a candidate's committee, or the chairperson of any
17 other committee, may be subject to a civil penalty'
18 of not more than ten thousand dollars for failure to'
19 timely file a disclosure report required under section
20 68A.402.>
21 2. By renumbering as necessary.

Amendment [H-8062](#) lost.

Watts of Dallas asked and received unanimous consent to withdraw amendment [H-8078](#) filed by him on February 9, 2010.

Watts of Dallas asked and received unanimous consent to withdraw amendment [H-8049](#) filed by him on February 8, 2010.

Sands of Louisa offered the following amendment [H-8092](#) filed by him and moved its adoption:

[H-8092](#)

1 Amend [Senate File 2088](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 158, after line 15 by inserting:
4 <DIVISION _____
5 NATURAL RESOURCES FUNDS
6 Sec. ____ NEW SECTION. 455A.4A Department of
7 natural resources fund.
8 1. A department of natural resources fund is

9 created in the state treasury as a separate fund under
10 the control of the department of natural resources.
11 The fund shall be composed of moneys appropriated to
12 the fund by the general assembly and moneys available
13 to and obtained or accepted by the department from the
14 United States or from private sources for placement in
15 the fund.

16 2. a. Notwithstanding any other provision to the
17 contrary, it is the intent of the general assembly that
18 all revenue appropriated to a fund contained in Title
19 XI, with the exception of revenue that is appropriated
20 to the fish and wildlife protection fund pursuant to
21 Article VII, section 9, of the Constitution of the
22 State of Iowa, is appropriated to and shall be credited
23 by the treasurer of state to the department of natural
24 resources fund, including but not limited to all
25 revenue in the following funds:

26 (1) Special snowmobile fund created in section
27 321G.7.

28 (2) Special all-terrain vehicle fund created in
29 section 321I.8.

30 (3) Iowa resources enhancement and protection fund
31 created in section 455A.18.

32 (4) Environmental crimes investigation and
33 prosecution fund created in section 455B.112A.

34 (5) Air contaminant source fund created in section
35 455B.133B.

36 (6) Septic management fund and toilet unit fund
37 created in section 455B.172.

38 (7) Water quality protection fund created in
39 section 455B.183A.

40 (8) National pollutant discharge elimination system
41 permit fund created in section 455B.196.

42 (9) Sewage works construction fund created in
43 section 455B.241.

44 (10) Water use permit fund created in section
45 455B.265A.

46 (11) Water pollution control works revolving loan
47 fund, water pollution control works administration
48 fund, drinking water facilities revolving loan fund,
49 and drinking water facilities administration fund
50 created in section 455B.295.

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1 (12) Hazardous substance remedial fund created in
2 section 455B.423.

3 (13) Waste management assistance trust fund created
4 in section 455B.484.

5 (14) Independent redemption center grant fund
6 created in section 455C.17.

7 (15) Waste tire management fund created in section

8 455D.11C.
9 (16) Waste volume reduction and recycling fund
10 created in section 455D.15.
11 (17) Groundwater protection fund created in section
12 455E.11.
13 (18) Iowa comprehensive petroleum underground
14 storage tank fund created in section 455G.3.
15 (19) Marketability fund created in section 455G.21.
16 (20) Land recycling fund created in section
17 455H.401.
18 (21) Forestry management and enhancement fund
19 created in section 456A.21.
20 (22) Remedial action fund created in section
21 457B.1, subsection 3, paragraph "p".
22 (23) Animal agriculture compliance fund created in
23 section 459.401.
24 (24) Manure storage indemnity fund created in
25 section 459.501.
26 (25) Agricultural drainage well water quality
27 assistance fund created in section 460.303.
28 (26) Missouri river preservation and land use fund
29 created in section 463B.3.
30 (27) Honey creek premier destination park bond fund
31 created in section 463C.11.
32 (28) On-site wastewater systems assistance fund
33 created in section 466.9.
34 (29) Watershed improvement fund created in section
35 466A.2.
36 (30) Building energy management fund created in
37 section 473.19A.
38 b. The revenue so appropriated to the department of
39 natural resources fund shall be used only as provided
40 in appropriations made from the fund by the general
41 assembly which may include for purposes relating to the
42 statutory purposes set forth for the funds contained
43 in Title XI.
44 c. This subsection is applicable to all
45 appropriations to the Title XI funds beginning on July
46 1, 2010, and ending on June 30, 2015.
47 3. a. Notwithstanding any other provision to the
48 contrary it is the intent of the general assembly
49 that all provisions that impose fees in Title XI and
50 that are appropriated to funds contained in Title XI,

Page 3

1 with the exception of state license fees for hunting,
2 fishing, and trapping that are appropriated to the fish
3 and wildlife protection fund pursuant to Article VII,
4 section 9, of the Constitution of the State of Iowa,
5 shall be repealed on June 30, 2015.
6 b. Beginning on July 1, 2010, and each year

7 thereafter until July 1, 2015, the department of
 8 natural resources shall submit an annual report to
 9 the general assembly which discusses, explains, and
 10 justifies the purposes and amounts of twenty percent of
 11 the fees imposed pursuant to Title XI so that by July
 12 1, 2015, all fees imposed pursuant to Title XI have
 13 been reported on.

14 4. Notwithstanding section 8.33, any balance in
 15 the fund on June 30 of each fiscal year shall not
 16 revert to the general fund of the state, but shall be
 17 available for purposes of this section in subsequent
 18 fiscal years. Notwithstanding section 12C.7, interest
 19 and earnings on moneys in the fund shall be credited
 20 to the fund.

21 5. This section is repealed July 15, 2015.

22 Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
 23 being deemed of immediate importance, takes effect upon
 24 enactment.>

25 2. By renumbering as necessary.

Kressig of Black Hawk in the chair at 4:36 p.m.

Amendment [H-8092](#) lost.

Struyk of Pottawattamie asked and received unanimous consent
 that amendment [H-8071](#) be deferred.

Chambers of O'Brien offered the following amendment [H-8086](#)
 filed by him and moved its adoption:

[H-8086](#)

1 Amend [Senate File 2088](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 198, after line 6 by inserting:
 4 <DIVISION _____
 5 STATE BOARD OF REGENTS – COST SAVINGS TASK FORCE
 6 Sec. ____ NEW SECTION. 11.51 Cost savings task
 7 force – regents board office and regents institutions
 8 of higher education.
 9 1. There is established a cost savings task force
 10 composed of nine members to identify examples of
 11 inefficiency and waste in the administration of the
 12 office of the board of regents, the committees and
 13 administrative offices under the board created pursuant
 14 to section 262.12, and of the regents universities.
 15 The task force shall be located for administrative
 16 purposes within the office of the auditor of state.
 17 The auditor of state shall provide office space, staff

18 assistance, and necessary supplies and equipment for
19 the task force. The auditor of state shall budget
20 moneys to pay the expenses of the task force, including
21 the actual expenses of the auditor of state incurred
22 while engaged in the performance of official task force
23 duties. In performing its functions, the task force is
24 performing a public function on behalf of the state and
25 is a public instrumentality of the state.

26 2. a. Membership of the task force shall include
27 the auditor of state, two members appointed by the
28 governor subject to confirmation by the senate, two
29 members appointed by the auditor, and four legislative
30 members. The legislative members are two state
31 senators, one appointed by the president of the senate
32 after consultation with the majority leader of the
33 senate, and one appointed by the minority leader of
34 the senate from their respective parties; and two
35 state representatives, one appointed by the speaker of
36 the house of representatives and one appointed by the
37 minority leader of the house of representatives from
38 their respective parties.

39 b. The members appointed by the governor shall
40 possess experience and expertise in the field of
41 economics.

42 c. The members shall be appointed to three-year
43 staggered terms and the terms shall commence and end
44 as provided by section 69.19. If a vacancy occurs, a
45 successor shall be appointed in the same manner and
46 subject to the same qualifications as the original
47 appointment to serve the unexpired term.

48 3. The chairperson of the task force shall be
49 the auditor of state. A majority of the task force
50 constitutes a quorum. The task force shall meet at

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1 least four times each year and may meet at the call of
2 the chairperson.

3 4. The task force shall examine all financial
4 affairs of the state board of regents and the
5 institutions of higher education governed by the state
6 board, as well as the board office and institutions'
7 programs, and shall identify examples of inefficiency
8 and waste in the administration of the board office
9 and of the regents universities. The task force
10 shall have access to all state board and institution
11 records. The task force shall submit its findings and
12 recommendations in a report to the general assembly,
13 the governor, and the state board of regents by
14 December 1 annually.

15 5. The members of the commission shall receive no
16 compensation but may be reimbursed for actual expenses

17 incurred while engaged in the performance of official
18 duties.>

19 2. Page 198, before line 7 by inserting:

20 <DIVISION _____

21 STATE BOARD OF REGENTS – PUBLIC HEARINGS

22 Sec. ____ Section 262.9, subsection 19, paragraph
23 a, Code Supplement 2009, is amended to read as follows:

24 a. Not less than thirty days prior to action

25 by the board on any proposal to increase tuition,
26 fees, or charges at one or more of the institutions
27 of higher education under its control, schedule and
28 conduct at least three public hearings on the proposed
29 increase in different geographic regions of the
30 state, and send written notification of the amount
31 of the proposed increase including a copy of the
32 proposed tuition increase docket memorandum prepared
33 for its consideration to the presiding officers of
34 the student government organization of the affected
35 institutions. The final decision on an increase in
36 tuition or mandatory fees charged to all students at
37 an institution for a fiscal year shall be made at a
38 regular meeting and shall be reflected in a final
39 docket memorandum that states the estimated total
40 cost of attending each of the institutions of higher
41 education under the board's control. The regular
42 meeting shall be held in Ames, Cedar Falls, or Iowa
43 City and shall not be held during a period in which
44 classes have been suspended for university holiday or
45 break. A proposed tuition increase shall be limited
46 to an amount equivalent to the increase in the most
47 recent higher education price index issued by the
48 nationally recognized nonprofit investment manager that
49 in 2005 assumed responsibility for maintaining the
50 higher education price index. The state board shall

Page 3

1 not increase tuition or mandatory fees in response
2 to action taken by the governor to implement uniform
3 reductions in appropriations pursuant to section 8.31.>

4 3. Page 198, after line 24 by inserting:

5 <DIVISION _____

6 STATE BOARD OF REGENTS – COMPREHENSIVE PLAN

7 Sec. ____ Section 262.9, Code Supplement 2009, is
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 36. Direct the president of
10 each institution of higher education governed by the
11 board to develop a biennial comprehensive plan with
12 benchmarks on measures to reduce tuition and mandatory
13 fees, reduce administrative costs, and attain higher
14 graduation rates.>

15 4. Page 198, before line 25 by inserting:

16 <DIVISION _____
 17 STATE BOARD OF REGENTS – FACULTY WORKLOAD ANALYSIS
 18 Sec. ____ Section 262.25, Code 2009, is amended by
 19 adding the following new subsection:
 20 NEW SUBSECTION. 4A. The number of professors
 21 who are teaching courses and an analysis comparing
 22 the number of hours tenured professors teach in the
 23 classroom compared to the number of hours teaching
 24 assistants teach in the classroom.>
 25 5. By renumbering as necessary.

Roll call was requested by Chambers of O'Brien and Paulsen of Linn.

On the question "Shall amendment [H-8086](#) be adopted?" ([S.F. 2088](#))

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitehead	Willems
Winckler	Zirkelbach	Kressig, Presiding	

Absent or not voting, 2:

Drake Olson, R.

Amendment [H-8086](#) lost.

Struyk of Pottawattamie offered the following amendment [H-8087](#) filed by him and Forristall of Pottawattamie and moved its adoption:

[H-8087](#)

1 Amend [Senate File 2088](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 198, after line 6 by inserting:
 4 <DIVISION _____
 5 COMMUNITY COLLEGE ACCREDITATION
 6 Sec. ____ Section 260C.47, subsection 1, unnumbered
 7 paragraph 1, Code 2009, is amended to read as follows:
 8 The state board of education shall establish by
 9 rule an accreditation process for community college
 10 programs by July 1, 1997. The process shall be
 11 jointly developed and agreed upon by the department
 12 of education and the community colleges. The state
 13 accreditation process shall be integrated with the
 14 accreditation process of the north central association
 15 of colleges and schools, including the evaluation
 16 cycle, the self study process, and the criteria for
 17 evaluation, which shall incorporate the standards for
 18 community colleges developed under section 260C.48;
 19 and shall identify and make provision for the needs
 20 of the state that are not met by the association's
 21 accreditation process. For the academic year
 22 commencing July 1, 1998, and in succeeding school
 23 years, the department of education shall use a
 24 two component process for the continued accreditation
 25 of community college programs. Beginning July 1,
 26 2006, the The state accreditation process shall
 27 incorporate the standards developed pursuant to section
 28 260C.48, subsection 4 and shall include but not be
 29 limited to procedures for correcting deficiencies,
 30 appropriate due process procedures including a
 31 hearing, consequences for failure to meet accreditation
 32 standards, notification procedures, and a timeline for
 33 the process. Action taken by the state board pursuant
 34 to this section for failure to meet accreditation
 35 standards is final agency action for purposes of
 36 chapter 17A.
 37 Sec. ____ Section 260C.47, subsection 1, paragraphs
 38 a, b, and c, Code 2009, are amended by striking the
 39 paragraphs.
 40 Sec. ____ Section 260C.47, subsections 2 through 7,

41 Code 2009, are amended by striking the subsections.
42 Sec. ____ Section 260C.48, subsection 1, unnumbered
43 paragraph 1, Code 2009, is amended to read as follows:
44 The state board shall develop standards and
45 ~~adopt~~ rules for ~~the accreditation of~~ community college
46 ~~instructors and~~ programs. Except as provided in
47 subsection 4, the standards and rules developed and
48 adopted shall not duplicate rules adopted for the
49 accreditation process established pursuant to section
50 260C.47. The department shall monitor and evaluate

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1 the standards through a process jointly developed
2 and agreed upon by the department and the community
3 colleges. Except as provided in this subsection
4 and subsection 4, standards developed shall be
5 general in nature so as to apply to more than one
6 specific program of instruction. With regard to
7 community college-employed instructors, the standards
8 adopted shall at a minimum require that community
9 college instructors who are under contract for at
10 least half-time or more, and by July 1, 2011, all
11 instructors, meet the following requirements:>
12 2. Page 198, before line 7 by inserting:
13 <Sec. ____ Section 260C.48, subsection 2, Code
14 2009, is amended to read as follows:
15 2. Standards developed shall include a provision
16 that the standard academic workload for an instructor
17 in arts and science courses shall be fifteen credit
18 hours per school term, and the maximum academic
19 workload for any instructor shall be sixteen credit
20 hours per school term, for classes taught during
21 the normal school day. ~~In addition thereto, If~~
22 requested by the community college, any faculty
23 ~~member instructor~~ may teach a course or courses at
24 ~~times other than the regular school week, involving~~
25 ~~total class instruction time equivalent to not more~~
26 ~~than a three-credit hour course. The total workload~~
27 ~~for such instructors shall not exceed the equivalent~~
28 ~~of eighteen credit hours per school term beyond the~~
29 standard workload at the discretion of the instructor.>
30 3. By renumbering as necessary.

Speaker Murphy in the chair at 4:56 p.m.

McCarthy of Polk asked and received unanimous consent that [Senate File 2088](#) be deferred and that the bill retain its place on the unfinished business calendar. (Amendment [H-8087](#) deferred)

Paulsen of Linn moved to invoke Rule 60 to immediately withdraw House Files 2057, 2214, 2218, 2219 and 2262 from committee and place them on the calendar.

Roll call was requested by Paulsen of Linn and McCarthy of Polk.

On the question "Shall House Files 2057, 2214, 2218, 2219 and 2262 be removed from committee and placed on the calendar?"

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevort	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 3:

Drake	Huser	Olson, R.
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The motion failed.

INTRODUCTION OF BILLS

[House File 2420](#), by committee on labor, a bill for an act concerning public employee collective bargaining, including provisions allowing reasonable reimbursement for employee organization services provided to certain executive branch employees, and including applicability provisions.

Read first time and placed on the **calendar**.

[House File 2421](#), by committee on labor, a bill for an act requiring that prevailing wage rates by locality be paid to persons working on public improvements for public bodies, unless by public resolution a political subdivision of the state chooses not to utilize the prevailing wage rate for a public improvement project, providing penalties, and including effective date and applicability provisions.

Read first time and placed on the **calendar**.

[House File 2422](#), by committee on rebuild Iowa and disaster recovery, a bill for an act relating to disaster recovery case management.

Read first time and placed on the **calendar**.

[House File 2423](#), by committee on rebuild Iowa and disaster recovery, a bill for an act relating to loan forgiveness under the residential landlord business support program and including effective date and applicability provisions.

Read first time and placed on the **calendar**.

[House File 2424](#), by Rants, a bill for an act relating to the establishment, funding, and bonding authority of public charter schools.

Read first time and referred to committee on **education**.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 723](#)

Judiciary: Wessel-Kroeschell, Chair; Baudler and Mertz.

[House Study Bill 725](#)

Economic Growth: Wenthe, Chair; Schultz and Steckman.

[House Study Bill 726](#)

Labor: Huser, Chair; Horbach and Hunter.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly [House File 430](#)), relating to boards of administration for horizontal property.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

Committee Bill (Formerly [House Study Bill 523](#)), relating to the consumer credit code by increasing dollar amount limitations for transactions governed by the consumer credit code, establishing an exemption from the definition of a consumer loan for specified debts secured by real property, and modifying filing fees and a penalty for creditors and debt collectors.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly [House File 2062](#)), relating to the installation of certain fire suppression systems in residential construction and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly [House File 2112](#)), concerning choice of automobile repair facilities under automobile liability insurance policies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly [House File 2166](#)), requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly [House File 2181](#)), establishing a targeted personal savings program and task force within the office of the treasurer of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

COMMITTEE ON ECONOMIC GROWTH

[House File 2370](#), a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

Committee Bill (Formerly [House Study Bill 680](#)), authorizing creation of consumption tax bonding districts and providing for the issuance of bonds secured by certain tax revenues collected within a district.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2010.

Committee Bill (Formerly [House Study Bill 725](#)), relating to the allocation of moneys under the grow Iowa values fund for purposes of making grants to certain microenterprise development organizations.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2010.

COMMITTEE ON EDUCATION

Committee Bill (Formerly [House Study Bill 623](#)), relating to the duties and operations of the department of education and local school boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly [House Study Bill 624](#)), relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

COMMITTEE ON LABOR

Committee Bill (Formerly [House Study Bill 702](#)), concerning public employee collective bargaining, including provisions allowing reasonable reimbursement for employee organization services provided to certain executive branch employees, and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly [House Study Bill 726](#)), relating to public employee collective bargaining.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

COMMITTEE ON NATURAL RESOURCES

[House File 2017](#), a bill for an act requiring certain canoes and kayaks to be registered and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

[House File 2310](#), a bill for an act relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

Committee Bill (Formerly [House Study Bill 700](#)), creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly [House File 2293](#)), exempting certain boat harbors from certain dock requirements and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

Committee Bill (Formerly [House Study Bill 592](#)), establishing smart planning principles, establishing guidelines for the adoption of certain comprehensive plans and land development regulations, and providing for the establishment of a smart planning task force.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly [House Study Bill 707](#)), relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly [House File 2173](#)), relating to purchasing preferences for disaster recovery products.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly [House File 2174](#)), relating to the purchase and sale of disaster-affected property by local governments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly [House File 2215](#)), enhancing criminal fines and penalties in disaster areas, providing penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly [House Study Bill 667](#)), relating to the administration of the election laws by the secretary of state and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2010.

Committee Bill (Formerly [House Study Bill 683](#)), relating to election laws by making changes to voter registration, absentee voting, and election day procedures, providing a penalty, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2010.

AMENDMENTS FILED

H-8107	S.F. 2117	Thede of Scott
H-8108	H.F. 2413	Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 5:08 p.m., until 10:00 a.m., Monday, February 15, 2010