



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 11, 2010

## House Amendment 8093

PAG LIN

1 1 Amend the amendment, H=8077, to Senate File 2088,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, line 8, by striking <thirty> and  
1 5 inserting <three business>

PETERSEN of Polk  
SF2088.1019 (1) 83  
ec/nh



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**House Amendment 8094**

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1 1 Amend the amendment, H=8045, to Senate File 2088,  
 1 2 as amended, passed, and reprinted by the Senate, as  
 1 3 follows:  
 1 4 #1. Page 11, after line 41 by inserting: #\_\_\_\_.  
 1 5 Page 118, after line 8 by inserting:  
 1 6 <DIVISION \_\_\_\_  
 1 7 WIND ENERGY TAX CREDIT REPEAL  
 1 8 Sec. \_\_\_\_ Section 422.11J, Code 2009, is amended to  
 1 9 read as follows:  
 1 10 422.11J Tax credits for wind energy production and  
 1 11 renewable energy.  
 1 12 The taxes imposed under this division, less the  
 1 13 credits allowed under section 422.12, shall be reduced  
 1 14 by the tax ~~credits credit~~ for ~~wind energy production~~  
~~1 15 allowed under chapter 476B and for renewable energy~~  
 1 16 allowed under chapter 476C.  
 1 17 Sec. \_\_\_\_ Section 422.33, subsection 16, Code  
 1 18 Supplement 2009, is amended to read as follows:  
 1 19 16. The taxes imposed under this division shall  
 1 20 be reduced by the tax ~~credits credit~~ for ~~wind energy~~  
~~1 21 production allowed under chapter 476B and for renewable~~  
 1 22 energy allowed under chapter 476C.  
 1 23 Sec. \_\_\_\_ Section 422.60, subsection 8, Code  
 1 24 Supplement 2009, is amended to read as follows:  
 1 25 8. The taxes imposed under this division shall  
 1 26 be reduced by the tax ~~credits credit~~ for ~~wind energy~~  
~~1 27 production allowed under chapter 476B and for renewable~~  
 1 28 energy allowed under chapter 476C.  
 1 29 Sec. \_\_\_\_ Section 423.4, subsection 4, Code  
 1 30 Supplement 2009, is amended to read as follows:  
 1 31 4. A person in possession of a ~~wind energy~~  
~~1 32 production tax credit certificate pursuant to chapter~~  
~~1 33 476B or a renewable energy tax credit certificate~~  
 1 34 issued pursuant to chapter 476C may apply to the  
 1 35 director for refund of the amount of sales or use tax  
 1 36 imposed and paid upon purchases made by the applicant.  
 1 37 a. The refunds may be obtained only in the  
 1 38 following manner and under the following conditions:  
 1 39 (1) On forms furnished by the department and filed  
 1 40 by January 31 after the end of the calendar year in  
 1 41 which the tax credit certificate is to be applied, the  
 1 42 applicant shall report to the department the total  
 1 43 amount of sales and use tax paid during the reporting  
 1 44 period on purchases made by the applicant.  
 1 45 (2) The applicant shall separately list the amounts  
 1 46 of sales and use tax paid during the reporting period.  
 1 47 (3) If required by the department, the applicant  
 1 48 shall prove that the person making the sales has  
 1 49 included the amount thereof in the computation of the  
 1 50 sales price of such person and that such person has



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House Amendment 8094 continued

2 1 paid the tax levied by this subchapter or subchapter  
2 2 III, based upon such computation of the sales price.  
2 3 (4) The applicant shall provide the tax credit  
2 4 ~~certificates~~ certificate issued pursuant to chapter  
2 5 ~~476B or~~ 476C to the department with the forms required  
2 6 by this paragraph "a".

2 7 b. If satisfied that the foregoing conditions  
2 8 and requirements have been complied with, the  
2 9 director shall refund the amount claimed by the  
2 10 applicant for an amount not greater than the  
2 11 amount of tax ~~credits~~ credit issued in a tax credit  
2 12 ~~certificates~~ certificate pursuant to chapter  
2 13 ~~476B or~~ 476C.

2 14 Sec. \_\_\_\_\_. Section 432.12E, Code 2009, is amended to  
2 15 read as follows:

2 16 432.12E Tax credits for wind energy production and  
2 17 renewable energy.

2 18 The taxes imposed under this chapter shall be  
2 19 reduced by the tax credits for wind energy production  
~~2 20 allowed under chapter 476B and credit~~ for renewable  
2 21 energy allowed under chapter 476C.

2 22 Sec. \_\_\_\_\_. Section 437A.6, subsection 1, paragraph  
2 23 c, Code Supplement 2009, is amended to read as follows:

2 24 c. Wind energy conversion property subject to  
2 25 section 427B.26 ~~or eligible for a tax credit under~~  
~~2 26 chapter 476B.~~

2 27 Sec. \_\_\_\_\_. Section 437A.17B, Code 2009, is amended  
2 28 to read as follows:

2 29 437A.17B Reimbursement for renewable energy.

2 30 A person in possession of ~~a wind energy tax credit~~  
~~2 31 certificate issued pursuant to chapter 476B or a~~  
2 32 renewable energy tax credit certificate issued  
2 33 pursuant to chapter 476C may apply to the director  
2 34 for a reimbursement of the amount of taxes imposed  
2 35 and paid by the person pursuant to this chapter in  
2 36 an amount not more than the person received in ~~wind~~  
~~2 37 energy tax credit certificates pursuant to chapter~~  
~~2 38 476B or~~ renewable energy tax credit certificates

2 39 pursuant to chapter 476C. To obtain the reimbursement,  
2 40 the person shall attach to the return required under  
2 41 section 437A.8 ~~the wind energy tax credit certificates~~  
~~2 42 issued to the person pursuant to chapter 476B, or the~~  
2 43 renewable energy tax credit certificates issued to the  
2 44 person pursuant to chapter 476C, and provide any other  
2 45 information the director may require. The director  
2 46 shall direct a warrant to be issued to the person for  
2 47 an amount equal to the tax imposed and paid by the  
2 48 person pursuant to this chapter but for not more than  
2 49 the amount of the ~~wind energy tax credit certificates~~  
~~2 50 or~~ renewable energy tax credit certificates attached to



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3 1 the return.  
3 2 Sec. \_\_\_\_\_. Section 476C.4, subsection 6, Code 2009,  
3 3 is amended by striking the subsection.  
3 4 Sec. \_\_\_\_\_. Section 524.802, subsection 14, Code  
3 5 2009, is amended by striking the subsection.  
3 6 Sec. \_\_\_\_\_. REPEAL. Section 476B.2, 476B.3, 476B.7,  
3 7 476B.8, 476B.9, and 476B.10, Code 2009, is repealed.  
3 8 Sec. \_\_\_\_\_. REPEAL. Sections 476B.1, 476B.4,  
3 9 476B.5, 476B.6, and 476B.6A, Code Supplement 2009, are  
3 10 repealed. >>

WATTS of Dallas  
SF2088.1012 (2) 83  
rn/rj:nh



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## House Amendment 8095

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1 1 Amend the amendment, H=8045, to Senate File 2088,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. By striking page 18, line 44, through page 19,  
1 5 line 49, and inserting: #\_\_\_\_.  
1 6 By striking page 166, line 25, through page  
1 7 198, line 6.>  
1 8 #2. By renumbering as necessary.

WINCKLER of Scott  
SF2088.1026 (3) 83  
jp/nh



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## House Amendment 8096

PAG LIN

1 1 Amend the amendment, H=8045, to Senate File 2088,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 18, by striking lines 44 through 47 and  
1 5 inserting: #\_\_\_\_.  
1 6 Page 167, line 23, by striking <and school  
1 7 district> #\_\_\_\_.  
1 8 Page 168, line 23, after <department.>  
1 9 by inserting <The state council or subunit of the  
1 10 council shall also serve as the Iowa head start  
1 11 program advisory board, as authorized by the federal  
1 12 government. For purposes of the head start advisory  
1 13 board function, the membership shall comply with  
1 14 federal requirements but the majority of the members  
1 15 shall be citizen members.> #\_\_\_\_.  
1 16 Page 168, by striking lines 24 through 35 and  
1 17 inserting:  
1 18 <2. a. The state council shall consist of fifteen  
1 19 voting members with eight citizen members and seven  
1 20 agency members. A citizen member shall not be an  
1 21 elected official, public employee, or paid staff  
1 22 member of an agency receiving funding through an  
1 23 early childhood initiative stakeholder. The state  
1 24 agency members shall be the director or administrator  
1 25 of the following state agencies or units, or their  
1 26 designees: the departments of economic development,  
1 27 education, human services, public health, and workforce  
1 28 development, and the head start collaboration office.  
1 29 The state agency designees shall be selected on an  
1 30 annual basis. The citizen members shall be appointed  
1 31 by the governor, subject to confirmation by the  
1 32 senate. The citizen member appointees shall include  
1 33 representatives of institutions of higher education in  
1 34 the state, local providers of early childhood services,  
1 35 and head start program agencies. >#\_\_\_\_.  
1 36 Page 169, by striking line 23 and inserting:  
1 37 <5. The state council shall select a chairperson  
1 38 from the state >#\_\_\_\_.  
1 39 Page 172, after line 2 by inserting:  
1 40 <\_\_\_\_. Promote evidence-based practices and  
1 41 programs, continuous improvement, and accountability.  
1 42 \_\_\_\_\_. Create advisory bodies of stakeholders to  
1 43 address general or specific purposes. >#\_\_\_\_.  
1 44 Page 172, line 3, by striking <Bureau> and  
1 45 inserting <Early childhood Iowa administrative home ==  
1 46 bureau >#\_\_\_\_.  
1 47 Page 172, by striking lines 5 through 8 and  
1 48 inserting:  
1 49 <The department shall serve as the administrative  
1 50 home for the early childhood Iowa initiative and shall



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2 1 establish a bureau of early childhood services to  
2 2 perform various departmental functions relating to the  
2 3 initiative. The functions, which shall be performed  
2 4 by the bureau in collaboration with the state agencies  
2 5 participating in the initiative, the state council, and  
2 6 early childhood Iowa areas, shall include but are not  
2 7 limited to all of the following: >>  
2 8 #2. Page 19, after line 11 by inserting: #\_\_\_\_.  
2 9 Page 178, line 16, after <five.> by inserting  
2 10 <The plan shall be submitted to the state council for  
2 11 recommendation to the state board regarding approval of  
2 12 the plan.>>  
2 13 #3. Page 19, after line 27 by inserting: #\_\_\_\_.  
2 14 Page 180, line 30, after <department> by  
2 15 inserting <, in collaboration with the state council,> #\_\_\_\_.  
2 16 Page 180, line 31, after <programs> by  
2 17 inserting <offered by school districts. The state  
2 18 council shall develop guidelines and adopt rules for  
2 19 family support programs offered by early childhood Iowa  
2 20 areas>>  
2 21 #4. Page 19, after line 36 by inserting: #\_\_\_\_.  
2 22 By striking page 185, line 35, through page  
2 23 186, line 1, and inserting <areas pursuant to criteria  
2 24 established by the department of human services in  
2 25 accordance with state and federal law. The criteria  
2 26 shall include but are not>>  
2 27 #5. By renumbering as necessary.

WINCKLER of Scott

WENDT of Woodbury  
SF2088.965 (1) 83  
jp/rj



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**House Amendment 8097**

PAG LIN

1 1 Amend the amendment, H=8045, to Senate File 2088,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:

1 4 #1. Page 11, after line 41 by inserting: #\_\_\_\_.  
1 5 Page 118, after line 8 by inserting:

1 6 <DIVISION \_\_\_\_  
1 7 DEPARTMENT OF NATURAL  
1 8 RESOURCES RULEMAKING

1 9 Sec. \_\_\_\_ . Section 455A.4, subsection 1, unnumbered  
1 10 paragraph 1, Code Supplement 2009, is amended to read  
1 11 as follows:

1 12 Except as otherwise provided by law ~~and subject to~~  
1 13 ~~rules adopted by the natural resource commission and~~  
1 14 ~~the environmental protection commission~~, the director  
1 15 shall:

1 16 Sec. \_\_\_\_ . Section 455A.4, subsection 1, paragraph  
1 17 i, Code Supplement 2009, is amended to read as follows:

1 18 i. Adopt rules in accordance with chapter 17A  
1 19 as necessary or desirable ~~for the organization or~~  
1 20 ~~reorganization of the department to provide for the~~  
1 21 administration of chapter 321G, 321I, 455B, 455C,  
1 22 456A, 456B, 457A, 459, 459A, 461A, 462A, 462B, 464A,  
1 23 465C, 481A, 481B, 483A, 484A, or 484B. Rulemaking  
1 24 authority held by the natural resource commission or  
1 25 the environmental protection commission is vested in  
1 26 the director upon the effective date of this division  
1 27 of this Act. Rules adopted by the natural resource  
1 28 commission or the environmental protection commission  
1 29 prior to the effective date of this division of this  
1 30 Act, shall remain effective until modified or rescinded  
1 31 by action of the director in accordance with the  
1 32 provisions of chapter 17A.

1 33 Sec. \_\_\_\_ . Section 455A.5, subsection 6, paragraph  
1 34 a, Code 2009, is amended to read as follows:

1 35 a. ~~Establish Recommend policy and adopt rules,~~  
1 36 ~~pursuant to chapter 17A, necessary to provide for the~~  
1 37 effective administration of chapter 321G, 321I, 456A,  
1 38 456B, 457A, 461A, 462A, 462B, 464A, 465C, 481A, 481B,  
1 39 483A, 484A, or 484B.

1 40 Sec. \_\_\_\_ . Section 455A.5, subsection 6, paragraph  
1 41 e, Code 2009, is amended by striking the paragraph.

1 42 Sec. \_\_\_\_ . NEW SECTION. 455A.5A Schedule of fees ==  
1 43 rules.

1 44 1. The director shall adopt, by rule, a schedule  
1 45 of fees for permits issued by the natural resource  
1 46 commission, including conditional permits, and a  
1 47 schedule of fees for administration of the permits.  
1 48 The fees shall be collected by the department and used  
1 49 to offset costs incurred in administrating a program  
1 50 for which the issuance of the permit is made or under



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2 1 which enforcement is carried out.  
2 2 2. In determining the fee schedule, the director  
2 3 shall consider all of the following:  
2 4 a. The reasonable costs associated with reviewing  
2 5 applications, issuing permits, and monitoring  
2 6 compliance with the terms of issued permits.  
2 7 b. The relative benefits to the applicant and to  
2 8 the public of a permit review, permit issuance, and  
2 9 monitoring compliance with the terms of the permit.  
2 10 c. The typical costs associated with a type of  
2 11 project or activity for which a permit is required.  
2 12 However, a fee shall not exceed the actual costs  
2 13 incurred by the department.  
2 14 Sec. \_\_\_\_\_. Section 455A.6, subsection 6, paragraph  
2 15 a, Code 2009, is amended to read as follows:  
2 16 a. ~~Establish~~ Recommend policy for the department  
2 17 ~~and adopt rules, pursuant to chapter 17A,~~ necessary to  
2 18 provide for the effective administration of chapter  
2 19 455B, 455C, or 459.  
2 20 Sec. \_\_\_\_\_. Section 455B.103, subsections 1 and  
2 21 2, Code Supplement 2009, are amended by striking  
2 22 the subsections and inserting in lieu thereof the  
2 23 following:  
2 24 1. Adopt, modify, or repeal rules necessary to  
2 25 implement this chapter, chapter 455C, chapter 459,  
2 26 and chapter 459A, only to the extent that the rules  
2 27 are consistent with the provisions of these chapters.  
2 28 Any rulemaking authority held by the commission is  
2 29 vested in the director upon the effective date of this  
2 30 division of this Act. Rules adopted by the commission  
2 31 prior to the effective date of this division of this  
2 32 Act shall remain in effect until modified or rescinded  
2 33 by action of the director in accordance with the  
2 34 provisions of chapter 17A.  
2 35 a. The director shall include in the preamble of a  
2 36 rule, a statement referencing the authority delegated  
2 37 to the director pursuant to which the rule is adopted.  
2 38 The preamble for the rule shall indicate when the  
2 39 director is implementing a federal rule by reference  
2 40 and include a financial impact statement detailing the  
2 41 general impact of the rule upon the regulated parties.  
2 42 b. When proposing or adopting rules to implement a  
2 43 specific federal environmental program, the director  
2 44 shall not impose requirements more restrictive than the  
2 45 requirements of the federal program being implemented.  
2 46 c. When proposing or adopting rules, the director  
2 47 shall include departmental policy relating to the  
2 48 disclosure of information concerning a violation or  
2 49 alleged violation of the rules, standards, permits, or  
2 50 orders issued by the department and the confidentiality



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3 1 of information obtained by the department in the  
3 2 administration and enforcement of this chapter, chapter  
3 3 455C, chapter 459, and chapter 459A.  
3 4 Sec. \_\_\_\_\_. Section 455B.105, subsections 3 and  
3 5 11, Code Supplement 2009, are amended by striking the  
3 6 subsections.  
3 7 Sec. \_\_\_\_\_. NEW SECTION. 455B.106 Schedule of fees ==  
3 8 rules.  
3 9 1. The director shall adopt, by rule, procedures  
3 10 and forms necessary to implement the provisions of this  
3 11 chapter and chapters 459 and 459A relating to permits,  
3 12 conditional permits, and general permits.  
3 13 2. The director may also adopt, by rule, a schedule  
3 14 of fees for permit and conditional permit applications  
3 15 and a schedule of fees which may be periodically  
3 16 assessed for administration of permits and conditional  
3 17 permits. In determining the fee schedules, the  
3 18 director shall consider:  
3 19 a. The state's reasonable cost of reviewing  
3 20 applications, issuing permits and conditional permits,  
3 21 and checking compliance with the terms of the permits.  
3 22 b. The relative benefits to the applicant and to  
3 23 the public of permit and conditional permit review,  
3 24 issuance, and monitoring compliance. It is the  
3 25 intention of the general assembly that permit fees  
3 26 shall not cover any costs connected with correcting  
3 27 violation of the terms of any permit and shall not  
3 28 impose unreasonable costs on any municipality.  
3 29 c. The typical costs of the particular types of  
3 30 projects or activities for which permits or conditional  
3 31 permits are required, provided that in no circumstances  
3 32 shall fees be in excess of the actual costs to the  
3 33 department.  
3 34 3. Except as otherwise provided in this chapter and  
3 35 chapter 459, fees collected by the department under  
3 36 this subsection shall be remitted to the treasurer of  
3 37 state and credited to the general fund of the state.  
3 38 4. The director shall adopt rules for applications  
3 39 or permits related to the national pollutant discharge  
3 40 elimination system (NPDES) coverage as described in  
3 41 section 455B.197, including fees, only to the extent  
3 42 that the rules are consistent with that section.  
3 43 Sec. \_\_\_\_\_. INTENT. It is the intent of the  
3 44 general assembly that upon the effective date of this  
3 45 division of this Act, the director of the department  
3 46 of natural resources shall have the powers and duties  
3 47 and shall assume the sole responsibility for proposing  
3 48 and adopting rules as necessary for the effective  
3 49 administration of the duties of the department of  
3 50 natural resources. All references in statute or



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

SWEENEY of Hardin  
SF2088.1035 (1) 83  
av/rj



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## House Amendment 8098

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1 1 Amend the amendment, H=8067, to Senate File 2088,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, line 14, after <documentation> by  
1 5 inserting <unless required by state or federal law>

SCHULTE of Linn

HEDDENS of Story  
SF2088.1016 (2) 83  
jp/rj



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## House Amendment 8099

PAG LIN

- 1 1 Amend House File 2384 as follows:
- 1 2 #1. Page 1, line 5, before <deployment> by inserting
- 1 3 <, and after returning from ,>
- 1 4 #2. By renumbering as necessary.

CHAMBERS of O'Brien  
HF2384.1015 (1) 83  
tw/sc



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House Amendment 8100

PAG LIN

1 1 Amend the amendment, H=8045, to Senate File 2088,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, by striking lines 1 through 50 and  
1 5 inserting: #\_\_\_\_.  
1 6 By striking page 1, line 3, through page 9,  
1 7 line 34, and inserting:  
1 8 <Sec. \_\_\_\_\_. Section 8.6, Code Supplement 2009, is  
1 9 amended by adding the following new subsection:  
1 10 NEW SUBSECTION. 17. Provide such assistance and  
1 11 administrative support services to the information  
1 12 technology division, created in section 8B.2, as the  
1 13 department and the division determine maximizes the  
1 14 efficiency and effectiveness of both the department and  
1 15 division.  
1 16 Sec. \_\_\_\_\_. Section 8A.101, unnumbered paragraph 1,  
1 17 Code 2009, is amended to read as follows:  
1 18 As used in this chapter and chapter 8B, unless the  
1 19 context otherwise requires:  
1 20 Sec. \_\_\_\_\_. Section 8A.104, subsection 12, Code 2009,  
1 21 is amended by striking the subsection.  
1 22 Sec. \_\_\_\_\_. Section 8A.111, subsections 3, 4, and 5,  
1 23 Code 2009, are amended by striking the subsections.  
1 24 SUBCHAPTER I  
1 25 ADMINISTRATION == GENERAL PROVISIONS  
1 26 Sec. \_\_\_\_\_. NEW SECTION. 8B.1 Definitions.  
1 27 As used in this chapter, unless the context  
1 28 otherwise requires:  
1 29 1. "Council" means the technology advisory council  
1 30 created in section 8B.8.  
1 31 2. "Division" means the information technology  
1 32 division of the department of management.  
1 33 3. "Information technology" means computing and  
1 34 electronics applications used to process and distribute  
1 35 information in digital and other forms and includes  
1 36 information technology devices, information technology  
1 37 services, infrastructure services, and value added  
1 38 services.  
1 39 4. "Information technology device" means equipment  
1 40 or associated software, including programs, languages,  
1 41 procedures, or associated documentation, used  
1 42 in operating the equipment which is designed for  
1 43 utilizing information stored in an electronic format.  
1 44 "Information technology device" includes but is not  
1 45 limited to computer systems, computer networks, and  
1 46 equipment used for input, output, processing, storage,  
1 47 display, scanning, and printing.  
1 48 5. "Information technology services" means services  
1 49 designed to do any of the following:  
1 50 a. Provide functions, maintenance, and support of



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House Amendment 8100 continued

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



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House Amendment 8100 continued

- 3 1 i. Digital printing and printing procurement  
3 2 services.
- 3 3 j. Data warehouses, including services that assist  
3 4 in managing and locating digital information.
- 3 5 k. Disaster recovery technology and services.
- 3 6 l. Other similar or related services as determined  
3 7 by the chief information officer.
- 3 8 7. "Participating agency" means any state agency,  
3 9 except the state board of regents and institutions  
3 10 operated under the authority of the state board of  
3 11 regents.
- 3 12 8. "Value-added services" means services that  
3 13 offer or provide unique, special, or enhanced value,  
3 14 benefits, or features to the customer or user including  
3 15 but not limited to services in which information  
3 16 technology is specially designed, modified, or adapted  
3 17 to meet the special or requested needs of the user or  
3 18 customer; services involving the delivery, provision,  
3 19 or transmission of information or data that require or  
3 20 involve additional processing, formatting, enhancement,  
3 21 compilation, or security; services that provide the  
3 22 customer or user with enhanced accessibility, security,  
3 23 or convenience; research and development services; and  
3 24 services that are provided to support technological  
3 25 or statutory requirements imposed on participating  
3 26 agencies and other governmental entities, businesses,  
3 27 and the public.
- 3 28 Sec. \_\_\_\_ . NEW SECTION. 8B.2 Division created ==  
3 29 chief information officer appointed.
- 3 30 1. The information technology division is created  
3 31 as an independent office within the department  
3 32 of management. The division is to be headed and  
3 33 administered by the chief information officer for  
3 34 the state. The chief information officer shall be  
3 35 appointed by the governor to serve at the pleasure of  
3 36 the governor and is subject to confirmation by the  
3 37 senate. If the office becomes vacant, the vacancy  
3 38 shall be filled in the same manner as provided for the  
3 39 original appointment.
- 3 40 2. The person appointed as the chief information  
3 41 officer for the state shall be professionally qualified  
3 42 by education and have no less than five years'  
3 43 experience in the field of information technology, and  
3 44 a working knowledge of financial management. The chief  
3 45 information officer shall not be a member of any local,  
3 46 state, or national committee of a political party,  
3 47 an officer or member of a committee in any partisan  
3 48 political club or organization, or hold or be a  
3 49 candidate for a paid elective public office. The chief  
3 50 information officer is subject to the restrictions on



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4 1 political activity provided in section 8A.416 and shall  
4 2 not serve as an employee in any other executive branch  
4 3 agency.  
4 4 Sec. \_\_\_\_\_. NEW SECTION. 8B.3 Division == purpose ==  
4 5 mission.  
4 6 1. The division is created for the purpose of  
4 7 managing and coordinating the major information  
4 8 technology resources of state government.  
4 9 2. The mission of the division is to provide high  
4 10 quality, customer focused information technology  
4 11 services and business solutions to government and to  
4 12 citizens.  
4 13 Sec. \_\_\_\_\_. NEW SECTION. 8B.4 Powers and duties of  
4 14 the chief information officer.  
4 15 The chief information officer shall do all of the  
4 16 following:  
4 17 1. Coordinate the internal operations of  
4 18 the division and develop and implement policies  
4 19 and procedures designed to ensure the efficient  
4 20 administration of the division.  
4 21 2. Appoint all personnel deemed necessary for the  
4 22 administration of the division's functions as provided  
4 23 in this chapter.  
4 24 3. Prepare an annual budget for the division.  
4 25 4. Develop and recommend legislative proposals  
4 26 deemed necessary for the continued efficiency of the  
4 27 division's functions, and review legislative proposals  
4 28 generated outside the division which are related to  
4 29 matters within the division's purview.  
4 30 5. Adopt rules deemed necessary for the  
4 31 administration of this chapter in accordance with  
4 32 chapter 17A.  
4 33 6. Prescribe and adopt information technology  
4 34 standards and rules.  
4 35 7. Develop and recommend legislative proposals  
4 36 deemed necessary for the continued efficiency of  
4 37 the division in performing information technology  
4 38 functions, and review legislative proposals generated  
4 39 outside of the division which are related to matters  
4 40 within the division's purview.  
4 41 8. Provide advice to the governor on issues related  
4 42 to information technology.  
4 43 9. Consult with agencies and other governmental  
4 44 entities on issues relating to information technology.  
4 45 10. Work with all governmental entities in an  
4 46 effort to achieve the information technology goals  
4 47 established by the division.  
4 48 11. Utilize, in a manner determined by the chief  
4 49 information officer, such assistance and administrative  
4 50 support services as provided by the department of



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5 1 management as the division determines maximizes the  
5 2 efficiency and effectiveness of the division.  
5 3 12. Enter into contracts for the receipt and  
5 4 provision of services as deemed necessary. The chief  
5 5 information officer and the governor may obtain and  
5 6 accept grants and receipts to or for the state to be  
5 7 used for the administration of the division's functions  
5 8 as provided in this chapter.  
5 9 13. Exercise and perform such other powers and  
5 10 duties as may be prescribed by law.  
5 11 Sec. \_\_\_\_\_. NEW SECTION. 8B.5 Prohibited interests ==  
5 12 penalty.  
5 13 The chief information officer shall not have any  
5 14 pecuniary interest, directly or indirectly, in any  
5 15 contract for supplies furnished to the state, or in any  
5 16 business enterprise involving any expenditure by the  
5 17 state. A violation of the provisions of this section  
5 18 is a serious misdemeanor, and upon conviction, the  
5 19 chief information officer shall be removed from office  
5 20 in addition to any other penalty.  
5 21 Sec. \_\_\_\_\_. NEW SECTION. 8B.6 Acceptance of funds.  
5 22 The division may receive and accept donations,  
5 23 grants, gifts, and contributions in the form of moneys,  
5 24 services, materials, or otherwise, from the United  
5 25 States or any of its agencies, from this state or any  
5 26 of its agencies, or from any other person, and may use  
5 27 or expend such moneys, services, materials, or other  
5 28 contributions, or issue grants, in carrying out the  
5 29 operations of the division. All federal grants to and  
5 30 the federal receipts of the division are appropriated  
5 31 for the purpose set forth in such federal grants  
5 32 or receipts. The division shall report annually to  
5 33 the general assembly on or before September 1 the  
5 34 donations, grants, gifts, and contributions with a  
5 35 monetary value of one thousand dollars or more that  
5 36 were received during the most recently concluded fiscal  
5 37 year.  
5 38 Sec. \_\_\_\_\_. NEW SECTION. 8B.7 Federal funds.  
5 39 1. Neither the provisions of this chapter nor  
5 40 rules adopted pursuant to this chapter shall apply  
5 41 in any situation where such provision or rule is in  
5 42 conflict with a governing federal regulation or where  
5 43 the provision or rule would jeopardize the receipt of  
5 44 federal funds.  
5 45 2. If it is determined by the attorney general that  
5 46 any provision of this chapter would cause denial of  
5 47 funds or services from the United States government  
5 48 which would otherwise be available to an agency of this  
5 49 state, such provision shall be suspended as to such  
5 50 agency, but only to the extent necessary to prevent



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



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



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8 1 the division shall determine which services provided  
8 2 by the division shall be funded by an appropriation to  
8 3 the division and which services shall be funded by the  
8 4 governmental entity receiving the service.  
8 5 2. a. For services which the division determines  
8 6 shall be funded by the governmental entity receiving  
8 7 the service, the division shall establish a process  
8 8 for determining whether the division shall be the sole  
8 9 provider of the service.  
8 10 b. If the division determines that it shall be  
8 11 the sole provider of a service, the division shall  
8 12 establish a procedure for resolving complaints  
8 13 concerning the service provided and shall set rates for  
8 14 the service as provided in section 8B.21.  
8 15 3. The division shall annually prepare a listing  
8 16 separately identifying services to be provided by the  
8 17 division and funded by an appropriation, services  
8 18 to be provided by the division and funded by the  
8 19 governmental entity receiving the service, and services  
8 20 which the division is authorized to provide but which  
8 21 governmental entities may provide on their own or  
8 22 obtain from another provider of the service.  
8 23 Sec. \_\_\_\_ NEW SECTION. 8B.12 Services to  
8 24 governmental entities and nonprofit organizations.  
8 25 1. The chief information officer shall enter  
8 26 into agreements with state agencies, and may enter  
8 27 into agreements with any other governmental entity  
8 28 or a nonprofit organization, to furnish services  
8 29 and facilities of the division to the applicable  
8 30 governmental entity or nonprofit organization. The  
8 31 agreement shall provide for the reimbursement to the  
8 32 division of the reasonable cost of the services and  
8 33 facilities furnished. All governmental entities  
8 34 of this state may enter into such agreements. For  
8 35 purposes of this subsection, "nonprofit organization"  
8 36 means a nonprofit entity which is exempt from federal  
8 37 income taxation pursuant to section 501(c)(3) of the  
8 38 Internal Revenue Code and which is funded in whole or  
8 39 in part by public funds.  
8 40 2. This chapter does not affect any city civil  
8 41 service programs established under chapter 400.  
8 42 3. The state board of regents shall not be required  
8 43 to obtain any service for the state board of regents or  
8 44 any institution under the control of the state board  
8 45 of regents that is provided by the division pursuant  
8 46 to this chapter without the consent of the state board  
8 47 of regents.  
8 48 Sec. \_\_\_\_ NEW SECTION. 8B.13 Division internal  
8 49 service funds.  
8 50 1. Activities of the division shall be accounted



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

9 17 2. Internal service funds shall be administered by  
9 18 the division and shall consist of moneys collected by  
9 19 the division from billings issued in accordance with  
9 20 section 8B.15 and any other moneys obtained or accepted  
9 21 by the division, including but not limited to gifts,  
9 22 loans, donations, grants, and contributions, which are  
9 23 designated to support the activities of the individual  
9 24 internal service funds. The chief information officer  
9 25 may obtain loans from the innovations fund created in  
9 26 section 8.63 for deposit in an internal service fund  
9 27 established pursuant to this section to provide seed  
9 28 and investment capital to enhance the delivery of  
9 29 services provided by the division.

9 30 3. The proceeds of an internal service fund  
9 31 established pursuant to this section shall be used  
9 32 by the division for the operations of the division  
9 33 consistent with this chapter. The chief information  
9 34 officer may appoint the personnel necessary to ensure  
9 35 the efficient provision of services funded pursuant  
9 36 to an internal service fund established under this  
9 37 section. However, this usage requirement shall not  
9 38 limit or restrict the division from using proceeds from  
9 39 gifts, loans, donations, grants, and contributions  
9 40 in conformance with any conditions, directions,  
9 41 limitations, or instructions attached or related  
9 42 thereto.

9 43 4. Section 8.33 does not apply to any moneys in  
9 44 internal service funds established pursuant to this  
9 45 section. Notwithstanding section 12C.7, subsection 2,  
9 46 interest or earnings on moneys deposited in these funds  
9 47 shall be credited to these funds.

9 48 5. a. The chief information officer shall annually  
9 49 provide internal service fund service business plans  
9 50 and financial reports to the department of management



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10 1 and the general assembly. The business plans may  
10 2 include the recommendation that a portion of unexpended  
10 3 net income be periodically returned to the appropriate  
10 4 funding source.  
10 5 b. The division shall submit an annual report not  
10 6 later than October 1 to the members of the general  
10 7 assembly and the legislative services agency of the  
10 8 activities funded by and expenditures made from an  
10 9 internal service fund established pursuant to this  
10 10 section during the preceding fiscal year.  
10 11 Sec. \_\_\_\_\_. NEW SECTION. 8B.14 Additional personnel.  
10 12 The division may employ, upon the approval of the  
10 13 department of management, additional personnel in  
10 14 excess of the number of full time equivalent positions  
10 15 authorized by the general assembly if such additional  
10 16 personnel are reasonable and necessary to perform such  
10 17 duties as required to meet the needs of the division  
10 18 to provide services to other governmental entities and  
10 19 as authorized by this chapter. The chief information  
10 20 officer shall notify in writing the department of  
10 21 management, the legislative fiscal committee, and the  
10 22 legislative services agency of any additional personnel  
10 23 employed pursuant to this section.  
10 24 Sec. \_\_\_\_\_. NEW SECTION. 8B.15 Billing == credit  
10 25 card payments.  
10 26 1. The chief information officer may bill a  
10 27 governmental entity for services rendered by the  
10 28 division in accordance with the duties of the division  
10 29 as provided in this chapter. Bills may include  
10 30 direct, indirect, and developmental costs which have  
10 31 not been funded by an appropriation to the division.  
10 32 The division shall periodically render a billing  
10 33 statement to a governmental entity outlining the cost  
10 34 of services provided to the governmental entity. The  
10 35 amount indicated on the statement shall be paid by  
10 36 the governmental entity and amounts received by the  
10 37 division shall be considered repayment receipts as  
10 38 defined in section 8.2, and deposited into the accounts  
10 39 of the division.  
10 40 2. In addition to other forms of payment, a person  
10 41 may pay by credit card for services provided by the  
10 42 division, according to rules adopted by the treasurer  
10 43 of state. The credit card fees to be charged shall  
10 44 not exceed those permitted by statute. A governmental  
10 45 entity may adjust its payment to reflect the costs of  
10 46 processing as determined by the treasurer of state.  
10 47 The discount charged by the credit card issuer may  
10 48 be included in determining the fees to be paid for  
10 49 completing a financial transaction under this section  
10 50 by using a credit card. All credit card payments



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11 1 shall be credited to the fund used to account for the  
11 2 services provided.

11 3 Sec. \_\_\_\_ . NEW SECTION. 8B.16 Division debts and  
11 4 liabilities == appropriation request.

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

11 14 SUBCHAPTER III  
11 15 INFORMATION TECHNOLOGY

11 16 Sec. \_\_\_\_ . NEW SECTION. 8B.21 Information  
11 17 technology services == division powers and duties ==  
11 18 responsibilities.

11 19 1. Powers and duties of division. The powers and  
11 20 duties of the division as it relates to information  
11 21 technology services shall include but are not limited  
11 22 to all of the following:

11 23 a. Providing information technology to agencies and  
11 24 other governmental entities.

11 25 b. Implementing the strategic information  
11 26 technology plan.

11 27 c. Developing and implementing a business  
11 28 continuity plan, as the chief information officer  
11 29 determines is appropriate, to be used if a disruption  
11 30 occurs in the provision of information technology to  
11 31 participating agencies and other governmental entities.

11 32 d. Prescribing standards and adopting rules  
11 33 relating to information technology and procurement,  
11 34 including but not limited to system design and systems  
11 35 integration and interoperability, which shall apply  
11 36 to all participating agencies except as otherwise  
11 37 provided in this chapter. The division shall implement  
11 38 information technology standards as established  
11 39 pursuant to this chapter which are applicable to  
11 40 information technology procurements for participating  
11 41 agencies.

11 42 e. Developing and maintaining security policies  
11 43 and systems to ensure the integrity of the state's  
11 44 information resources and to prevent the disclosure of  
11 45 confidential records.

11 46 f. Developing and implementing effective and  
11 47 efficient strategies for the use and provision of  
11 48 information technology for participating agencies and  
11 49 other governmental entities.

11 50 g. Coordinating and managing the acquisition of



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12 1 information technology services by participating  
12 2 agencies in furtherance of the purposes of this  
12 3 chapter. The division shall institute procedures to  
12 4 ensure effective and efficient compliance with the  
12 5 applicable standards established pursuant to this  
12 6 chapter.

12 7 h. Entering into contracts, leases, licensing  
12 8 agreements, royalty agreements, marketing agreements,  
12 9 memorandums of understanding, or other agreements as  
12 10 necessary and appropriate to administer this chapter.

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

12 18 j. Charging reasonable fees, costs, expenses,  
12 19 charges, or other amounts to an agency, governmental  
12 20 entity, public official, or person or entity related to  
12 21 the provision, sale, use, or utilization of, or cost  
12 22 sharing with respect to, information technology and  
12 23 any intellectual property interests related thereto;  
12 24 research and development; proprietary hardware,  
12 25 software, and applications; and information technology  
12 26 architecture and design. The division may enter into  
12 27 nondisclosure agreements and take any other legal  
12 28 action reasonably necessary to secure a right to an  
12 29 interest in information technology development by  
12 30 or on behalf of the state of Iowa and to protect the  
12 31 state of Iowa's proprietary information technology  
12 32 and intellectual property interests. The provisions  
12 33 of chapter 23A relating to noncompetition by state  
12 34 agencies and political subdivisions with private  
12 35 enterprise shall not apply to division activities  
12 36 authorized under this paragraph.

12 37 k. Charging reasonable fees, costs, expenses,  
12 38 charges, or other amounts to an agency, governmental  
12 39 entity, public official, or other person or entity to  
12 40 or for whom information technology or other services  
12 41 have been provided by or on behalf of, or otherwise  
12 42 made available through, the division.

12 43 l. Providing, selling, leasing, licensing,  
12 44 transferring, or otherwise conveying or disposing of  
12 45 information technology, or any intellectual property  
12 46 or other rights with respect thereto, to agencies,  
12 47 governmental entities, public officials, or other  
12 48 persons or entities.

12 49 m. Entering into partnerships, contracts, leases,  
12 50 or other agreements with public and private entities



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13 1 for the evaluation and development of information  
13 2 technology pilot projects.

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

13 14 2. Responsibilities. The responsibilities of  
13 15 the division as it relates to information technology  
13 16 services include the following:

13 17 a. Coordinate the activities of the division in  
13 18 promoting, integrating, and supporting information  
13 19 technology in all business aspects of state government.

13 20 b. Provide for server systems, including mainframe  
13 21 and other server operations, desktop support, and  
13 22 applications integration.

13 23 c. Provide applications development, support, and  
13 24 training, and advice and assistance in developing and  
13 25 supporting business applications throughout state  
13 26 government.

13 27 3. Information technology charges. The division  
13 28 shall render a statement to an agency, governmental  
13 29 entity, public official, or other person or entity  
13 30 to or for whom information technology, value added  
13 31 services, or other items or services have been provided  
13 32 by or on behalf of, or otherwise made available  
13 33 through, the division. Such an agency, governmental  
13 34 entity, public official, or other person or entity  
13 35 shall pay an amount indicated on such statement in a  
13 36 manner determined by the division.

13 37 4. Dispute resolution. If a dispute arises between  
13 38 the division and an agency for which the division  
13 39 provides or refuses to provide information technology,  
13 40 the dispute shall be resolved as provided in section  
13 41 679A.19.

13 42 5. Waivers. a. The division shall adopt rules  
13 43 allowing for participating agencies to seek a temporary  
13 44 or permanent waiver from any of the requirements  
13 45 of this subchapter concerning the acquisition,  
13 46 utilization, or provision of information technology.  
13 47 The rules shall provide that a waiver may be granted  
13 48 upon a written request by a participating agency and  
13 49 approval of the chief information officer. A waiver  
13 50 shall only be approved if the participating agency



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14 1 shows that a waiver would be in the best interests of  
14 2 the state.

14 3 b. Prior to approving or denying a request for a  
14 4 waiver, the chief information officer shall consider  
14 5 all of the following:

14 6 (1) Whether the failure to grant a waiver would  
14 7 violate any state or federal law; or any published  
14 8 policy, standard, or requirement established by a  
14 9 governing body other than the department.

14 10 (2) Whether the failure to start a waiver would  
14 11 result in the duplication of existing services,  
14 12 resources, or support.

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

14 17 (4) Whether the waiver would result in excessive  
14 18 expenditures or expenditures above market rates.

14 19 (5) The life cycle of the system or application for  
14 20 which the waiver is requested.

14 21 (6) Whether the participating agency can show that  
14 22 it can obtain or provide the information technology  
14 23 more economically than the information technology  
14 24 can be provided by the department. For purposes of  
14 25 determining if the participating agency can obtain or  
14 26 provide the information technology more economically,  
14 27 the chief information officer shall consider the  
14 28 impact on other participating agencies if the waiver is  
14 29 approved or denied.

14 30 (7) Whether the failure to grant a waiver would  
14 31 jeopardize federal funding.

14 32 c. Rules adopted pursuant to this subsection  
14 33 relating to a request for a waiver, at a minimum, shall  
14 34 provide for all of the following:

14 35 (1) The request shall be in writing and signed  
14 36 by the head of the participating agency seeking the  
14 37 waiver.

14 38 (2) The request shall include a reference to the  
14 39 specific policy, standard, or requirement for which the  
14 40 waiver is submitted.

14 41 (3) The request shall include a statement of  
14 42 facts including a description of the problem or issue  
14 43 prompting the request; the participating agency's  
14 44 preferred solution; an alternative approach to be  
14 45 implemented by the participating agency intended to  
14 46 satisfy the waived policy, standard, or requirement;  
14 47 the business case for the alternative approach; the  
14 48 economic justification for the waiver or a statement  
14 49 as to why the waiver is in the best interests of  
14 50 the state; the time period for which the waiver



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15 1 is requested; and any other information deemed  
15 2 appropriate.

15 3 d. A participating agency may appeal the decision  
15 4 of the chief information officer to the director of  
15 5 the department of management within seven calendar  
15 6 days following the decision of the chief information  
15 7 officer. The director of the department of management,  
15 8 after consultation with the technology advisory  
15 9 council, shall respond within fourteen days following  
15 10 the receipt of the appeal.

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

15 19 6. Annual report. On an annual basis, prepare a  
15 20 report to the governor, the department of management,  
15 21 and the general assembly regarding the total spending  
15 22 on technology for the previous fiscal year, the total  
15 23 amount appropriated for the current fiscal year, and  
15 24 an estimate of the amount to be requested for the  
15 25 succeeding fiscal year for all agencies. The report  
15 26 shall include a five year projection of technology cost  
15 27 savings, an accounting of the level of technology cost  
15 28 savings for the current fiscal year, and a comparison  
15 29 of the level of technology cost savings for the current  
15 30 fiscal year with that of the previous fiscal year.

15 31 This report shall be filed as soon as possible after  
15 32 the close of a fiscal year, and by no later than the  
15 33 second Monday of January of each year.

15 34 Sec. \_\_\_\_ . NEW SECTION. 8B.22 Digital government.

15 35 1. The division is responsible for initiating and  
15 36 supporting the development of electronic commerce,  
15 37 electronic government, and internet applications across  
15 38 participating agencies and in cooperation with other  
15 39 governmental entities.

15 40 2. In developing the concept of digital  
15 41 government, the division shall do all of the following:

15 42 a. Establish standards, consistent with other state  
15 43 law, for the implementation of electronic commerce,  
15 44 including standards for electronic signatures,  
15 45 electronic currency, and other items associated with  
15 46 electronic commerce.

15 47 b. Establish guidelines for the appearance and  
15 48 functioning of applications.

15 49 c. Establish standards for the integration of  
15 50 electronic data across state agencies.



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16 1 d. Foster joint development of electronic commerce  
16 2 and electronic government involving the public and  
16 3 private sectors.

16 4 e. Develop customer surveys and citizen outreach  
16 5 and education programs and material, and provide for  
16 6 citizen input regarding the state's electronic commerce  
16 7 and electronic government applications.

16 8 f. Assist participating agencies in converting  
16 9 printed government materials to electronic materials  
16 10 which can be accessed through an internet searchable  
16 11 database.

16 12 g. Encourage participating agencies to utilize  
16 13 a print on demand strategy to reduce publication  
16 14 overruns, excessive inventory, and obsolete printed  
16 15 materials.

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

16 18 1. The division, after consultation with the  
16 19 council, shall develop and adopt information technology  
16 20 standards applicable to the procurement of information  
16 21 technology by all participating agencies. Such  
16 22 standards, unless waived by the division, shall  
16 23 apply to all information technology procurements for  
16 24 participating agencies.

16 25 2. The office of the governor or the office of  
16 26 an elective constitutional or statutory officer  
16 27 shall consult with the division prior to procuring  
16 28 information technology and consider the information  
16 29 technology standards adopted by the division, and  
16 30 provide a written report to the division relating to  
16 31 the office's decision regarding such acquisitions.

16 32 Sec. \_\_\_\_\_. NEW SECTION. 8B.24 Procurement of  
16 33 information technology.

16 34 1. Standards established by the division, unless  
16 35 waived by the division, shall apply to all information  
16 36 technology procurements for participating agencies.

16 37 2. The division shall institute procedures to  
16 38 ensure effective and efficient compliance with  
16 39 standards established by the division.

16 40 3. The division shall develop policies and  
16 41 procedures that apply to all information technology  
16 42 goods and services acquisitions, and shall ensure the  
16 43 compliance of all participating agencies. The division  
16 44 shall also be the sole provider of infrastructure  
16 45 services for participating agencies.

16 46 4. The division, by rule, may implement a  
16 47 prequalification procedure for contractors with which  
16 48 the division has entered or intends to enter into  
16 49 agreements regarding the procurement of information  
16 50 technology.



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



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18 1 entity, may procure information technology under a  
18 2 contract let by another agency or other governmental  
18 3 entity, or approve such procurement in the same manner  
18 4 by a participating agency or governmental entity.  
18 5 d. Reverse auction.  
18 6 (1) The division may enter into an agreement for  
18 7 the purchase of information technology utilizing a  
18 8 reverse auction process. Such process shall result in  
18 9 the purchase of information technology from the vendor  
18 10 submitting the lowest responsible bid amount for the  
18 11 information technology to be acquired. The division,  
18 12 in establishing a reverse auction process, shall do all  
18 13 of the following:  
18 14 (a) Determine the specifications and requirements  
18 15 of the information technology to be acquired.  
18 16 (b) Identify and provide notice to potential  
18 17 vendors concerning the proposed acquisition.  
18 18 (c) Establish prequalification requirements to be  
18 19 met by a vendor to be eligible to participate in the  
18 20 reverse auction.  
18 21 (d) Conduct the reverse auction in a manner as  
18 22 deemed appropriate by the division and consistent with  
18 23 rules adopted by the division.  
18 24 (2) Prior to conducting a reverse auction, the  
18 25 division shall establish a threshold amount which shall  
18 26 be the maximum amount which the division is willing to  
18 27 pay for the information technology to be acquired.  
18 28 (3) The division shall enter into an agreement  
18 29 with a vendor who is the lowest responsible bidder  
18 30 which meets the specifications or description of the  
18 31 information technology to be procured, or the division  
18 32 may reject all bids and begin the process again. In  
18 33 determining the lowest responsible bidder, the division  
18 34 may consider various factors including but not limited  
18 35 to the past performance of the vendor relative to  
18 36 quality of product or service, the past experience of  
18 37 the division in relation to the product or service, the  
18 38 relative quality of products or services, the proposed  
18 39 terms of delivery, and the best interest of the state.  
18 40 e. Competitive bidding. The division may enter  
18 41 into an agreement for the procurement or acquisition of  
18 42 information technology in the same manner as provided  
18 43 under chapter 8A, subchapter III, for the purchasing  
18 44 of service.  
18 45 f. Other agreement. In addition to the competitive  
18 46 bidding procedure provided for under paragraph "e",  
18 47 the division may enter into an agreement for the  
18 48 purchase, disposal, or other disposition of information  
18 49 technology in the same manner and subject to the same  
18 50 limitations as otherwise provided in this chapter. The



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19 1 division, by rule, shall provide for such procedures.  
19 2 6. The division shall adopt rules pursuant to  
19 3 chapter 17A to implement the procurement methods and  
19 4 procedures provided for in subsections 2 through 5.  
19 5 SUBCHAPTER IV  
19 6 IOWACCESS  
19 7 Sec. \_\_\_\_ . NEW SECTION. 8B.31 IowAccess == division  
19 8 duties and responsibilities.  
19 9 1. IowAccess. The division shall establish  
19 10 IowAccess as a service to the citizens of this state  
19 11 that is the gateway for one-stop electronic access  
19 12 to government information and transactions, whether  
19 13 federal, state, or local. Except as provided in  
19 14 this section, IowAccess shall be a state-funded  
19 15 service providing access to government information and  
19 16 transactions. The division, in establishing the fees  
19 17 for value-added services, shall consider the reasonable  
19 18 cost of creating and organizing such government  
19 19 information through IowAccess.  
19 20 2. Duties. The division shall do all of the  
19 21 following:  
19 22 a. Establish rates to be charged for access to and  
19 23 for value-added services performed through IowAccess.  
19 24 b. Approve and establish the priority of projects  
19 25 associated with IowAccess. The determination may also  
19 26 include requirements concerning funding for a project  
19 27 proposed by a political subdivision of the state or  
19 28 an association, the membership of which is comprised  
19 29 solely of political subdivisions of the state. Prior  
19 30 to approving a project proposed by a political  
19 31 subdivision, the division shall verify that all of the  
19 32 following conditions are met:  
19 33 (1) The proposed project provides a benefit to the  
19 34 state.  
19 35 (2) The proposed project, once completed, can be  
19 36 shared with and used by other political subdivisions of  
19 37 the state, as appropriate.  
19 38 (3) The state retains ownership of any final  
19 39 product or is granted a permanent license to the use  
19 40 of the product.  
19 41 c. Establish expected outcomes and effects of the  
19 42 use of IowAccess and determine the manner in which such  
19 43 outcomes are to be measured and evaluated.  
19 44 d. Establish the IowAccess total budget request and  
19 45 ensure that such request reflects the priorities and  
19 46 goals of IowAccess as established by the division.  
19 47 e. Advocate for access to government information  
19 48 and services through IowAccess and for data privacy  
19 49 protection, information ethics, accuracy, and security  
19 50 in IowAccess programs and services.



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20 1 f. Receive status and operations reports associated  
20 2 with IowAccess.  
20 3 3. Data purchasing. This section shall not be  
20 4 construed to impair the right of a person to contract  
20 5 to purchase information or data from the Iowa court  
20 6 information system or any other governmental entity.  
20 7 This section shall not be construed to affect a data  
20 8 purchase agreement or contract in existence on April  
20 9 25, 2000.  
20 10 Sec. \_\_\_\_ . NEW SECTION. 8B.32 Financial  
20 11 transactions.  
20 12 1. Moneys paid to a participating agency from  
20 13 persons who complete an electronic financial  
20 14 transaction with the agency by accessing IowAccess  
20 15 shall be transferred to the treasurer of state for  
20 16 deposit in the general fund of the state, unless the  
20 17 disposition of the moneys is specifically provided for  
20 18 under other law. The moneys may include all of the  
20 19 following:  
20 20 a. Fees required to obtain an electronic public  
20 21 record as provided in section 22.3A.  
20 22 b. Fees required to process an application or file  
20 23 a document, including but not limited to fees required  
20 24 to obtain a license issued by a licensing authority.  
20 25 c. Moneys owed to a governmental entity by a  
20 26 person accessing IowAccess in order to satisfy a  
20 27 liability arising from the operation of law, including  
20 28 the payment of assessments, taxes, fines, and civil  
20 29 penalties.  
20 30 2. Moneys transferred using IowAccess may include  
20 31 amounts owed by a governmental entity to a person  
20 32 accessing IowAccess in order to satisfy a liability of  
20 33 the governmental entity. The moneys may include the  
20 34 payment of tax refunds, and the disbursement of support  
20 35 payments as defined in section 252D.16 or 598.1 as  
20 36 required for orders issued pursuant to section 252B.14.  
20 37 3. In addition to other forms of payment, credit  
20 38 cards shall be accepted in payment for moneys owed to  
20 39 or fees imposed by a governmental entity in the same  
20 40 manner as provided in section 8B.15.  
20 41 Sec. \_\_\_\_ . NEW SECTION. 8B.33 Audits required.  
20 42 A technology audit of the electronic transmission  
20 43 system by which government records are transmitted  
20 44 electronically to the public shall be conducted not  
20 45 less than once annually for the purpose of determining  
20 46 that government records and other electronic data are  
20 47 not misappropriated or misused by the division or a  
20 48 contractor of the division.  
20 49 Sec. \_\_\_\_ . NEW SECTION. 8B.34 IowAccess revolving  
20 50 fund.



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21 1 1. An IowAccess revolving fund is created in  
21 2 the state treasury. The revolving fund shall be  
21 3 administered by the division and shall consist of  
21 4 moneys collected by the division as fees, moneys  
21 5 appropriated by the general assembly, and any other  
21 6 moneys obtained or accepted by the division for  
21 7 deposit in the revolving fund. The proceeds of the  
21 8 revolving fund are appropriated to and shall be used  
21 9 by the division to maintain, develop, operate, and  
21 10 expand IowAccess consistent with this chapter, and for  
21 11 the support of activities of the technology advisory  
21 12 council pursuant to section 8B.8.  
21 13 2. The division shall submit an annual report  
21 14 not later than January 31 to the members of the  
21 15 general assembly and the legislative services agency  
21 16 of the activities funded by and expenditures made  
21 17 from the revolving fund during the preceding fiscal  
21 18 year. Section 8.33 does not apply to any moneys in  
21 19 the revolving fund, and, notwithstanding section  
21 20 12C.7, subsection 2, earnings or interest on moneys  
21 21 deposited in the revolving fund shall be credited to  
21 22 the revolving fund.  
21 23 Sec. \_\_\_\_\_. Section 12C.1, subsection 2, paragraph  
21 24 e, subparagraph (6), Code 2009, is amended to read as  
21 25 follows:  
21 26 (6) Moneys placed in a depository for the purpose  
21 27 of completing an electronic financial transaction  
21 28 pursuant to section ~~8A.222~~ 8B.32 or 331.427.  
21 29 Sec. \_\_\_\_\_. Section 12C.4, Code 2009, is amended to  
21 30 read as follows:  
21 31 12C.4 Location of depositories.  
21 32 Deposits by the treasurer of state shall be in  
21 33 depositories located in this state; by a county  
21 34 officer or county public hospital officer or merged  
21 35 area hospital officer, in depositories located in the  
21 36 county or in an adjoining county within this state;  
21 37 by a memorial hospital treasurer, in a depository  
21 38 located within this state which shall be selected by  
21 39 the memorial hospital treasurer and approved by the  
21 40 memorial hospital commission; by a city treasurer or  
21 41 other city financial officer, in depositories located  
21 42 in the county in which the city is located or in an  
21 43 adjoining county, but if there is no depository in the  
21 44 county in which the city is located or in an adjoining  
21 45 county then in any other depository located in this  
21 46 state which shall be selected as a depository by the  
21 47 city council; by a school treasurer or by a school  
21 48 secretary in a depository within this state which  
21 49 shall be selected by the board of directors or the  
21 50 trustees of the school district; by a township clerk



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22 1 in a depository located within this state which shall  
22 2 be selected by the township clerk and approved by the  
22 3 trustees of the township. However, deposits may be  
22 4 made in depositories outside of Iowa for the purpose of  
22 5 paying principal and interest on bonded indebtedness  
22 6 of any municipality when the deposit is made not  
22 7 more than ten days before the date the principal  
22 8 or interest becomes due. Further, the treasurer of  
22 9 state may maintain an account or accounts outside the  
22 10 state of Iowa for the purpose of providing custodial  
22 11 services for the state and state retirement fund  
22 12 accounts. Deposits made for the purpose of completing  
22 13 an electronic financial transaction pursuant to section  
22 14 ~~8A.222~~ 8B.32 or 331.427 may be made in any depository  
22 15 located in this state.

22 16 Sec. \_\_\_\_\_. Section 23A.2, subsection 10, paragraph  
22 17 o, Code Supplement 2009, is amended to read as follows:

22 18 o. The performance of an activity authorized  
22 19 pursuant to section ~~8A.202~~ 8B.21, subsection ~~2~~ 1,  
22 20 paragraph "j".

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

22 24 Sec. \_\_\_\_\_. REPEAL. Section 8A.224, Code Supplement  
22 25 2009, is repealed. >#\_\_\_\_\_.

22 26 Page 9, line 35, by striking <DEPARTMENT OF  
22 27 ADMINISTRATIVE SERVICES> #\_\_\_\_\_.

22 28 Page 10, line 1, after <TECHNOLOGY> by  
22 29 inserting <DIVISION> #\_\_\_\_\_.

22 30 Page 10, line 2, by striking <department of  
22 31 administrative services> and inserting <information  
22 32 technology division of the department of management> #\_\_\_\_\_.

22 33 Page 10, line 13, by striking <department> and  
22 34 inserting <information technology division> #\_\_\_\_\_.

22 35 Page 35, line 4, by striking <2011 2016> and  
22 36 inserting <2011> #\_\_\_\_\_.

22 37 Page 35, by striking lines 11 through 20.>

22 38 #2. Page 2, by striking lines 1 through 3.

22 39 #3. Page 2, line 5, by striking <(ii) The> and  
22 40 inserting <(e) (1) Beginning July 1, 2011, the>

22 41 #4. Page 2, line 9, after <board.> by inserting  
22 42 <In applying for a waiver, the director shall provide  
22 43 detailed documentation to the board describing the  
22 44 efforts that the executive branch agency has made in  
22 45 attempting to meet the applicable target aggregate  
22 46 ratio provided in this paragraph "g".>

22 47 #5. Page 2, line 16, after <employees.> by inserting

22 48 <However, if a department represented on the review  
22 49 board seeks a waiver, the member representing the  
22 50 department shall not participate in the decision on



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



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



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



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26 1 falsity of the information.  
26 2 (3) Acts in reckless disregard of the truth or  
26 3 falsity of the information.  
26 4 b. "Knowing" or "knowingly" does not require proof  
26 5 of specific intent to defraud.  
26 6 8. "Material" means having a natural tendency to  
26 7 influence, or be capable of influencing, the payment or  
26 8 receipt of money or property.  
26 9 9. "Obligation" means an established duty, whether  
26 10 or not fixed, arising from an express or implied  
26 11 contractual, grantor=grantee, or licensor=licensee  
26 12 relationship, from a fee-based or similar relationship,  
26 13 from statute or regulation, or from the retention of  
26 14 any overpayment.  
26 15 10. "Official use" means any use that is consistent  
26 16 with the law, and the regulations and policies of the  
26 17 department of justice, including use, in connection  
26 18 with internal department of justice memoranda and  
26 19 reports; communications between the department of  
26 20 justice and a federal, state, or local government  
26 21 agency or a contractor of a federal, state, or local  
26 22 government agency, undertaken in furtherance of a  
26 23 department of justice investigation or prosecution of  
26 24 a case; interviews of any qui tam plaintiff or other  
26 25 witness; oral examinations; depositions; preparation  
26 26 for and response to civil discovery requests;  
26 27 introduction into the record of a case or proceeding;  
26 28 applications, motions, memoranda and briefs submitted  
26 29 to a court or other tribunal; and communications with  
26 30 government investigators, auditors, consultants and  
26 31 experts, the counsel of other parties, and arbitrators  
26 32 and mediators, concerning an investigation, case, or  
26 33 proceeding.  
26 34 11. "Original source" means an individual who has  
26 35 direct and independent knowledge of the information on  
26 36 which the allegations are based and has voluntarily  
26 37 provided the information to the state before filing  
26 38 an action under section 685.3 which is based on the  
26 39 information.  
26 40 12. "Person" means any natural person, partnership,  
26 41 corporation, association, or other legal entity,  
26 42 including any state or political subdivision of the  
26 43 state.  
26 44 13. "Product of discovery" includes all of the  
26 45 following:  
26 46 a. The original or duplicate of any deposition,  
26 47 interrogatory, document, thing, result of the  
26 48 inspection of land or other property, examination, or  
26 49 admission, which is obtained by any method of discovery  
26 50 in any judicial or administrative proceeding of an



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27 1 adversarial nature.  
27 2     b. Any digest, analysis, selection, compilation, or  
27 3 derivation of any item listed in paragraph "a".  
27 4     c. Any index or other manner of access to any item  
27 5 listed in paragraph "a".  
27 6     14. "Qui tam plaintiff" means a private plaintiff who  
27 7 brings an action under this chapter on behalf of the  
27 8 state.  
27 9     Sec. \_\_\_\_\_. NEW SECTION. 685.2 Acts subjecting  
27 10 person to treble damages, costs, and civil penalties ==  
27 11 exceptions.  
27 12     1. A person who commits any of the following acts  
27 13 is liable to the state for a civil penalty of not  
27 14 less than five thousand dollars and not more than  
27 15 ten thousand dollars, plus three times the amount of  
27 16 damages which the state sustains because of the act of  
27 17 that person:  
27 18     a. Knowingly presents, or causes to be presented, a  
27 19 false or fraudulent claim for payment or approval.  
27 20     b. Knowingly makes, uses, or causes to be made or  
27 21 used, a false record or statement material to a false  
27 22 or fraudulent claim.  
27 23     c. Conspires to commit a violation of paragraph  
27 24 "a", "b", "d", "e", "f", or "g".  
27 25     d. Has possession, custody, or control of property  
27 26 or money used, or to be used, by the state and  
27 27 knowingly delivers, or causes to be delivered, less  
27 28 than all of that money or property.  
27 29     e. Is authorized to make or deliver a document  
27 30 certifying receipt of property used, or to be used, by  
27 31 the state and, intending to defraud the state, makes or  
27 32 delivers the receipt without completely knowing that  
27 33 the information on the receipt is true.  
27 34     f. Knowingly buys, or receives as a pledge of an  
27 35 obligation or debt, public property from an officer or  
27 36 employee of the state, or a member of the Iowa national  
27 37 guard, who lawfully may not sell or pledge property.  
27 38     g. Knowingly makes, uses, or causes to be made  
27 39 or used, a false record or statement material to an  
27 40 obligation to pay or transmit money or property to  
27 41 the state, or knowingly conceals or knowingly and  
27 42 improperly avoids or decreases an obligation to pay or  
27 43 transmit money or property to the state.  
27 44     2. Notwithstanding subsection 1, the court may  
27 45 assess not less than two times the amount of damages  
27 46 which the state sustains because of the act of the  
27 47 person described in subsection 1, if the court finds  
27 48 all of the following:  
27 49     a. The person committing the violation furnished  
27 50 officials of the state responsible for investigating



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



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29 1 c. The state may, for good cause shown, move the  
29 2 court for extensions of the time during which the  
29 3 complaint remains under seal under paragraph "b".  
29 4 Any such motions may be supported by affidavits or  
29 5 other submissions in camera. The defendant shall not  
29 6 be required to respond to any complaint filed under  
29 7 this section until twenty days after the complaint is  
29 8 unsealed and served upon the defendant pursuant to rule  
29 9 1.302 of the Iowa rules of civil procedure.

29 10 d. Before the expiration of the sixty-day period or  
29 11 any extensions obtained under paragraph "c", the state  
29 12 shall do one of the following:

29 13 (1) Proceed with the action, in which case the  
29 14 action shall be conducted by the state.

29 15 (2) Notify the court that the state declines  
29 16 to take over the action, in which case the qui tam  
29 17 plaintiff shall have the right to conduct the action.

29 18 e. When a person brings an action under this  
29 19 section, no person other than the state may intervene  
29 20 or bring a related action based on the facts underlying  
29 21 the pending action.

29 22 3. a. If the state proceeds with the action,  
29 23 the state shall have the primary responsibility for  
29 24 prosecuting the action, and shall not be bound by an  
29 25 act of the qui tam plaintiff. Such qui tam plaintiff  
29 26 shall have the right to continue as a party to the  
29 27 action, subject to the limitations specified in  
29 28 paragraph "b".

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

29 35 (2) The state may settle the action with the  
29 36 defendant notwithstanding the objections of the qui tam  
29 37 plaintiff if the court determines, after a hearing,  
29 38 that the proposed settlement is fair, adequate, and  
29 39 reasonable under all of the circumstances. Upon a  
29 40 showing of good cause, such hearing may be held in  
29 41 camera.

29 42 (3) Upon a showing by the state that unrestricted  
29 43 participation during the course of the litigation by  
29 44 the qui tam plaintiff would interfere with or unduly  
29 45 delay the state's prosecution of the case, or would be  
29 46 repetitious, irrelevant, or for purposes of harassment,  
29 47 the court may, in its discretion, impose limitations on  
29 48 the qui tam plaintiff's participation, including but  
29 49 not limited to any of the following:

29 50 (a) Limiting the number of witnesses the qui tam



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30 1 plaintiff may call.  
30 2 (b) Limiting the length of the testimony of such  
30 3 witnesses.  
30 4 (c) Limiting the qui tam plaintiff's  
30 5 cross-examination of witnesses.  
30 6 (d) Otherwise limiting the participation by the qui  
30 7 tam plaintiff in the litigation.  
30 8 (4) Upon a showing by the defendant that  
30 9 unrestricted participation during the course of the  
30 10 litigation by the qui tam plaintiff would be for  
30 11 purposes of harassment or would cause the defendant  
30 12 undue burden or unnecessary expense, the court may  
30 13 limit the participation by the qui tam plaintiff in the  
30 14 litigation.  
30 15 c. If the state elects not to proceed with the  
30 16 action, the qui tam plaintiff shall have the right to  
30 17 conduct the action. If the state so requests, the  
30 18 state shall be served with copies of all pleadings  
30 19 filed in the action and shall be supplied with copies  
30 20 of all deposition transcripts at the state's expense.  
30 21 When a qui tam plaintiff proceeds with the action, the  
30 22 court, without limiting the status and rights of the  
30 23 qui tam plaintiff, may permit the state to intervene at  
30 24 a later date upon a showing of good cause.  
30 25 d. Whether or not the state proceeds with the  
30 26 action, upon a showing by the state that certain  
30 27 actions of discovery by the qui tam plaintiff would  
30 28 interfere with the state's investigation or prosecution  
30 29 of a criminal or civil matter arising out of the  
30 30 same facts, the court may stay such discovery for a  
30 31 period of not more than sixty days. Such a showing  
30 32 shall be conducted in camera. The court may extend  
30 33 the sixty-day period upon a further showing in camera  
30 34 that the state has pursued the criminal or civil  
30 35 investigation or proceedings with reasonable diligence  
30 36 and any proposed discovery in the civil action  
30 37 will interfere with the ongoing criminal or civil  
30 38 investigation or proceedings.  
30 39 e. Notwithstanding subsection 2, the state  
30 40 may elect to pursue the state's claim through any  
30 41 alternate remedy available to the state, including any  
30 42 administrative proceeding to determine a civil penalty.  
30 43 If any such alternate remedy is pursued in another  
30 44 proceeding, the qui tam plaintiff shall have the same  
30 45 rights in such proceeding as such qui tam plaintiff  
30 46 would have had if the action had continued under this  
30 47 section. Any finding of fact or conclusion of law  
30 48 made in such other proceeding that has become final,  
30 49 shall be conclusive as to all such parties to an action  
30 50 under this section. For purposes of this paragraph, a



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31 1 finding or conclusion is final if it has been finally  
31 2 determined on appeal to the appropriate court of the  
31 3 state, if all time for filing such an appeal with  
31 4 respect to the finding or conclusion has expired, or if  
31 5 the finding or conclusion is not subject to judicial  
31 6 review.

31 7 4. a. (1) If the state proceeds with an action  
31 8 brought by a qui tam plaintiff under subsection 2, the  
31 9 qui tam plaintiff shall, subject to subparagraph (2),  
31 10 receive at least fifteen percent but not more than  
31 11 twenty-five percent of the proceeds of the action or  
31 12 settlement of the claim, depending upon the extent to  
31 13 which the qui tam plaintiff substantially contributed  
31 14 to the prosecution of the action.

31 15 (2) If the action is one which the court finds  
31 16 to be based primarily on disclosures of specific  
31 17 information, other than information provided by the qui  
31 18 tam plaintiff, relating to allegations or transactions  
31 19 in a criminal, civil, or administrative hearing, or  
31 20 in a legislative, administrative or state auditor  
31 21 report, hearing, audit, or investigation, or from  
31 22 the news media, the court may award an amount the  
31 23 court considers appropriate, but in no case more than  
31 24 ten percent of the proceeds, taking into account the  
31 25 significance of the information and the role of the qui  
31 26 tam plaintiff in advancing the case to litigation.

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

31 35 b. If the state does not proceed with an action  
31 36 under this section, the qui tam plaintiff or person  
31 37 settling the claim shall receive an amount which the  
31 38 court decides is reasonable for collecting the civil  
31 39 penalty and damages. The amount shall be not less than  
31 40 twenty-five percent and not more than thirty percent  
31 41 of the proceeds of the action or settlement and shall  
31 42 be paid out of such proceeds. Such qui tam plaintiff  
31 43 or person shall also receive an amount for reasonable  
31 44 expenses which the court finds to have been necessarily  
31 45 incurred, plus reasonable attorney fees and costs. All  
31 46 such expenses, fees, and costs shall be awarded against  
31 47 the defendant.

31 48 c. Whether or not the state proceeds with the  
31 49 action, if the court finds that the action was brought  
31 50 by a qui tam plaintiff who planned and initiated



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32 1 the violation of section 685.2 upon which the action  
32 2 was brought, the court may, to the extent the court  
32 3 considers appropriate, reduce the share of the proceeds  
32 4 of the action which the qui tam plaintiff would  
32 5 otherwise receive under paragraph "a" or "b", taking  
32 6 into account the role of that qui tam plaintiff in  
32 7 advancing the case to litigation and any relevant  
32 8 circumstances pertaining to the violation. If the qui  
32 9 tam plaintiff is convicted of criminal conduct arising  
32 10 from the qui tam plaintiff's role in the violation of  
32 11 section 685.2, the qui tam plaintiff shall be dismissed  
32 12 from the civil action and shall not receive any share  
32 13 of the proceeds of the action. Such dismissal shall  
32 14 not prejudice the right of the state to continue the  
32 15 action represented by the attorney general.

32 16 d. If the state does not proceed with the action  
32 17 and the qui tam plaintiff conducts the action, the  
32 18 court may award to the defendant reasonable attorney  
32 19 fees and expenses if the defendant prevails in the  
32 20 action and the court finds that the claim of the qui  
32 21 tam plaintiff was clearly frivolous, clearly vexatious,  
32 22 or brought primarily for purposes of harassment.

32 23 5. a. A court shall not have jurisdiction over an  
32 24 action brought by a former or present member of the  
32 25 Iowa national guard under this chapter against a member  
32 26 of the Iowa national guard arising out of such person's  
32 27 services in the Iowa national guard.

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

32 33 c. A court shall not have jurisdiction over an  
32 34 action under this section based upon the public  
32 35 disclosure of allegations or transactions in a  
32 36 criminal, civil, or administrative hearing, or in a  
32 37 legislative, administrative, or state auditor report,  
32 38 hearing, audit, or investigation, or from the news  
32 39 media, unless the action is brought by the attorney  
32 40 general or the qui tam plaintiff is an original source  
32 41 of the information.

32 42 d. The state is not liable for expenses which a  
32 43 person incurs in bringing an action under this section.

32 44 6. Any employee, contractor, or agent who is  
32 45 discharged, demoted, suspended, threatened, harassed,  
32 46 or in any other manner discriminated against in  
32 47 the terms and conditions of employment because of  
32 48 lawful acts performed by the employee, contractor,  
32 49 or agent on behalf of the employee, contractor, or  
32 50 agent or associated others in furtherance of other



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33 1 efforts to stop a violation of this chapter, shall  
33 2 be entitled to all relief necessary to make the  
33 3 employee, contractor, or agent whole. Such relief  
33 4 shall include reinstatement with the same seniority  
33 5 status such employee, contractor, or agent would have  
33 6 had but for the discrimination, two times the amount of  
33 7 back pay, interest on the back pay, and compensation  
33 8 for any special damages sustained as a result of  
33 9 the discrimination, including litigation costs and  
33 10 reasonable attorney fees. An employee, contractor, or  
33 11 agent may bring an action in the appropriate district  
33 12 court of the state for the relief provided in this  
33 13 subsection.

33 14 Sec. \_\_\_\_ NEW SECTION. 685.4 Procedure == statute  
33 15 of limitations.

33 16 1. A subpoena requiring the attendance of a witness  
33 17 at a trial or hearing conducted under this chapter may  
33 18 be served at any place in the state, or through any  
33 19 means authorized in the Iowa rules of civil procedure.

33 20 2. A civil action under this chapter may not be  
33 21 brought more than six years after the date on which  
33 22 the violation of section 685.2 is committed, or more  
33 23 than three years after the date when facts material  
33 24 to the right of action are known or reasonably should  
33 25 have been known by the official of state charged with  
33 26 responsibility to act in the circumstances, but in no  
33 27 event more than ten years after the date on which the  
33 28 violation is committed, whichever occurs last.

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

33 43 4. In any action brought under section 685.3, the  
33 44 state shall prove all essential elements of the cause  
33 45 of action, including damages, by a preponderance of the  
33 46 evidence.

33 47 5. Notwithstanding any other provision of law, the  
33 48 Iowa rules of criminal procedure, or the Iowa rules of  
33 49 evidence, a final judgment rendered in favor of the  
33 50 state in any criminal proceeding charging fraud or



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34 1 false statements, whether upon a verdict after trial  
34 2 or upon a plea of guilty or nolo contendere, shall  
34 3 estop the defendant from denying the essential elements  
34 4 of the offense in any action which involves the same  
34 5 transaction as in the criminal proceeding and which is  
34 6 brought under section 685.3.

34 7 Sec. \_\_\_\_ . NEW SECTION. 685.5 Jurisdiction.

34 8 1. Any action under section 685.3 may be brought  
34 9 in any county in which the defendant or, in the case  
34 10 of multiple defendants, any one defendant can be  
34 11 found, resides, transacts business, or in which any  
34 12 act proscribed by section 685.2 occurred. An original  
34 13 notice as required by the Iowa rules of civil procedure  
34 14 shall be issued by the appropriate district court and  
34 15 served in accordance with the Iowa rules of civil  
34 16 procedure.

34 17 2. A seal on the action ordered by the court under  
34 18 section 685.3 shall not preclude the state, local  
34 19 government, or the qui tam plaintiff from serving  
34 20 the complaint, any other pleadings, or the written  
34 21 disclosure of substantially all material evidence and  
34 22 information possessed by the qui tam plaintiff on the  
34 23 law enforcement authorities that are authorized under  
34 24 the law of the state or local government to investigate  
34 25 and prosecute such actions on behalf of such  
34 26 governments, except that such seal applies to the law  
34 27 enforcement authorities so served to the same extent as  
34 28 the seal applies to other parties in the action.

34 29 Sec. \_\_\_\_ . NEW SECTION. 685.6 Civil investigative  
34 30 demands.

34 31 1. Issuance and service.

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

34 43 (1) To produce such documentary material for  
34 44 inspection and copying.

34 45 (2) To answer in writing, written interrogatories  
34 46 with respect to such documentary material or  
34 47 information.

34 48 (3) To give oral testimony concerning such  
34 49 documentary material or information.

34 50 (4) To furnish any combination of such material,



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35 1 answers, or testimony.  
35 2     b. The attorney general may delegate the authority  
35 3 to issue civil investigative demands under this  
35 4 subsection. If a civil investigative demand is an  
35 5 express demand for any product of discovery, the  
35 6 attorney general, a deputy attorney general, or an  
35 7 assistant attorney general shall cause to be served,  
35 8 in any manner authorized by this section, a copy of  
35 9 such demand upon the person from whom the discovery  
35 10 was obtained and shall notify the person to whom such  
35 11 demand is issued of the date on which such copy was  
35 12 served. Any information obtained by the attorney  
35 13 general or a designee of the attorney general under  
35 14 this section may be shared with any qui tam plaintiff  
35 15 if the attorney general or designee determines  
35 16 it is necessary as part of any false claims law  
35 17 investigation.  
35 18     2. Contents and deadlines.  
35 19     a. Each civil investigative demand issued under  
35 20 subsection 1 shall state the nature of the conduct  
35 21 constituting the alleged violation of a false claims  
35 22 law which is under investigation, and the applicable  
35 23 provision of law alleged to be violated.  
35 24     b. If such demand is for the production of  
35 25 documentary material, the demand shall provide all of  
35 26 the following:  
35 27         (1) Describe each class of documentary material to  
35 28 be produced with such definiteness and certainty as to  
35 29 permit such material to be fairly identified.  
35 30         (2) Prescribe a return date for each such class  
35 31 which will provide a reasonable period of time within  
35 32 which the material so demanded may be assembled and  
35 33 made available for inspection and copying.  
35 34         (3) Identify the false claims law investigator to  
35 35 whom such material shall be made available.  
35 36     c. If such demand is for answers to written  
35 37 interrogatories, the demand shall provide for all of  
35 38 the following:  
35 39         (1) Set forth with specificity the written  
35 40 interrogatories to be answered.  
35 41         (2) Prescribe dates at which time answers to  
35 42 written interrogatories shall be submitted.  
35 43         (3) Identify the false claims law investigator to  
35 44 whom such answers shall be submitted.  
35 45     d. If such demand is for the giving of oral  
35 46 testimony, the demand shall provide for all of the  
35 47 following:  
35 48         (1) Prescribe a date, time, and place at which oral  
35 49 testimony shall be commenced.  
35 50         (2) Identify a false claims law investigator who



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36 1 shall conduct the examination and the custodian to whom  
36 2 the transcript of such examination shall be submitted.  
36 3 (3) Specify that such attendance and testimony are  
36 4 necessary to the conduct of the investigation.  
36 5 (4) Notify the person receiving the demand of the  
36 6 right to be accompanied by an attorney and any other  
36 7 representative.  
36 8 (5) Describe the general purpose for which the  
36 9 demand is being issued and the general nature of the  
36 10 testimony, including the primary areas of inquiry,  
36 11 which will be taken pursuant to the demand.  
36 12 e. Any civil investigative demand issued under this  
36 13 section which is an express demand for any product of  
36 14 discovery shall not be returned or returnable until  
36 15 twenty days after a copy of such demand has been served  
36 16 upon the person from whom the discovery was obtained.  
36 17 f. The date prescribed for the commencement of oral  
36 18 testimony pursuant to a civil investigative demand  
36 19 issued under this section shall be a date which is not  
36 20 less than seven days after the date on which demand is  
36 21 received, unless the attorney general or an assistant  
36 22 attorney general designated by the attorney general  
36 23 determines that exceptional circumstances are present  
36 24 which warrant the commencement of such testimony within  
36 25 a lesser period of time.  
36 26 g. The attorney general shall not authorize the  
36 27 issuance under this section of more than one civil  
36 28 investigative demand for oral testimony by the same  
36 29 person, unless the person requests otherwise or unless  
36 30 the attorney general, after investigation, notifies  
36 31 that person in writing that an additional demand for  
36 32 oral testimony is necessary.  
36 33 3. Protected material or information.  
36 34 a. A civil investigative demand issued under  
36 35 subsection 1 shall not require the production of any  
36 36 documentary material, the submission of any answers  
36 37 to written interrogatories, or the giving of any oral  
36 38 testimony if such material, answers, or testimony  
36 39 would be protected from disclosure under any of the  
36 40 following:  
36 41 (1) The standards applicable to subpoenas or  
36 42 subpoenas duces tecum issued by a court of the state to  
36 43 aid in a grand jury investigation.  
36 44 (2) The standards applicable to discovery requests  
36 45 under the Iowa rules of civil procedure, to the  
36 46 extent that the application of such standards to any  
36 47 such demand is appropriate and consistent with the  
36 48 provisions and purposes of this section.  
36 49 b. Any such demand which is an express demand for  
36 50 any product of discovery, supersedes any inconsistent



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37 1 order, rule, or provision of law, other than this  
37 2 section, preventing or restraining disclosure of such  
37 3 product of discovery to any person. Disclosure of  
37 4 any product of discovery pursuant to any such express  
37 5 demand does not constitute a waiver of any right or  
37 6 privilege which the person making such disclosure may  
37 7 be entitled to invoke to resist discovery of trial  
37 8 preparation materials.  
37 9 4. Service.  
37 10 a. Any civil investigative demand issued under  
37 11 subsection 1 may be served by a false claims law  
37 12 investigator, or by any official authorized to issue  
37 13 civil investigative demands.  
37 14 b. Service of any civil investigative demand  
37 15 issued under subsection 1 or of any petition filed  
37 16 under subsection 9 may be made upon a partnership,  
37 17 corporation, association, or other legal entity by any  
37 18 of the following methods:  
37 19 (1) Delivering an executed copy of such demand  
37 20 or petition to any partner, executive officer,  
37 21 managing agent, or general agent of the partnership,  
37 22 corporation, association, or entity, or to any agent  
37 23 authorized by appointment or by law to receive service  
37 24 of process on behalf of such partnership, corporation,  
37 25 association, or entity.  
37 26 (2) Delivering an executed copy of such demand or  
37 27 petition to the principal office or place of business  
37 28 of the partnership, corporation, association, or  
37 29 entity.  
37 30 (3) Depositing an executed copy of such demand  
37 31 or petition in the United States mails by registered  
37 32 or certified mail, with a return receipt requested,  
37 33 addressed to such partnership, corporation,  
37 34 association, or entity at its principal office or place  
37 35 of business.  
37 36 c. Service of any such demand or petition may be  
37 37 made upon any natural person by any of the following  
37 38 methods:  
37 39 (1) Delivering an executed copy of such demand or  
37 40 petition to the person.  
37 41 (2) Depositing an executed copy of such demand  
37 42 or petition in the United States mails by registered  
37 43 or certified mail, with a return receipt requested,  
37 44 addressed to the person at the person's residence or  
37 45 principal office or place of business.  
37 46 d. A verified return by the individual serving any  
37 47 civil investigative demand issued under subsection 1 or  
37 48 any petition filed under subsection 9 setting forth the  
37 49 manner of such service shall be proof of such service.  
37 50 In the case of service by registered or certified mail,



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



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39 1 that all information required by the demand and in  
39 2 the possession, custody, control, or knowledge of  
39 3 the person to whom the demand is directed has been  
39 4 submitted. To the extent that any information is not  
39 5 furnished, the information shall be identified and  
39 6 reasons set forth with particularity regarding the  
39 7 reasons why the information was not furnished.  
39 8 7. Oral examinations.  
39 9 a. The examination of any person pursuant to a  
39 10 civil investigative demand for oral testimony served  
39 11 under this section shall be taken before an officer  
39 12 authorized to administer oaths and affirmations by  
39 13 the laws of this state or of the place where the  
39 14 examination is held. The officer before whom the  
39 15 testimony is to be taken shall put the witness on oath  
39 16 or affirmation and shall, personally or by someone  
39 17 acting under the direction of the officer and in  
39 18 the officer's presence, record the testimony of the  
39 19 witness. The testimony shall be taken stenographically  
39 20 and shall be transcribed. When the testimony is fully  
39 21 transcribed, the officer before whom the testimony is  
39 22 taken shall promptly transmit a copy of the transcript  
39 23 of the testimony to the custodian. This subsection  
39 24 shall not preclude the taking of testimony by any means  
39 25 authorized by, and in a manner consistent with, the  
39 26 Iowa rules of civil procedure.  
39 27 b. The false claims law investigator conducting  
39 28 the examination shall exclude from the place where  
39 29 the examination is held all persons except the person  
39 30 giving the testimony, the attorney for and any other  
39 31 representative of the person giving the testimony, the  
39 32 attorney for the state, any person who may be agreed  
39 33 upon by the attorney for the state and the person  
39 34 giving the testimony, the officer before whom the  
39 35 testimony is to be taken, and any stenographer taking  
39 36 such testimony.  
39 37 c. The oral testimony of any person taken pursuant  
39 38 to a civil investigative demand served under this  
39 39 section shall be taken in any state in which such  
39 40 person resides, is found, or transacts business, or in  
39 41 such other place as may be agreed upon by the false  
39 42 claims law investigator conducting the examination and  
39 43 such person.  
39 44 d. When the testimony is fully transcribed, the  
39 45 false claims law investigator or the officer before  
39 46 whom the testimony is taken shall afford the witness,  
39 47 who may be accompanied by counsel, a reasonable  
39 48 opportunity to examine and read the transcript, unless  
39 49 such examination and reading are waived by the witness.  
39 50 Any changes in form or substance which the witness



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40 1 desires to make shall be entered and identified upon  
40 2 the transcript by the officer or the false claims law  
40 3 investigator, with a statement of the reasons given by  
40 4 the witness for making such changes. The transcript  
40 5 shall then be signed by the witness, unless the witness  
40 6 in writing waives the signing, is ill, cannot be found,  
40 7 or refuses to sign. If the transcript is not signed by  
40 8 the witness within thirty days after being afforded a  
40 9 reasonable opportunity to examine the transcript, the  
40 10 officer or the false claims law investigator shall sign  
40 11 the transcript and state on the record the fact of the  
40 12 waiver, illness, absence of the witness, or the refusal  
40 13 to sign, together with the reasons, if any, for the  
40 14 waiver, illness, absence, or refusal.

40 15 e. The officer before whom the testimony is taken  
40 16 shall certify on the transcript that the witness was  
40 17 sworn by the officer and that the transcript is a true  
40 18 record of the testimony given by the witness, and the  
40 19 officer or false claims law investigator shall promptly  
40 20 deliver the transcript, or send the transcript by  
40 21 registered or certified mail, to the custodian.

40 22 f. Upon payment of reasonable charges for a copy,  
40 23 the false claims law investigator shall furnish a copy  
40 24 of the transcript to the witness only, except that the  
40 25 attorney general, the deputy attorney general, or an  
40 26 assistant attorney general may, for good cause, limit  
40 27 such witness to inspection of the official transcript  
40 28 of the witness' testimony.

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

40 49 (2) If such person refuses to answer any  
40 50 question on the grounds of the privilege against



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41 1 self-incrimination, the testimony of such person may be  
41 2 compelled in accordance with applicable law.  
41 3 h. Any person appearing for oral testimony under a  
41 4 civil investigative demand issued under subsection 1  
41 5 shall be entitled to the same fees and allowances which  
41 6 are paid to witnesses in the district courts of the  
41 7 state.  
41 8 8. Custodians of documents, answers, and  
41 9 transcripts.  
41 10 a. The attorney general shall designate a false  
41 11 claims law investigator to serve as custodian of  
41 12 documentary material, answers to interrogatories, and  
41 13 transcripts of oral testimony received under this  
41 14 section, and shall designate such additional false  
41 15 claims law investigators as the attorney general  
41 16 determines from time to time to be necessary to serve  
41 17 as deputies to the custodian.  
41 18 b. (1) A false claims law investigator who  
41 19 receives any documentary material, answers to  
41 20 interrogatories, or transcripts of oral testimony under  
41 21 this section shall transmit them to the custodian.  
41 22 The custodian shall take physical possession of  
41 23 such material, answers, or transcripts and shall  
41 24 be responsible for their use and for the return of  
41 25 documentary material under paragraph "d".  
41 26 (2) The custodian may cause the preparation of  
41 27 such copies of such documentary material, answers to  
41 28 interrogatories, or transcripts of oral testimony as  
41 29 may be required for official use by any false claims  
41 30 law investigator, or other officer or employee of the  
41 31 department of justice. Such material, answers, and  
41 32 transcripts may be used by any such authorized false  
41 33 claims law investigator or other officer or employee  
41 34 in connection with the taking of oral testimony under  
41 35 this section.  
41 36 (3) Except as otherwise provided in this  
41 37 subsection, documentary material, answers to  
41 38 interrogatories, or transcripts of oral testimony,  
41 39 or copies of documentary materials, answers or  
41 40 transcripts, while in the possession of the custodian,  
41 41 shall not be available for examination by any  
41 42 individual other than a false claims law investigator  
41 43 or other officer or employee of the department  
41 44 of justice authorized under subparagraph 2. This  
41 45 prohibition on the availability of material, answers,  
41 46 or transcripts shall not apply if consent is given  
41 47 by the person who produced such material, answers,  
41 48 or transcripts, or, in the case of any product of  
41 49 discovery produced pursuant to an express demand  
41 50 for such material, consent is given by the person



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42 1 from whom the discovery was obtained. Nothing in  
42 2 this subparagraph is intended to prevent disclosure  
42 3 to the general assembly, including any committee  
42 4 or subcommittee of the general assembly, or to any  
42 5 other agency of the state for use by such agency in  
42 6 furtherance of its statutory responsibilities.

42 7 (4) While in the possession of the custodian and  
42 8 under such reasonable terms and conditions as the  
42 9 attorney general shall prescribe all of the following  
42 10 shall apply, as applicable:

42 11 (a) Documentary material and answers to  
42 12 interrogatories shall be available for examination by  
42 13 the person who produced such material or answers, or  
42 14 by a representative of that person authorized by that  
42 15 person to examine such material and answers.

42 16 (b) Transcripts of oral testimony shall be  
42 17 available for examination by the person who produced  
42 18 such testimony, or by a representative of that person  
42 19 authorized by that person to examine such transcripts.

42 20 c. If an attorney of the department of justice  
42 21 has been designated to appear before any court, grand  
42 22 jury, state agency, or federal agency in any case or  
42 23 proceeding, the custodian of any documentary material,  
42 24 answers to interrogatories, or transcripts of oral  
42 25 testimony received under this section may deliver to  
42 26 such attorney such material, answers, or transcripts  
42 27 for official use in connection with any such case or  
42 28 proceeding as such attorney determines to be required.  
42 29 Upon the completion of any such case or proceeding,  
42 30 such attorney shall return to the custodian any such  
42 31 material, answers, or transcripts delivered which have  
42 32 not passed into the control of such court, grand jury,  
42 33 or agency through introduction into the record of such  
42 34 case or proceeding.

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



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



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



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45 1 any constitutional or other legal right or privilege of  
45 2 the petitioner. During the pendency of the petition,  
45 3 the court may stay, as it deems proper, compliance with  
45 4 the demand and the running of the time allowed for  
45 5 compliance with the demand.

45 6 d. At any time during which any custodian is in  
45 7 custody or control of any documentary material or  
45 8 answers to interrogatories produced, or transcripts of  
45 9 oral testimony given, by any person in compliance with  
45 10 any civil investigative demand issued under subsection  
45 11 1, such person, and in the case of an express demand  
45 12 for any product of discovery, the person from whom such  
45 13 discovery was obtained, may file, in the district court  
45 14 of state for the judicial district within which the  
45 15 office of such custodian is located, and serve upon  
45 16 such custodian, a petition for an order of such court  
45 17 to require the performance by the custodian of any duty  
45 18 imposed upon the custodian by this section.

45 19 e. If a petition is filed in any district court  
45 20 of the state under this subsection, such court shall  
45 21 have jurisdiction to hear and determine the matter so  
45 22 presented, and to enter such order or orders as may be  
45 23 required to carry out the provisions of this section.  
45 24 Any final order so entered shall be subject to appeal  
45 25 in accordance with the Iowa rules of civil procedure.  
45 26 Any disobedience of any final order entered under this  
45 27 section by any court shall be punished as a contempt  
45 28 of the court.

45 29 f. The Iowa rules of civil procedure shall apply to  
45 30 any petition under this subsection, to the extent that  
45 31 such rules are not inconsistent with the provisions of  
45 32 this section.

45 33 10. Disclosure exemption. Any documentary material,  
45 34 answers to written interrogatories, or oral testimony  
45 35 provided under any civil investigative demand issued  
45 36 under subsection 1 shall be deemed confidential and  
45 37 exempt from disclosure under chapter 22.

45 38 Sec. \_\_\_\_ . NEW SECTION. 685.7 Rulemaking authority.  
45 39 The attorney general may adopt such rules and  
45 40 regulations as are necessary to effectuate the purposes  
45 41 of this chapter.

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



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

MASCHER of Johnson  
 SF2088.996 (12) 83  
 ec/rj



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## House Amendment 8101

PAG LIN

1 1 Amend the amendment, H=8045, to Senate File 2088,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 31, by striking lines 7 and 8 and  
1 5 inserting:  
1 6 <Sec. \_\_\_\_\_. REPEAL. Sections 135.28 and 142C.16,

L. MILLER of Scott  
SF2088.1018 (2) 83  
jp/nh



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**House Amendment 8102**

PAG LIN

1 1 Amend House File 2199 as follows:  
1 2 #1. Page 2, after line 34 by inserting:  
1 3 <Sec. \_\_\_\_\_. CONTINGENT REPEAL. If the United  
1 4 States food and drug administration takes  
1 5 formal action to decline approval of the use of  
1 6 pharmaceutical=delivering contact lenses, this Act is  
1 7 repealed. The board of optometry shall immediately  
1 8 notify the Code editor upon receipt of information that  
1 9 the contingency described in this section has occurred.  
1 10 #2. Title page line 2, after <lenses> by inserting  
1 11 <and providing a contingency for repeal>  
1 12 #3. By renumbering as necessary.

THEDE of Scott  
HF2199.1001 (1) 83  
jr/nh



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House Amendment 8103

PAG LIN

1 1 Amend Senate File 2088, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 220, after line 14 by inserting:  
1 4 <\_\_\_. If a provision of this Act or another  
1 5 enactment of the Eighty-third General Assembly  
1 6 establishes new criteria for the boundaries of existing  
1 7 community empowerment areas under chapter 28 or  
1 8 provides for redesignation of community empowerment  
1 9 areas with early childhood Iowa areas under new Chapter  
1 10 256I, any criteria requiring a minimum number of  
1 11 children for a single county area shall not apply to  
1 12 an existing area operating in a cost-effective manner  
1 13 that has been determined to meet quality standards and  
1 14 results indicators.>  
1 15 #2. By renumbering as necessary.

HORBACH of Tama

PETTENGILL of Benton

S. OLSON of Clinton

TYMESON of Madison

KAUFMANN of Cedar  
SF2088.1056 (4) 83  
jp/nh



Iowa General Assembly  
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**House Concurrent Resolution 106 -  
Introduced**

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.

BY McCARTHY and PAULSEN

1 1 A Concurrent Resolution to provide for a joint  
1 2 convention.

1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE  
1 4 SENATE CONCURRING, That a joint convention of the two  
1 5 houses of the 2010 session of the Eighty-third General  
1 6 Assembly be held on Tuesday, February 16, 2010, at  
1 7 10:00 a.m.; and

1 8 BE IT FURTHER RESOLVED, That Brigadier General  
1 9 Timothy Orr be invited to present his message of  
1 10 the Condition of the Iowa National Guard at this  
1 11 convention.

LSB 6242HQ (3) 83



Iowa General Assembly  
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**House File 2387 - Introduced**

HOUSE FILE  
BY KAUFMANN

**A BILL FOR**

1 An Act relating to the membership of the board of regents and  
2 including transition and effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5735YH (2) 83  
sc/nh



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House File 2387 - Introduced continued

PAG LIN

1 1 Section 1. Section 39.21, Code 2009, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5. Members of the board of regents as  
1 4 provided in section 262.3.

1 5 Sec. 2. Section 262.1, Code 2009, is amended to read as  
1 6 follows:

1 7 262.1 Membership.

1 8 The state board of regents consists of nine members,  
1 9 ~~eight~~ six of whom shall be selected from the state at large  
~~solely with regard to their qualifications and fitness to~~  
~~discharge the duties of the office elected pursuant to section~~  
1 12 262.3. The ~~ninth member~~ seventh and eighth members shall be a  
~~student~~ students enrolled on a full-time basis in good standing  
1 14 at either the graduate or undergraduate level at one of the  
1 15 institutions listed in section 262.7, subsection 1, 2, or 3,  
1 16 at the time of the member's appointment. ~~Not more than five~~  
~~members shall be of the same political party. The student~~  
1 18 members shall be appointed by the governor, pursuant to section  
1 19 262.2, and subject to confirmation by the senate. The ninth  
1 20 member shall be appointed by the auditor of state.

1 21 Sec. 3. Section 262.2, Code 2009, is amended to read as  
1 22 follows:

1 23 262.2 Appointment == term of office.

~~The members shall be appointed by the governor subject to~~  
1 25 ~~confirmation by the senate. Prior to appointing the ninth~~  
~~member~~ student members as specified in section 262.1, the  
1 27 governor shall consult with the appropriate student body  
1 28 government at the institution at which the proposed appointee  
1 29 is enrolled. The term of each member of the board shall be  
1 30 for six years, unless ~~the ninth~~ a student member, appointed  
1 31 in accordance with section 262.1, graduates or is no longer  
1 32 enrolled at an institution of higher education under the  
1 33 board's control, at which time the term of ~~the ninth such~~  
1 34 student member shall expire one year from the date on which the  
1 35 member graduates or is no longer enrolled in an institution



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House File 2387 - Introduced continued

2 1 of higher education under the board's control. However, if  
2 2 within that year the ninth student member reenrolls in any  
2 3 institution of higher education under the board's control  
2 4 on a full-time basis and is a student in good standing at  
2 5 either the graduate or undergraduate level, the term of the  
2 6 ninth student member shall continue in effect. The terms of  
2 7 the three appointive members of the board shall begin and  
2 8 expire in each odd-numbered year as provided in section 69.19.

2 9 Sec. 4. NEW SECTION. 262.3 Election of certain members ==  
2 10 vacancies.

2 11 1. Of the six elective members of the board, one shall be  
2 12 elected by the registered voters of each congressional district  
2 13 and two shall be elected statewide. Board members shall be  
2 14 elected on a nonpartisan basis at the general election for  
2 15 staggered six-year terms commencing on the first day of January  
2 16 that is not a Sunday or holiday following their election.  
2 17 Any eligible elector is entitled to elective membership on  
2 18 the board, except that no more than one member shall at any  
2 19 one time be a resident of any one congressional district. A  
2 20 vacancy in an elected position on the board shall be filled by  
2 21 the chairperson of the board for the unexpired balance of the  
2 22 term as provided in section 69.12 until the next succeeding  
2 23 general election.

2 24 2. a. At each general election a successor shall be  
2 25 chosen for each board member whose term will expire in the  
2 26 succeeding January. Nomination of candidates shall be made  
2 27 by petition in accordance with chapter 45, except that each  
2 28 candidate's nominating petition shall be signed by at least  
2 29 three hundred eligible electors residing in the congressional  
2 30 district. The petition form shall be furnished by the county  
2 31 commissioner of elections. Every candidate shall file with  
2 32 the nomination papers an affidavit stating the candidate's  
2 33 name, the candidate's residence, that the person is a candidate  
2 34 and is eligible for board membership, and that if elected the  
2 35 candidate will qualify for the office. The affidavit shall



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House File 2387 - Introduced continued

3 1 also state that the candidate is aware that the candidate  
3 2 is disqualified from holding office if the candidate has  
3 3 been convicted of a felony or other infamous crime and the  
3 4 candidate's rights have not been restored by the governor or by  
3 5 the president of the United States.

3 6 b. The signed petitions shall be filed with the county  
3 7 commissioner of elections not later than 5:00 p.m. on the  
3 8 sixty-ninth day before the general election. The votes for  
3 9 board membership shall be canvassed in the same manner as the  
3 10 votes for state officers, and the returns shall be certified to  
3 11 the state commissioner of elections. A plurality is sufficient  
3 12 to elect members, and a primary election for the office shall  
3 13 not be held.

3 14 3. As used in this section, "congressional district"  
3 15 means those districts established following the 2010 federal  
3 16 decennial census.

3 17 Sec. 5. Section 262.4, Code 2009, is amended to read as  
3 18 follows:

3 19 262.4 Removals == appointive members.

3 20 The governor, with the approval of a majority of the senate  
3 21 during a session of the general assembly, may remove any  
3 22 appointive member of the board for malfeasance in office, or  
3 23 for any cause which would render the member ineligible for  
3 24 appointment or incapable or unfit to discharge the duties of  
3 25 office, and the member's removal, when so made, shall be final.

3 26 Sec. 6. Section 262.5, Code 2009, is amended to read as  
3 27 follows:

3 28 262.5 Suspension == appointive members.

3 29 When the general assembly is not in session, the governor  
3 30 may suspend any appointive member so disqualified and,  
3 31 if the suspended member was originally appointed by the  
3 32 governor, shall appoint another to fill the vacancy thus  
3 33 created, subject to the approval of the senate when next in  
3 34 session. If the suspended member was appointed by the auditor  
3 35 of state, the auditor of state shall appoint another to fill





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House File 2387 - Introduced continued

5 1 the auditor of state. The elective members shall be elected on  
5 2 a nonpartisan basis beginning with the 2012 general election.  
5 3 The bill provides transition provisions for the election of  
5 4 members at the general election in 2012.  
5 5 The bill takes effect January 1, 2011.

LSB 5735YH (2) 83

sc/nh



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**House File 2388 - Introduced**

HOUSE FILE  
BY FORD

**A BILL FOR**

1 An Act requiring a minority impact statement to be included  
2 with each contract bid submitted to a state agency and  
3 including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6128HH (2) 83  
ak/sc



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House File 2388 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 8.12 Contracts == minority impact  
1 2 statements.  
1 3 1. Each contract bid submitted to a state agency for  
1 4 contracts with private providers of program services, the costs  
1 5 of which are totally or partially paid for or reimbursed with  
1 6 state funds, shall include a minority impact statement that  
1 7 contains the following information:  
1 8 a. Any disproportionate or unique impact of proposed  
1 9 policies or programs on minority persons in this state.  
1 10 b. A rationale for the existence of programs or policies  
1 11 having an impact on minority persons in this state.  
1 12 c. Evidence of consultation of representatives of minority  
1 13 persons in cases where a policy or program has an identifiable  
1 14 impact on minority persons in this state.  
1 15 2. For the purposes of this section, the following  
1 16 definitions shall apply:  
1 17 a. "Disability" means the same as provided in section  
1 18 15.102, subsection 7, paragraph "b", subparagraph (1).  
1 19 b. "Minority persons" includes individuals who are women,  
1 20 persons with a disability, African Americans, Latinos, Asians  
1 21 or Pacific Islanders, American Indians, and Alaskan Native  
1 22 Americans.  
1 23 c. "State agency" means a department, board, bureau,  
1 24 commission, or other agency or authority of the state of Iowa.  
1 25 3. The department of management shall prescribe the form  
1 26 of the minority impact statement for distribution by state  
1 27 agencies and shall ensure its inclusion with contract bid  
1 28 applications.  
1 29 4. The directives of this section shall be carried out to  
1 30 the extent consistent with federal law.  
1 31 5. The minority impact statement shall be used for  
1 32 informational purposes only.  
1 33 Sec. 2. APPLICABILITY. This Act applies to contracts let  
1 34 for bid on or after July 1, 2010.



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House File 2388 - Introduced continued

2 1 EXPLANATION  
2 2 This bill requires that all contract bid applications  
2 3 submitted to state agencies for contracts with private  
2 4 providers of program services include a minority impact  
2 5 statement.  
2 6 The bill lists the information the minority impact statement  
2 7 must include. The bill defines "minority persons".  
2 8 The department of management is tasked with prescribing the  
2 9 form of the minority impact statement and ensuring that it  
2 10 is distributed to all state agencies for inclusion with all  
2 11 contract bid applications.  
2 12 The directives of the bill are to be carried out to the  
2 13 extent that they do not conflict with federal law, and the  
2 14 minority impact statement is to be used for informational  
2 15 purposes only.  
2 16 The bill applies to contracts let for bid on or after July  
2 17 1, 2010.  
LSB 6128HH (2) 83  
ak/sc



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**House File 2389 - Introduced**

HOUSE FILE  
BY WILLEMS

**A BILL FOR**

1 An Act relating to agreements between landholders and  
2 developers constructing wind energy facilities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5883YH (5) 83  
da/nh



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House File 2389 - Introduced continued

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1 1 Section 1. NEW SECTION. 558B.1 Definitions.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Land" means real estate, any fixtures, and airspace  
1 5 above the real estate.  
1 6 2. "Landholder" means a person holding a legal or equitable  
1 7 interest in land, including as a titleholder, leaseholder, or  
1 8 beneficiary.  
1 9 3. "Developer" means a person who acquires an interest in  
1 10 land for purposes of constructing a wind energy facility.  
1 11 4. "Wind energy facility" means a structure or equipment  
1 12 which has the primary purpose of supporting the generation and  
1 13 delivery of electricity of at least two megawatts powered by  
1 14 wind, and includes but is not limited to any of the following:  
1 15 a. Primary structures or equipment such as foundations,  
1 16 walls, towers, supports, turbines, and blades.  
1 17 b. Ancillary structures or equipment such as buildings,  
1 18 driveways, roadways, lots, ditches, fences, gates, transmission  
1 19 or distribution lines, and substations.  
1 20 5. "Wind energy facility agreement" or "agreement" means a  
1 21 written arrangement in which a landholder transfers, conveys,  
1 22 or relinquishes an interest in land to a developer who acquires  
1 23 such interest and any attendant rights for the purpose of  
1 24 constructing a wind energy facility.  
1 25 Sec. 2. NEW SECTION. 558B.2 Special terms.  
1 26 1. A wind energy facility agreement may be in the form of a  
1 27 servitude, covenant, easement, deed restriction or condition,  
1 28 lease, lease purchase, lease option, contract, or contract  
1 29 option. The agreement shall be deemed to be an easement which  
1 30 shall run with the land benefited and burdened and shall  
1 31 terminate upon the conditions stated in the agreement.  
1 32 2. Construction of a wind energy facility commences upon  
1 33 the modification of a site to install permanent structures  
1 34 and equipment associated with the wind energy facility.  
1 35 Construction does not commence upon the occurrence of any of



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House File 2389 - Introduced continued

2 1 the following:

2 2 a. Performance of engineering services or environmental  
2 3 studies.

2 4 b. Site preparation, including the removal of crops,  
2 5 trees, brush, or other vegetative growth; the construction  
2 6 of a driveway or road; general earth moving for leveling or  
2 7 compacting; or the installation of temporary utility services.

2 8 Sec. 3. NEW SECTION. 558B.3 Wind energy facility agreement ==  
2 9 confidentiality provisions void.

2 10 A provision in a wind energy facility agreement that  
2 11 restricts a landholder who is a party to the agreement from  
2 12 disclosing the terms and conditions of the agreement is  
2 13 severable, void, and unenforceable.

2 14 1. The confidentiality provision is void whether the  
2 15 confidentiality provision is express or implied; oral  
2 16 or written; required or conditional; or contained in the  
2 17 agreement, or in a related document.

2 18 2. This section does not affect other provisions of a wind  
2 19 energy facility agreement or a related document which can be  
2 20 given effect without the voided provision.

2 21 3. This section does not require a party to an agreement to  
2 22 divulge information in the agreement to another person.

2 23 Sec. 4. NEW SECTION. 558B.4 Wind energy facility agreement ==  
2 24 construction time limit.

2 25 A wind energy facility agreement terminates if construction  
2 26 of the wind energy facility has not commenced within three  
2 27 years after the effective date of the agreement. However, this  
2 28 period may be extended in writing by the parties.

2 29 Sec. 5. NEW SECTION. 558B.5 Wind energy facility agreement ==  
2 30 financial assurance for decommissioning.

2 31 1. A wind energy facility agreement shall include a  
2 32 financial assurance for decommissioning the wind energy  
2 33 facility, which the developer shall have in place prior to  
2 34 construction.

2 35 2. The amount of financial assurance shall be sufficient to



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3 1 pay all costs associated with the removal of the wind energy  
3 2 facility and the reclamation of the land at the end of the  
3 3 facility's useful life as stated in the agreement.

3 4 3. The financial assurance shall be in one of the following  
3 5 forms:

3 6 a. The deposit of moneys or government securities into an  
3 7 account segregated from the developer's assets and outside the  
3 8 developer's control, including but not limited to a trust or  
3 9 escrow account.

3 10 b. A certificate of deposit that is issued to the treasurer  
3 11 of state by an eligible lending institution as defined in  
3 12 section 12.32, if and to the extent allowed by the treasurer of  
3 13 state.

3 14 c. A surety in the form of a surety bond, letter of credit,  
3 15 or line of credit. The surety bond shall be executed by a  
3 16 surety company authorized to do business in this state, and the  
3 17 surety bond shall be continuous in nature.

3 18 4. The amount of financial assurance shall be payable to  
3 19 the landholder or the landholder's successor in interest if  
3 20 decommissioning does not occur.

3 21 EXPLANATION

3 22 GENERAL. This bill applies when a landowner agrees to  
3 23 allow the construction of a wind turbine on their land. The  
3 24 bill refers to the wind turbine and associated construction  
3 25 as a wind energy facility, and refers to the agreement as a  
3 26 wind energy facility agreement which may be in various forms  
3 27 including a servitude, covenant, easement, deed restriction or  
3 28 condition, lease, lease purchase, lease option, contract, or  
3 29 contract option. The bill provides that all such agreements  
3 30 are deemed easements.

3 31 CONFIDENTIALITY. The bill provides that any confidentiality  
3 32 provision in an agreement that restricts a party from  
3 33 disclosing the terms and conditions of the agreement is void.

3 34 CONSTRUCTION TIME LIMIT. The bill provides that a wind  
3 35 energy facility agreement terminates if construction of the



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4 1 wind energy facility has not commenced within three years after  
4 2 the effective date of the agreement. However, this period may  
4 3 be extended by the parties.  
4 4 FINANCIAL ASSURANCE. The bill provides that a wind energy  
4 5 facility agreement must include a form of financial assurance  
4 6 for decommissioning the facility, sufficient to pay all costs  
4 7 associated with its removal and the reclamation of the land at  
4 8 the end of the facility's useful life. The financial assurance  
4 9 must be in the form of a deposit of moneys or government  
4 10 securities into a type of trust or escrow account. It may also  
4 11 be a certificate of deposit, surety bond, letter of credit, or  
4 12 line of credit.

LSB 5883YH (5) 83

da/nh



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**House File 2390 - Introduced**

HOUSE FILE  
BY GAYMAN

**A BILL FOR**

1 An Act relating to the Iowa summer youth corps, Iowa green  
2 corps, and Iowa conservation corps programs.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5988HH (5) 83  
jp/sc



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House File 2390 - Introduced continued

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1 1 Section 1. Section 15H.2, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 4. Projects performed by the Iowa summer  
1 4 youth corps program or Iowa green corps program that are funded  
1 5 in whole or in part with support from the federal AmeriCorps  
1 6 program are not subject to chapter 8A or 23A and shall not  
1 7 be considered to be a public improvement under section 26.2.  
1 8 The commission may adopt rules identifying standard contract  
1 9 terms that may be used when such a project involves more than  
1 10 one state agency, political subdivision of the state, or a  
1 11 combination of state agencies or political subdivisions of the  
1 12 state.

1 13 Sec. 2. Section 84A.7, Code 2009, is amended by adding the  
1 14 following new subsection:  
1 15 NEW SUBSECTION. 6. AmeriCorps program. Projects performed  
1 16 by the Iowa conservation corps program that are funded in whole  
1 17 or in part with support from the federal AmeriCorps program are  
1 18 not subject to chapter 8A or 23A and shall not be considered  
1 19 to be a public improvement under section 26.2. The department  
1 20 of workforce development may adopt rules identifying standard  
1 21 contract terms that may be used when such a project involves  
1 22 more than one state agency, political subdivision of the state,  
1 23 or a combination of state agencies or political subdivisions  
1 24 of the state.

1 25 EXPLANATION

1 26 This bill relates to the Iowa summer youth corps program,  
1 27 the Iowa green corps program, and the Iowa conservation corps  
1 28 program.

1 29 Code section 15H.2, relating to the Iowa commission on  
1 30 volunteer service, is amended to provide that projects  
1 31 performed by the summer youth corps or green corps programs  
1 32 that are funded in whole or in part with support from the  
1 33 federal AmeriCorps program are not subject to Code chapter  
1 34 8A (department of administrative services) or Code chapter  
1 35 23A (relating to noncompetition by government) and are not



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House File 2390 - Introduced continued

2 1 considered to be a public improvement under Code section 26.2  
2 2 (relating to building, construction work, or other improvements  
2 3 constructed under the control of a governmental agency and paid  
2 4 for in whole or in part with public funds).

2 5 Code section 84A.7, relating to the Iowa conservation corps  
2 6 program in the department of workforce development, is amended  
2 7 to apply similar exemptions to AmeriCorps-supported projects  
2 8 performed by that program.

2 9 In addition, the bill authorizes the commission and the  
2 10 department to adopt rules identifying standard contract terms  
2 11 that may be used when a program project involves more than  
2 12 one state agency, political subdivision of the state, or a  
2 13 combination of state agencies or political subdivisions of the  
2 14 state.

2 15 The bill may allow a state agency or political subdivision to  
2 16 offer for sale to the public a service or product that competes  
2 17 with private enterprise.

LSB 5988HH (5) 83

jp/sc



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**House File 2391 - Introduced**

HOUSE FILE  
BY MASCHER

**A BILL FOR**

1 An Act relating to penalties for motor vehicle speeding  
2 violations for driving more than fifteen miles per hour over  
3 the speed limit.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6026YH (2) 83  
dea/nh



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House File 2391 - Introduced continued

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1 1 Section 1. Section 321.285, Code Supplement 2009, is  
1 2 amended by adding the following new subsection:  
1 3 NEW SUBSECTION. 7. A person who violates speeding  
1 4 restrictions under section 321.236, subsection 5 or 11, this  
1 5 section, or section 461A.36, commits a simple misdemeanor.  
1 6 a. Except as provided in paragraph "b", speeding violations  
1 7 are punishable as scheduled violations under section 805.8A,  
1 8 subsection 5 or 10, if the speed is not more than fifteen miles  
1 9 per hour in excess of the limit.  
1 10 b. Speeding violations committed in a road work zone are  
1 11 punishable as scheduled violations under section 805.8A,  
1 12 subsection 14, paragraph "i", if the speed is not more than  
1 13 fifteen miles per hour in excess of the limit.  
1 14 c. A person who commits a speeding violation by driving at a  
1 15 speed of more than fifteen miles per hour over the posted speed  
1 16 limit in a road work zone is subject to the following penalties  
1 17 in addition to the penalty provided for a simple misdemeanor or  
1 18 any other penalty provided by law:  
1 19 (1) Five hundred dollars for speed greater than fifteen but  
1 20 not more than twenty-five miles per hour over the posted speed  
1 21 limit.  
1 22 (2) One thousand dollars for speed greater than twenty-five  
1 23 miles per hour over the posted speed limit.  
1 24 Sec. 2. Section 461A.36, Code 2009, is amended to read as  
1 25 follows:  
1 26 461A.36 Speed limit.  
1 27 1. The maximum speed limit of all vehicles on state  
1 28 park and preserve drives, roads, and highways ~~shall~~  
~~1 29 be is~~ thirty-five miles per hour. All driving shall be  
1 30 confined to designated roadways. ~~Whenever~~ If the commission  
1 31 ~~shall determine~~ determines that the speed limit ~~hereinbefore~~  
~~1 32 set forth~~ established pursuant to this section is greater than  
1 33 is reasonable or safe under the conditions found to exist at  
1 34 any place of congestion or ~~upon~~ on any part of the park roads,  
1 35 drives, or highways, ~~said~~ the commission shall determine and



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2 1 declare a reasonable and safe speed limit, ~~thereat~~ which shall  
2 2 be effective when appropriate signs giving notice ~~thereof~~ of  
2 3 the speed limit are erected at such places of congestion or  
2 4 other parts of the park roads, drives, or highways.  
2 5 2. A violation of a speed limit under this section is  
2 6 punishable as a simple misdemeanor as provided in section  
2 7 321.285, subsection 7.  
2 8 Sec. 3. Section 805.8A, subsection 5, paragraphs a and b,  
2 9 Code Supplement 2009, are amended to read as follows:  
2 10 a. For excessive speed violations ~~in~~ for speed not more than  
2 11 fifteen miles per hour in excess of the limit under section  
2 12 321.236, subsections 5 and 11, and sections 321.285, and  
2 13 461A.36, the scheduled fine shall be the following:  
2 14 (1) Ten dollars for speed not more than five miles per hour  
2 15 in excess of the limit.  
2 16 (2) Twenty dollars for speed greater than five but not more  
2 17 than ten miles per hour in excess of the limit.  
2 18 (3) Thirty dollars for speed greater than ten but not more  
2 19 than fifteen miles per hour in excess of the limit.  
2 20 ~~(4) Forty dollars for speed greater than fifteen but not~~  
2 21 ~~more than twenty miles per hour in excess of the limit.~~  
2 22 ~~(5) Forty dollars plus two dollars for each mile per hour of~~  
2 23 ~~excessive speed over twenty miles per hour over the limit.~~  
2 24 b. Notwithstanding paragraph "a", for excessive speed  
2 25 violations in speed zones greater than fifty-five miles per  
2 26 hour, the scheduled fine shall be:  
2 27 (1) Twenty dollars for speed not more than five miles per  
2 28 hour in excess of the limit.  
2 29 (2) Forty dollars for speed greater than five but not more  
2 30 than ten miles per hour in excess of the limit.  
2 31 (3) Sixty dollars for speed greater than ten but not more  
2 32 than fifteen miles per hour in excess of the limit.  
2 33 ~~(4) Eighty dollars for speed greater than fifteen but not~~  
2 34 ~~more than twenty miles per hour in excess of the limit.~~  
2 35 ~~(5) Ninety dollars plus five dollars for each mile per hour~~



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~~House File 2391 — Introduced continued~~

~~3 1 of excessive speed over twenty miles per hour over the limit.~~

3 2 Sec. 4. Section 805.8A, subsection 14, paragraph i, Code  
3 3 Supplement 2009, is amended to read as follows:

3 4 i. Road work zone violations. The scheduled fine for any  
3 5 moving traffic violation under chapter 321, as provided in  
3 6 this section, shall be doubled if the violation occurs within  
3 7 any road work zone, as defined in section 321.1. However,  
3 8 notwithstanding subsection 5, the scheduled fine for violating  
3 9 the speed limit in a road work zone for speed not more than  
3 10 fifteen miles per hour over the limit is as follows:

3 11 (1) One hundred fifty dollars for speed not more than ten  
3 12 miles per hour over the posted speed limit.

3 13 (2) Three hundred dollars for speed greater than ten but not  
3 14 more than ~~twenty~~ fifteen miles per hour over the posted speed  
3 15 limit.

~~3 16 (3) Five hundred dollars for speed greater than twenty but  
3 17 not more than twenty-five miles per hour over the posted speed  
3 18 limit.~~

~~3 19 (4) One thousand dollars for speed greater than twenty-five  
3 20 miles per hour over the posted speed limit.~~

3 21 EXPLANATION

3 22 This bill makes changes to penalties for motor vehicle  
3 23 speeding violations that involve speed of more than 15 miles  
3 24 per hour over the limit.

3 25 Under current law, all speeding violations are simple  
3 26 misdemeanors punishable as scheduled violations. Fines vary,  
3 27 but are higher for violations committed in speed zones greater  
3 28 than 55 miles per hour. The highest fines are for speeding  
3 29 violations committed in road work zones.

3 30 Under the bill, only speeding violations of up to 15 miles  
3 31 per hour over the limit, including violations in road work  
3 32 zones, are punishable as scheduled violations. Any violation  
3 33 for speed in excess of 15 miles per hour over the limit is a  
3 34 simple misdemeanor punishable by confinement for no more than  
3 35 30 days or a fine of at least \$65 but not more than \$625 or by



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House File 2391 - Introduced continued

4 1 both.

4 2 A person who drives at a speed greater than 15 but not more  
4 3 than 25 miles per hour over the posted limit in a road work  
4 4 zone is subject to a fine of \$500 in addition to the penalty  
4 5 allowed for a simple misdemeanor. If the speed is more than 25  
4 6 miles per hour over the posted limit in a road work zone, the  
4 7 additional fine is \$1,000.

4 8 The penalties under the bill apply to violations of speed  
4 9 limits on public roads, speed restrictions established by local  
4 10 authorities for public parks and alleys, and speed limits  
4 11 established for state parks and preserves.

LSB 6026YH (2) 83

dea/nh



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**House File 2392 - Introduced**

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 646)

**A BILL FOR**

1 An Act relating to the abuse of a corpse and providing  
2 penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5221HV (1) 83  
jm/rj



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House File 2392 - Introduced continued

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1 1 Section 1. Section 229A.2, subsection 10, paragraph a, Code  
1 2 2009, is amended to read as follows:

1 3 a. A violation of any provision of chapter 709, ~~except~~  
~~1 4 section 709.18, subsection 2 or 3.~~

1 5 Sec. 2. Section 692A.102, subsection 1, paragraph b,  
1 6 Code Supplement 2009, is amended by adding the following new  
1 7 subparagraph:

1 8 NEW SUBPARAGRAPH. (130) Sexual abuse of a corpse in  
1 9 violation of section 709.18.

1 10 Sec. 3. NEW SECTION. 708.14 Abuse of a corpse.

1 11 1. A person commits abuse of a human corpse if the person  
1 12 does any of the following:

1 13 a. Mutilates, disfigures, or dismembers a human corpse with  
1 14 the intent to conceal a crime.

1 15 b. Hides or buries a human corpse with the intent to conceal  
1 16 a crime.

1 17 2. A person who violates this section commits a class "D"  
1 18 felony.

1 19 Sec. 4. Section 709.18, Code 2009, is amended to read as  
1 20 follows:

1 21 709.18 ~~Abuse~~ Sexual abuse of a corpse.

1 22 1. A person commits sexual abuse of a human corpse if the  
1 23 person knowingly and intentionally engages in a sex act, as  
1 24 defined in section 702.17, with a human corpse.

~~1 25 2. A person commits abuse of a human corpse if the person  
1 26 mutilates, disfigures, or dismembers a human corpse with the  
1 27 intent to conceal a crime.~~

~~1 28 3. A person commits abuse of a human corpse if the person  
1 29 hides or buries a human corpse with the intent to conceal a  
1 30 crime.~~

1 31 ~~4.~~ 2. A person who violates this section commits a class  
1 32 "D" felony.

1 33 EXPLANATION

1 34 This bill relates to the criminal offense of abuse of a  
1 35 corpse.



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House File 2392 - Introduced continued

2 1 The bill transfers some "abuse of a corpse" provisions from  
2 2 Code section 709.18 to Code chapter 708 (assault) and creates  
2 3 new Code section 708.14. The bill renames the "abuse of a  
2 4 corpse" offense remaining in Code section 709.18 as "sexual  
2 5 abuse of a corpse".

2 6 The bill requires a person who commits sexual abuse of  
2 7 a corpse to register as a tier II sex offender. A tier II  
2 8 offender must verify the offender's relevant information with  
2 9 the county sheriff of the principal place of residence every  
2 10 six months.

2 11 The bill does not modify the penalty classification for the  
2 12 criminal offense that remains in Code section 709.18 or for the  
2 13 criminal offenses transferred to new Code section 708.14. A  
2 14 person who commits a violation of the bill commits a class "D"  
2 15 felony.

2 16 The bill does effect the criminal penalties applicable to  
2 17 the criminal offenses transferred to new Code section 708.14.  
2 18 Under the bill, as a result of transferring the criminal  
2 19 offenses to new Code section 708.14, these transferred offenses  
2 20 are no longer sexual offenses under Code chapter 709 and  
2 21 therefore not subject to a special sentence pursuant to Code  
2 22 section 903B.2.

LSB 5221HV (1) 83

jm/rj



Iowa General Assembly  
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**House File 2393 - Introduced**

HOUSE FILE  
BY MASCHER

**A BILL FOR**

1 An Act imposing a registration surcharge on certain new luxury  
2 or fuel-inefficient motor vehicles.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5946YH (3) 83  
dea/nh



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House File 2393 - Introduced continued

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1 1 Section 1. Section 29A.101A, subsection 5, Code 2009, is  
1 2 amended to read as follows:

1 3 5. Rents or lease amounts unpaid for the period preceding  
1 4 the effective date of the lease termination shall be paid  
1 5 on a prorated basis. In the case of a vehicle lease, the  
1 6 lessor shall not impose an early termination charge, but any  
1 7 summonses, title and registration fees, including the fee for  
1 8 new registration under section 321.105A, the new motor vehicle  
1 9 registration surcharge under section 321.105B if applicable,  
1 10 and any other obligation and liability of the lessee in  
1 11 accordance with the terms of the lease, including reasonable  
1 12 charges to the lessee for excess wear, use, and mileage, that  
1 13 are due and unpaid at the time of termination of the lease  
1 14 shall be paid by the lessee.

1 15 Sec. 2. Section 321.2, subsection 4, Code 2009, is amended  
1 16 to read as follows:

1 17 4. The director of revenue shall administer and enforce  
1 18 the collection of the fee for new registration as provided  
1 19 in section 321.105A and the new motor vehicle registration  
1 20 surcharge as provided in section 321.105B.

1 21 Sec. 3. Section 321.20, subsection 1, Code 2009, is amended  
1 22 by adding the following new paragraph:

1 23 NEW PARAGRAPH. Of. The amount of the new motor vehicle  
1 24 registration surcharge to be paid under section 321.105B.

1 25 Sec. 4. Section 321.23, subsection 3, Code Supplement 2009,  
1 26 is amended to read as follows:

1 27 3. In the event an applicant for registration of a  
1 28 foreign vehicle for which a certificate of title has been  
1 29 issued is able to furnish evidence of being the registered  
1 30 owner of the vehicle to the county treasurer of the owner's  
1 31 residence, although unable to surrender such certificate of  
1 32 title, the county treasurer may issue a registration receipt  
1 33 and plates upon receipt of the required annual registration  
1 34 fee and the fee for new registration, plus the new motor  
1 35 vehicle registration surcharge if applicable, but shall not



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2 1 issue a certificate of title thereto. Upon surrender of  
2 2 the certificate of title from the foreign state, the county  
2 3 treasurer shall issue a certificate of title to the owner,  
2 4 or person entitled thereto, of such vehicle as provided in  
2 5 this chapter. The owner of a vehicle registered under this  
2 6 subsection shall not be required to obtain a certificate of  
2 7 title in this state and may transfer ownership of the vehicle  
2 8 to a motor vehicle dealer licensed under chapter 322 if, at the  
2 9 time of the transfer, the certificate of title is held by a  
2 10 secured party and the dealer has forwarded to the secured party  
2 11 the sum necessary to discharge the security interest pursuant  
2 12 to section 321.48, subsection 1.

2 13 Sec. 5. Section 321.24, subsection 10, Code Supplement  
2 14 2009, is amended to read as follows:

2 15 10. A vehicle shall be registered for the registration  
2 16 year. A vehicle registered for the first time in this state  
2 17 shall be registered for the remaining unexpired months of  
2 18 the registration year and pay an annual registration fee  
2 19 prorated for the remaining unexpired months of the registration  
2 20 year, ~~plus~~ a fee for new registration if applicable pursuant  
2 21 to section 321.105A, and a new motor vehicle registration  
2 22 surcharge if applicable pursuant to section 321.105B.

2 23 Except for a vehicle registered under chapter 326, a vehicle  
2 24 registered for the first time during the eleventh month of the  
2 25 owner's registration year may be registered for the remaining  
2 26 unexpired months of the registration year as provided in  
2 27 this paragraph or for the remaining unexpired months of the  
2 28 registration year and for the next registration year, upon  
2 29 payment of the applicable registration fees.

2 30 Sec. 6. Section 321.30, subsection 3, Code 2009, is amended  
2 31 to read as follows:

2 32 3. The department or the county treasurer shall refuse  
2 33 registration of a vehicle if the applicant for registration of  
2 34 the vehicle has failed to pay the required annual registration  
2 35 fee, ~~or~~ the fee for new registration, or the new motor vehicle



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3 1 registration surcharge if applicable, of any vehicle owned or  
3 2 previously owned when the fee was required to be paid by the  
3 3 applicant, and for which vehicle the registration was suspended  
3 4 or revoked under section 321.101, subsection 1, paragraph "d",  
3 5 or section 321.101A, until the fee is paid together with any  
3 6 accrued penalties.

3 7 Sec. 7. Section 321.46, subsection 2, Code 2009, is amended  
3 8 to read as follows:

3 9 2. Upon filing the application for a new registration  
3 10 and a new title, the applicant shall pay a title fee of  
3 11 twenty dollars, an annual registration fee prorated for the  
3 12 remaining unexpired months of the registration year, ~~and~~ a fee  
3 13 for new registration if applicable, and a new motor vehicle  
3 14 registration surcharge if applicable. A manufacturer applying  
3 15 for a certificate of title pursuant to section 322G.12 shall  
3 16 pay a title fee of ten dollars. However, a title fee shall  
3 17 not be charged to a manufactured or mobile home retailer  
3 18 applying for a certificate of title for a used mobile home or  
3 19 manufactured home, titled in Iowa, as required under section  
3 20 321.45, subsection 4. The county treasurer, if satisfied of  
3 21 the genuineness and regularity of the application, and in the  
3 22 case of a mobile home or manufactured home, that taxes are  
3 23 not owing under chapter 435, and that applicant has complied  
3 24 with all the requirements of this chapter, shall issue a  
3 25 new certificate of title and, except for a mobile home,  
3 26 manufactured home, or a vehicle returned to and accepted by a  
3 27 manufacturer as described in section 322G.12, a registration  
3 28 card to the purchaser or transferee, shall cancel the prior  
3 29 registration for the vehicle, and shall forward the necessary  
3 30 copies to the department on the date of issuance, as prescribed  
3 31 in section 321.24. Mobile homes or manufactured homes titled  
3 32 under chapter 448 that have been subject under section 446.18  
3 33 to a public bidder sale in a county shall be titled in the  
3 34 county's name, with no fee, and the county treasurer shall  
3 35 issue the title.



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4 1 Sec. 8. Section 321.101A, Code 2009, is amended to read as  
4 2 follows:

4 3 321.101A Revocation of registration by county treasurer.  
4 4 The county treasurer may revoke the registration and  
4 5 registration plates of a vehicle if the annual registration  
4 6 fee, ~~or~~ the fee for new registration, or the new motor vehicle  
4 7 registration surcharge is paid by check, electronic payment, or  
4 8 credit card and the check, electronic payment, or credit card  
4 9 is not honored by the payer's financial institution or credit  
4 10 card company, upon reasonable notice and demand. The owner  
4 11 of the vehicle or person in possession of the registration  
4 12 and registration plates for the vehicle shall immediately  
4 13 return the revoked registration and registration plates to the  
4 14 appropriate county treasurer's office.

4 15 Sec. 9. Section 321.105A, subsection 1, unnumbered  
4 16 paragraph 1, Code Supplement 2009, is amended to read as  
4 17 follows:

4 18 The following terms, when used in this section or section  
4 19 321.105B, shall have the following meanings, except in those  
4 20 instances where the context clearly indicates otherwise:

4 21 Sec. 10. NEW SECTION. 321.105B New motor vehicle  
4 22 registration surcharge == new luxury vehicles and new  
4 23 fuel=inefficient vehicles.

4 24 1. In addition to the fee for new registration, a new motor  
4 25 vehicle registration surcharge is imposed in the amount of four  
4 26 tenths of one percent of the purchase price of a new motor  
4 27 vehicle subject to the fee for new registration under section  
4 28 321.105A, subsection 2, or four tenths of one percent of the  
4 29 leased price of a new motor vehicle subject to the fee for new  
4 30 registration under section 321.105A, subsection 3, if the new  
4 31 motor vehicle is also subject to registration based on the  
4 32 weight and value of the motor vehicle under section 321.109,  
4 33 subsection 1. The surcharge shall be paid by the owner of the  
4 34 vehicle to the county treasurer at the time application is  
4 35 made for registration and certificate of title, in the manner



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5 1 provided in section 321.105A.

5 2 2. A motor vehicle is exempt from the surcharge imposed  
5 3 under this section if both of the following apply:

5 4 a. The purchase price or leased price of the motor vehicle  
5 5 is less than forty-five thousand dollars.

5 6 b. The fuel economy of the motor vehicle, as determined by  
5 7 the United States environmental protection agency administrator  
5 8 in accordance with 26 U.S.C. { 4064(c), is nineteen miles per  
5 9 gallon or more.

5 10 3. The director of revenue, in consultation with the  
5 11 department of transportation, shall administer and enforce the  
5 12 surcharge imposed under this section as nearly as possible  
5 13 in conjunction with the administration of the fee for new  
5 14 registration as provided in section 321.105A, subsection 4.

5 15 4. Moneys collected from the surcharge imposed pursuant to  
5 16 this section shall be deposited in the road use tax fund.

5 17 Sec. 11. Section 321.129, subsection 3, Code 2009, is  
5 18 amended to read as follows:

5 19 3. This section does not apply to the fee for new  
5 20 registration administered by the department of revenue pursuant  
5 21 to section 321.105A or the new motor vehicle registration  
5 22 surcharge administered by the department of revenue pursuant to  
5 23 section 321.105B.

5 24 Sec. 12. Section 321.151, Code 2009, is amended to read as  
5 25 follows:

5 26 321.151 Duty and liability of treasurer.

5 27 The county treasurer shall collect the registration fee, the  
5 28 fee for new registration, the new motor vehicle registration  
5 29 surcharge, and penalties on each vehicle registered by the

5 30 county treasurer and shall be responsible on the county  
5 31 treasurer's bond for such amount. The county treasurer shall  
5 32 remit such amount to the treasurer of state as provided in this  
5 33 chapter. Fees collected pursuant to participation in county  
5 34 issuance of driver's licenses under chapter 321M shall be  
5 35 governed by the provisions of that chapter.



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6 1 Sec. 13. Section 321.152, subsection 1, paragraph a, Code  
6 2 2009, is amended to read as follows:

6 3 a. Four percent of the total collection, excluding the  
6 4 amount of any fee for new registration or new motor vehicle  
6 5 registration surcharge, for each annual or semiannual vehicle  
6 6 registration and each duplicate registration card or plate  
6 7 issued.

6 8 Sec. 14. Section 322G.4, subsection 2, unnumbered paragraph  
6 9 2, Code 2009, is amended to read as follows:

6 10 Refunds shall be made to the consumer and lienholder of  
6 11 record, if any, as their interests appear. If applicable,  
6 12 refunds shall be made to the lessor and lessee as follows: the  
6 13 lessee shall receive the lessee's cost less a reasonable offset  
6 14 for use, and the lessor shall receive the lease price less the  
6 15 aggregate deposit and rental payments previously paid to the  
6 16 lessor for the leased vehicle. If it is determined that the  
6 17 lessee is entitled to a refund pursuant to this chapter, the  
6 18 consumer's lease agreement with the lessor is terminated upon  
6 19 payment of the refund and no penalty for early termination  
6 20 shall be assessed. The department of revenue shall refund  
6 21 to the manufacturer any use tax or fee for new registration  
6 22 and any new motor vehicle registration surcharge which the  
6 23 manufacturer refunded to the consumer, lessee, or lessor under  
6 24 this section, if the manufacturer provides to the department of  
6 25 revenue a written request for a refund and evidence that the  
6 26 use tax or fee for new registration and the new motor vehicle  
6 27 registration surcharge, if applicable, was paid when the  
6 28 vehicle was purchased and that the manufacturer refunded the  
6 29 use tax or fee for new registration to the consumer, lessee,  
6 30 or lessor.

6 31 EXPLANATION

6 32 This bill imposes a one-time registration surcharge on  
6 33 new motor vehicles with a purchase price or leased price of  
6 34 \$45,000 or more or a fuel economy rating lower than 19 miles  
6 35 per gallon. The surcharge equals 0.4 percent of the motor



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7 1 vehicle's purchase price or leased price. The surcharge  
7 2 applies to motor vehicles that are registered annually for  
7 3 a fee based on the weight and value of the vehicle and are  
7 4 subject to the fee for new registration (formerly the vehicle  
7 5 use tax).  
7 6 The new motor vehicle registration surcharge is collected  
7 7 at the time a new motor vehicle is first registered with a  
7 8 county treasurer. The department of revenue will administer  
7 9 the surcharge under the same provisions that apply for  
7 10 administration of the fee for new vehicle registration.  
7 11 Revenues from the new motor vehicle registration surcharge  
7 12 are to be deposited in the road use tax fund.

LSB 5946YH (3) 83  
dea/nh



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**House File 2394 - Introduced**

HOUSE FILE  
BY PETTENGILL

**A BILL FOR**

1 An Act relating to the purposes for which physical plant and  
2 equipment levy revenue and certain related revenues may be  
3 utilized, and including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5358YH (4) 83  
ak/sc



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1 1 Section 1. Section 298.3, subsection 1, paragraphs f and g,  
1 2 Code Supplement 2009, are amended to read as follows:

1 3 f. Repairing, remodeling, reconstructing, improving,  
1 4 maintaining, or expanding the schoolhouses or buildings and  
1 5 additions to existing schoolhouses. For the purpose of this  
1 6 paragraph:

1 7 (1) "Repairing" means restoring an existing structure or  
1 8 thing to its original condition, as near as may be, after  
1 9 decay, waste, injury, or partial destruction, ~~but does not~~  
~~1 10 include maintenance.~~

1 11 (2) "Reconstructing" means rebuilding or restoring as an  
1 12 entity a thing which was lost or destroyed.

1 13 g. (1) Expenditures for energy conservation, including  
1 14 payments made pursuant to a guarantee furnished by a school  
1 15 district entering into a financing agreement for energy  
1 16 management improvements, limited to agreements pursuant to  
1 17 section 473.19, 473.20, or 473.20A.

1 18 (2) The costs of utilities.

1 19 Sec. 2. Section 298.3, subsection 1, Code Supplement 2009,  
1 20 is amended by adding the following new paragraph:

1 21 NEW PARAGRAPH. n. The salaries or service contract costs  
1 22 for maintenance staff.

1 23 Sec. 3. Section 298.3, subsection 4, Code Supplement 2009,  
1 24 is amended to read as follows:

1 25 4. Revenue from the regular and voter-approved physical  
1 26 plant and equipment levies shall not be expended for school  
1 27 district employee salaries or travel expenses, except as  
1 28 provided in subsection 1, paragraph "n"; supplies; printing  
1 29 costs; ~~or~~ media services; or for any other purpose not  
1 30 expressly authorized in this section.

1 31 Sec. 4. APPLICABILITY. This Act applies to physical plant  
1 32 and equipment levies imposed on or after the effective date of  
1 33 this Act and to expenditures made from the secure an advanced  
1 34 vision for education fund under chapter 423F on or after the



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House File 2394 - Introduced continued

2 1 effective date of this Act for the purpose of reducing the  
2 2 physical plant and equipment levy.

2 3 EXPLANATION

2 4 This bill relates to the purposes for which physical plant  
2 5 and equipment levy (PPEL) revenue may be utilized. The bill  
2 6 provides that maintenance costs and utilities costs shall now  
2 7 be covered expenses. The bill also allows the salaries or  
2 8 service contract costs of maintenance staff to be paid from  
2 9 PPEL revenues.

2 10 The bill is applicable to physical plant and equipment  
2 11 levies imposed on or after the bill's effective date, and  
2 12 because Code chapter 423F includes the "school infrastructure"  
2 13 purposes also authorized for the physical plant and equipment  
2 14 levy, the bill is also applicable to expenditures made from  
2 15 the secure an advanced vision for education fund on or after  
2 16 the effective date of the bill for purposes of reducing the  
2 17 physical plant and equipment levy.

LSB 5358YH (4) 83

ak/sc



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**House File 2395 - Introduced**

HOUSE FILE  
BY PETTENGILL

**A BILL FOR**

1 An Act allowing a school district to use remaining market  
2 factor teacher incentive funds to be transferred to the  
3 district's general fund and used for general fund purposes  
4 and including effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5708YH (6) 83  
ak/sc



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1 1 Section 1. MARKET FACTOR TEACHER INCENTIVES == FUNDS  
1 2 TRANSFER. Notwithstanding any provisions to the contrary, any  
1 3 remaining allocations paid to a school district for market  
1 4 factor teacher incentives pursuant to section 284.11, Code  
1 5 Supplement 2007, prior to the school budget year beginning July  
1 6 1, 2009, and which are maintained in a separate listing within  
1 7 a school district's budget shall be transferred by the district  
1 8 into the school district's general fund to be used for general  
1 9 fund purposes beginning with school budget years beginning on  
1 10 or after July 1, 2009.

1 11 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
1 12 immediate importance, takes effect upon enactment.

1 13 EXPLANATION

1 14 This bill allows a school district with any remaining  
1 15 funds in its budget that were only authorized to be spent for  
1 16 market factor teacher incentives to transfer the funds to the  
1 17 district's general fund and use the funds for general fund  
1 18 purposes beginning with school budget years beginning on or  
1 19 after July 1, 2009.

1 20 The bill is effective upon enactment.

LSB 5708YH (6) 83

ak/sc



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**House File 2396 - Introduced**

HOUSE FILE  
BY TYMESON

**A BILL FOR**

1 An Act creating a mechanism for schools, school consortiums,  
2 and school districts to increase opportunities for  
3 innovation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5082YH (10) 83  
kh/sc



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1 1 Section 1. NEW SECTION. 256I.1 Title.  
1 2 This chapter shall be known and may be cited as the  
1 3 "Innovation Schools and School Districts Act".  
1 4 Sec. 2. NEW SECTION. 256I.2 Findings == intent and  
1 5 purposes.  
1 6 1. Findings. The general assembly finds all of the  
1 7 following:  
1 8 a. The state's interests are best served by preserving local  
1 9 flexibility and granting to the board of directors of each  
1 10 school district the control of instruction in the schools they  
1 11 administer.  
1 12 b. Delivery of educational services must be tailored to  
1 13 the specific population of students the services are intended  
1 14 to serve, and the parents and guardians of those students  
1 15 should have every opportunity to participate in determining the  
1 16 educational services their children receive.  
1 17 c. The principal and faculty employed at a public school  
1 18 must be granted the maximum degree of flexibility possible to  
1 19 determine the most effective and efficient manner in which to  
1 20 meet students' needs.  
1 21 d. Upon adopting rules and establishing procedures for  
1 22 the implementation of this chapter, the state board and the  
1 23 department may implement this chapter without additional state  
1 24 funding.  
1 25 2. Intent. It is the intent of the general assembly to do  
1 26 the following:  
1 27 a. Further the goals of high-quality public education  
1 28 throughout the state by granting the boards of directors of  
1 29 each school district the authority to grant public schools  
1 30 within the school district the maximum degree of flexibility  
1 31 possible to meet the needs of individual students and the  
1 32 communities in which the students live.  
1 33 b. Encourage the board of directors of each school district  
1 34 to delegate to each public school a high degree of autonomy  
1 35 in implementing curriculum, making personnel decisions,



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2 1 organizing the school day, determining the most effective  
2 2 use of resources, and generally organizing the delivery of  
2 3 high-quality educational services, and empowering each public  
2 4 school to tailor its services most effectively and efficiently  
2 5 to meet the needs of the population of students it serves.  
2 6 c. Appropriate to the department moneys sufficient to offset  
2 7 the costs incurred by the department and the state board in  
2 8 adopting rules and otherwise establishing the procedures for  
2 9 implementation of this chapter.  
2 10 3. Purposes. It is the intent of this chapter to achieve  
2 11 the following purposes:  
2 12 a. To grant the state's school districts and public schools  
2 13 greater ability to meet the educational needs of a diverse and  
2 14 constantly changing student population.  
2 15 b. To encourage diverse approaches to learning and education  
2 16 within individual schools and school districts.  
2 17 c. To improve educational performance through greater  
2 18 individual school autonomy and managerial flexibility.  
2 19 d. To encourage school districts, where appropriate, to  
2 20 create and manage a portfolio of schools that meet a variety  
2 21 of education needs, including identifying elementary, middle  
2 22 or junior high, and high schools to collectively operate as a  
2 23 vertically integrated innovation zone of schools.  
2 24 e. To encourage innovation in education by providing  
2 25 local school communities and principals with greater control  
2 26 over levels of staffing, personnel selection and evaluation,  
2 27 scheduling, and educational programming with the goal of  
2 28 realizing improved student achievement.  
2 29 f. To encourage school districts and public schools to  
2 30 find new ways to allocate resources, including but not limited  
2 31 to the implementation of specialized school budgets, for the  
2 32 benefit of the students the public schools serve.  
2 33 g. To hold public schools that receive greater autonomy  
2 34 under this chapter accountable for student academic achievement  
2 35 in accordance with section 256.7, subsection 21, other more



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3 1 specifically tailored accountability measures specified in the  
3 2 innovation plan approved pursuant to section 256I.4, and the  
3 3 requirements for adequate yearly progress specified under the  
3 4 federal No Child Left Behind Act of 2001, Pub. L. No. 107=110,  
3 5 and any applicable federal regulations adopted pursuant to the  
3 6 federal Act.  
3 7 Sec. 3. NEW SECTION. 256I.3 Definitions.  
3 8 As used in this chapter, unless the context otherwise  
3 9 requires:  
3 10 1. "Department" means the department of education.  
3 11 2. "Director" means the director of the department.  
3 12 3. "District of innovation" means a school district that  
3 13 is designated as a district of innovation pursuant to section  
3 14 256I.7.  
3 15 4. "Innovation school" means a public school implementing an  
3 16 innovation plan pursuant to section 256I.4.  
3 17 5. "Innovation school zone" means a group of public schools  
3 18 within a school district for which a local school board  
3 19 implements a plan for creating an innovation school zone  
3 20 pursuant to section 256I.4.  
3 21 6. "Local school board" means the board of directors of a  
3 22 school district.  
3 23 7. "Public school" means a school building administered by a  
3 24 principal.  
3 25 8. "State board" means the state board of education.  
3 26 Sec. 4. NEW SECTION. 256I.4 Innovation plans == submission  
3 27 == contents.  
3 28 1. A public school within a school district may submit to  
3 29 its local school board, or a local school board may develop  
3 30 in collaboration with a public school, an innovation plan  
3 31 as described in subsection 3. A group of public schools  
3 32 within a school district that share common interests, such  
3 33 as geographical location or educational focus, or that  
3 34 sequentially serve classes of students as they progress through  
3 35 elementary and secondary education may jointly submit to their



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4 1 local school board a plan to create an innovation school zone  
4 2 as described in subsection 4.  
4 3 2. A local school board shall receive and review each  
4 4 innovation plan or plan for creating an innovation school zone  
4 5 submitted pursuant to subsection 1. The local school board  
4 6 shall either approve or disapprove the innovation plan or plan  
4 7 for creating an innovation school zone within sixty days after  
4 8 receiving the plan.  
4 9 3. If the local school board rejects the plan, the local  
4 10 school board shall provide to the public school or group of  
4 11 public schools that submitted the plan a written explanation of  
4 12 the basis for its decision. A public school or group of public  
4 13 schools may resubmit a revised innovation plan or revised plan  
4 14 for creating an innovation school zone at any time after the  
4 15 initial plan is rejected by the local school board.  
4 16 4. If the local school board approves the plan, it may  
4 17 proceed to seek designation of the school district as a  
4 18 district of innovation pursuant to section 256I.7.  
4 19 5. A local school board may initiate and collaborate with  
4 20 one or more public schools of the school district to create one  
4 21 or more innovation plans as described in subsection 6, or one  
4 22 or more plans to create innovation school zones as described  
4 23 in subsection 7. In creating an innovation plan or a plan  
4 24 to create an innovation school zone, the local school board  
4 25 shall ensure that each public school that would be affected  
4 26 by the plan has the opportunity to participate in creation  
4 27 of the plan. A local school board may approve or create a  
4 28 plan to create an innovation school zone that includes all  
4 29 of the public schools of the school district. If the local  
4 30 school board creates an innovation plan or a plan for creating  
4 31 an innovation school zone, the local school board may seek  
4 32 designation of the school district as a district of innovation  
4 33 pursuant to section 256I.7.  
4 34 6. An innovation plan shall include the following  
4 35 information:



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- 5 1 a. A statement of the public school's mission and why  
5 2 designation as an innovation school would enhance the public  
5 3 school's ability to achieve its mission.
- 5 4 b. A description of the innovations the public school would  
5 5 implement, including but not limited to the following:
- 5 6 (1) Innovations in school staffing.
  - 5 7 (2) Curriculum and assessment.
  - 5 8 (3) Class scheduling.
  - 5 9 (4) Use of financial and other resources.
  - 5 10 (5) Faculty recruitment, employment, evaluation, and  
5 11 compensation.
- 5 12 c. A listing of the programs, policies, or operations within  
5 13 the public school that would be affected by the identified  
5 14 innovations and the manner in which the public school would be  
5 15 affected. The programs, policies, or operations may include  
5 16 but need not be limited to the following:
- 5 17 (1) The research-based educational program the public  
5 18 school would implement.
  - 5 19 (2) The length of school day and school year at the public  
5 20 school.
  - 5 21 (3) The student promotion and graduation policies to be  
5 22 implemented at the public school.
  - 5 23 (4) The public school's academic achievement assessment  
5 24 plan.
  - 5 25 (5) The proposed budget for the public school.
  - 5 26 (6) The proposed staffing plan for the public school.
- 5 27 d. An identification of the improvements in academic  
5 28 performance that the public school expects to achieve in  
5 29 implementing the innovations.
- 5 30 e. An estimate of the cost savings and increased  
5 31 efficiencies, if any, the public school expects to achieve in  
5 32 implementing its identified innovations.
- 5 33 f. Evidence that a majority of the administrators and a  
5 34 majority of the teachers employed at the public school, and a  
5 35 majority of the school district's school improvement advisory



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6 1 committee consent to designation as an innovation school.  
6 2 g. A statement of the level of support for designation as  
6 3 an innovation school demonstrated by persons employed at the  
6 4 public school other than those listed in paragraph "f", the  
6 5 students and parents of students enrolled in the public school,  
6 6 and the community surrounding the public school.  
6 7 h. A description of any statutory provisions or  
6 8 administrative rules or school district policy requirements  
6 9 that would need to be waived pursuant to section 256I.8 for the  
6 10 public school to implement its identified innovations.  
6 11 i. A description of any provision of the collective  
6 12 bargaining agreement in effect for the personnel at the public  
6 13 school that would need to be waived in accordance with section  
6 14 256I.9 for the public school to implement its identified  
6 15 innovations.  
6 16 j. Any additional information required by the local school  
6 17 board of the school district in which the innovation plan would  
6 18 be implemented.  
6 19 7. Each plan for creating an innovation school zone,  
6 20 whether submitted by a group of public schools or created by  
6 21 a local school board through collaboration with a group of  
6 22 public schools, shall include the information specified in  
6 23 subsection 6 for each public school that would be included in  
6 24 the innovation school zone. A plan for creating an innovation  
6 25 school zone shall also include the following additional  
6 26 information:  
6 27 a. A description of how innovations in the public schools  
6 28 in the school innovation zone would be integrated to achieve  
6 29 results that would be less likely to be accomplished by each  
6 30 public school working alone.  
6 31 b. An estimate of any economies of scale that would be  
6 32 achieved by innovations implemented jointly by the public  
6 33 schools within the innovation school zone.  
6 34 c. A statement of the level of support for creating an  
6 35 innovation school zone demonstrated by persons, other than



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7 1 those listed in subsection 6, paragraph "f", employed at each  
7 2 public school that would be included in the zone, the students  
7 3 and parents of students enrolled in each public school that  
7 4 would be included in the zone, and the community in which  
7 5 the local school board would approve the innovation school  
7 6 zone. In determining the level of support, each public school  
7 7 shall specifically solicit input concerning the selection of  
7 8 public schools included in the innovation school zone and the  
7 9 strategies and procedures that would be used in implementing  
7 10 and integrating the innovations within the public schools in  
7 11 the zone.

7 12 Sec. 5. NEW SECTION. 256I.5 Areas of innovation.

7 13 1. In considering or creating an innovation plan or a plan  
7 14 for creating an innovation school zone, the local school board  
7 15 may consider but is not limited to considering the following  
7 16 areas of innovation:

7 17 a. Curriculum and academic standards and assessments.

7 18 b. Accountability measures, including but not limited to  
7 19 expanding the use of a variety of accountability measures to  
7 20 more accurately present a complete measure of student learning  
7 21 and accomplishment. The accountability measures adopted by an  
7 22 innovation school or an innovation school zone may include but  
7 23 need not be limited to the following:

7 24 (1) Use of graduation or exit examinations.

7 25 (2) Use of end-of-course examinations.

7 26 (3) Use of student portfolio reviews.

7 27 (4) Use of national and international accountability  
7 28 measures such as the national assessment of educational  
7 29 progress and the program for international student assessment.

7 30 (5) Measuring the percentage of students continuing into  
7 31 higher education.

7 32 (6) Measuring the percentage of students simultaneously  
7 33 obtaining a high school diploma and an associate's degree or a  
7 34 career and technical education certificate.

7 35 c. Provision of services, including but not limited to the



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8 1 following:

8 2 (1) Special education services.

8 3 (2) Services for gifted and talented students.

8 4 (3) Services for limited English proficient students.

8 5 (4) Educational services for students at risk of academic  
8 6 failure, expulsion, or dropping out.

8 7 (5) Support services provided by the department of human  
8 8 services or local social services agencies.

8 9 d. Teacher recruitment, employment, training, preparation,  
8 10 and professional development.

8 11 e. Performance expectations and evaluation procedures for  
8 12 teachers and administrators.

8 13 f. Compensation for teachers, principals, and other school  
8 14 building personnel, including but not limited to performance  
8 15 pay plans, total compensation plans, and other innovations with  
8 16 regard to retirement and other benefits.

8 17 g. School governance and the roles, responsibilities, and  
8 18 expectations of administrators in innovation schools or schools  
8 19 within an innovation school zone.

8 20 h. Preparation and counseling of students for transition to  
8 21 higher education or the work force.

8 22 Sec. 6. NEW SECTION. 256I.6 Innovation planning and  
8 23 financial support.

8 24 Each public school and each local school board is authorized  
8 25 to seek and accept public and private gifts, grants, and  
8 26 donations to offset the costs of developing and implementing  
8 27 innovation plans and plans for creating innovation school  
8 28 zones.

8 29 Sec. 7. NEW SECTION. 256I.7 Innovation district designation  
8 30 by state board.

8 31 1. Each local school board may seek for its school district  
8 32 designation by the state board as a district of innovation. A  
8 33 local school board may seek the designation on the basis of  
8 34 one or more innovation plans or plans for creating innovation  
8 35 school zones approved or collaboratively created by the local



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9 1 school board pursuant to section 256I.4.  
9 2 2. A local school board that seeks designation as a district  
9 3 of innovation shall submit one or more innovation plans or  
9 4 plans for creating an innovation school zone to the director  
9 5 for review and comment by the director and the state board.  
9 6 Within sixty days after receiving a local school board's plan,  
9 7 the director and the state board shall respond to the local  
9 8 school board with any suggested changes or additions to the  
9 9 plan, including but not limited to suggestions for further  
9 10 innovations or for measures to increase the likelihood that the  
9 11 innovations will result in greater academic achievement within  
9 12 the innovation schools or innovation school zones. Based on  
9 13 the director's and the state board's comments, the local school  
9 14 board may choose to withdraw and resubmit its innovation plan  
9 15 or plan for creating an innovation school zone.  
9 16 3. Within sixty days after receiving a local school board's  
9 17 innovation plan or plan for creating an innovation school  
9 18 zone, the state board shall designate the local school board's  
9 19 school district as a district of innovation unless the state  
9 20 board determines that the submitted plan meets either of the  
9 21 following criteria:  
9 22 a. The plan is likely to result in a decrease in academic  
9 23 achievement in the innovation schools or innovation school  
9 24 zones.  
9 25 b. The plan is not fiscally feasible.  
9 26 4. If the state board does not designate a school district  
9 27 as a district of innovation, it shall provide to the local  
9 28 school board a written explanation of the basis for its  
9 29 decision. The local school board may resubmit a revised  
9 30 innovation plan or plan for creating an innovation school  
9 31 zone and seek designation of its school district as a school  
9 32 district of innovation at any time after denial.  
9 33 Sec. 8. NEW SECTION. 256I.8 Waiver of statutory and  
9 34 regulatory requirements for districts of innovation.  
9 35 1. Upon designation of a district of innovation, the state



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10 1 board shall waive any statutes or administrative rules adopted  
10 2 by the state board and specified in the school district's  
10 3 innovation plan as the statutes or administrative rules pertain  
10 4 to the innovation schools or innovation school zones of the  
10 5 district of innovation, except that the state board shall not  
10 6 waive the following:

- 10 7     a. Member benefits under chapter 97B or 294.
- 10 8     b. Administrative rules adopted to implement chapter 285.
- 10 9     c. The reporting requirements of section 256.7, subsection  
10 10 21.
- 10 11     d. The core curriculum and core content standards  
10 12 established pursuant to rules adopted under section 256.7,  
10 13 subsections 26 and 28.
- 10 14     e. The federal No Child Left Behind Act of 2001, Pub. L. No.  
10 15 107=110.

10 16     2. Each district of innovation shall continue to be subject  
10 17 to all statutes and administrative rules that are not waived by  
10 18 the state board pursuant to subsection 1.

10 19     3. Designation as a district of innovation shall not affect  
10 20 a school district's total state school foundation program  
10 21 funding or eligibility for funding.

10 22     4. Each district of innovation that receives a waiver  
10 23 pursuant to this section shall specify the manner in which  
10 24 the innovation school or the schools within the innovation  
10 25 school zone shall comply with the intent of the waived statutes  
10 26 or rules and shall be accountable to the state for such  
10 27 compliance.

10 28     5. If the local school board for a district of innovation  
10 29 revises an innovation plan as provided in section 256I.10,  
10 30 the local school board may request, and the state board shall  
10 31 grant, except as provided in subsection 2, additional waivers  
10 32 or changes to existing waivers as necessary to accommodate the  
10 33 revisions to the innovation plan.

10 34     6. In requesting a new waiver or a change to an existing  
10 35 waiver, the local school board shall demonstrate to the state



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11 1 board the consent of a majority of the teachers and a majority  
11 2 of the administrators employed at each public school that is  
11 3 affected by the new or changed waiver, and a majority of the  
11 4 school district's school improvement advisory committee.  
11 5 7. Except as otherwise provided in subsection 5, a waiver  
11 6 that is granted pursuant to this section shall continue to  
11 7 apply to a public school so long as the public school continues  
11 8 to be designated as an innovation school or included in an  
11 9 innovation school zone.  
11 10 Sec. 9. NEW SECTION. 256I.9 District of innovation ==  
11 11 collective bargaining.  
11 12 1. On and after the date on which the state board designates  
11 13 a school district as a district of innovation, any collective  
11 14 bargaining agreement initially entered into or renewed by  
11 15 the local school board of the district of innovation shall  
11 16 include a term that allows each innovation school and each  
11 17 innovation school zone in the school district to waive any  
11 18 provisions of the collective bargaining agreement identified  
11 19 in the innovation plan as needing to be waived for the  
11 20 innovation school or the innovation school zone to implement  
11 21 its identified innovations.  
11 22 2. For an innovation school, waiver of one or more of  
11 23 the provisions of the collective bargaining agreement shall  
11 24 be based on obtaining the approval, by means of a secret  
11 25 ballot vote, of at least sixty percent of the members of the  
11 26 collective bargaining unit who are employed at the innovation  
11 27 school.  
11 28 3. For an innovation school, waiver of one or more of the  
11 29 provisions of the collective bargaining agreement shall be  
11 30 based on obtaining, at each school included in the innovation  
11 31 school zone, the approval of at least sixty percent of the  
11 32 members of the collective bargaining unit who are employed at  
11 33 the school. The innovation school zone shall seek to obtain  
11 34 approval of the waivers through a secret ballot vote of the  
11 35 members of the collective bargaining unit at each school



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12 1 included in the innovation school zone. The local school board  
12 2 for the innovation school zone may choose to revise the plan  
12 3 for creating an innovation school zone to remove from the zone  
12 4 any school in which at least sixty percent of the members of  
12 5 the collective bargaining unit employed at the school do not  
12 6 vote to waive the identified provisions of the collective  
12 7 bargaining agreement.

12 8 4. If a local school board, in collaboration with the  
12 9 innovation school or the public schools included in the  
12 10 innovation school zone, revises the innovation plan as provided  
12 11 in section 256I.10 and the revisions include changes to the  
12 12 identified provisions of the collective bargaining agreement  
12 13 that need to be waived to implement the innovations that are  
12 14 included in the innovation plan, the local school board shall  
12 15 seek such additional waivers or revision or revocation of the  
12 16 existing waivers of provisions of the collective bargaining  
12 17 agreement as are necessary to implement the revised innovation  
12 18 plan. Any changes to waivers, or additional waivers, of the  
12 19 identified provisions of the collective bargaining agreement  
12 20 shall be subject to approval in the same manner as provided  
12 21 in subsections 2 and 3 for the initial approval of waivers of  
12 22 provisions of the collective bargaining agreement.

12 23 5. Except as otherwise provided in subsection 4, waiver of  
12 24 identified provisions of a collective bargaining agreement for  
12 25 an innovation school or the public schools within an innovation  
12 26 school zone pursuant to this section shall continue so long as  
12 27 the innovation school remains an innovation school or public  
12 28 school remains a part of the innovation school zone. A waiver  
12 29 approved pursuant to this section shall continue to apply to  
12 30 any substantially similar provision that is included in a new  
12 31 or renewed collective bargaining agreement for the schools of  
12 32 the district of innovation.

12 33 6. A district of innovation shall not be required to seek  
12 34 a waiver by an innovation school or a public school in an  
12 35 innovation school zone of any provision of the collective



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13 1 bargaining agreement. Each district of innovation shall  
13 2 include in its innovation plan a statement as to whether it  
13 3 will seek a waiver by an innovation school or the public  
13 4 schools included in an innovation school zone of any of the  
13 5 provisions of the collective bargaining agreement.  
13 6 7. A person who is a member of the collective bargaining  
13 7 unit and is employed by an innovation school or by a school  
13 8 included in an innovation school zone may request a transfer to  
13 9 another public school of the district of innovation. The local  
13 10 school board shall make every reasonable effort to accommodate  
13 11 the person's request.  
13 12 Sec. 10. NEW SECTION. 256I.10 Review of innovation schools  
13 13 and innovation school zones.  
13 14 1. Three years after the local school board of a district of  
13 15 innovation approves an innovation plan or a plan for creating  
13 16 an innovation school zone, and every three years thereafter,  
13 17 the local school board shall review the level of performance of  
13 18 the innovation school and each public school included in the  
13 19 innovation school zone and determine whether the innovation  
13 20 school or innovation school zone is achieving or making  
13 21 adequate progress toward achieving the academic performance  
13 22 results identified in the school's or zone's innovation plan.  
13 23 The local school board, in collaboration with the innovation  
13 24 school or the innovation school zone, may revise the innovation  
13 25 plan, including but not limited to revising the identification  
13 26 of the provisions of the collective bargaining agreement that  
13 27 need to be waived to implement the innovations, as necessary  
13 28 to improve or continue to improve academic performance at the  
13 29 innovation school or innovation school zone. Any revisions to  
13 30 the innovation plan shall require the consent of a majority  
13 31 of the teachers and a majority of the administrators employed  
13 32 at each affected public school and a majority of the school  
13 33 advisory council for each affected public school.  
13 34 2. Following review of an innovation school's performance,  
13 35 if a local school board finds that the academic performance of



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14 1 students enrolled in the innovation school is not improving  
14 2 at a sufficient rate, the local school board may revoke the  
14 3 school's innovation status.  
14 4 3. Following review of the performance of an innovation  
14 5 school zone, if a local school board finds that the academic  
14 6 performance of students enrolled in one or more of the public  
14 7 schools included in the innovation school zone is not improving  
14 8 at a sufficient rate, the local school board may remove the  
14 9 underperforming public school or schools from the innovation  
14 10 school zone or may revoke the designation of the innovation  
14 11 school zone.  
14 12 Sec. 11. NEW SECTION. 256I.11 Reporting.  
14 13 1. The department and the state board shall monitor and  
14 14 review the districts of innovation and on or before March 1,  
14 15 2011, and on or before March 1 each year thereafter, shall  
14 16 submit a report to the governor and to the general assembly  
14 17 regarding the performance of the districts of innovation. At a  
14 18 minimum, the annual report shall include all of the following:  
14 19 a. The number of school districts designated as districts of  
14 20 innovation in the preceding academic year and the total number  
14 21 of districts of innovation in the state.  
14 22 b. The number of innovation schools and the number of  
14 23 innovation school zones, including the number of schools in the  
14 24 zone, in each district of innovation and the number of students  
14 25 served in the innovation schools and innovation school zones,  
14 26 expressed as a total number and as a percentage of the students  
14 27 enrolled in the district of innovation.  
14 28 c. An overview of the innovations implemented in the  
14 29 innovation schools and the innovation school zones in the  
14 30 districts of innovation.  
14 31 d. An overview of the academic performance of the students  
14 32 served in innovation schools and innovation school zones in  
14 33 each district of innovation, including a comparison between the  
14 34 students' academic performance before and since implementation  
14 35 of the innovations.



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15 1 e. Any recommendations for legislative changes based on the  
15 2 innovations implemented or to further enhance the ability of  
15 3 local school boards to implement innovations.  
15 4 f. Any additional information requested by the governor or a  
15 5 member of the general assembly.  
15 6 2. The director shall promptly post the annual report  
15 7 submitted pursuant to this section on the department's internet  
15 8 site.

15 9 EXPLANATION

15 10 This bill creates a mechanism for a public school, a group  
15 11 of public schools, or a school district to adopt an innovation  
15 12 plan or a plan for creating an innovation school zone and  
15 13 to submit those plans to the director of the department  
15 14 of education and the state board of education for review.  
15 15 Unless a plan is likely to result in a decrease in academic  
15 16 achievement or is not fiscally feasible, the state board must  
15 17 designate the school district as a district of innovation and  
15 18 waive any statutes or rules specified in the innovation plan  
15 19 except those relating to school transportation, pension and  
15 20 annuity retirement benefits for teachers, core curriculum and  
15 21 core content standards, and the federal No Child Left Behind  
15 22 Act of 2001.

15 23 PURPOSES. The bill establishes Code chapter 256I, to  
15 24 be known and cited as the "Innovation Schools and School  
15 25 Districts Act". The Code chapter includes the general  
15 26 assembly's findings, intent, and purposes. The purposes  
15 27 include encouraging intentionally diverse approaches to  
15 28 learning and education within individual school districts;  
15 29 improving educational performance through greater individual  
15 30 school autonomy and managerial flexibility; encouraging school  
15 31 districts to create and manage a portfolio of schools to  
15 32 collectively operate as a vertically integrated innovation zone  
15 33 of schools; encouraging innovation in education by providing  
15 34 school communities and principals with greater control over  
15 35 levels of staffing, personnel selection and evaluation,



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16 1 scheduling, and educational programming with the goal of  
16 2 achieving improved student achievement; and encouraging school  
16 3 districts and schools to find new ways to allocate resources.  
16 4 PLAN SUBMISSION AND PARTICIPATION. A public school within  
16 5 a school district may submit to its school board, or a school  
16 6 board may create in collaboration with a public school, an  
16 7 innovation plan. A group of public schools within a school  
16 8 district may jointly submit to their school board a plan to  
16 9 create an innovation school zone.  
16 10 If a school board creates a plan, it must ensure that each  
16 11 school affected by the plan has the opportunity to participate  
16 12 in creation of the plan. A school board may approve or create  
16 13 a plan to create an innovation school zone that includes all of  
16 14 the public schools of the school district.  
16 15 PLAN APPROVAL PROCESS. The school board has 60 days to  
16 16 review a plan submitted by a school or group of schools. If  
16 17 it rejects a plan, it must provide to the school or group of  
16 18 schools a written explanation of the basis for its decision,  
16 19 and the school or group of schools may resubmit a revised plan  
16 20 at any time after denial. If the school board approves a plan,  
16 21 it may proceed to seek designation of the school district as a  
16 22 district of innovation from the state board by submitting the  
16 23 plan to the director for review and comment by the director and  
16 24 the state board. Within 60 days, the director and state board  
16 25 must respond to the school board with any suggested changes or  
16 26 additions to the plan. Based on these comments, the school  
16 27 board may choose to withdraw and resubmit a revised plan.  
16 28 PLAN COMPONENTS. The bill includes a list of the components  
16 29 each plan must contain, including a mission statement; a  
16 30 description of the innovations the school would implement; a  
16 31 listing of the programs, policies, or operational documents  
16 32 within the school that would be affected by the identified  
16 33 innovation and the manner in which the school would be  
16 34 affected, such as the length of the school day and year,  
16 35 the budget, and the staffing plan; an identification of



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17 1 the improvements in academic performance that the school  
17 2 expects to achieve; an estimate of cost savings and increased  
17 3 efficiencies, if any, the school expects to achieve; evidence  
17 4 that a majority of the administrators, teachers, and the  
17 5 district's school improvement advisory committee consent to  
17 6 designation as an innovation school; a statement of support  
17 7 demonstrated by the other persons employed at the school, the  
17 8 students and parents of students enrolled in the school, and  
17 9 the community surrounding the school; a description of any  
17 10 statutory provisions or administrative rules that would need to  
17 11 be waived; and a description of any provision of the collective  
17 12 bargaining agreement in effect for the personnel at the school  
17 13 that would need to be waived.

17 14 A plan for creating an innovation school zone must include  
17 15 the same components as that provided for an innovation  
17 16 plan, and in addition must include a description of how the  
17 17 innovations would achieve results that a school working alone  
17 18 would be less likely to accomplish.

17 19 COLLECTIVE BARGAINING. On and after the date on which  
17 20 the state board designates a school district as a district  
17 21 of innovation, any collective bargaining agreement initially  
17 22 entered into or renewed by the school board of the district  
17 23 of innovation must include a term that allows each innovation  
17 24 school and each innovation school zone in the school district  
17 25 to waive any provisions of the collective bargaining agreement  
17 26 identified in the plan as needing to be waived.

17 27 Waiver of one or more of the provisions of the collective  
17 28 bargaining agreement must be based on obtaining the approval,  
17 29 by means of a secret ballot vote, of at least 60 percent of  
17 30 the members of the collective bargaining unit who are employed  
17 31 at the affected school or at each affected school in the  
17 32 innovation school zone. The school board may choose to revise  
17 33 the plan to remove from the zone any school in which at least  
17 34 60 percent of the members of the collective bargaining unit  
17 35 employed at the school do not vote to waive the identified



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18 1 provisions of the collective bargaining agreement.  
18 2 A district of innovation shall not be required to seek a  
18 3 waiver of any provision of the collective bargaining agreement.  
18 4 Each district of innovation must include in its plan a  
18 5 statement as to whether it will seek a waiver of any of the  
18 6 provisions of the collective bargaining agreement.  
18 7 A member of the collective bargaining unit who is employed by  
18 8 an innovation school may request a transfer to another school  
18 9 of the district of innovation and the school board shall make  
18 10 every reasonable effort to accommodate the person's request.  
18 11 POTENTIAL AREAS OF INNOVATION. The bill includes a list of  
18 12 potential areas of innovation that schools and school districts  
18 13 may consider.  
18 14 FUNDING. A school district's funding or eligibility for  
18 15 funding is unaffected by being designated as a district of  
18 16 innovation. Schools and school districts are authorized to  
18 17 seek and accept public and private gifts, grants, and donations  
18 18 to offset the costs of developing and implementing the plans.  
18 19 COMPLIANCE WITH STATUTORY AND REGULATORY INTENT. Each  
18 20 district of innovation that receives a waiver must specify the  
18 21 manner in which the innovation school or the schools within  
18 22 the innovation school zone shall comply with the intent of the  
18 23 waived statutes or rules and shall be accountable to the state  
18 24 for such compliance.  
18 25 PERIODIC SCHOOL BOARD REVIEW, REVISION, AND REVOCATION.  
18 26 Three years after a plan is approved and every three years  
18 27 thereafter the school board must review the level of  
18 28 performance of each innovation school and determine whether  
18 29 each is achieving or making adequate progress toward achieving  
18 30 the academic performance results identified in the plan.  
18 31 If a school board finds that the academic performance of  
18 32 students enrolled in an innovation school is not improving at  
18 33 a sufficient rate, the school board may revoke the school's  
18 34 innovation status. The school board, in collaboration with  
18 35 the affected school, may also revise the plan as necessary to



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19 1 improve or continue to improve academic performance at the  
19 2 school. Any revisions to the plan require implementation of  
19 3 the same consent process as was required to implement the  
19 4 original plan.  
19 5 REPORT. The department and the state board are directed to  
19 6 monitor and review the districts of innovation and on or before  
19 7 March 1, 2011, and on or before March 1 each year thereafter,  
19 8 to submit a report to the governor and to the general assembly  
19 9 regarding the performance of the districts of innovation. The  
19 10 report must also be posted on the department's internet site.  
LSB 5082YH (10) 83  
kh/sc



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**House File 2397 - Introduced**

HOUSE FILE  
BY UPMEYER

**A BILL FOR**

1 An Act relating to prohibiting a person who is subject to a  
2 protective order or who has been convicted of a crime of  
3 domestic violence from possessing firearms and offensive  
4 weapons and providing a penalty.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5488YH (3) 83  
rh/rj



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1 1 Section 1. NEW SECTION. 236.7A Electronic tracking and  
1 2 monitoring.

1 3 Upon the issuance of a protective order issued under this  
1 4 chapter or chapter 232 or 598, the court may require a judicial  
1 5 district department of correctional services to supervise the  
1 6 defendant by an electronic tracking and monitoring system at  
1 7 the defendant's expense.

1 8 Sec. 2. Section 724.26, Code 2009, is amended to read as  
1 9 follows:

1 10 724.26 Possession, receipt, transportation, or dominion and  
1 11 control of firearms and offensive weapons by felons.

1 12 1. A person who is convicted of a felony in a state or  
1 13 federal court, or who is adjudicated delinquent on the basis  
1 14 of conduct that would constitute a felony if committed by an  
1 15 adult, and who knowingly has under the person's dominion and  
1 16 control or possession, receives, or transports or causes to be  
1 17 transported a firearm or offensive weapon is guilty of a class  
1 18 "D" felony.

1 19 2. A person who is subject to a protective order issued  
1 20 pursuant to chapter 232, 236, or 598, that meets the

1 21 requirements of subsection 3 or who has been convicted of a  
1 22 misdemeanor crime of domestic violence who knowingly sells,  
1 23 disposes of, possesses, ships, transports, or receives a  
1 24 firearm or offensive weapon, is guilty of a class "D" felony.

1 25 Such a person shall not be eligible to obtain a permit under  
1 26 this chapter and any permits issued to such a person are deemed  
1 27 revoked.

1 28 3. A protective order referred to in subsection 2 shall meet  
1 29 all of the following requirements:

1 30 a. Be issued after a hearing of which the person was granted  
1 31 notice and an opportunity to be heard.

1 32 b. Restrain the person from harassing, stalking, or  
1 33 threatening an intimate partner of the person or a child of  
1 34 such intimate partner or person from engaging in any other  
1 35 conduct that would place such intimate partner or child in



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2 1 reasonable fear of bodily injury to the intimate partner or  
2 2 child.  
2 3 c. Include a finding that the person poses a credible threat  
2 4 to the physical safety of such intimate partner of the person  
2 5 or a child of such intimate partner or person or by its terms  
2 6 explicitly prohibits the use, attempted use, or threatened use  
2 7 of physical force against such intimate partner or child that  
2 8 would reasonably be expected to cause bodily injury.  
2 9 4. A person who commits a violation of subsection 2 shall  
2 10 be ordered by a court to relinquish all firearms and offensive  
2 11 weapons in the person's actual or constructive possession  
2 12 to the county sheriff. If the person does not comply with  
2 13 the relinquishment order by the date and time required to do  
2 14 so, the sheriff shall seek an arrest warrant for the person  
2 15 for a violation of the relinquishment order and shall seek a  
2 16 search warrant for the person's residence or any other location  
2 17 where there is probable cause to believe that the firearms and  
2 18 offensive weapons may be located.  
2 19 5. For purposes of this section:  
2 20 a. "Intimate partner" means a person who is in a  
2 21 relationship as defined in section 236.2, subsection 2,  
2 22 paragraphs "a" through "e".  
2 23 b. "Misdemeanor crime of domestic violence" means a  
2 24 misdemeanor offense which has as an element the use or  
2 25 attempted use of physical force or the threatened use of a  
2 26 deadly weapon committed by a current or former spouse, parent,  
2 27 or guardian of the victim, by a person with whom the victim  
2 28 shares a child in common, by a person who is cohabiting with  
2 29 or who has cohabited with the victim as a spouse, parent,  
2 30 guardian, or by a person similarly situated to a spouse,  
2 31 parent, or guardian of the victim.  
2 32 EXPLANATION  
2 33 This bill relates to the prohibition of a person who is  
2 34 subject to a protective order or who has been convicted of  
2 35 a crime of domestic violence from possessing firearms and



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3 1 offensive weapons and provides a penalty.  
3 2 The bill relates to a person who is subject to a protective  
3 3 order issued pursuant to Code chapter 232 (juvenile justice),  
3 4 236 (domestic abuse), or 598 (dissolution of marriage and  
3 5 domestic relations) after a hearing of which the person was  
3 6 granted notice and an opportunity to be heard, that restrains  
3 7 the person from harassing, stalking, or threatening an intimate  
3 8 partner or a child of such intimate partner or person from  
3 9 engaging in any other conduct that would place the intimate  
3 10 partner or child in reasonable fear of bodily injury to the  
3 11 intimate partner or child, and that includes a finding that the  
3 12 person poses a credible threat to the physical safety of the  
3 13 intimate partner or child or by its terms explicitly prohibits  
3 14 the use, attempted use, or threatened use of physical force  
3 15 against the intimate partner or child that would reasonably be  
3 16 expected to cause bodily injury, or to a person who has been  
3 17 convicted of a misdemeanor crime of domestic violence. Such  
3 18 a person who knowingly sells, disposes of, possesses, ships,  
3 19 transports, or receives a firearm or offensive weapon, is  
3 20 guilty of a class "D" felony. A class "D" felony is punishable  
3 21 by confinement for no more than five years and a fine of at  
3 22 least \$750 but not more than \$7,500.  
3 23 The bill provides that a person who commits a violation of  
3 24 the bill shall be ordered by a court to relinquish all firearms  
3 25 and offensive weapons in the person's actual or constructive  
3 26 possession to the county sheriff. If the person does not  
3 27 comply with the relinquishment order by the date and time  
3 28 required to do so, the sheriff shall seek an arrest warrant  
3 29 for the person for a violation of the relinquishment order  
3 30 and shall seek a search warrant for the person's residence or  
3 31 any other location where there is probable cause to believe  
3 32 that the firearms and offensive weapons may be located. In  
3 33 addition, such a person shall not be eligible to obtain a  
3 34 permit under Code chapter 724 and any permits issued to such a  
3 35 person are deemed revoked.



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4 1 The bill provides that upon the issuance of a protective  
4 2 order issued under Code chapter 232, 236, or 598, the court  
4 3 may require a judicial district department of correctional  
4 4 services to supervise the defendant by an electronic tracking  
4 5 and monitoring system at the defendant's expense.  
4 6 For purposes of the bill, "intimate partner" means a person  
4 7 who is in a relationship as defined in Code section 236.2,  
4 8 subsection 2, paragraphs "a" through "e" and "misdemeanor crime  
4 9 of domestic violence" means a misdemeanor offense which has as  
4 10 an element the use or attempted use of physical force or the  
4 11 threatened use of a deadly weapon committed by a current or  
4 12 former spouse, parent, or guardian of the victim, by a person  
4 13 with whom the victim shares a child in common, by a person who  
4 14 is cohabiting with or who has cohabited with the victim as a  
4 15 spouse, parent, guardian, or by a person similarly situated to  
4 16 a spouse, parent, or guardian of the victim.

LSB 5488YH (3) 83

rh/rj



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**House File 2398 - Introduced**

HOUSE FILE  
BY MAY

**A BILL FOR**

1 An Act requiring an arrested person to submit a DNA sample if  
2 the arrest is for a felony, providing for the reimbursement  
3 of costs, and providing a contingent effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5483HH (3) 83  
jm/nh



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1 1 Section 1. Section 81.1, Code 2009, is amended by adding the  
1 2 following new subsections:

1 3 NEW SUBSECTION. 0A. "Arrest" means the same as in section  
1 4 804.5 and as "taking into custody" in section 232.2.

1 5 NEW SUBSECTION. 0B. "Dismissal of the charges" means  
1 6 dismissal of the complaint, indictment, or information in adult  
1 7 court and dismissal of the complaint or petition in juvenile  
1 8 court.

1 9 Sec. 2. Section 81.1, subsection 8, Code 2009, is amended  
1 10 to read as follows:

1 11 8. "Person required to submit a DNA sample" means a person  
1 12 convicted, adjudicated delinquent, receiving a deferred  
1 13 judgment, or found not guilty by reason of insanity of  
1 14 an offense requiring DNA profiling pursuant to section  
1 15 81.2. "Person required to submit a DNA sample" also means a  
1 16 person arrested for an offense classified as a felony and a  
1 17 person determined to be a sexually violent predator pursuant  
1 18 to section 229A.7.

1 19 Sec. 3. Section 81.2, Code 2009, is amended by adding the  
1 20 following new subsection:

1 21 NEW SUBSECTION. 0A. A person arrested for an offense  
1 22 classified as a felony shall be required to submit a DNA sample  
1 23 for DNA profiling pursuant to section 81.4.

1 24 Sec. 4. Section 81.4, subsection 2, Code 2009, is amended  
1 25 to read as follows:

1 26 2. A supervising agency having control, custody, or  
1 27 jurisdiction over a person shall collect a DNA sample from a  
1 28 person required to submit a DNA sample. The supervising agency  
1 29 shall collect a DNA sample, upon admittance to the pertinent  
1 30 institution, jail, or facility, of the person required to  
1 31 submit a DNA sample or at a determined date and time set by  
1 32 the supervising agency. If a person required to submit a DNA  
1 33 sample is confined at the time a DNA sample is required, the  
1 34 person shall submit a DNA sample as soon as practicable. If a  
1 35 person required to submit a DNA sample is not confined after



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2 1 the person is required to submit a DNA sample, the supervising  
2 2 agency shall determine the date and time to collect the DNA  
2 3 sample.  
2 4 Sec. 5. Section 81.9, subsections 1 and 2, Code 2009, are  
2 5 amended to read as follows:  
2 6 1. A person whose DNA record has been included in the DNA  
2 7 database or DNA data bank established pursuant to section  
2 8 81.3 may request, in writing to the division of criminal  
2 9 investigation, expungement of the DNA record from the DNA  
2 10 database and DNA data bank based upon dismissal of the charges  
2 11 which caused the submission of the DNA sample, or the person's  
2 12 conviction, adjudication, or civil commitment which caused  
2 13 the submission of the DNA sample being reversed on appeal  
2 14 and the case dismissed. The written request shall contain a  
2 15 certified copy of the final court order dismissing the charges  
2 16 or reversing the conviction, adjudication, or civil commitment,  
2 17 and a certified copy of the dismissal, and any other  
2 18 information necessary to ascertain the validity of the request.  
2 19 2. The division of criminal investigation, upon receipt of  
2 20 a written request that validates the dismissal of the charges,  
2 21 or reversal on appeal of a person's conviction, adjudication,  
2 22 or commitment, and subsequent dismissal of the case, or upon  
2 23 receipt of a written request by a person who voluntarily  
2 24 submitted a DNA sample pursuant to section 81.3, subsection  
2 25 3, paragraph "b", shall expunge all of the DNA records and  
2 26 identifiable information of the person in the DNA database  
2 27 and DNA data bank. However, if the division of criminal  
2 28 investigation determines that the person is otherwise obligated  
2 29 to submit a DNA sample, the DNA records shall not be expunged.  
2 30 If the division of criminal investigation denies an expungement  
2 31 request, the division shall notify the person requesting the  
2 32 expungement of the decision not to expunge the DNA record and  
2 33 the reason supporting its decision. The division of criminal  
2 34 investigation decision is subject to judicial review pursuant  
2 35 to chapter 17A. The department of public safety shall adopt



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3 1 rules governing the expungement procedure and a review process.

3 2 Sec. 6. Section 229A.7, subsection 6, Code Supplement 2009,  
3 3 is amended to read as follows:

3 4 6. If the court or jury determines that the respondent is a  
3 5 sexually violent predator, the court shall order the respondent  
3 6 to submit a DNA sample for DNA profiling ~~pursuant to section~~  
~~3 7 81.4 if a DNA sample has not been previously submitted pursuant~~  
3 8 to chapter 81.

3 9 Sec. 7. Section 232.52, subsection 11, Code Supplement  
3 10 2009, is amended to read as follows:

3 11 11. The court shall order a juvenile adjudicated a  
3 12 delinquent for an offense that requires DNA profiling under  
3 13 section 81.2 to submit a DNA sample for DNA profiling ~~pursuant~~  
~~3 14 to section 81.4 if a DNA sample has not been previously~~  
3 15 submitted pursuant to chapter 81.

3 16 Sec. 8. Section 331.653, Code Supplement 2009, is amended by  
3 17 adding the following new subsection:

3 18 NEW SUBSECTION. 72. Carry out duties relating to collecting  
3 19 DNA samples pursuant to section 81.4.

3 20 Sec. 9. Section 901.5, subsection 8A, paragraph a, Code  
3 21 2009, is amended to read as follows:

3 22 a. The court shall order ~~DNA profiling of~~ a defendant  
3 23 convicted of an offense that requires DNA profiling under  
3 24 section 81.2, to submit a DNA sample for DNA profiling if a DNA  
3 25 sample has not been previously submitted pursuant to chapter  
3 26 81.

3 27 Sec. 10. Section 906.4, unnumbered paragraph 3, Code 2009,  
3 28 is amended to read as follows:

3 29 The board may order the defendant to provide a ~~physical~~  
~~3 30 specimen to be~~ DNA sample for DNA profiling if a DNA sample  
3 31 has not been submitted for DNA profiling pursuant to chapter  
3 32 81 as a condition of parole or work release, if a DNA profile  
~~3 33 has not been previously conducted pursuant to chapter 81.~~ In  
3 34 determining the appropriateness of ordering DNA profiling, the  
3 35 board shall consider the deterrent effect of DNA profiling,



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4 1 the likelihood of repeated offenses by the defendant, and the  
4 2 seriousness of the offense.  
4 3 Sec. 11. Section 910.1, subsection 4, Code 2009, is amended  
4 4 to read as follows:  
4 5 4. "Restitution" means payment of pecuniary damages to  
4 6 a victim in an amount and in the manner provided by the  
4 7 offender's plan of restitution. "Restitution" also includes  
4 8 fines, penalties, and surcharges, the contribution of funds to  
4 9 a local anticrime organization which provided assistance to law  
4 10 enforcement in an offender's case, the payment of crime victim  
4 11 compensation program reimbursements, payment of restitution  
4 12 to public agencies pursuant to section 321J.2, subsection  
4 13 9, paragraph "b", court costs including correctional fees  
4 14 approved pursuant to section 356.7, reimbursement of costs  
4 15 to an agency performing DNA profiling pursuant to chapter  
4 16 81, court-appointed attorney fees ordered pursuant to section  
4 17 815.9, including the expense of a public defender, and the  
4 18 performance of a public service by an offender in an amount set  
4 19 by the court when the offender cannot reasonably pay all or  
4 20 part of the court costs including correctional fees approved  
4 21 pursuant to section 356.7, or court-appointed attorney fees  
4 22 ordered pursuant to section 815.9, including the expense of a  
4 23 public defender.  
4 24 Sec. 12. Section 910.2, Code 2009, is amended to read as  
4 25 follows:  
4 26 910.2 Restitution or community service to be ordered by  
4 27 sentencing court.  
4 28 1. In all criminal cases in which there is a plea of  
4 29 guilty, verdict of guilty, or special verdict upon which a  
4 30 judgment of conviction is rendered, the sentencing court  
4 31 shall order that restitution be made by each offender to the  
4 32 victims of the offender's criminal activities, to the clerk  
4 33 of court for fines, penalties, surcharges, and, to the extent  
4 34 that the offender is reasonably able to pay, for crime victim  
4 35 assistance reimbursement, restitution to public agencies



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5 1 pursuant to section 321J.2, subsection 9, paragraph "b", court  
5 2 costs including correctional fees approved pursuant to section  
5 3 356.7, reimbursement of costs to an agency performing DNA  
5 4 profiling pursuant to chapter 81, court=appointed attorney  
5 5 fees ordered pursuant to section 815.9, including the expense  
5 6 of a public defender, when applicable, or contribution to  
5 7 a local anticrime organization. However, victims shall be  
5 8 paid in full before fines, penalties, and surcharges, crime  
5 9 victim compensation program reimbursement, public agencies,  
5 10 court costs including correctional fees approved pursuant to  
5 11 section 356.7, reimbursement of costs to an agency performing  
5 12 DNA profiling pursuant to chapter 81, court=appointed attorney  
5 13 fees ordered pursuant to section 815.9, including the expenses  
5 14 of a public defender, or contributions to a local anticrime  
5 15 organization are paid. In structuring a plan of restitution,  
5 16 the court shall provide for payments in the following order  
5 17 of priority: victim, fines, penalties, and surcharges, crime  
5 18 victim compensation program reimbursement, public agencies,  
5 19 court costs including correctional fees approved pursuant to  
5 20 section 356.7, reimbursement of costs to an agency performing  
5 21 DNA profiling pursuant to chapter 81, court=appointed attorney  
5 22 fees ordered pursuant to section 815.9, including the expense  
5 23 of a public defender, and contribution to a local anticrime  
5 24 organization.  
5 25 2. When the offender is not reasonably able to pay all or a  
5 26 part of the crime victim compensation program reimbursement,  
5 27 public agency restitution, court costs including correctional  
5 28 fees approved pursuant to section 356.7, reimbursement of  
5 29 costs to an agency performing DNA profiling pursuant to  
5 30 chapter 81, court=appointed attorney fees ordered pursuant to  
5 31 section 815.9, including the expense of a public defender,  
5 32 or contribution to a local anticrime organization, the  
5 33 court may require the offender in lieu of that portion of  
5 34 the crime victim compensation program reimbursement, public  
5 35 agency restitution, court costs including correctional fees



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6 1 approved pursuant to section 356.7, reimbursement of costs  
6 2 to an agency performing DNA profiling pursuant to chapter  
6 3 81, court-appointed attorney fees ordered pursuant to  
6 4 section 815.9, including the expense of a public defender, or  
6 5 contribution to a local anticrime organization for which the  
6 6 offender is not reasonably able to pay, to perform a needed  
6 7 public service for a governmental agency or for a private  
6 8 nonprofit agency which provides a service to the youth,  
6 9 elderly, or poor of the community. When community service is  
6 10 ordered, the court shall set a specific number of hours of  
6 11 service to be performed by the offender which, for payment  
6 12 of court-appointed attorney fees ordered pursuant to section  
6 13 815.9, including the expenses of a public defender, shall be  
6 14 approximately equivalent in value to those costs. The judicial  
6 15 district department of correctional services shall provide for  
6 16 the assignment of the offender to a public agency or private  
6 17 nonprofit agency to perform the required service.  
6 18 Sec. 13. CONTINGENT EFFECTIVENESS. This Act shall not take  
6 19 effect unless an appropriation is enacted or the state's share  
6 20 of the cost of this Act is specified in accordance with section  
6 21 25B.2, subsection 3.

6 22 EXPLANATION

6 23 This bill expands the number of persons required to submit a  
6 24 DNA sample in a criminal proceeding.  
6 25 The bill provides that a person arrested for an offense  
6 26 classified as a felony shall submit a DNA sample for storage  
6 27 in the DNA bank and DNA database maintained by the division  
6 28 of criminal investigation of the department of public safety.  
6 29 The bill also applies to juveniles taken into custody for an  
6 30 offense classified as a felony if committed by an adult.  
6 31 Current law requires a person to submit a DNA sample if  
6 32 convicted, adjudicated delinquent, receiving a deferred  
6 33 judgment, or found not guilty by reason of insanity of an  
6 34 offense requiring DNA profiling pursuant to Code section 81.2.  
6 35 The bill provides that upon admittance to a county jail,



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7 1 the county sheriff shall collect a DNA sample from a person  
7 2 arrested for a felony.

7 3 The bill also provides that if the offense which caused  
7 4 the submission of a DNA sample is dismissed, the person who  
7 5 submitted the DNA sample may file a written request along with  
7 6 certified copies of relevant court records to expunge the DNA  
7 7 record from the DNA bank and DNA database. Under the bill,  
7 8 if the written request validates the dismissal of the charges  
7 9 the division of criminal investigation shall expunge the DNA  
7 10 record.

7 11 The bill requires any person required to submit a DNA sample  
7 12 for DNA profiling under Code chapter 81 to reimburse the agency  
7 13 performing the DNA profiling for performing such DNA profiling.

7 14 The bill may include a state mandate and therefore contains  
7 15 a contingent effectiveness provision which states that the  
7 16 bill does not take effect unless the state complies with the  
7 17 state mandate funding requirement of Code section 25B.2, which  
7 18 mandates funding for the cost of the state mandate to be  
7 19 provided or specified.

LSB 5483HH (3) 83

jm/nh



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**House File 2399 - Introduced**

HOUSE FILE  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 2100)

**A BILL FOR**

1 An Act modifying provisions applicable to electric generating  
2 and transmission facilities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5790HV (2) 83  
rn/sc



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House File 2399 - Introduced continued

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1 1 Section 1. Section 476.53, Code 2009, is amended to read as  
1 2 follows:

1 3 476.53 Electric generating and transmission facilities.

1 4 1. It is the intent of the general assembly to attract  
1 5 the development of electric power generating and transmission  
1 6 facilities within the state in sufficient quantity to ensure  
1 7 reliable electric service to Iowa consumers and provide  
1 8 economic benefits to the state.

1 9 2. a. The general assembly's intent with regard to the  
1 10 development of electric power generating and transmission  
1 11 facilities, as provided in subsection 1, shall be implemented  
1 12 in a manner that is cost-effective and compatible with the  
1 13 environmental policies of the state, as expressed in Title XI.

1 14 b. The general assembly's intent with regard to the  
1 15 reliability of electric service to Iowa consumers, as provided  
1 16 in subsection 1, shall be implemented by considering the  
1 17 diversity of the types of fuel used to generate electricity,  
1 18 the availability and reliability of fuel supplies, and the  
1 19 impact of the volatility of fuel costs.

1 20 3. ~~For purposes of this section, unless the context~~  
~~1 21 otherwise requires, the terms "cogeneration pilot project~~  
~~1 22 facility", "energy sales agreement", "qualified cogeneration~~  
~~1 23 pilot project facility", and "utility-owned cogeneration pilot~~  
~~1 24 project facility" mean the same as defined in section 15.269.~~

1 25 4. 3. a. The board shall specify in advance, by order  
1 26 issued after a contested case proceeding, the ratemaking  
1 27 principles that will apply when the costs of ~~the~~ an electric  
1 28 power generating facility, or alternate energy production  
1 29 facility, ~~cogeneration pilot project facility, or energy sales~~  
~~1 30 agreement~~ are included in regulated electric rates whenever a  
1 31 rate-regulated public utility does any of the following:

1 32 (1) Files an application pursuant to section 476A.3 to  
1 33 construct in Iowa a baseload electric power generating facility  
1 34 with a nameplate generating capacity equal to or greater than  
1 35 three hundred megawatts or a combined-cycle electric power



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2 1 generating facility, or an alternate energy production facility  
2 2 as defined in section 476.42.

2 3 (2) Leases or owns in Iowa, in whole or in part, a new  
2 4 baseload electric power generating facility with a nameplate  
2 5 generating capacity equal to or greater than three hundred  
2 6 megawatts or a combined-cycle electric power generating  
2 7 facility, or a new alternate energy production facility as  
2 8 defined in section 476.42.

~~2 9 (3) Enters into an agreement for the purchase of the  
2 10 electric power output of a qualified cogeneration pilot project  
2 11 facility or constructs a utility-owned cogeneration pilot  
2 12 project facility pursuant to section 15.269.~~

2 13 b. In determining the applicable ratemaking principles,  
2 14 the board shall not be limited to traditional ratemaking  
2 15 principles or traditional cost recovery mechanisms. Among the  
2 16 principles and mechanisms the board may consider, the board  
2 17 has the authority to approve ratemaking principles proposed by  
2 18 a rate-regulated public utility that provide for reasonable  
2 19 restrictions upon the ability of the public utility to seek  
2 20 a general increase in electric rates under section 476.6 for  
2 21 at least three years after the generating facility begins  
2 22 providing service to Iowa customers.

2 23 c. In determining the applicable ratemaking principles, the  
2 24 board shall make the following findings:

2 25 (1) The rate-regulated public utility has in effect a  
2 26 board-approved energy efficiency plan as required under section  
2 27 476.6, subsection 16.

2 28 (2) The rate-regulated public utility has demonstrated to  
2 29 the board that the public utility has considered other sources  
2 30 for long-term electric supply and that the facility, or lease,  
~~2 31 or cogeneration pilot project facility~~ is reasonable when  
2 32 compared to other feasible alternative sources of supply. The  
2 33 rate-regulated public utility may satisfy the requirements of  
2 34 this subparagraph through a competitive bidding process, under  
2 35 rules adopted by the board, that demonstrate the facility



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~~3 1 energy sales agreement, or lease is a reasonable alternative to  
3 2 meet its electric supply needs.  
3 3 d. The applicable ratemaking principles shall be determined  
3 4 in a contested case proceeding, which proceeding may be  
3 5 combined with the proceeding for issuance of a certificate  
3 6 conducted pursuant to chapter 476A.  
3 7 e. The order setting forth the applicable ratemaking  
3 8 principles shall be issued prior to the commencement of  
3 9 construction or lease of the facility, or execution of an  
3 10 energy sales agreement related to the cogeneration pilot  
3 11 project facility.  
3 12 f. Following issuance of the order, the rate-regulated  
3 13 public utility shall have the option of proceeding according to  
3 14 either of the following:  
3 15 (1) Withdrawing its application for a certificate pursuant  
3 16 to chapter 476A.  
3 17 (2) Proceeding with the construction or lease of the  
3 18 facility or implementation of an energy sales agreement related  
3 19 to a cogeneration pilot project facility.  
3 20 g. Notwithstanding any provision of this chapter to the  
3 21 contrary, the ratemaking principles established by the order  
3 22 issued pursuant to paragraph "e" shall be binding with regard to  
3 23 the specific electric power generating facility or cogeneration  
3 24 pilot project facility in any subsequent rate proceeding.  
3 25 ~~5.~~ 4. The utilities board and the consumer advocate  
3 26 may employ additional temporary staff, or may contract  
3 27 for professional services with persons who are not state  
3 28 employees, as the board and the consumer advocate deem  
3 29 necessary to perform required functions as provided in this  
3 30 section, including but not limited to review of power purchase  
3 31 contracts, review of emission plans and budgets, and review  
3 32 of ratemaking principles proposed for construction or lease  
3 33 of a new generating facility or a cogeneration pilot project  
3 34 facility. Beginning July 1, 2002, there is appropriated out  
3 35 of any funds in the state treasury not otherwise appropriated,~~



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4 1 such sums as may be necessary to enable the board and the  
4 2 consumer advocate to hire additional staff and contract for  
4 3 services under this section. The costs of the additional staff  
4 4 and services shall be assessed to the utilities pursuant to the  
4 5 procedure in section 476.10 and section 475A.6.  
4 6 6. a. ~~A qualified cogeneration pilot project facility~~  
~~4 7 may file a petition with the board for a determination of the~~  
~~4 8 avoided cost of an electric utility as provided in the federal~~  
~~4 9 Public Utility Regulatory Policies Act of 1978 and related~~  
~~4 10 federal regulations, if such a determination has not been made~~  
~~4 11 within the last twenty-four months or if there is reason to~~  
~~4 12 believe the avoided cost has changed.~~  
4 13 b. ~~The board shall issue its determination of the electric~~  
~~4 14 utility's avoided cost within one hundred twenty days after the~~  
~~4 15 petition is filed.~~  
4 16 c. ~~The board, for good cause shown, may extend the deadline~~  
~~4 17 for issuing the decision for an additional period not to exceed~~  
~~4 18 one hundred twenty days.~~  
4 19 d. ~~The board shall not issue a decision under this~~  
~~4 20 subsection without providing notice and an opportunity for~~  
~~4 21 hearing.~~  
4 22 e. ~~The utilities board and the consumer advocate may employ~~  
~~4 23 additional temporary staff, or may contract for professional~~  
~~4 24 services with persons who are not state employees, as the~~  
~~4 25 board and the consumer advocate deem necessary to perform~~  
~~4 26 required functions as provided in this subsection. There~~  
~~4 27 is appropriated out of any funds in the state treasury not~~  
~~4 28 otherwise appropriated, such sums as may be necessary to enable~~  
~~4 29 the board and the consumer advocate to hire additional staff~~  
~~4 30 and contract for services under this section. The costs of the~~  
~~4 31 additional staff and services shall be assessed to the electric~~  
~~4 32 utility pursuant to the procedure in sections 476.10 and~~  
~~4 33 475A.6.~~

4 34 EXPLANATION

4 35 This bill modifies provisions applicable to electric



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5 1 generating and transmission facilities.  
5 2 The bill expands current legislative intent regarding the  
5 3 development of electric power generating and transmission  
5 4 facilities to ensure reliable electric service. The bill  
5 5 provides that reliability of service should take into  
5 6 account the diversity of the types of fuel used to generate  
5 7 electricity, the availability and reliability of fuel supplies,  
5 8 and the impact of the volatility of fuel costs.  
5 9 Additionally, the bill deletes outdated provisions  
5 10 referencing a cogeneration pilot program which was repealed  
5 11 effective July 1, 2007.  
LSB 5790HV (2) 83  
rn/sc



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**House File 2400 - Introduced**

HOUSE FILE  
BY KUHN

**A BILL FOR**

1 An Act providing for the reestablishment of a technical  
2 advisory committee to reevaluate the master matrix used  
3 in approving sites for confinement feeding operations and  
4 including effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6079YH (4) 83  
da/rj



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1 1 Section 1. REESTABLISHMENT OF A TECHNICAL ADVISORY  
1 2 COMMITTEE REEVALUATION OF THE MASTER MATRIX.  
1 3 A technical advisory committee is created to reevaluate  
1 4 the master matrix as provided in section 359.305 and 567 IAC  
1 5 chapter 65, appendix C.  
1 6 1. The committee shall be composed of all of the following:  
1 7 a. A designee of the secretary of agriculture.  
1 8 b. A designee of the director of the department of natural  
1 9 resources.  
1 10 c. A designee of the president of the university of Iowa.  
1 11 d. A designee of the president of Iowa state university.  
1 12 e. A representative of the Iowa environmental council.  
1 13 f. A representative of the Iowa state association of  
1 14 counties.  
1 15 g. A representative of the Iowa farm bureau federation.  
1 16 h. A representative of the Iowa's farmers union.  
1 17 i. Two representatives of organizations representing  
1 18 livestock producers who shall be jointly designated to the  
1 19 department of natural resources by the Iowa pork producers  
1 20 association, the Iowa cattlemens' association, the Iowa dairy  
1 21 products association, the Iowa poultry association, and the  
1 22 Iowa turkey federation.  
1 23 2. The department of natural resources shall provide  
1 24 administrative support to the committee. The attorney general  
1 25 shall appoint an assistant attorney general to provide the  
1 26 committee with legal counsel and assistance.  
1 27 3. In conducting its reevaluation, the committee shall only  
1 28 consider methods to better further the purpose of the master  
1 29 matrix as specified in section 359.305, subsection 1, without  
1 30 further restriction, including any restriction contained in  
1 31 2002 Iowa Acts, ch. 1137, { 62, or any other restriction  
1 32 provided in section 359.305.  
1 33 4. The committee shall prepare a report, including findings  
1 34 and recommendations. The report may also include proposed  
1 35 legislation and proposed revisions to 567 IAC chapter 65,



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2 1 appendix C. The department on behalf of the committee shall  
2 2 submit its report in an electronic format to the general  
2 3 assembly not later than December 15, 2011.  
2 4 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
2 5 immediate importance, takes effect upon enactment.

2 6 EXPLANATION

2 7 In 2002, the general assembly enacted S.F. 2293 (2002  
2 8 Iowa Acts, chapter 1137) which in part established a new  
2 9 procedure for approving or disapproving applications for the  
2 10 construction or expansion of confinement feeding operations  
2 11 by the department of natural resources in cooperation with  
2 12 participating county boards of supervisors, based on a master  
2 13 matrix (Code sections 459.304 and 459.305). The purpose of  
2 14 the master matrix is to provide a comprehensive assessment  
2 15 mechanism in order to produce a statistically verifiable basis  
2 16 for determining whether to approve or disapprove an application  
2 17 (Code section 359.305). The Act established a 10-member  
2 18 technical advisory committee to recommend matrix categories,  
2 19 criteria within the categories, and the point values assigned  
2 20 to the criteria. The department adopted a master matrix  
2 21 by rule (567 IAC chapter 65, appendix C). The committee's  
2 22 function was to implement the statute.

2 23 This bill reestablishes the committee and provides that  
2 24 in conducting its reevaluation, it shall consider methods to  
2 25 better further the purpose of the master matrix as specified  
2 26 in Code section 359.305, subsection 1, without further  
2 27 restriction, including any restriction contained in 2002 Iowa  
2 28 Acts, chapter 1137, { 62 or Code section 459.305 (e.g., no  
2 29 deduction of points).

2 30 The bill takes effect upon enactment.

LSB 6079YH (4) 83

da/rj



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**House File 2401 - Introduced**

HOUSE FILE  
BY TAYLOR

**A BILL FOR**

1 An Act relating to qualifications for and payment of  
2 unemployment compensation benefits, and including effective  
3 date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 5815HH (3) 83  
ak/rj



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1 1 Section 1. Section 96.3, subsection 5, paragraph a, Code  
1 2 Supplement 2009, is amended to read as follows:  
1 3 a. Duration of benefits. The maximum total amount of  
1 4 benefits payable to an eligible individual during a benefit  
1 5 year shall not exceed the total of the wage credits accrued  
1 6 to the individual's account during the individual's base  
1 7 period, or twenty=six times the individual's weekly benefit  
1 8 amount, whichever is the lesser. The maximum total amount of  
1 9 benefits if not a multiple of one dollar shall be rounded to  
1 10 the lower multiple of one dollar. The director shall maintain  
1 11 a separate account for each individual who earns wages in  
1 12 insured work. The director shall compute wage credits for each  
1 13 individual by crediting the individual's account with one=third  
1 14 of the wages for insured work paid to the individual during  
1 15 the individual's base period. However, the director shall  
1 16 recompute wage credits for an individual who is laid off due to  
1 17 the individual's employer going out of business at the factory,  
1 18 establishment, or other premises at which the individual was  
1 19 last employed, by crediting the individual's account with  
1 20 one=half, instead of one=third, of the wages for insured work  
1 21 paid to the individual during the individual's base period.  
1 22 Benefits paid to an eligible individual shall be charged  
1 23 against the base period wage credits in the individual's  
1 24 account which have not been previously charged, in the inverse  
1 25 chronological order as the wages on which the wage credits  
1 26 are based were paid. However if the state "off indicator"  
1 27 is in effect and if the individual is laid off due to the  
1 28 individual's employer going out of business at the factory,  
1 29 establishment, or other premises at which the individual was  
1 30 last employed, the maximum benefits payable shall be extended  
1 31 to thirty=nine times the individual's weekly benefit amount,  
1 32 but not to exceed the total of the wage credits accrued to the  
1 33 individual's account.  
1 34 Sec. 2. Section 96.4, subsection 4, paragraph a, Code  
1 35 Supplement 2009, is amended to read as follows:



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2 1 a. ~~The individual has been paid wages for insured work~~  
2 2 ~~during the individual's base period in an amount at least one~~  
2 3 ~~and one-quarter times the wages paid to the individual during~~  
2 4 ~~that quarter of the individual's base period in which the~~  
2 5 ~~individual's wages were highest; provided that the individual~~  
2 6 ~~has been paid wages for insured work totaling at least three~~  
2 7 ~~and five-tenths percent of the statewide average annual wage~~  
2 8 ~~for insured work, computed for the preceding calendar year if~~  
2 9 ~~the individual's benefit year begins on or after the first full~~  
2 10 ~~week in July and computed for the second preceding calendar~~  
2 11 ~~year if the individual's benefit year begins before the first~~  
2 12 ~~full week in July, in that calendar quarter in the individual's~~  
2 13 ~~base period in which the individual's wages were highest, and~~  
2 14 ~~the individual has been paid wages for insured work totaling~~  
2 15 ~~at least one-half of the amount of wages required under this~~  
2 16 ~~paragraph in the calendar quarter of the base period in which~~  
2 17 ~~the individual's wages were highest, in a calendar quarter in~~  
2 18 ~~the individual's base period other than the calendar quarter~~  
2 19 ~~in which the individual's wages were highest. The calendar~~  
2 20 ~~quarter wage requirements shall be rounded to the nearest~~  
2 21 ~~multiple of ten dollars.~~

2 22 Sec. 3. Section 96.4, subsection 4, paragraph c, Code  
2 23 Supplement 2009, is amended to read as follows:

2 24 c. If the individual has drawn benefits in any benefit year,  
2 25 the individual must during or subsequent to that year, work  
2 26 in and be paid wages for insured work totaling at least ~~two~~  
2 27 ~~hundred fifty dollars~~ the statewide average weekly wage, as a  
2 28 condition to receive benefits in the next benefit year.

2 29 Sec. 4. Section 96.5, subsection 1, unnumbered paragraph 1,  
2 30 Code 2009, is amended to read as follows:

2 31 If the department finds that the individual has left work  
2 32 voluntarily without good cause attributable to the individual's  
2 33 employer, if so found by and the department shall cancel the  
2 34 individual's wage credits earned from the employer. But the  
2 35 individual shall not be disqualified if the department finds



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3 1 that:

3 2 Sec. 5. Section 96.5, subsection 1, paragraph g, Code 2009,  
3 3 is amended by striking the paragraph.

3 4 Sec. 6. Section 96.5, subsection 1, paragraph j,  
3 5 subparagraph (1), Code 2009, is amended to read as follows:

3 6 (1) The individual is a temporary employee of a temporary  
3 7 employment firm who notifies the temporary employment firm  
3 8 of completion of an employment assignment and who seeks  
3 9 reassignment. ~~Failure of~~ If the individual fails to notify

3 10 the temporary employment firm of completion of an employment  
3 11 assignment within three working days of the completion of  
3 12 each employment assignment under a contract of hire, the  
3 13 individual shall be deemed a voluntary quit unavailable

3 14 for work until the employer is notified or other work has  
3 15 been obtained for the individual unless the individual was

3 16 not advised in writing of the duty to notify the temporary  
3 17 employment firm upon completion of an employment assignment or  
3 18 the individual had good cause for not contacting the temporary  
3 19 employment firm within three working days and notified the firm  
3 20 at the first reasonable opportunity thereafter.

3 21 Sec. 7. Section 96.5, subsection 2, Code 2009, is amended  
3 22 to read as follows:

3 23 2. Discharge for misconduct. If the department finds that  
3 24 the individual has been discharged for misconduct in connection  
3 25 with the individual's employment:

3 26 a. ~~The individual shall be disqualified for benefits until~~  
~~3 27 the individual has worked in and has been paid wages for~~  
~~3 28 insured work equal to ten times the individual's weekly benefit~~  
~~3 29 amount, provided the individual is otherwise eligible.~~

3 30 b. ~~Provided further, if~~ For either gross misconduct  
3 31 is established or misconduct, the department shall cancel  
3 32 the individual's wage credits earned, ~~prior to the date of~~  
~~3 33 discharge, from all employers~~ from the employer from which  
3 34 the individual was discharged. If the discharge for gross  
3 35 misconduct or misconduct was from the individual's last



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4 1 employer subsequent to the claim filing, the department  
4 2 shall reduce the individual's wage credits earned from the  
4 3 last employer to the amount, if any, used for payment of  
4 4 any benefits for weeks prior to the week the individual was  
4 5 discharged.

4 6 c. Gross misconduct is deemed to have occurred after a  
4 7 claimant loses employment as a result of an act constituting  
4 8 an indictable offense in connection with the claimant's  
4 9 employment, provided the claimant is duly convicted thereof or  
4 10 has signed a statement admitting the commission of such an act.  
4 11 Determinations regarding a benefit claim may be redetermined  
4 12 within five years from the effective date of the claim. Any  
4 13 benefits payable due to wage credits earned from the employer  
4 14 from which the claimant was discharged for gross misconduct  
4 15 and paid to a the claimant prior to a the determination that  
4 16 the claimant has lost employment as a result of such act shall  
4 17 not be considered to have been accepted by the claimant in good  
4 18 faith.

4 19 d. For suspensions without pay for just cause the department  
4 20 shall determine a disqualification for one, two, or three weeks  
4 21 for the suspension period based on the severity of the work  
4 22 rule violation and consideration of progressive discipline.  
4 23 After the disqualification period the individual is no longer  
4 24 disqualified for benefits, provided the individual is otherwise  
4 25 eligible.

4 26 Sec. 8. Section 96.5, subsection 5, paragraph a,  
4 27 subparagraph (1), Code 2009, is amended to read as follows:  
4 28 (1) Wages in lieu of notice, ~~separation allowance, or~~  
4 29 severance pay, ~~or dismissal pay.~~

4 30 (a) When the individual's employer, within ten calendar  
4 31 days after notification of the filing of the individual's  
4 32 claim, provides notice in writing to the department the  
4 33 period to which the payment shall be allocated, a sum equal  
4 34 to the wages of such individual for a normal workday shall  
4 35 be attributed to, or deemed to be payable to the individual



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5 1 with respect to, the first and each subsequent workday in such  
5 2 period until such amount so paid or owing is exhausted. Any  
5 3 individual receiving or entitled to receive wages provided  
5 4 herein shall be ineligible for benefits for any week in which  
5 5 the sums, so designated or attributed to such normal workdays,  
5 6 equal or exceed the individual's weekly benefit amount. If  
5 7 the amount so designated or attributed as wages is less than  
5 8 the weekly benefit amount of such individual, the individual's  
5 9 benefits shall be reduced by such amount.

5 10 (b) Payment for wages in lieu of notice or severance pay  
5 11 shall not be deducted for any period in excess of one week from  
5 12 the unemployment benefits the individual is otherwise entitled  
5 13 to receive when any of the following apply:

5 14 (i) The individual's employer fails to notify the  
5 15 department in writing within ten calendar days after  
5 16 notification of the filing of the individual's claim.

5 17 (ii) The individual's employer fails to designate the  
5 18 period to which the payments shall be allocated.

5 19 (iii) The individual's employer requires the individual to  
5 20 sign a conditional release, waiver, or settlement agreement  
5 21 before the payment for wages in lieu of notice or severance pay  
5 22 will be paid to the individual.

5 23 Sec. 9. Section 96.6, subsection 2, Code 2009, is amended  
5 24 to read as follows:

5 25 2. Initial determination. A representative designated by  
5 26 the director shall promptly notify all interested parties to  
5 27 the claim of its filing, and the parties have ten days from  
5 28 the date of mailing the notice of the filing of the claim by  
5 29 ordinary mail to the last known address to protest payment of  
5 30 benefits to the claimant. The representative shall promptly  
5 31 examine the claim and any protest, take the initiative to  
5 32 ascertain relevant information concerning the claim, and, on  
5 33 the basis of the facts found by the representative, shall  
5 34 determine whether or not the claim is valid, the week with  
5 35 respect to which benefits shall commence, the weekly benefit



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6 1 amount payable and its maximum duration, and whether any  
6 2 disqualification shall be imposed. The claimant has the burden  
6 3 of proving that the claimant meets the basic eligibility  
6 4 conditions of section 96.4. The employer has the burden of  
6 5 proving that the claimant is disqualified for benefits pursuant  
6 6 to section 96.5, except as provided by this subsection. The  
6 7 claimant has the initial burden to produce evidence showing  
6 8 that the claimant is not disqualified for benefits in cases  
6 9 involving section 96.5, subsection 10, and has the burden  
6 10 of proving that a voluntary quit pursuant to section 96.5,  
6 11 subsection 1, was for good cause attributable to the employer  
6 12 and that the claimant is not disqualified for benefits in cases  
6 13 involving section 96.5, subsection 1, paragraphs "a" through  
6 14 "h". Unless the claimant or other interested party, after  
6 15 notification or within ten calendar days after notification  
6 16 was mailed to the claimant's last known address, files an  
6 17 appeal from the decision, the decision is final and benefits  
6 18 shall be paid or denied in accordance with the decision.  
6 19 However, if a disqualification for benefits results in an  
6 20 overpayment decision, the disqualification decision is not  
6 21 final unless the claimant or other interested party, after  
6 22 notification of the overpayment decision or within ten calendar  
6 23 days after notification of the overpayment decision was  
6 24 mailed to the claimant's last known address, fails to file  
6 25 an appeal from the overpayment decision. An appeal of the  
6 26 overpayment decision shall also be considered an appeal of the  
6 27 disqualification decision causing the benefit overpayment,  
6 28 unless an appeal for the disqualification of benefits has  
6 29 already been heard, in which case the overpayment appeal is  
6 30 unaffected. If an administrative law judge affirms a decision  
6 31 of the representative, or the appeal board affirms a decision  
6 32 of the administrative law judge allowing benefits, the benefits  
6 33 shall be paid regardless of any appeal which is thereafter  
6 34 taken, but if the decision is finally reversed, no employer's  
6 35 account shall be charged with benefits so paid and this relief



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7 1 from charges shall apply to both contributory and reimbursable  
7 2 employers, notwithstanding section 96.8, subsection 5.

7 3 Sec. 10. Section 96.19, subsection 38, paragraph b, Code  
7 4 Supplement 2009, is amended to read as follows:

7 5 b. An individual shall be deemed partially unemployed in any  
7 6 week in which either of the following apply:

7 7 (1) While employed at the individual's then regular job, the  
7 8 individual works less than the regular full-time week ~~and in~~  
~~7 9 which the individual earns less than the individual's weekly~~  
~~7 10 benefit amount plus fifteen dollars.~~

7 11 (2) The individual, ~~having~~ has been separated from the  
7 12 individual's regular job, ~~earns at odd jobs less than the~~  
~~7 13 individual's weekly benefit amount plus fifteen dollars and~~  
7 14 works less than the regular full-time week in other employment.

7 15 Sec. 11. EFFECTIVE DATE AND APPLICABILITY. The following  
7 16 provision or provisions of this Act take effect July 4, 2010,  
7 17 and apply to any week of unemployment benefits beginning on or  
7 18 after that date:

7 19 1. The section of this Act amending section 96.5, subsection  
7 20 5.

7 21 2. The section of this Act amending section 96.6.

7 22 3. The section of this Act amending section 96.19.

7 23 Sec. 12. EFFECTIVE DATE AND APPLICABILITY. The following  
7 24 provision or provisions of this Act take effect July 4, 2010,  
7 25 and apply to any new claim of unemployment benefits filed on  
7 26 or after that date:

7 27 1. The section of this Act amending section 96.3.

7 28 2. The sections of this Act amending section 96.4.

7 29 3. The sections of this Act amending section 96.5,  
7 30 subsection 1.

7 31 4. The section of this Act amending section 96.5, subsection  
7 32 2.

7 33 EXPLANATION

7 34 This bill relates to the eligibility requirements for and  
7 35 payment of unemployment compensation benefits.



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8 1 In Code section 96.3(5), the bill requires the maximum total  
8 2 amount of benefits in a benefit year, if not a multiple of \$1,  
8 3 to be rounded to the lower multiple of \$1.  
8 4 In Code section 96.4(4), the bill eliminates the requirement  
8 5 that to qualify for unemployment benefits an individual must  
8 6 have been paid wages during the individual's base period in an  
8 7 amount at least one and one-quarter times the wages paid to the  
8 8 individual during the highest wage quarter of the individual's  
8 9 base period.  
8 10 The bill provides that if an individual has received  
8 11 benefits in any benefit year, the individual must be paid wages  
8 12 in an amount at least equaling the statewide weekly wage,  
8 13 rather than \$250, before becoming eligible for benefits in the  
8 14 next benefit year.  
8 15 In Code section 96.5(1), the bill provides that if the  
8 16 department finds that an individual has left work voluntarily  
8 17 without good cause attributable to the individual's employer,  
8 18 then the department shall cancel the individual's wage credits  
8 19 earned from that employer.  
8 20 Code section 96.5(1)(g) is eliminated. The Code section  
8 21 currently requires an individual to work in and be paid wages  
8 22 for insured work equal to 10 times the individual's weekly  
8 23 benefit amount, after the individual left work voluntarily  
8 24 without good cause attributable to the employer under  
8 25 circumstances which would disqualify the individual for  
8 26 benefits.  
8 27 In Code section 96.5(1)(j), the bill provides that  
8 28 temporary employees who fail to notify the temporary employment  
8 29 firm of the completion of each employment assignment shall be  
8 30 considered unavailable for work and not qualified for benefits  
8 31 until the employer is contacted or new employment is obtained.  
8 32 In Code section 96.5(2), the bill eliminates the requirement  
8 33 for an individual to work in and be paid wages for insured work  
8 34 equal to 10 times the individual's weekly benefit to requalify  
8 35 for benefits after the individual has been discharged for



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9 1 misconduct with the individual's employer. For a discharge  
9 2 for misconduct or gross misconduct the department shall cancel  
9 3 the individual's wage credits earned from the employer. For a  
9 4 discharge for misconduct or gross misconduct in connection with  
9 5 the individual's employment subsequent to the claim filing, the  
9 6 department shall reduce the individual's wage credits earned  
9 7 from this employer to the amount, if any, used for payment of  
9 8 any benefits for weeks prior to the week the individual was  
9 9 discharged. With a gross misconduct discharge the department  
9 10 will no longer cancel wage credits earned from other employers  
9 11 prior to the date of discharge. New Code section 96.5(2)(d)  
9 12 provides for disqualifications for one, two, or three weeks  
9 13 when an individual has been suspended without pay for just  
9 14 cause.

9 15 In Code section 96.5(5)(a) and (b), the bill provides that if  
9 16 notification of wages in lieu of notice or severance pay by the  
9 17 employer is made after 10 days of notification of claim filing,  
9 18 if the employer fails to designate a period for wages in lieu  
9 19 of notice or severance pay to be allocated, or if the employer  
9 20 requires the individual to sign a conditional release, waiver  
9 21 or settlement agreement before the payment for wages in lieu of  
9 22 notice or severance pay will be paid to the individual, then  
9 23 wages in lieu of notice or severance pay amount is limited to  
9 24 an amount of one week of wages and one week of deduction from  
9 25 benefits.

9 26 In Code section 96.6(2), the bill provides that a denial  
9 27 of benefits which causes a benefit overpayment does not  
9 28 become final unless an appeal is not filed within 10 calendar  
9 29 days of the notification of the overpayment decision. The  
9 30 bill provides that an appeal of the overpayment decision  
9 31 shall also be considered an appeal of the decision denying  
9 32 benefits which caused the overpayment, unless an appeal for  
9 33 disqualification of benefits has already been held, in which  
9 34 case, the overpayment appeal is unaffected.

9 35 In Code section 96.19(38)(b), the bill amends the definition



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10 1 of partial employment. An individual is deemed partially  
10 2 unemployed in any week when the individual while employed at  
10 3 the individual's regular job works less than the full-time  
10 4 week or when the individual is separated from the individual's  
10 5 regular job and works less than the regular full-time week in  
10 6 other employment.

10 7 The sections of this Act amending Code sections 96.5(5),  
10 8 96.6, and 96.19 apply to any week of unemployment benefits  
10 9 beginning on or after July 4, 2010. The sections of this Act  
10 10 amending Code sections 96.3, 96.4, 96.5(1), and 96.5(2) apply  
10 11 to any new claim of unemployment benefits with an effective  
10 12 date on or after July 4, 2010.

LSB 5815HH (3) 83

ak/rj



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House Study Bill 723

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

**A BILL FOR**

1 An Act requiring notice to the board of parole and the  
2 department of corrections about offenders required to serve  
3 certain special sentences.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6236HC (4) 83  
jm/nh



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House Study Bill 723 continued

PAG LIN

1 1 Section 1. Section 907.8, unnumbered paragraph 4, Code  
1 2 2009, is amended to read as follows:  
1 3 In each case wherein the court ~~shall order said orders~~  
1 4 the person committed to the custody, care, and supervision of  
1 5 the judicial district department of correctional services, the  
1 6 clerk of the district court shall ~~at once~~ immediately furnish  
1 7 the director of the judicial district department of  
1 8 correctional services with certified copies of the indictment  
1 9 or information, the minutes of testimony attached thereto, the  
1 10 judgment entry if judgment is not deferred, and the original  
1 11 mittimus. If an offense requires the service of a special  
1 12 sentence under section 903B.1 or 903B.2, the clerk of the  
1 13 district court shall also furnish the board of parole and  
1 14 the department of corrections with certified copies of the  
1 15 indictment or information, the minutes of testimony attached  
1 16 thereto, the judgment entry if judgment is not deferred,  
1 17 and the original mittimus. The county attorney shall ~~at~~  
1 18 once immediately advise the director, by letter, that the  
1 19 defendant has been placed under the supervision of the judicial  
1 20 district department of correctional services and give the  
1 21 director a detailed statement of the facts and circumstances  
1 22 surrounding the crime committed and the record and history  
1 23 of the defendant as may be known to the county attorney. If  
1 24 the defendant is confined in the county jail at the time  
1 25 of sentence, the court may order the defendant held until  
1 26 arrangements are made by the judicial district department of  
1 27 correctional services for the defendant's employment and the  
1 28 defendant has signed the necessary probation papers. If the  
1 29 defendant is not confined in the county jail at the time of  
1 30 sentence, the court may order the defendant to remain in the  
1 31 county wherein the defendant has been convicted and sentenced  
1 32 and report to the sheriff as to the defendant's whereabouts.

1 33 EXPLANATION

1 34 This bill relates to providing notice to the board of parole  
1 35 and the department of corrections about offenders required to



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2 1 serve certain special sentences.  
2 2 The bill requires the clerk of the district court to furnish  
2 3 the board of parole and the department of corrections with  
2 4 certified copies of the indictment or information, the minutes  
2 5 of testimony, the judgment entry if judgment is not deferred,  
2 6 and the original mittimus for persons required to serve a  
2 7 special sentence and who are placed on probation. Current  
2 8 law requires the clerk of the district court to furnish such  
2 9 information to the judicial district department of corrections.

LSB 6236HC (4) 83

jm/nh



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**House Study Bill 724**

HOUSE FILE

BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL  
BY CHAIRPERSON  
ZIRKELBACH)

**A BILL FOR**

1 An Act requiring the department of veterans affairs to  
2 provide copies of certain discharge documents to the county  
3 commissions of veteran affairs.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6235HC (4) 83  
md/sc



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House Study Bill 724 continued

PAG LIN

1 1 Section 1. Section 35A.5, Code Supplement 2009, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 14A. Provide a copy of the certificate of  
1 4 release or discharge from active duty to the county commission  
1 5 of veteran affairs for the county where the released or  
1 6 discharged individual resides within thirty days of receiving  
1 7 the certificate of release or discharge from active duty from  
1 8 the applicable branch of service.

1 9 EXPLANATION

1 10 This bill requires the department of veterans affairs to  
1 11 provide a copy of the certificate of release or discharge  
1 12 from active duty to the county commission of veteran affairs  
1 13 for the county where the released or discharged individual  
1 14 resides within 30 days of receiving the certificate of release  
1 15 or discharge from active duty from the applicable branch of  
1 16 service.

LSB 6235HC (4) 83

sc



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House Study Bill 725

HOUSE FILE

BY (PROPOSED COMMITTEE ON  
ECONOMIC GROWTH BILL  
BY CHAIRPERSON THOMAS)

**A BILL FOR**

1 An Act relating to the allocation of moneys under the grow  
2 Iowa values fund for purposes of making grants to certain  
3 microenterprise development organizations.

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

TL5B 6237HC (5) 83

tw/nh



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House Study Bill 725 continued

PAG LIN

1 1 Section 1. Section 15.240, Code 2009, is amended to read as  
1 2 follows:  
1 3 15.240 ~~Community microenterprise~~ Microenterprise development  
1 4 organization grant program.  
1 5 1. The department shall award grants ~~to community~~ pursuant  
1 6 to this section to microenterprise development organizations.  
1 7 The grants may be awarded to qualifying lead microenterprise  
1 8 development organizations or to community microenterprise  
1 9 development organizations.  
1 10 2. To qualify for a grant, a lead microenterprise  
1 11 development organization shall meet all of the following  
1 12 conditions:  
1 13 a. Be a nonprofit organization exempt from federal taxation  
1 14 under section 501(c) of the Internal Revenue Code.  
1 15 b. Have the capability to provide access to microfinancing  
1 16 or microloan programs.  
1 17 c. Have programs or resources that provide for the following  
1 18 services:  
1 19 (1) The provision of market information for local  
1 20 businesses. Market information typically includes high  
1 21 quality data and supporting analysis on various product and  
1 22 consumer markets, the demographics of a community's residents,  
1 23 methods for targeting the various customer markets within the  
1 24 community, and techniques for enhancing competitive advantages.  
1 25 (2) The growth of social and business relationships that  
1 26 facilitates productive partnerships among business owners,  
1 27 industry groups, public officials and public sector supporters,  
1 28 and academic institutions.  
1 29 (3) The provision of affordable access to business  
1 30 information databases, geographic information system services  
1 31 and consulting, marketing data and analysis, best practices for  
1 32 effective advertising and internet search engine optimization,  
1 33 and demographic data analysis.  
1 34 d. Be an organization whose stated mission is to provide  
1 35 ongoing training, technical assistance, and microfinancing



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2 1 expertise to small businesses and microenterprises in order to  
2 2 create jobs and expand family incomes in the state.

2 3 3. A grant shall not be awarded to a community  
2 4 microenterprise development organization unless the community  
2 5 microenterprise development organization can match at least  
2 6 twenty percent of the funds to be awarded. The matching funds  
2 7 may be from private foundations, federal or local government  
2 8 funds, financial institutions, or individuals.

2 9 ~~2.~~ 4. In awarding grants to community microenterprise  
2 10 development organizations, the department shall ~~consider~~ make  
2 11 awards to the best applicants after considering all of the  
2 12 following:

2 13 a. The overall geographic diversity of the applicants for  
2 14 grants, including both urban and rural communities.

2 15 b. The ability of a community microenterprise development  
2 16 organization to provide services to low-income and  
2 17 moderate-income individuals and underserved communities.  
2 18 In determining the ability to provide services, all of the  
2 19 following shall be considered:

2 20 (1) The ability to identify potential microentrepreneurs  
2 21 within a community.

2 22 (2) The capacity to perform client assessment and  
2 23 screening.

2 24 (3) The ability to provide business training and technical  
2 25 assistance, including information about access to markets,  
2 26 business management, and financial literacy.

2 27 (4) The capacity to provide assistance in securing  
2 28 financing.

2 29 c. The scope of services offered and the efficient delivery  
2 30 of such services, especially to low-income, moderate-income,  
2 31 and minority individuals.

2 32 d. The ability to monitor the progress of clients and to  
2 33 identify those clients in need of additional technical and  
2 34 financial assistance.

2 35 e. The ability to build relationships and coordinate



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3 1 resources with other entities supporting microentrepreneurs.  
3 2 These entities may include but are not limited to community  
3 3 colleges, cooperative extension services, small business  
3 4 development centers, chambers of commerce, community economic  
3 5 development organizations, workforce centers, and community  
3 6 nonprofit service providers that serve low-income and  
3 7 moderate-income individuals.  
3 8 f. The ability to coordinate activities with any targeted  
3 9 small business advocate services operating in the community.  
3 10 g. The amount and sufficiency of operating funds available.  
3 11 h. Any other criteria the department deems reasonable.  
3 12 5. An organization receiving a grant pursuant to this  
3 13 section shall submit an annual report to the department that  
3 14 describes how the grant funds were used and what results were  
3 15 achieved.

3 16 Sec. 2. Section 15G.111, subsection 9, paragraph b, Code  
3 17 Supplement 2009, is amended to read as follows:

3 18 b. Of the moneys allocated under this subsection,  
3 19 the department may use up to fifty thousand dollars each  
3 20 fiscal year during the fiscal period beginning July 1,  
3 21 2009, and ending June 30, 2015, for purposes of ~~providing~~  
~~training, materials, and assistance to Iowa business~~  
~~resource centers~~ making grants to microenterprise development  
3 24 organizations pursuant to section 15.240.

3 25 EXPLANATION

3 26 This bill relates to grants for certain microenterprise  
3 27 development organizations.

3 28 Currently, Code section 15.240 provides that grants shall  
3 29 be made to certain community microenterprise development  
3 30 organizations, but no moneys have been appropriated for  
3 31 such purposes. This bill adds certain lead microenterprise  
3 32 development organizations to the list of organizations eligible  
3 33 for grants under the program and provides requirements for such  
3 34 organizations to qualify for a grant.

3 35 Currently, of the moneys allocated for regional financial



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4 1 assistance under the grow Iowa values fund, the department is  
4 2 authorized to spend up to \$50,000 each fiscal year for purposes  
4 3 of providing training, materials, and assistance to Iowa  
4 4 business resource centers. The bill allocates this \$50,000 for  
4 5 purposes of the microenterprise development organization grant  
4 6 program in Code section 15.240.

LSB 6237HC (5) 83

tw/nh



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**House Study Bill 726**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
LABOR BILL BY  
CHAIRPERSON OLSON)

**A BILL FOR**

- 1 An Act relating to public employee collective bargaining.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6241YC (4) 83  
ec/rj



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1 1 Section 1. Section 20.1, subsection 2, paragraph e, Code  
1 2 2009, is amended to read as follows:

1 3 e. Providing mediators, ~~fact finders~~, and arbitrators to  
1 4 resolve impasses in negotiations.

1 5 Sec. 2. Section 20.1, subsection 2, paragraph g, Code 2009,  
1 6 is amended to read as follows:

1 7 g. ~~Assisting the attorney general in the preparation~~  
~~1 8 of~~ Preparing legal briefs and the presentation of presenting  
1 9 oral arguments in the district court, the court of appeals, and  
1 10 the supreme court in cases affecting the board.

1 11 Sec. 3. Section 20.3, subsection 4, Code 2009, is amended  
1 12 to read as follows:

1 13 4. "Employee organization" means an organization of any  
1 14 kind in which public employees participate and which exists for  
1 15 the primary purpose of representing ~~public~~ employees in their  
1 16 employment relations.

1 17 Sec. 4. Section 20.3, subsection 5, Code 2009, is amended by  
1 18 striking the subsection.

1 19 Sec. 5. Section 20.5, subsection 3, Code 2009, is amended  
1 20 to read as follows:

1 21 3. The chairperson and the remaining two members shall be  
1 22 compensated as provided in section 7E.6, subsection 5. Members  
1 23 of the board and ~~other~~ employees of the board shall be allowed  
1 24 their actual and necessary expenses incurred in the performance  
1 25 of their duties. All expenses and salaries shall be paid from  
1 26 appropriations for such purposes and the board shall be subject  
1 27 to the budget requirements of chapter 8.

1 28 Sec. 6. Section 20.6, subsection 1, Code 2009, is amended  
1 29 to read as follows:

1 30 1. ~~Administer~~ Interpret, apply, and administer the  
1 31 provisions of this chapter.

1 32 Sec. 7. Section 20.10, subsection 1, Code 2009, is amended  
1 33 to read as follows:

1 34 1. It shall be a prohibited practice for any public  
1 35 employer, public employee or employee organization to



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2 1 ~~willfully~~ refuse to negotiate in good faith with respect to the  
2 2 scope of negotiations as defined in section 20.9.  
2 3 Sec. 8. Section 20.10, subsection 2, paragraph f, Code 2009,  
2 4 is amended to read as follows:  
2 5 f. Deny the rights accompanying certification ~~or exclusive~~  
2 6 ~~recognition~~ granted in this chapter.  
2 7 Sec. 9. Section 20.10, subsection 2, unnumbered paragraph  
2 8 1, Code 2009, is amended to read as follows:  
2 9 It shall be a prohibited practice for a public employer or  
2 10 the employer's designated representative ~~willfully~~ to:  
2 11 Sec. 10. Section 20.10, subsection 3, paragraph b, Code  
2 12 2009, is amended to read as follows:  
2 13 b. Interfere, restrain, or coerce a public employer with  
2 14 respect to rights granted in this chapter or with respect to  
2 15 selecting a representative for the purposes of negotiating  
2 16 collectively ~~on or~~ the adjustment of grievances.  
2 17 Sec. 11. Section 20.10, subsection 3, paragraph f, Code  
2 18 2009, is amended to read as follows:  
2 19 f. Violate the provisions of sections 732.1 to 732.3,  
2 20 which are hereby made applicable to public employers, public  
2 21 employees, and ~~public~~ employee organizations.  
2 22 Sec. 12. Section 20.10, subsection 3, unnumbered paragraph  
2 23 1, Code 2009, is amended to read as follows:  
2 24 It shall be a prohibited practice for public employees or an  
2 25 employee organization or for any person, union or organization  
2 26 or their agents ~~willfully~~ to:  
2 27 Sec. 13. Section 20.10, subsection 4, Code 2009, is amended  
2 28 to read as follows:  
2 29 4. The expressing of any views, argument or opinion, or  
2 30 the dissemination thereof, whether orally or in written,  
2 31 printed, graphic, or visual form, shall not constitute or be  
2 32 evidence of any ~~unfair labor~~ prohibited practice under any of  
2 33 the provisions of this chapter, if such expression contains no  
2 34 threat of reprisal or force or promise of benefit.  
2 35 Sec. 14. Section 20.11, subsections 1, 2, and 3, Code 2009,



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3 1 are amended to read as follows:

3 2 1. Proceedings against a party alleging a violation of  
3 3 section 20.10~~7~~ shall be commenced by filing a complaint with  
3 4 the board within ninety days of the alleged violation, causing  
3 5 a copy of the complaint to be served upon the accused party ~~in~~  
~~3 6 the manner of an original notice as provided in this chapter.~~  
3 7 The accused party shall have ten days within which to file  
3 8 a written answer to the complaint. However, the board may  
3 9 conduct a preliminary investigation of the alleged violation,  
3 10 and if the board determines that the complaint has no basis in  
3 11 fact, the board may dismiss the complaint. The board shall  
3 12 promptly thereafter set a time and place for hearing in the  
3 13 county where the alleged violation occurred, provided, however,  
3 14 that the presiding officer may conduct the hearing through the  
3 15 use of technology from a remote location. The parties shall  
3 16 be permitted to be represented by counsel, summon witnesses,  
3 17 and request the board to subpoena witnesses on the requester's  
3 18 behalf. Compliance with the technical rules of pleading and  
3 19 evidence shall not be required.

3 20 2. The board may designate one of its members, an  
3 21 administrative law judge, or any other qualified person  
3 22 employed by the board to ~~conduct~~ serve as the presiding  
3 23 officer at the hearing. ~~The administrative law judge presiding~~  
3 24 ~~officer~~ has the powers as may be exercised by the board for  
3 25 conducting the hearing and shall follow the procedures adopted  
3 26 by the board for conducting the hearing. The proposed decision  
3 27 of the ~~administrative law judge presiding officer~~ may be  
3 28 appealed to the board and the board may hear the case de novo  
~~3 29 or upon the record as submitted before the administrative law~~  
~~3 30 judge, utilizing procedures governing appeals to the district~~  
~~3 31 court in this section so far as applicable, or reviewed on~~  
3 32 motion of the board, in accordance with the provisions of  
3 33 chapter 17A.

3 34 3. The board shall appoint a certified shorthand reporter to  
3 35 report the proceedings and the board shall fix the reasonable



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4 1 amount of compensation for such service, and for any transcript  
4 2 requested by the board, which ~~amount~~ amounts shall be taxed as  
4 3 other costs.

4 4 Sec. 15. Section 20.13, subsections 2 and 3, Code 2009, are  
4 5 amended to read as follows:

4 6 2. Within thirty days of receipt of a petition ~~or notice~~  
4 7 ~~to all interested parties if on its own initiative~~, the  
4 8 board shall conduct a public hearing, receive written or oral  
4 9 testimony, and promptly thereafter file an order defining  
4 10 the appropriate bargaining unit. In defining the unit,  
4 11 the board shall take into consideration, along with other  
4 12 relevant factors, the principles of efficient administration  
4 13 of government, the existence of a community of interest among  
4 14 public employees, the history and extent of public employee  
4 15 organization, geographical location, and the recommendations  
4 16 of the parties involved.

4 17 3. Appeals from such order shall be governed by ~~appeal~~  
4 18 ~~provisions provided in section 20.11~~ the provisions of chapter  
4 19 17A.

4 20 Sec. 16. Section 20.14, subsection 2, paragraph a, Code  
4 21 2009, is amended to read as follows:

4 22 a. The employee organization has submitted a request to a  
4 23 public employer to bargain collectively ~~with~~ on behalf of a  
4 24 designated group of public employees.

4 25 Sec. 17. Section 20.14, subsection 6, Code 2009, is amended  
4 26 by striking the subsection.

4 27 Sec. 18. Section 20.15, subsections 1, 2, and 6, Code 2009,  
4 28 are amended to read as follows:

4 29 1. Upon the filing of a petition for certification  
4 30 of an employee organization, the board shall submit a  
4 31 question to the public employees at an election in ~~an~~  
4 32 ~~appropriate~~ the bargaining unit found appropriate by the board.  
4 33 The question on the ballot shall permit the public employees  
4 34 to vote for no bargaining representation or for any employee  
4 35 organization which has petitioned for certification or which



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5 1 has presented proof satisfactory to the board of support of  
5 2 ten percent or more of the public employees in the appropriate  
5 3 unit.

5 4 2. If a majority of the votes cast on the question is  
5 5 for no bargaining representation, the public employees in  
5 6 the bargaining unit found appropriate by the board shall not  
5 7 be represented by an employee organization. If a majority  
5 8 of the votes cast on the question is for a listed employee  
5 9 organization, then ~~the~~ that employee organization shall  
5 10 represent the public employees in ~~an appropriate~~ the bargaining  
5 11 unit found appropriate by the board.

5 12 6. a. A petition for certification as ~~an~~ exclusive  
5 13 bargaining representative of a bargaining unit shall not be  
5 14 considered by the board for a period of one year from the  
5 15 date of the ~~certification or~~ noncertification of an employee  
5 16 organization as the exclusive bargaining representative ~~or~~ of  
5 17 that bargaining unit following a certification election.  
5 18 A petition for certification as the exclusive bargaining  
5 19 representative of a bargaining unit shall also not be  
5 20 considered by the board if the bargaining unit is at that time  
5 21 represented by a certified exclusive bargaining representative.

5 22 b. A petition for the decertification of the exclusive  
5 23 bargaining representative of a bargaining unit shall not be  
5 24 considered by the board for a period of one year from the date  
5 25 of its certification, or within one year of its continued  
5 26 certification following a decertification election, or during  
5 27 the duration of a collective bargaining agreement which, for  
5 28 purposes of this section, shall be deemed not to exceed two  
5 29 years. However, if a petition for decertification is filed  
5 30 during the duration of a collective bargaining agreement, the  
5 31 board shall award an election under this section not more than  
5 32 one hundred eighty days and not less than one hundred fifty  
5 33 days prior to the expiration of the collective bargaining  
5 34 agreement. If an employee organization is decertified, the  
5 35 board may receive petitions under section 20.14, provided that



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6 1 no such petition and no election conducted pursuant to such  
6 2 petition within one year from decertification shall include as  
6 3 a party the decertified employee organization.  
6 4 c. A collective bargaining agreement with the state, its  
6 5 boards, commissions, departments, and agencies shall be for two  
6 6 years and the provisions of a collective bargaining agreement  
6 7 ~~except agreements agreed to or tentatively agreed to prior to~~  
6 8 ~~July 1, 1977, or arbitrators' or arbitrator's award affecting~~  
6 9 state employees shall not provide for renegotiations which  
6 10 would require the refinancing of salary and fringe benefits  
6 11 for the second year of the term of the agreement, except as  
6 12 provided in section 20.17, subsection 6, and the effective date  
6 13 of any such agreement shall be July 1 of odd-numbered years,  
6 14 provided that if an exclusive bargaining representative is  
6 15 certified on a date which will prevent the negotiation of a  
6 16 collective bargaining agreement prior to July 1 of odd-numbered  
6 17 years for a period of two years, the certified collective  
6 18 bargaining representative may negotiate a one-year contract  
6 19 with a the public employer which shall be effective from  
6 20 July 1 of the even-numbered year to July 1 of the succeeding  
6 21 odd-numbered year when new contracts shall become effective.  
6 22 ~~However, if a petition for decertification is filed during~~  
6 23 ~~the duration of a collective bargaining agreement, the board~~  
6 24 ~~shall award an election under this section not more than one~~  
6 25 ~~hundred eighty days nor less than one hundred fifty days prior~~  
6 26 ~~to the expiration of the collective bargaining agreement. If~~  
6 27 ~~an employee organization is decertified, the board may receive~~  
6 28 ~~petitions under section 20.14, provided that no such petition~~  
6 29 ~~and no election conducted pursuant to such petition within~~  
6 30 ~~one year from decertification shall include as a party the~~  
6 31 ~~decertified employee organization.~~  
6 32 Sec. 19. Section 20.17, subsection 3, Code 2009, is amended  
6 33 to read as follows:  
6 34 3. Negotiating sessions, strategy meetings of public  
6 35 employers ~~or employee organizations~~, mediation, and the



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7 1 deliberative process of arbitrators shall be exempt from the  
7 2 provisions of chapter 21. However, the employee organization  
7 3 shall present its initial bargaining position to the public  
7 4 employer at the first bargaining session. The public employer  
7 5 shall present its initial bargaining position to the employee  
7 6 organization at the second bargaining session, which shall be  
7 7 held no later than two weeks following the first bargaining  
7 8 session. Both sessions shall be open to the public and subject  
7 9 to the provisions of chapter 21. Parties who by agreement  
7 10 are utilizing a cooperative alternative bargaining process  
7 11 may exchange their respective initial interest statements  
7 12 in lieu of initial bargaining positions at these open  
7 13 sessions. Hearings conducted by arbitrators shall be open to  
7 14 the public.

7 15 Sec. 20. Section 20.17, subsection 6, Code 2009, is amended  
7 16 to read as follows:

7 17 6. ~~No~~ A collective bargaining agreement or ~~arbitrators'~~  
7 18 ~~decision~~ arbitrator's award shall not be valid or enforceable  
7 19 if its implementation would be inconsistent with any statutory  
7 20 limitation on the public employer's funds, spending or budget  
7 21 or would substantially impair or limit the performance of any  
7 22 statutory duty by the public employer. A collective bargaining  
7 23 agreement or ~~arbitrators'~~ arbitrator's award may provide for  
7 24 benefits conditional upon specified funds to be obtained by  
7 25 the public employer, but the agreement shall provide either  
7 26 for automatic reduction of such conditional benefits or for  
7 27 additional bargaining if the funds are not obtained or if a  
7 28 lesser amount is obtained.

7 29 Sec. 21. Section 20.17, subsection 10, Code 2009, is amended  
7 30 to read as follows:

7 31 10. The negotiation of a proposed collective bargaining  
7 32 agreement by representatives of a state public employer and  
7 33 a state employee organization shall be complete not later  
7 34 than March 15 of the year when the agreement is to become  
7 35 effective. The board shall provide, by rule, a date on which



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8 1 any impasse item must be submitted to binding arbitration and  
8 2 for such other procedures as deemed necessary to provide for  
8 3 the completion of negotiations of proposed state collective  
8 4 bargaining agreements not later than March 15. The date  
8 5 selected for the mandatory submission of impasse items to  
8 6 binding arbitration shall be sufficiently in advance of March  
8 7 15 to ~~insure~~ ensure that the ~~arbitrators' decision~~ arbitrator's  
8 8 award can be reasonably made before March 15.

8 9 Sec. 22. Section 20.17, subsection 11, Code 2009, is amended  
8 10 to read as follows:

8 11 11. a. In the absence of an impasse agreement negotiated  
8 12 pursuant to section 20.19 which provides for a different  
8 13 completion date, public employees represented by a certified  
8 14 employee organization who are teachers licensed under chapter  
8 15 272 and who are employed by a public employer which is a  
8 16 school district or area education agency shall complete the  
8 17 negotiation of a proposed collective bargaining agreement  
8 18 not later than May 31 of the year when the agreement is to  
8 19 become effective. The board shall provide, by rule, a date  
8 20 on which impasse items in such cases must be submitted to  
8 21 binding arbitration and for such other procedures as deemed  
8 22 necessary to provide for the completion of negotiations of  
8 23 proposed collective bargaining agreements not later than  
8 24 May 31. The date selected for the mandatory submission of  
8 25 impasse items to binding arbitration in such cases shall  
8 26 be sufficiently in advance of May 31 to ensure that the  
8 27 ~~arbitrators' decision~~ arbitrator's award can be reasonably made  
8 28 ~~before~~ by May 31.

~~8 29 b. If the public employer is a community college, the  
8 30 following apply:~~

~~8 31 (1) b. The negotiation of a proposed collective bargaining  
8 32 agreement shall be complete not later than May 31 of the  
8 33 year when the agreement is to become effective, absent the  
8 34 existence In the absence of an impasse agreement negotiated  
8 35 pursuant to section 20.19 which provides for a different~~



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9 1 completion date, public employees represented by a certified  
9 2 employee organization who are employed by a public employer  
9 3 which is a community college shall complete the negotiation  
9 4 of a proposed collective bargaining agreement not later than  
9 5 May 31 of the year when the agreement is to become effective.  
9 6 The board shall ~~adopt rules providing for~~ provide, by rule, a  
9 7 date on which impasse items in such cases must be submitted to  
9 8 binding arbitration and for such other procedures as deemed  
9 9 necessary to provide for the completion of negotiations of  
9 10 proposed collective bargaining agreements not later than  
9 11 May 31. The date selected for the mandatory submission of  
9 12 impasse items to binding arbitration in such cases shall  
9 13 be sufficiently in advance of May 31 to ensure that the  
9 14 ~~arbitrators' decision~~ arbitrator's award can be reasonably made  
9 15 by May 31.  
9 16 ~~(2)~~ c. Notwithstanding the provisions of ~~subparagraph~~  
9 17 ~~(1)~~ paragraphs "a" and "b", the May 31 deadline may be waived by  
9 18 mutual agreement of the parties to the collective bargaining  
9 19 agreement negotiations.  
9 20 Sec. 23. Section 20.18, unnumbered paragraph 1, Code 2009,  
9 21 is amended to read as follows:  
9 22 An agreement with an employee organization which is  
9 23 the exclusive representative of public employees in an  
9 24 appropriate unit may provide procedures for the consideration  
9 25 of public employee and employee organization grievances ~~and of~~  
9 26 ~~disputes~~ over the interpretation and application of agreements.  
9 27 Negotiated procedures may provide for binding arbitration of  
9 28 public employee and employee organization grievances ~~and of~~  
9 29 ~~disputes~~ over the interpretation and application of existing  
9 30 agreements. An arbitrator's decision on a grievance may not  
9 31 change or amend the terms, conditions, or applications of the  
9 32 collective bargaining agreement. Such procedures shall provide  
9 33 for the invoking of arbitration only with the approval of the  
9 34 employee organization in all instances, and in the case of an  
9 35 employee grievance, only with the additional approval of the



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10 1 public employee. The costs of arbitration shall be shared  
10 2 equally by the parties.

10 3 Sec. 24. Section 20.22, subsections 1, 2, and 3, Code 2009,  
10 4 are amended to read as follows:

10 5 1. If an impasse persists ~~after the findings of fact and~~  
~~10 6 recommendations are made public by the fact-finder, the parties~~  
~~10 7 may continue to negotiate or ten days after the mediator has~~  
10 8 been appointed, the board shall have the power, upon request  
10 9 of either party, to arrange for arbitration, which shall be  
10 10 binding. The request for arbitration shall be in writing and a  
10 11 copy of the request shall be served upon the other party.

10 12 2. a. Each party shall ~~submit to the board~~ serve its final  
10 13 offer on each of the impasse items upon the other party within  
10 14 four days of the board's receipt of the request a final offer  
~~10 15 on the impasse items with proof of service of a copy upon the~~  
~~10 16 other party for arbitration. Each party shall also submit a~~  
~~10 17 copy of a draft of the proposed collective bargaining agreement~~  
~~10 18 to the extent to which agreement has been reached and the~~  
~~10 19 name of its selected arbitrator. The parties may continue~~  
10 20 to negotiate all offers until an agreement is reached or a  
~~10 21 decision an award is rendered by the panel of arbitrators.~~

10 22 b. As an alternative procedure, the two parties may agree  
~~10 23 to submit the dispute to a single arbitrator. If the parties~~  
~~10 24 cannot agree on the arbitrator within four days, the selection~~  
~~10 25 shall be made pursuant to subsection 5 arbitrator. The full~~  
10 26 costs of arbitration under this ~~provision~~ section shall be  
10 27 shared equally by the parties to the dispute.

10 28 3. The submission of the impasse items to the  
10 29 ~~arbitrators~~ arbitrator shall be limited to those ~~issues that~~  
~~10 30 had been considered by the fact-finder and items~~ upon which  
10 31 the parties have not reached agreement. With respect to  
10 32 each such item, the ~~arbitration board~~ arbitrator's award  
10 33 shall be restricted to the final offers on each impasse  
10 34 item submitted by the parties to the ~~arbitration board or~~  
~~10 35 to the recommendation of the fact-finder on each impasse~~



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~~11 1 item arbitrator.~~

11 2 Sec. 25. Section 20.22, subsections 10 through 13, Code  
11 3 2009, are amended to read as follows:

11 4 10. The ~~chairperson of the panel of arbitrators~~ arbitrator  
11 5 may ~~hold hearings and~~ administer oaths, examine witnesses and  
11 6 documents, take testimony and receive evidence, and issue  
11 7 subpoenas to compel the attendance of witnesses and the  
11 8 production of records, ~~and delegate such powers to other~~  
~~11 9 members of the panel of arbitrators.~~ The ~~chairperson~~  
~~11 10 of the panel of arbitrators~~ arbitrator may petition the  
11 11 district court at the seat of government or of the county in  
11 12 which ~~any~~ the hearing is held to enforce the order of the  
11 13 ~~chairperson~~ arbitrator compelling the attendance of witnesses  
11 14 and the production of records.

11 15 11. ~~A majority of the panel of arbitrators~~ The  
11 16 arbitrator shall select within fifteen days after ~~its first~~  
~~11 17 meeting the hearing~~ the most reasonable offer, in ~~it's the~~  
11 18 arbitrator's judgment, of the final offers on each impasse  
11 19 item submitted by the parties, ~~or the recommendations of the~~  
~~11 20 fact-finder on each impasse item.~~

11 21 12. The selections by the ~~panel of arbitrators~~ arbitrator  
11 22 and items agreed upon by the public employer and the employee  
11 23 organization, shall be deemed to be the collective bargaining  
11 24 agreement between the parties.

11 25 13. The determination of the ~~panel of arbitrators~~ shall  
~~11 26 be by majority vote and~~ arbitrator shall be final and binding  
11 27 subject to the provisions of section 20.17, subsection 6. The  
11 28 ~~panel of arbitrators~~ arbitrator shall give written explanation  
11 29 for ~~its selection~~ the arbitrator's selections and inform the  
11 30 parties of ~~its~~ the decision.

11 31 Sec. 26. Section 20.22, subsection 4, Code 2009, is amended  
11 32 by striking the subsection and inserting in lieu thereof the  
11 33 following:

11 34 4. Upon the filing of the request for arbitration, a list  
11 35 of five arbitrators shall be served upon the parties by the



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12 1 board. Within five days of service of the list, the parties  
12 2 shall determine by lot which party shall remove the first name  
12 3 from the list and the parties shall then alternately remove  
12 4 names from the list until the name of one person remains, who  
12 5 shall become the arbitrator. The parties shall immediately  
12 6 notify the board of their selection and the board shall  
12 7 notify the arbitrator. After consultation with the parties,  
12 8 the arbitrator shall set a time and place for an arbitration  
12 9 hearing.

12 10 Sec. 27. Section 20.22, subsections 5 and 6, Code 2009, are  
12 11 amended by striking the subsections.

12 12 Sec. 28. Section 20.22, subsections 7 and 8, Code 2009, are  
12 13 amended to read as follows:

12 14 7. The ~~panel of arbitrators~~ arbitrator shall at no time  
12 15 engage in an effort to mediate or otherwise settle the dispute  
12 16 in any manner other than that prescribed in this section.

12 17 8. From the time ~~of appointment~~ the board notifies  
12 18 the arbitrator of the selection of the arbitrator until  
12 19 such time as the ~~panel of arbitrators makes its final~~  
~~12 20 determination~~ arbitrator's selection on each impasse item is  
12 21 made, there shall be no discussion concerning recommendations  
12 22 for settlement of the dispute by the ~~members of the panel of~~  
~~12 23 arbitrators~~ arbitrator with parties other than those who are  
12 24 direct parties to the dispute. ~~The panel of arbitrators may~~  
~~12 25 conduct formal or informal hearings to discuss offers submitted~~  
~~12 26 by both parties.~~

12 27 Sec. 29. Section 20.22, subsection 9, unnumbered paragraph  
12 28 1, Code 2009, is amended to read as follows:

12 29 The ~~panel of arbitrators~~ arbitrator shall consider, in  
12 30 addition to any other relevant factors, the following factors:

12 31 Sec. 30. Section 20.24, Code 2009, is amended to read as  
12 32 follows:

12 33 20.24 Notice and service.

12 34 Any notice required under the provisions of this chapter  
12 35 shall be in writing, but service thereof shall be sufficient



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13 1 if mailed by restricted certified mail, return receipt  
13 2 requested, addressed to the last known address of the  
13 3 ~~parties~~ intended recipient, unless otherwise provided in this  
13 4 chapter. Refusal of restricted certified mail by any party  
13 5 shall be considered service. ~~Prescribed~~ Unless otherwise  
13 6 provided in this chapter, prescribed time periods shall  
13 7 commence from the date of the receipt of the notice. Any party  
13 8 may at any time execute and deliver an acceptance of service in  
13 9 lieu of mailed notice.

13 10 Sec. 31. REPEAL. Section 20.21, Code 2009, is repealed.

13 11 EXPLANATION

13 12 This bill concerns public employee collective bargaining  
13 13 generally.

13 14 Code section 20.1, subsection 2, is amended to provide that  
13 15 one of the powers and duties of the public employment relations  
13 16 board (PERB) is to represent the board in court.

13 17 Code section 20.6 is amended to provide that PERB shall  
13 18 interpret, apply, and administer the provisions of Code chapter  
13 19 20.

13 20 Code section 20.10, subsections 1, 2, and 3, are amended  
13 21 to eliminate the requirement that an act giving rise to a  
13 22 prohibited practice under this Code section must be willful to  
13 23 constitute a violation.

13 24 Code section 20.10, subsection 4, is amended to specifically  
13 25 provide that oral expression of views without threat of  
13 26 reprisal or force shall not constitute or be evidence of a  
13 27 prohibited practice.

13 28 Code section 20.11 is amended to allow a presiding officer  
13 29 in a prohibited practice hearing to hear the case through the  
13 30 use of technology from a location other than the county where  
13 31 the alleged violation occurred. The bill also allows PERB to  
13 32 designate one of its members or any other qualified person to  
13 33 preside at a prohibited practice hearing.

13 34 The bill amends Code sections 20.11, 20.13, and 20.14  
13 35 to provide that Code chapter 17A, the Iowa administrative



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14 1 procedure Act, governs hearing and appeal proceedings described  
14 2 in those Code sections.  
14 3 Code section 20.15, concerning certification elections for  
14 4 exclusive bargaining representation, is amended. The bill  
14 5 provides that a petition for certification of an exclusive  
14 6 bargaining representative for a bargaining unit cannot  
14 7 occur if that bargaining unit is currently represented by an  
14 8 exclusive bargaining representative. The bill also provides  
14 9 that a petition for decertification of a certified exclusive  
14 10 bargaining representative cannot occur for a period of one year  
14 11 from the date of certification or the date of its continuing  
14 12 certification or during the duration of a collective bargaining  
14 13 agreement.  
14 14 Code section 20.17, subsection 3, concerning bargaining  
14 15 procedures, is amended to provide that parties utilizing a  
14 16 cooperative alternative bargaining process may exchange their  
14 17 initial interest statements in lieu of an initial bargaining  
14 18 position during bargaining.  
14 19 Code section 20.17, subsection 11, concerning the deadlines  
14 20 for community college employee bargaining, is amended to  
14 21 match the provisions of the subsection applicable to other  
14 22 educational bargaining units.  
14 23 Code section 20.18, concerning grievance procedures,  
14 24 is amended to provide that an agreement with an employee  
14 25 organization may include procedures for the consideration  
14 26 of employee organization grievances in addition to public  
14 27 employee grievances. The section is also amended to provide  
14 28 that arbitration shall be invoked only with the approval of  
14 29 the employee organization in all instances and, for employee  
14 30 grievances, the additional approval of the employee.  
14 31 Code section 20.21, concerning fact=finding procedures,  
14 32 is repealed to eliminate fact=finding from public employee  
14 33 collective bargaining. Corresponding amendments are made  
14 34 throughout Code chapter 20.  
14 35 Code section 20.22, concerning binding arbitration, is



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15 1 amended to provide that arbitration will be conducted by a  
15 2 single arbitrator and not a panel of arbitrators. The bill  
15 3 also provides for the method of selecting the arbitrator. The  
15 4 bill provides that PERB will submit a list of five arbitrators  
15 5 to the parties upon the filing of a request for arbitration  
15 6 and then each party, in an order determined by lot, shall  
15 7 alternatively remove names from the list until one name  
15 8 remains.

LSB 6241YC (4) 83

ec/rj



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## Senate Amendment 5049

PAG LIN

1 1 Amend House File 2183, as passed by the House, as  
1 2 follows:  
1 3 #1. Page 2, line 26, after <abuse> by inserting <and  
1 4 gambling treatment>  
1 5 #2. Page 2, line 28, after <125> by inserting <and  
1 6 gambling treatment programs pursuant to chapter 135>  
1 7 #3. Page 2, by striking line 29 and inserting <any  
1 8 other function authorized by chapter 125 or 135 and  
1 9 delegated to>

BECKY SCHMITZ  
HF2183.1002 (2) 83  
jr/nh



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**Senate File 2275 - Introduced**

SENATE FILE  
BY WARNSTADT

**A BILL FOR**

1 An Act relating to school districts' additional property tax  
2 levies and teacher salary supplements for certain school  
3 budget years and including effective date and applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5290XS (2) 83  
ak/sc



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Senate File 2275 - Introduced continued

PAG LIN

1 1 Section 1. ADDITIONAL PROPERTY TAX LEVY AND TEACHER SALARY  
1 2 SUPPLEMENT DISTRICT COST ADJUSTMENT.  
1 3 1. a. The department of management, in consultation with  
1 4 the department of education, shall determine the additional  
1 5 property tax levy rate, pursuant to section 257.4, for each  
1 6 school district based upon those levy rates for the school  
1 7 budget year commencing July 1, 2009. The departments shall  
1 8 rank the school districts from the highest additional property  
1 9 tax levy rate to the lowest additional property tax levy rate.  
1 10 b. The departments shall calculate the percentage difference  
1 11 in additional property tax levy rate for each school district  
1 12 from the school district with the highest additional property  
1 13 tax levy rate.  
1 14 c. The departments shall determine the dollar amount each  
1 15 school district would have generated for the school budget  
1 16 year commencing July 1, 2009, if the school district had used  
1 17 the same levy rate as the school district with the highest  
1 18 additional property tax levy rate.  
1 19 2. a. The departments shall use section 257.10, subsection  
1 20 9, paragraph "a", to calculate the amount of total teacher  
1 21 salary supplement funding available to all school districts for  
1 22 the school budget year commencing July 1, 2010.  
1 23 b. The departments shall calculate the percentage of the  
1 24 total teacher salary supplement and the actual amount in  
1 25 dollars that each school district is scheduled to receive in  
1 26 the school budget year commencing July 1, 2010.  
1 27 c. The departments shall then calculate a reduction in  
1 28 the percentage of total teacher salary supplement funding for  
1 29 each school district that matches an equivalent, or lesser,  
1 30 percentage by which the school district's additional property  
1 31 tax levy rate is less than the highest additional property tax  
1 32 levy rate for the school budget year beginning July 1, 2009.  
1 33 d. The departments shall calculate the percentage reduction  
1 34 in total teacher salary supplement into actual dollars reduced  
1 35 for each school district, as applicable, and that dollar amount



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2 1 shall not exceed the dollar amount that a school district would  
2 2 have generated if the school district's additional property tax  
2 3 levy rate were the same as the highest additional property tax  
2 4 levy rate as calculated in subsection 1.

2 5 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This  
2 6 Act, being deemed of immediate importance, takes effect upon  
2 7 enactment and applies for the school budget year commencing  
2 8 July 1, 2010, and ending June 30, 2011.

2 9 EXPLANATION

2 10 This bill relates to school districts' additional property  
2 11 tax levy rates and teacher salary supplement funding.

2 12 The bill directs the department of management along with the  
2 13 department of education to determine the additional property  
2 14 tax levy rate (APTLR) for each school district based on the  
2 15 levy rates for the school budget year beginning July 1, 2009.  
2 16 The districts shall be ranked in order by which district pays  
2 17 the highest APTLR to the lowest APTLR.

2 18 Next, the departments shall calculate the percentage  
2 19 difference in the APTLR for each district from the district  
2 20 with the highest APTLR. The departments shall determine the  
2 21 dollar amount each district would have generated for the school  
2 22 budget year commencing July 1, 2009, if the district had used  
2 23 the same levy rate as the district with the highest APTLR.

2 24 Then, the departments shall calculate the amount of total  
2 25 teacher salary supplement funding available to all districts  
2 26 for the school budget year commencing July 1, 2010. The  
2 27 departments shall determine the percentage of total teacher  
2 28 salary supplement funding each district is scheduled to receive  
2 29 in the school budget year beginning July 1, 2010.

2 30 The departments shall then calculate a reduction in the  
2 31 percentage of total teacher salary supplement funding for each  
2 32 district that matched an equivalent, or lesser, percentage by  
2 33 which the district's APTLR is less than the highest APTLR for  
2 34 the school budget year beginning July 1, 2009. The departments  
2 35 shall calculate the percentage reduction in total teacher



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3 1 supplement into actual dollars reduced for each district, as  
3 2 applicable, and that dollar amount shall not exceed the dollar  
3 3 amount that a district would have generated if the district's  
3 4 APTLR were the same as the highest APTLR as calculated in  
3 5 subsection 1.

3 6 The bill is effective upon enactment and applies to the  
3 7 school budget year commencing July 1, 2010, and ending June 30,  
3 8 2011.

LSB 5290XS (2) 83

ak/sc



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**Senate File 2276 - Introduced**

SENATE FILE  
BY WARNSTADT

**A BILL FOR**

1 An Act relating to requirements for staffing and written  
2 occupancy agreements for assisted living programs and making  
3 penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5691XS (2) 83  
jr/nh



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Senate File 2276 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 231C.4A Limitations on personal  
1 2 communication devices.

1 3 If an assisted living program prohibits the use of a personal  
1 4 communication device intended to notify an emergency responder  
1 5 by a tenant, the program must have a nurse licensed under  
1 6 chapter 152 present on the premises at all times.

1 7 Sec. 2. Section 231C.5, Code 2009, is amended by adding the  
1 8 following new subsection:

1 9 NEW SUBSECTION. 4. A tenant may terminate an assisted  
1 10 living program occupancy agreement without penalty if the  
1 11 program imposes a new fee, charge, or rate or increases any  
1 12 fee, charge, or rate.

1 13 EXPLANATION

1 14 This bill requires an assisted living program to have a nurse  
1 15 present at all times if the program prohibits the tenant's  
1 16 use of a personal communication device intended to notify an  
1 17 emergency responder.

1 18 The bill allows a tenant in an assisted living program to  
1 19 terminate the occupancy agreement if the program imposes a new  
1 20 fee, charge, or rate or increases any fee, charge, or rate.

1 21 An assisted living program that substantially or repeatedly  
1 22 fails to comply with the provisions of the bill may be subject  
1 23 to denial, suspension, or revocation of its certification.

LSB 5691XS (2) 83

jr/nh



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**Senate File 2277 - Introduced**

SENATE FILE  
BY WARNSTADT

**A BILL FOR**

1 An Act requiring notice to the adjutant general of the state  
2 for city and county zoning actions affecting property near  
3 Camp Dodge.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5194XS (13) 83  
md/sc



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Senate File 2277 - Introduced continued

PAG LIN

1 1 Section 1. Section 329.9, Code 2009, is amended to read as  
1 2 follows:  
1 3 329.9 Procedure for adopting zoning regulations == zoning  
1 4 commission.  
1 5 In adopting, amending, and repealing airport zoning  
1 6 regulations under this chapter the governing body of a city  
1 7 shall follow the procedure in sections 414.4, 414.4A, and 414.6  
1 8 and the board of supervisors of a county shall follow the  
1 9 procedure in sections 335.6, 335.6A, and 335.8. The commission  
1 10 so appointed shall be known as the airport zoning commission.  
1 11 The airport zoning commission shall consist of two members  
1 12 from each municipality selected by the governing body and one  
1 13 additional member to act as chairperson and to be selected by a  
1 14 majority vote of the members selected by the municipality. The  
1 15 terms of the members of the airport zoning commission shall be  
1 16 for six years excepting that when the board is first created,  
1 17 one of the members appointed by each municipality shall be  
1 18 appointed for a term of two years and one for a term of four  
1 19 years. Members may be removed for cause by the appointing  
1 20 authority upon written charges after public hearing. Vacancies  
1 21 shall be filled for the unexpired term of any member whose  
1 22 office becomes vacant in the same manner in which the member  
1 23 was selected.  
1 24 Sec. 2. NEW SECTION. 335.6A Required notice to Camp Dodge.  
1 25 1. Prior to the adoption or amendment of an ordinance,  
1 26 regulation, or restriction that affects property located within  
1 27 one-half mile of the real property comprising Camp Dodge or  
1 28 prior to any action relating to the granting of a variance from  
1 29 an ordinance, regulation, or restriction that affects property  
1 30 located within one-half mile of the real property comprising  
1 31 Camp Dodge, the county shall provide notice to the adjutant  
1 32 general of the state.  
1 33 2. Notice required under this section shall include all  
1 34 information required to be provided in a notice under section  
1 35 335.6 and any other information that is relevant to the



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2 1 operation or security of Camp Dodge.  
2 2 3. Notice required under this section shall be provided  
2 3 within the time period required by section 331.305.  
2 4 4. Notice required under this section shall be in addition  
2 5 to any notice required under section 335.6.  
2 6 Sec. 3. NEW SECTION. 414.4A Required notice to Camp Dodge.  
2 7 1. Prior to the adoption or amendment of an ordinance,  
2 8 regulation, or restriction that affects property located within  
2 9 one-half mile of the real property comprising Camp Dodge or  
2 10 prior to any action relating to the granting of a variance from  
2 11 an ordinance, regulation, or restriction that affects property  
2 12 located within one-half mile of the real property comprising  
2 13 Camp Dodge, the city shall provide notice to the adjutant  
2 14 general of the state.  
2 15 2. Notice required under this section shall include all  
2 16 information required to be provided in a notice under section  
2 17 414.4 and any other information that is relevant to the  
2 18 operation or security of Camp Dodge.  
2 19 3. Notice required under this section shall be provided  
2 20 within the time period required by section 362.3.  
2 21 4. Notice required under this section shall be in addition  
2 22 to any notice required under section 414.4.

2 23 EXPLANATION

2 24 This bill requires a city or county, as applicable, prior  
2 25 to the adoption of, amendment of, or variance from, a zoning  
2 26 ordinance, regulation, or restriction that affects property  
2 27 located within one-half mile of the real property comprising  
2 28 Camp Dodge, to provide notice to the adjutant general of the  
2 29 state. The notice is required to include the same information  
2 30 required to be published in other public notices related to  
2 31 zoning and include any other information that is relevant to  
2 32 the operation or security of Camp Dodge. The notice must be  
2 33 provided not less than four and not more than 20 days before  
2 34 the date of the zoning action.

LSB 5194XS (13) 83

md/sc



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**Senate File 2278 - Introduced**

SENATE FILE  
BY KREIMAN

**A BILL FOR**

1 An Act exempting specified entities from being required to  
2 solemnize, celebrate, promote, or perpetuate a marriage, or  
3 treat a marriage as valid.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5690XS (2) 83  
pf/rj



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1 1 Section 1. NEW SECTION. 595.21 Exemptions == marriage ==  
1 2 solemnization, celebration, treating as valid.  
1 3 1. A religious corporation, association, educational  
1 4 institution, society, charity, or fraternal organization, or an  
1 5 individual employed by such an entity while acting in the scope  
1 6 of employment shall not be required to do any of the following  
1 7 if doing so would cause such entity to violate the sincerely  
1 8 held religious beliefs to which the entity subscribes or such  
1 9 individual to violate the individual's sincerely held religious  
1 10 beliefs:  
1 11 a. Solemnize a marriage.  
1 12 b. Treat a marriage as valid.  
1 13 c. Provide services, accommodations, advantages,  
1 14 facilities, goods, or privileges for a purpose related to the  
1 15 solemnization or celebration of a marriage.  
1 16 2. Refusal to provide services, accommodations, advantages,  
1 17 facilities, goods, or privileges if in accordance with this  
1 18 section, shall not result in either of the following:  
1 19 a. Creation of any civil claim or cause of action.  
1 20 b. An action by the state or a political subdivision, under  
1 21 any law of the state or a political subdivision, to penalize  
1 22 or withhold benefits from any individual or entity acting in  
1 23 accordance with this section including but not limited to  
1 24 laws regarding employment discrimination, housing, public  
1 25 accommodations, educational institutions, licensing, government  
1 26 contracts or grants, or tax=exempt status.  
1 27 EXPLANATION  
1 28 This bill provides exemptions for religious corporations,  
1 29 associations, educational institutions, societies, charities,  
1 30 and fraternal organizations, and individuals employed by such  
1 31 entities while acting in the scope of employment, from any  
1 32 requirement to solemnize a marriage, treat a marriage as valid,  
1 33 or provide services, accommodations, advantages, facilities,  
1 34 goods, or privileges for purposes related to the solemnization  
1 35 or celebration of a marriage, if by doing so would cause such



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2 1 entity to violate the sincerely held religious beliefs to  
2 2 which the entity subscribes or the individual to violate the  
2 3 individual's sincerely held religious beliefs.  
2 4 The bill provides that refusal to provide services,  
2 5 accommodations, advantages, facilities, goods, or privileges  
2 6 in accordance with the bill shall not result in creation of a  
2 7 civil claim or cause of action, or any action by the state or a  
2 8 political subdivision to penalize or withhold benefits from any  
2 9 individual or entity exempted under the bill, including but not  
2 10 limited to laws regarding employment discrimination, housing,  
2 11 public accommodations, educational institutions, licensing,  
2 12 government contracts or grants, or tax-exempt status.

LSB 5690XS (2) 83

pf/rj



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**Senate File 2279 - Introduced**

SENATE FILE  
BY COMMITTEE ON LABOR AND  
BUSINESS RELATIONS

(SUCCESSOR TO SF 2012)

**A BILL FOR**

1 An Act extending the voluntary shared unemployment compensation  
2 work program for additional weeks.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5132SV (1) 83  
ak/rj



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1 1 Section 1. Section 96.40, subsection 2, paragraph i, Code  
1 2 Supplement 2009, is amended to read as follows:  
1 3 i. The duration of the shared work plan will not  
1 4 exceed ~~fifty-two~~ one hundred four weeks. An employing  
1 5 unit is eligible for approval of only one plan during a  
1 6 twenty-four-month period.

1 7 EXPLANATION  
1 8 This bill extends the voluntary shared unemployment  
1 9 compensation work program from 52 weeks to 104 weeks. In this  
1 10 unemployment compensation program, an individual is entitled  
1 11 to a percentage of the work benefit amount equal to the  
1 12 individual's reduction in hours worked due to the shared work  
1 13 plan.

LSB 5132SV (1) 83

ak/rj



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**Senate File 2280 - Introduced**

SENATE FILE

BY ZAUN, KETTERING,  
McKINLEY, BEHN,  
SEYMOUR, WARD, NOBLE,  
JOHNSON, REYNOLDS,  
HARTSUCH, BOETTGER,  
HAHN, HOUSER,  
FEENSTRA, WIECK, and  
HAMERLINCK

**A BILL FOR**

1 An Act relating to the sale or lease of the Iowa communications  
2 network.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5917XS (3) 83  
rn/sc



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Senate File 2280 - Introduced continued

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1 1 Section 1. SALE OR LEASE OF IOWA COMMUNICATIONS  
1 2 NETWORK. The Iowa telecommunications and technology commission  
1 3 shall implement a request for proposals process to sell  
1 4 or lease the Iowa communications network. The request for  
1 5 proposals shall provide for the sale to be concluded or the  
1 6 lease to commence during the fiscal year beginning July 1,  
1 7 2010. The commission shall condition the sale or lease of the  
1 8 Iowa communications network with terms that will allow existing  
1 9 authorized users of the network to continue such use at a  
1 10 lower overall long-term cost when compared to the anticipated  
1 11 operation and maintenance costs if state ownership and control  
1 12 were to continue. The commission shall submit periodic status  
1 13 reports to the general assembly at three-month intervals,  
1 14 beginning on October 1, 2010, regarding progress made toward  
1 15 selling or leasing the network.

1 16 EXPLANATION

1 17 This bill directs the Iowa telecommunications and technology  
1 18 commission to implement a request for proposals process to sell  
1 19 or lease the Iowa communications network, with the sale to be  
1 20 concluded or lease to commence during the fiscal year beginning  
1 21 July 1, 2010. The bill specifies that the sale or lease must  
1 22 allow existing authorized users of the network to continue  
1 23 use at a lower overall long-term cost when compared to the  
1 24 anticipated operation and maintenance costs if state ownership  
1 25 and control were to continue. The bill requires the commission  
1 26 to submit status reports to the general assembly every three  
1 27 months, beginning October 1, 2010, regarding progress made  
1 28 toward selling or leasing the network.

LSB 5917XS (3) 83

rn/sc



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**Senate File 2281 - Introduced**

SENATE FILE  
BY MCKINLEY

**A BILL FOR**

1 An Act relating to state core curriculum requirements for  
2 prekindergarten through grade twelve and including effective  
3 date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5455XS (4) 83  
kh/sc



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Senate File 2281 - Introduced continued

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1 1 Section 1. Section 256.7, subsection 26, paragraph a, Code  
1 2 Supplement 2009, is amended to read as follows:  
1 3 a. Adopt rules that establish a core curriculum for  
1 4 prekindergarten through grade twelve and requiring, beginning  
1 5 with the students in the 2010=2011 school year graduating  
1 6 class, high school graduation requirements for all students  
1 7 in school districts and accredited nonpublic schools that  
1 8 include at a minimum satisfactory completion of four years of  
1 9 English and language arts, three years of mathematics, three  
1 10 years of science, and three years of social studies. The core  
1 11 curriculum adopted shall address the core content standards  
~~1 12 in subsection 28 and the skills and knowledge students need~~  
~~1 13 to be successful in the twenty-first century by July 1, 2011,~~  
1 14 for prekindergarten through grade twelve shall include English  
1 15 language arts; mathematics; history and social science; and  
1 16 science, technology, and engineering. The core curriculum  
~~1 17 shall include social studies and twenty-first century learning~~  
~~1 18 skills which include but are not limited to civic literacy,~~  
~~1 19 health literacy, technology literacy, financial literacy, and~~  
~~1 20 employability skills; and shall address the curricular needs of~~  
~~1 21 students in kindergarten through grade twelve in those areas.~~  
~~1 22 The department shall further define the twenty-first century~~  
~~1 23 learning skills components by rule.~~  
1 24 Sec. 2. Section 256.7, subsection 26, paragraph b, Code  
1 25 Supplement 2009, is amended by striking the paragraph.  
1 26 Sec. 3. Section 256.9, Code Supplement 2009, is amended by  
1 27 adding the following new subsection:  
1 28 NEW SUBSECTION. 59. Grant waivers to school districts  
1 29 and accredited nonpublic schools that are unable to meet the  
1 30 deadlines established pursuant to section 280.3, subsection  
1 31 3, for a core curriculum implementation plan, or for  
1 32 implementation of the core curriculum or core curriculum  
1 33 subject areas. However, a waiver granted pursuant to this  
1 34 subsection shall be valid for not more than two years beyond  
1 35 the deadline specified in section 280.3, subsection 3, for



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2 1 which the waiver was granted. This subsection is repealed July  
2 2 1, 2017.

2 3 Sec. 4. Section 280.3, Code 2009, is amended by adding the  
2 4 following new subsection:

2 5 NEW SUBSECTION. 6. The board of directors of each public  
2 6 school district and the authorities in charge of each nonpublic  
2 7 school may file a written request with the department of  
2 8 education asking that the department waive one or more of the  
2 9 core curriculum plan or implementation deadlines specified in  
2 10 subsection 3 pursuant to section 256.9, subsection 59. This  
2 11 subsection is repealed July 1, 2017.

2 12 Sec. 5. CORE CURRICULUM MODEL. In developing the core  
2 13 curriculum pursuant to section 256.7, subsection 26, paragraph  
2 14 "a", the state board of education shall use the curriculum  
2 15 frameworks adopted by the state board of education for the  
2 16 commonwealth of Massachusetts that were in use in that state in  
2 17 fiscal year 2010.

2 18 Sec. 6. STATE MANDATE FUNDING SPECIFIED. In accordance  
2 19 with section 25B.2, subsection 3, the state cost of requiring  
2 20 compliance with any state mandate included in this Act shall  
2 21 be paid by a school district from state school foundation aid  
2 22 received by the school district under section 257.16. This  
2 23 specification of the payment of the state cost shall be deemed  
2 24 to meet all of the state funding-related requirements of  
2 25 section 25B.2, subsection 3, and no additional state funding  
2 26 shall be necessary for the full implementation of this Act  
2 27 by and enforcement of this Act against all affected school  
2 28 districts.

2 29 Sec. 7. EFFECTIVE UPON ENACTMENT. The sections of this Act  
2 30 enacting section 256.9, subsection 59, and enacting section  
2 31 280.3, subsection 6, being deemed of immediate importance, take  
2 32 effect upon enactment.

2 33 EXPLANATION

2 34 This bill requires the Iowa board of education to adopt by  
2 35 July 1, 2011, as the state core curriculum, a core curriculum



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3 1 modeled on the frameworks established and implemented in  
3 2 2010 by the state board of education for the commonwealth of  
3 3 Massachusetts for prekindergarten through grade 12 in English  
3 4 language arts; mathematics; history and social science; and  
3 5 science, technology, and engineering.  
3 6 Currently, school districts and accredited nonpublic schools  
3 7 must adopt at least one core curriculum subject area each  
3 8 year for grades nine through 12, with full implementation  
3 9 required by July 1, 2012; and must adopt an implementation  
3 10 plan by July 1, 2012, which provides for full implementation  
3 11 of the core curriculum for kindergarten through grade eight  
3 12 by the 2014=2015 school year. The bill requires the director  
3 13 of the department of education to grant waivers to school  
3 14 districts and accredited nonpublic schools that cannot meet the  
3 15 deadlines established in Code for the implementation of the  
3 16 core curriculum and which submit to the department a waiver  
3 17 request. A waiver can be allowed for not more than two years  
3 18 beyond the deadline for which the waiver was granted. The  
3 19 provisions related to the waiver are repealed July 1, 2017.  
3 20 The bill may include a state mandate as defined in Code  
3 21 section 25B.3. The bill requires that the state cost of  
3 22 any state mandate included in the bill be paid by a school  
3 23 district from state school foundation aid received by the  
3 24 school district under Code section 257.16. The specification  
3 25 is deemed to constitute state compliance with any state mandate  
3 26 funding-related requirements of Code section 25B.2. The  
3 27 inclusion of this specification is intended to reinstate the  
3 28 requirement of political subdivisions to comply with any state  
3 29 mandates included in the bill.

LSB 5455XS (4) 83

kh/sc



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**Senate File 2282 - Introduced**

SENATE FILE  
BY JOHNSON

**A BILL FOR**

1 An Act relating to health care cost and quality transparency.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
  TLSB 5243XS (5) 83  
  pf/rj



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1 1 Section 1. NEW SECTION. 135.167 Health care cost and  
1 2 quality transparency == development of information portal.  
1 3 1. As used in this section, unless the context otherwise  
1 4 requires:  
1 5 a. "Health care provider" means a person who is licensed,  
1 6 certified, or otherwise authorized or permitted by the laws of  
1 7 this state to administer health care in the ordinary course of  
1 8 business or in the practice of a profession.  
1 9 b. "Hospital" means a hospital as defined in section 135B.1.  
1 10 c. "Performance measure" means a quantitative tool that  
1 11 provides an indication of an organization's performance in  
1 12 relation to a specified health care process or outcome.  
1 13 d. "Performance outcomes" means information about the  
1 14 results of health care based on performance measures.  
1 15 e. "Quality of care" means the result or outcome of health  
1 16 care efforts.  
1 17 f. "Reporting program" means an objective health care  
1 18 feedback mechanism regarding individual or facility performance  
1 19 that can be used internally to support performance improvement  
1 20 activities and externally to demonstrate accountability to the  
1 21 public and other purchasers, payers, and stakeholders.  
1 22 2. a. The department shall develop a public access health  
1 23 care cost and quality information portal. The information  
1 24 portal shall provide information reported by hospitals and  
1 25 health care providers on quality of care and the costs of  
1 26 receiving care. The information portal shall be phased in  
1 27 over a multiyear period, beginning with information collected  
1 28 from hospitals and subsequently including other health care  
1 29 providers. The department shall work with existing hospital  
1 30 and health care provider data collection entities in developing  
1 31 and implementing the information portal.  
1 32 b. The department shall develop an internet site, in  
1 33 cooperation with the electronic health information advisory  
1 34 council and its executive committee created in section 135.156,  
1 35 to support the public access health care cost and quality



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2 1 information portal in a manner that allows consumers to perform  
2 2 a comparative analysis of the cost and quality of health care  
2 3 provided in the state. In making the health care information  
2 4 available on the internet site, the department shall:  
2 5 (1) Organize the an internet site in a manner that  
2 6 facilitates ease of use by consumers.  
2 7 (2) Exclude from the internet site any information that  
2 8 compromises patient privacy.  
2 9 (3) Include links to internet sites of hospitals and other  
2 10 health care providers to enable consumers to obtain additional  
2 11 information about hospitals and health care providers,  
2 12 including programs designed to enhance quality and safety, and  
2 13 reduce costs.  
2 14 (4) Allow the linkage of other internet sites, at the  
2 15 discretion of the department, to the internet site for the  
2 16 purposes of maximizing information sharing.  
2 17 (5) To the extent possible, include state and federal  
2 18 benchmarks for performance measures.  
2 19 (6) Clearly identify the sources of data used in the  
2 20 internet site and explain the methodology used to develop the  
2 21 performance measures.  
2 22 3. The department shall determine which medical conditions  
2 23 and procedures, performance measures and performance outcomes,  
2 24 and cost and charge data to include on the internet site.  
2 25 a. In determining which medical conditions and procedures to  
2 26 include, the department shall consider such factors as volume,  
2 27 severity of the illness, urgency of admission, individual and  
2 28 societal costs, whether the condition is acute or chronic,  
2 29 variation in costs, variation in outcomes, and magnitude of  
2 30 variations and other relevant information.  
2 31 b. (1) In determining which performance measures and  
2 32 performance outcomes to include, the department shall consider  
2 33 such factors as volume of cases, average patient charges,  
2 34 average length of stay, complication rates, mortality rates,  
2 35 and infection rates, among others, which shall be risk-adjusted



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3 1 and severity=adjusted, if applicable.  
3 2 (2) Performance outcome indicators shall be risk=adjusted  
3 3 or severity=adjusted, as applicable, using nationally  
3 4 recognized risk adjustment methodologies, consistent with  
3 5 national standards, as selected by the department.  
3 6 (3) The performance measures shall be based on medical  
3 7 evidence and shall be developed through a process in which  
3 8 hospitals and health care providers participate.  
3 9 (4) The department may also consider such additional  
3 10 measures adopted by the federal centers for Medicare and  
3 11 Medicaid services, the national quality forum, the joint  
3 12 commission on accreditation of healthcare organizations, the  
3 13 federal agency for healthcare research and quality, or a  
3 14 similar national entity that establishes standards to measure  
3 15 the performance of hospitals and health care providers, or such  
3 16 additional measures adopted by other states.  
3 17 c. In determining which cost and charge data to include,  
3 18 the department shall consider such measures as average charge,  
3 19 average net revenue per adjusted patient day, average cost  
3 20 per adjusted patient day, and average cost per admission.  
3 21 The department shall also utilize its authority and the  
3 22 data collected pursuant to sections 135.74 through 135.79 in  
3 23 providing cost and charge data.  
3 24 d. The department shall have the right to review any and  
3 25 all documentation upon which submitted data are based, upon  
3 26 reasonable notice and in accordance with department rules.  
3 27 4. a. The department shall develop a reporting program and  
3 28 uniform reporting form for distribution to hospitals and health  
3 29 care providers to report the medical conditions and procedures,  
3 30 performance measures and performance outcomes, and cost and  
3 31 charge data selected for inclusion on the internet site.  
3 32 b. The department shall require each hospital to make  
3 33 available an electronic copy of the hospital's charge  
3 34 description master for the department to post on its internet  
3 35 site. For the purposes of this paragraph, "charge description



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4 1 master" means a uniform schedule of charges represented by the  
4 2 hospital as its gross billed charge for a given service or  
4 3 item, regardless of payer type.

4 4 EXPLANATION

4 5 This bill relates to health care transparency. The bill  
4 6 directs the department of public health (DPH) to develop  
4 7 a public access health care cost and quality information  
4 8 portal to provide information reported by hospitals and  
4 9 health care providers on quality of care and the costs of  
4 10 receiving care. The portal is to be phased in over a multiyear  
4 11 period, beginning with information collected from hospitals  
4 12 and subsequently including other health care providers. The  
4 13 department is required to work with existing hospital and  
4 14 health care provider data collection entities in developing and  
4 15 implementing the information portal.

4 16 The bill directs DPH to develop an internet site, in  
4 17 cooperation with the electronic health information advisory  
4 18 council and executive committee, to support the public access  
4 19 health care cost and quality information portal in a manner  
4 20 that allows consumers to perform a comparative analysis of  
4 21 the cost and quality of health care provided in the state.  
4 22 The internet site is required to include medical conditions  
4 23 and procedures, performance measures and outcomes, and cost  
4 24 and charge data, and the bill specifies the considerations  
4 25 DPH is to review in determining the medical conditions and  
4 26 procedures, performance measures and outcomes, and cost and  
4 27 charge data to include. The bill also directs DPH to develop a  
4 28 reporting program and uniform reporting form for distribution  
4 29 to hospitals and health care providers to report the medical  
4 30 conditions and procedures, performance measures and outcomes,  
4 31 and cost and charge data selected for inclusion on the internet  
4 32 site. Additionally, DPH is to require each hospital to  
4 33 make available an electronic copy of the hospital's charge  
4 34 description master for the department to post on its internet  
4 35 site.

LSB 5243XS (5) 83

pf/rj



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**Senate File 2283 - Introduced**

SENATE FILE  
BY JOCHUM

**A BILL FOR**

1 An Act providing for the licensure of persons who install and  
2 maintain solar thermal systems and solar photovoltaic panels  
3 and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5671XS (4) 83  
jr/sc



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1 1 Section 1. Section 105.1, Code Supplement 2009, is amended  
1 2 to read as follows:  
1 3 105.1 Title.  
1 4 This chapter may be known and cited as the "Iowa Plumber,  
1 5 Mechanical, Solar Professional, and Contractor Licensing Act".  
1 6 Sec. 2. Section 105.2, Code Supplement 2009, is amended by  
1 7 adding the following new subsections:  
1 8 NEW SUBSECTION. 18. "Solar professional" means a person  
1 9 whose services consist of the installation, alteration, repair,  
1 10 maintenance, relocation, or replacement of a solar system.  
1 11 NEW SUBSECTION. 19. "Solar system" means panels for  
1 12 portable solar heating systems and photovoltaic systems and any  
1 13 appurtenances, apparatus, or equipment used in connection with  
1 14 those systems.  
1 15 Sec. 3. Section 105.3, subsection 1, Code Supplement 2009,  
1 16 is amended to read as follows:  
1 17 1. A plumbing, ~~and~~ mechanical, and solar systems board is  
1 18 created within the Iowa department of public health.  
1 19 Sec. 4. Section 105.3, subsection 2, paragraphs a and b,  
1 20 Code Supplement 2009, are amended to read as follows:  
1 21 a. The board shall be comprised of ~~eleven~~ twelve members,  
1 22 appointed by the governor, as follows:  
1 23 (1) The director of public health or the director's  
1 24 designee.  
1 25 (2) The commissioner of public safety or the commissioner's  
1 26 designee.  
1 27 (3) One plumbing inspector.  
1 28 (4) One mechanical inspector.  
1 29 (5) A contractor who primarily works in rural areas.  
1 30 (6) An individual licensed as a journeyman plumber  
1 31 pursuant to the provisions of this chapter or, for the initial  
1 32 membership of the board, an individual eligible for such  
1 33 licensure.  
1 34 (7) An individual working as a plumbing contractor and  
1 35 licensed as a master plumber pursuant to the provisions of



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2 1 this chapter or, for the initial membership of the board, an  
2 2 individual eligible for such licensure.

2 3 (8) Two individuals licensed as journey person mechanical  
2 4 professionals pursuant to the provisions of this chapter or,  
2 5 for the initial membership of the board, two individuals  
2 6 eligible for such licensure.

2 7 (9) Two individuals licensed as master mechanical  
2 8 professionals pursuant to the provisions of this chapter or,  
2 9 for the initial membership of the board, two individuals  
2 10 eligible for such licensure. One of these individuals shall be  
2 11 a mechanical systems contractor.

2 12 (10) An individual licensed as a solar professional  
2 13 pursuant to the provisions of this chapter or, for the initial  
2 14 appointment, an individual eligible for such licensure.

2 15 b. The board members enumerated in paragraph a "a",  
2 16 subparagraphs (3) through ~~(9)~~ (10), are subject to confirmation  
2 17 by the senate.

2 18 Sec. 5. Section 105.3, subsection 7, Code Supplement 2009,  
2 19 is amended to read as follows:

2 20 7. The board may maintain a membership in any national  
2 21 organization of state boards for the professions of plumbing,  
2 22 HVAC, refrigeration, ~~or~~ hydronic, or solar professionals, with  
2 23 all membership fees to be paid from funds appropriated to the  
2 24 board.

2 25 Sec. 6. Section 105.10, subsection 1, Code Supplement 2009,  
2 26 is amended to read as follows:

2 27 1. Except as provided in section 105.11, a person shall not  
2 28 operate as a contractor or install or repair plumbing, HVAC,  
2 29 refrigeration, ~~or~~ hydronic, or solar systems without obtaining  
2 30 a license issued by the board, or install or repair medical gas  
2 31 piping systems without obtaining a valid certification approved  
2 32 by the board.

2 33 Sec. 7. Section 105.11, subsections 7 and 10, Code  
2 34 Supplement 2009, are amended to read as follows:

2 35 7. Require a helper engaged in general manual labor



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3 1 activities while providing assistance to an apprentice,  
3 2 journeyperson, or master to obtain a plumbing, HVAC,  
3 3 refrigeration, ~~or~~ hydronic, or solar license. Experience as a  
3 4 helper shall not be considered as practical experience for a  
3 5 journeyperson license.

3 6 10. Apply to the employees of manufacturers, manufacturer  
3 7 representatives, or wholesale suppliers who provide  
3 8 consultation or develop plans concerning plumbing, HVAC,  
3 9 refrigeration, ~~or~~ hydronic, or solar work, or who assist a  
3 10 person licensed under this chapter in the installation of  
3 11 mechanical, solar, or plumbing systems.

3 12 Sec. 8. Section 105.12, subsection 1, Code Supplement 2009,  
3 13 is amended to read as follows:

3 14 1. A contracting, plumbing, HVAC, refrigeration,  
3 15 ~~or~~ hydronic, or solar license shall be in the form of a  
3 16 certificate under the seal of the department, signed by the  
3 17 director of public health, and shall be issued in the name of  
3 18 the board. The license number shall be noted on the face of the  
3 19 license.

3 20 Sec. 9. Section 105.15, Code Supplement 2009, is amended to  
3 21 read as follows:

3 22 105.15 Registry of licenses.

3 23 The name, location, license number, and date of issuance of  
3 24 the license of each person to whom a license has been issued  
3 25 shall be entered in a registry kept in the office of the  
3 26 department to be known as the plumbing, HVAC, refrigeration,  
3 27 ~~or~~ hydronic, or solar registry. The registry may be electronic  
3 28 and shall be open to public inspection; however, the licensee's  
3 29 home address, home telephone number, and other personal  
3 30 information as determined by rule shall be confidential.

3 31 Sec. 10. Section 105.16, Code Supplement 2009, is amended  
3 32 to read as follows:

3 33 105.16 Change of residence.

3 34 If a person licensed to practice as a contractor  
3 35 or a plumbing, HVAC, refrigeration, ~~or~~ hydronic, or



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4 1 solar professional under this chapter changes the person's  
4 2 residence or place of practice, the person shall so notify the  
4 3 board.  
4 4 Sec. 11. Section 105.17, subsection 1, unnumbered paragraph  
4 5 1, Code Supplement 2009, is amended to read as follows:  
4 6 The provisions of this chapter regarding the licensing  
4 7 of plumbing, HVAC, refrigeration, ~~and~~ hydronic, and  
4 8 solar professionals and contractors shall supersede and  
4 9 preempt all plumbing, HVAC, refrigeration, hydronic,  
4 10 solar, and contracting licensing provisions of all governmental  
4 11 subdivisions.  
4 12 Sec. 12. Section 105.18, Code Supplement 2009, is amended by  
4 13 adding the following new subsection:  
4 14 NEW SUBSECTION. 2A. Solar professional and contractor  
4 15 licenses. The board shall issue separate licenses for solar  
4 16 professionals and for contractors as follows:  
4 17 a. Solar professional. In order to be licensed by the  
4 18 board as a solar professional, a person shall do all of the  
4 19 following:  
4 20 (1) File an application and pay application fees as  
4 21 established by the board, which application shall establish  
4 22 that the person meets the minimum educational and experience  
4 23 requirements adopted by the board in rule.  
4 24 (2) Pass a licensing examination.  
4 25 b. Contractor license. In order to be licensed by the board  
4 26 as a contractor, a person shall do all of the following:  
4 27 (1) File an application and pay application fees as  
4 28 established by the board, which application shall provide the  
4 29 person's state contractor registration number and establish  
4 30 that the person meets the minimum requirements adopted by the  
4 31 board.  
4 32 (2) Maintain a permanent place of business.  
4 33 (3) Hold a solar professional license or employ at least one  
4 34 person holding a solar professional license under this chapter.  
4 35 Sec. 13. Section 105.18, subsection 3, paragraph b, Code



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5 1 Supplement 2009, is amended to read as follows:

5 2 b. Special, restricted license. The board may by rule  
5 3 provide for the issuance of special plumbing, ~~and~~ mechanical,  
5 4 and solar professional licenses authorizing the  
5 5 licensee to engage in a limited class or classes of  
5 6 plumbing, ~~or~~ mechanical, or solar professional work, which  
5 7 class or classes shall be specified on the license. Each  
5 8 licensee shall have experience, acceptable to the board, in  
5 9 each such limited class for which the person is licensed. The  
5 10 board shall designate each special, restricted license to  
5 11 be a sublicense of either a plumbing, HVAC, refrigeration,  
5 12 ~~or~~ hydronic, or solar license. An individual holding a  
5 13 master or journeyperson, plumbing, HVAC, refrigeration, or  
5 14 hydronic license shall not be required to obtain any special,  
5 15 restricted license which is a sublicense of the license  
5 16 that the individual holds. Special plumbing and mechanical  
5 17 professional licenses shall be issued to employees of a  
5 18 rate-regulated gas or electric public utility who conduct the  
5 19 repair of appliances. "Repair of appliances" means the repair  
5 20 or replacement of mechanical connections between the appliance  
5 21 shutoff valve and the appliance and repair of or replacement  
5 22 of parts to the appliance. Such special, restricted license  
5 23 shall require certification pursuant to industry-accredited  
5 24 certification standards.

5 25 Sec. 14. Section 105.19, subsection 2, Code Supplement  
5 26 2009, is amended to read as follows:

5 27 2. If the applicant is engaged in plumbing, HVAC,  
5 28 refrigeration, or hydronic work individually through a business  
5 29 conducted as a sole proprietorship, the applicant shall  
5 30 personally obtain the insurance and surety bond required by  
5 31 this section. If the applicant is engaged in the plumbing,  
5 32 HVAC, refrigeration, ~~or~~ hydronic, or solar business as an  
5 33 employee or owner of a legal entity, then the insurance and  
5 34 surety bond required by this section shall be obtained by  
5 35 the entity and shall cover all plumbing ~~or~~ mechanical, or



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6 1 solar work performed by the entity.

6 2 Sec. 15. Section 105.21, Code Supplement 2009, is amended  
6 3 to read as follows:

6 4 105.21 Reciprocal licenses.

6 5 The board may license without examination a nonresident  
6 6 applicant who is licensed under plumbing, HVAC, refrigeration,  
6 7 ~~or~~ hydronic, or solar professional licensing statutes of  
6 8 another state having similar licensing requirements as  
6 9 those set forth in this chapter and the rules adopted under  
6 10 this chapter if the other state grants the same reciprocal  
6 11 licensing privileges to residents of Iowa who have obtained  
6 12 Iowa plumbing, ~~or~~ mechanical, or solar professional licenses  
6 13 under this chapter. The board shall adopt the necessary rules,  
6 14 not inconsistent with the law, for carrying out the reciprocal  
6 15 relations with other states which are authorized by this  
6 16 chapter.

6 17 Sec. 16. Section 105.22, unnumbered paragraph 1, Code  
6 18 Supplement 2009, is amended to read as follows:

6 19 A license to practice as a contractor or as a plumbing,  
6 20 HVAC, refrigeration, ~~or~~ hydronic, or solar professional may be  
6 21 revoked or suspended, or an application for licensure may be  
6 22 denied pursuant to procedures established pursuant to chapter  
6 23 272C by the board, or the licensee may be otherwise disciplined  
6 24 in accordance with that chapter, when the licensee commits any  
6 25 of the following acts or offenses:

6 26 Sec. 17. Section 105.22, subsection 8, Code Supplement  
6 27 2009, is amended to read as follows:

6 28 8. Aiding and abetting a person who is not licensed pursuant  
6 29 to this chapter in that person's pursuit of an unauthorized  
6 30 and unlicensed plumbing, HVAC, refrigeration, ~~or~~ hydronic, or  
6 31 solar professional practice.

6 32 Sec. 18. Section 105.25, subsections 1 and 3, Code  
6 33 Supplement 2009, are amended to read as follows:

6 34 1. Only a person who is duly licensed pursuant to this  
6 35 chapter may advertise the fact that the person is licensed as



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Senate File 2283 - Introduced continued

7 1 a contractor or as a plumbing, HVAC, refrigeration, solar, or  
7 2 hydronic professional by the state of Iowa.

7 3 3. A person who fraudulently claims to be a licensed  
7 4 contractor or a licensed plumbing, HVAC, refrigeration,  
7 5 solar, or hydronic professional pursuant to this chapter,  
7 6 either in writing, cards, signs, circulars, advertisements, or  
7 7 other communications, is guilty of a simple misdemeanor.

7 8 Sec. 19. Section 272C.1, subsection 6, paragraph ae, Code  
7 9 Supplement 2009, is amended to read as follows:

7 10 ae. The plumbing, ~~and~~ mechanical, and solar systems board,  
7 11 created pursuant to chapter 105.

7 12 EXPLANATION

7 13 Iowa law (Code chapter 105) currently licenses persons  
7 14 who design, install, and repair the HVAC, refrigeration, or  
7 15 hydronic systems, or serve as contractors of such systems.  
7 16 Licenses are available either individually or in combination.  
7 17 The profession is regulated by a licensing board under the  
7 18 aegis of the department of public health.

7 19 This bill adds licenses for solar professionals and  
7 20 contractors to Code chapter 105. A solar professional is a  
7 21 person who installs, alters, repairs, maintains, relocates,  
7 22 or replaces a solar heating or photovoltaic system and any  
7 23 apparatus or equipment used in connection with the system. The  
7 24 bill adds to the membership of the licensing board one person  
7 25 who is a solar professional.

7 26 Unlike plumbing, HVAC, refrigeration, and hydronic  
7 27 licenses, licensure as a solar professional is not broken into  
7 28 apprentice, journey person, or master categories. Licensure as  
7 29 a solar professional requires that the applicant:

7 30 1) Pay application fees as established by the board.

7 31 2) Meet the minimum educational and experience requirements  
7 32 adopted by the board in rule.

7 33 3) Pass a licensing examination.

7 34 Licensure as a solar contractor requires that the applicant:

7 35 1) Pay application fees as established by the board.



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8 1 2) Provide the applicant's state contractor registration  
8 2 number and meet the minimum requirements adopted by the board.  
8 3 3) Maintain a permanent place of business.  
8 4 4) Hold a solar professional license or employ at least one  
8 5 person holding a solar professional license under Code chapter  
8 6 105.  
8 7 In keeping with the current licensing scheme, solar  
8 8 professional and contractor licenses may be obtained  
8 9 individually or in combination with HVAC, refrigeration, or  
8 10 hydronic systems licenses.  
8 11 Currently, a violation of Code chapter 105 is a simple  
8 12 misdemeanor. A simple misdemeanor is punishable by confinement  
8 13 for no more than 30 days or a fine of at least \$65 but not more  
8 14 than \$625 or both. In addition, the board may impose a civil  
8 15 penalty not to exceed \$5,000 per offense for certain violations  
8 16 of Code chapter 105.

LSB 5671XS (4) 83

jr/sc



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**Senate File 2284 - Introduced**

SENATE FILE  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO SSB  
3016)

**A BILL FOR**

- 1 An Act relating to the encouragement and assistance of
- 2 businesses owned by disabled veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5683SV (1) 83  
tw/rj



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1 1 Section 1. Section 15.108, subsection 7, paragraph g,  
1 2 unnumbered paragraph 1, Code 2009, is amended to read as  
1 3 follows:  
1 4 Encourage and assist small businesses, including small  
1 5 businesses owned or operated by disabled veterans, to obtain  
1 6 state contracts and subcontracts by cooperating with the  
1 7 directors of purchasing in the department of administrative  
1 8 services, the state board of regents, and the state department  
1 9 of transportation in performing the following functions:

1 10 EXPLANATION  
1 11 This bill relates to disabled veteran-owned businesses and  
1 12 the department of economic development.  
1 13 The bill requires the department to encourage and assist  
1 14 such businesses in obtaining state contracts.

LSB 5683SV (1) 83

tw/rj



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**Senate File 2285 - Introduced**

SENATE FILE  
BY COMMITTEE ON LABOR AND  
BUSINESS RELATIONS

(SUCCESSOR TO SSB  
3175)

**A BILL FOR**

1 An Act requiring certain weekly workers' compensation benefits  
2 to be calculated by including an employee's overtime  
3 and premium pay, and to include an annual cost-of-living  
4 adjustment.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5737SV (1) 83  
av/nh



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1 1 Section 1. Section 85.36, Code 2009, is amended to read as  
1 2 follows:  
1 3 85.36 Basis of computation.  
1 4 1. The basis of compensation shall be the weekly earnings  
1 5 of the injured employee at the time of the injury. Weekly  
1 6 earnings means gross salary, wages, or earnings of an employee  
1 7 to which such employee would have been entitled had the  
1 8 employee worked the customary hours for the full pay period in  
1 9 which the employee was injured, as regularly required by the  
1 10 employee's employer for the work or employment for which the  
1 11 employee was employed, computed or determined as follows and  
1 12 then rounded to the nearest dollar:  
1 13 ~~1.~~ a. In the case of an employee who is paid on a weekly  
1 14 pay period basis, the weekly gross earnings.  
1 15 ~~2.~~ b. In the case of an employee who is paid on a biweekly  
1 16 pay period basis, one-half of the biweekly gross earnings.  
1 17 ~~3.~~ c. In the case of an employee who is paid on a  
1 18 semimonthly pay period basis, the semimonthly gross earnings  
1 19 multiplied by twenty-four and subsequently divided by  
1 20 fifty-two.  
1 21 ~~4.~~ d. In the case of an employee who is paid on a monthly  
1 22 pay period basis, the monthly gross earnings multiplied by  
1 23 twelve and subsequently divided by fifty-two.  
1 24 ~~5.~~ e. In the case of an employee who is paid on a yearly  
1 25 pay period basis, the weekly earnings shall be the yearly  
1 26 earnings divided by fifty-two.  
1 27 ~~6.~~ f. In the case of an employee who is paid on a daily  
1 28 or hourly basis, or by the output of the employee, the  
1 29 weekly earnings shall be computed by dividing by thirteen  
1 30 the earnings, including but not limited to overtime, shift  
1 31 differential ~~pay but not including overtime or, and premium~~  
1 32 pay, of the employee earned in the employ of the employer in  
1 33 the last completed period of thirteen consecutive calendar  
1 34 weeks immediately preceding the injury. If the employee was  
1 35 absent from employment for reasons personal to the employee



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2 1 during part of the thirteen calendar weeks preceding the  
2 2 injury, the employee's weekly earnings shall be the amount  
2 3 the employee would have earned had the employee worked when  
2 4 work was available to other employees of the employer in a  
2 5 similar occupation. A week which does not fairly reflect  
2 6 the employee's customary earnings shall be replaced by the  
2 7 closest previous week with earnings that fairly represent the  
2 8 employee's customary earnings.

2 9 ~~7.~~ g. In the case of an employee who has been in the employ  
2 10 of the employer less than thirteen calendar weeks immediately  
2 11 preceding the injury, the employee's weekly earnings shall be  
2 12 computed under ~~subsection 6~~ paragraph "f", taking the earnings,  
2 13 including but not limited to overtime, shift differential  
2 14 ~~pay but not including overtime or, and~~ premium pay, for such  
2 15 purpose to be the amount the employee would have earned had the  
2 16 employee been so employed by the employer the full thirteen  
2 17 calendar weeks immediately preceding the injury and had  
2 18 worked, when work was available to other employees in a similar  
2 19 occupation. If the earnings of other employees cannot be  
2 20 determined, the employee's weekly earnings shall be the average  
2 21 computed for the number of weeks the employee has been in the  
2 22 employ of the employer.

2 23 h. In the case of an employee injured in the course of  
2 24 performing as a professional athlete, the basis of compensation  
2 25 for weekly earnings shall be one=fiftieth of total earnings  
2 26 which the employee has earned from all employment for the  
2 27 previous twelve months prior to the injury.

2 28 ~~8.~~ 2. If at the time of the injury the hourly earnings  
2 29 have not been fixed or cannot be ascertained, the earnings for  
2 30 the purpose of calculating compensation shall be taken to be  
2 31 the usual earnings for similar services where such services are  
2 32 rendered by paid employees.

2 33 ~~9.~~ 3. If an employee earns either no wages or less than the  
2 34 usual weekly earnings of the regular full-time adult laborer  
2 35 in the line of industry in which the employee is injured in



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3 1 that locality, the weekly earnings shall be one-fiftieth of  
3 2 the total earnings which the employee has earned from all  
3 3 employment during the twelve calendar months immediately  
3 4 preceding the injury.

3 5 a. In computing the compensation to be allowed a volunteer  
3 6 fire fighter, emergency medical care provider, reserve peace  
3 7 officer, volunteer ambulance driver, volunteer emergency rescue  
3 8 technician as defined in section 147A.1, or emergency medical  
3 9 technician trainee, the earnings as a fire fighter, emergency  
3 10 medical care provider, reserve peace officer, volunteer  
3 11 ambulance driver, volunteer emergency rescue technician, or  
3 12 emergency medical technician trainee shall be disregarded and  
3 13 the volunteer fire fighter, emergency medical care provider,  
3 14 reserve peace officer, volunteer ambulance driver, volunteer  
3 15 emergency rescue technician, or emergency medical technician  
3 16 trainee shall be paid an amount equal to the compensation  
3 17 the volunteer fire fighter, emergency medical care provider,  
3 18 reserve peace officer, volunteer ambulance driver, volunteer  
3 19 emergency rescue technician, or emergency medical technician  
3 20 trainee would be paid if injured in the normal course of the  
3 21 volunteer fire fighter's, emergency medical care provider's,  
3 22 reserve peace officer's, volunteer ambulance driver's,  
3 23 volunteer emergency rescue technician's, or emergency medical  
3 24 technician trainee's regular employment or an amount equal to  
3 25 one hundred and forty percent of the statewide average weekly  
3 26 wage, whichever is greater.

3 27 b. If the employee was an apprentice or trainee when  
3 28 injured, and it is established under normal conditions the  
3 29 employee's earnings should be expected to increase during the  
3 30 period of disability, that fact may be considered in computing  
3 31 the employee's weekly earnings.

3 32 c. If the employee was an inmate as defined in section  
3 33 85.59, the inmate's actual earnings shall be disregarded, and  
3 34 the weekly compensation rate shall be as set forth in section  
3 35 85.59.



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4 1 ~~10-~~ 4. If a wage, or method of calculating a wage, is  
4 2 used for the basis of the payment of a workers' compensation  
4 3 insurance premium for a proprietor, partner, limited liability  
4 4 company member, limited liability partner, or officer of a  
4 5 corporation, the wage or the method of calculating the wage  
4 6 is determinative for purposes of computing the proprietor's,  
4 7 partner's, limited liability company member's, limited  
4 8 liability partner's, or officer's weekly workers' compensation  
4 9 benefit rate.

4 10 ~~11-~~ 5. In computing the compensation to be allowed an  
4 11 elected or appointed official, the official may choose either  
4 12 of the following payment options:

4 13 a. The official shall be paid an amount of compensation  
4 14 based on the official's weekly earnings as an elected or  
4 15 appointed official.

4 16 b. The earnings of the official as an elected or appointed  
4 17 official shall be disregarded and the official shall be paid  
4 18 an amount equal to one hundred forty percent of the statewide  
4 19 average weekly wage.

4 20 ~~12.~~ ~~In the case of an employee injured in the course of~~  
~~4 21 performing as a professional athlete, the basis of compensation~~  
~~4 22 for weekly earnings shall be one-fiftieth of total earnings~~  
~~4 23 which the employee has earned from all employment for the~~  
~~4 24 previous twelve months prior to the injury.~~

4 25 6. The basis of compensation for permanent total disability  
4 26 benefits or death benefits shall increase on January 1 of  
4 27 each year for compensation which becomes due that year by  
4 28 a percentage equal to the cost-of-living adjustment made  
4 29 to disability benefits payable by the United States social  
4 30 security administration in December of the immediately  
4 31 preceding year.

4 32 Sec. 2. Section 85.61, subsection 3, Code 2009, is amended  
4 33 to read as follows:

4 34 3. "Gross earnings" means recurring payments by employer to  
4 35 the employee for employment, before any authorized or lawfully



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5 1 required deduction or withholding of funds by the employer,  
5 2 excluding irregular bonuses, retroactive pay, ~~overtime~~, penalty  
5 3 pay, reimbursement of expenses, expense allowances, and the  
5 4 employer's contribution for welfare benefits.

5 5 EXPLANATION

5 6 This bill requires certain weekly workers' compensation  
5 7 benefits to be calculated by including an employee's overtime  
5 8 and premium pay, and to include an annual cost-of-living  
5 9 adjustment.

5 10 The bill amends Code section 85.36 to require the  
5 11 calculation of the amount of weekly workers' compensation  
5 12 benefits to include, not exclude, an employee's earnings for  
5 13 overtime and premium pay. A coordinating amendment is made to  
5 14 Code section 85.61.

5 15 The bill also amends Code section 85.36 to require the basis  
5 16 of compensation for weekly workers' compensation benefits  
5 17 payable for permanent total disability benefits or death  
5 18 benefits to increase on January 1 each year for compensation  
5 19 which becomes due that year, by a percentage equal to the  
5 20 cost-of-living adjustment made to disability benefits payable  
5 21 by the United States social security administration in December  
5 22 of the immediately preceding year.

5 23 Technical corrections are also made to Code section 85.36 to  
5 24 remove an unnumbered paragraph and for purposes of clarity.

LSB 5737SV (1) 83

av/nh



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**Senate File 2286 - Introduced**

SENATE FILE  
BY COMMITTEE ON LABOR AND  
BUSINESS RELATIONS

(SUCCESSOR TO SSB  
3192)

**A BILL FOR**

1 An Act relating to the regulation of professional and  
2 amateur mixed martial arts matches and events by the labor  
3 commissioner and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5823SV (1) 83  
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1 1 Section 1. Section 90A.1, Code 2009, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. "Mixed martial arts match" means a  
1 4 professional or amateur mixed martial arts match or event that  
1 5 is open to the public.

1 6 Sec. 2. Section 90A.1, subsections 3 and 4, Code 2009, are  
1 7 amended to read as follows:

1 8 3. "Official" means a person who is employed as a referee,  
1 9 judge, timekeeper, or match physician for a ~~boxing or~~  
~~1 10 wrestling match or event covered by this chapter.~~

1 11 4. "Participant" means a person involved in ~~the boxing~~  
~~1 12 or wrestling a match or event covered by this chapter,~~ and  
1 13 includes contestants, seconds, managers, and similar event  
1 14 personnel.

1 15 Sec. 3. Section 90A.1, subsection 6, Code 2009, is amended  
1 16 by adding the following new paragraph:

1 17 NEW PARAGRAPH. c. Organizes, holds, advertises, or  
1 18 otherwise conducts a mixed martial arts match.

1 19 Sec. 4. Section 90A.2, subsection 1, Code 2009, is amended  
1 20 to read as follows:

1 21 1. A person shall not act as a promoter of a professional  
1 22 boxing or wrestling match or a mixed martial arts match without  
1 23 first obtaining a license from the commissioner. This  
1 24 subsection shall not apply to a person distributing a  
1 25 closed-circuit, pay-per-view, or similarly distributed signal  
1 26 to a person acting as a promoter or to a person viewing the  
1 27 signal in a private residence.

1 28 Sec. 5. Section 90A.4, Code 2009, is amended to read as  
1 29 follows:

1 30 90A.4 Match promoter responsibility.

1 31 ~~The A promoter, as defined in section 90A.1, subsection~~  
~~1 32 6, paragraph "a", shall be responsible for the conduct of~~  
1 33 all officials and participants at a ~~professional boxing~~  
~~1 34 or wrestling match or event covered by this chapter.~~ The  
1 35 commissioner may reprimand, suspend, deny, or revoke the



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2 1 participation of any promoter, official, or participant for  
2 2 violations of rules adopted by the commissioner. Rulings or  
2 3 decisions of a promoter or an official are not decisions of the  
2 4 commissioner and are not subject to procedures under chapter  
2 5 17A. The commissioner may take action based upon the rulings  
2 6 or decisions of a promoter or an official. This section shall  
2 7 not apply to a promoter as defined in section 90A.1, subsection  
2 8 6, paragraph "b".

2 9 Sec. 6. Section 90A.5, subsection 1, paragraphs c and h,  
2 10 Code 2009, are amended to read as follows:

2 11 c. A ~~boxer~~ contestant fails to pass a prefight physical  
2 12 examination.

2 13 h. A match promoter, ~~professional boxer~~ contestant, or  
2 14 participant is in violation of rules adopted pursuant to  
2 15 section 90A.7.

2 16 Sec. 7. Section 90A.5, subsection 1, Code 2009, is amended  
2 17 by adding the following new paragraph:

2 18 NEW PARAGRAPH. i. A contestant does not present adequate  
2 19 proof of age pursuant to section 90A.12.

2 20 Sec. 8. Section 90A.6, subsection 1, unnumbered paragraph  
2 21 1, Code 2009, is amended to read as follows:

2 22 The commissioner may suspend, deny, revoke, annul, or  
2 23 withdraw a license, registration, or authority to participate  
2 24 in a professional boxing or wrestling match or mixed martial  
2 25 arts match if any of the following occur:

2 26 Sec. 9. Section 90A.9, subsection 1, Code 2009, is amended  
2 27 to read as follows:

2 28 1. The promoter of a professional boxing or wrestling match  
2 29 or event or a mixed martial arts match shall, within twenty  
2 30 days after the match or event, furnish to the commissioner a  
2 31 written report stating the number of tickets sold, the gross  
2 32 amount of admission proceeds of the ~~professional boxing or~~  
2 33 ~~wrestling match or event~~, and other matters the commissioner  
2 34 may prescribe by rule. The value of complimentary tickets in  
2 35 excess of five percent of the number of tickets sold shall



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3 1 be included in the gross admission receipts. Within twenty  
3 2 days of the match or event, the promoter shall pay to the  
3 3 treasurer of state a tax of five percent of its total gross  
3 4 admission receipts, after deducting state sales tax, from the  
3 5 sale of tickets of admission to the ~~professional boxing or~~  
~~3 6 wrestling~~ match or event.  
3 7 Sec. 10. Section 90A.11, Code 2009, is amended to read as  
3 8 follows:  
3 9 90A.11 License ~~penalty~~ penalties == cease and desist order.  
3 10 1. A person who acts as a ~~professional boxing or wrestling~~  
~~3 11 match promoter, as defined in section 90A.1, without first~~  
3 12 obtaining a license commits a serious misdemeanor. ~~In addition~~  
~~3 13 to criminal penalties, the promoter and~~ shall be liable to the  
3 14 state for the taxes and penalties pursuant to section 90A.9.  
3 15 2. a. Notwithstanding the procedural requirements of  
3 16 chapter 17A, the commissioner may issue an order to cease and  
3 17 desist a match or event if the criteria of this subsection  
3 18 are met. The county sheriff shall assist with service and  
3 19 enforcement of the commissioner's order to cease and desist if  
3 20 requested by the commissioner. The provisions of chapter 17A  
3 21 shall apply after enforcement of the order to cease and desist.  
3 22 b. The commissioner may issue an order to cease and desist a  
3 23 match or event if all of the following have occurred:  
3 24 (1) The commissioner conducted an investigation and  
3 25 determined a promoter is organizing, advertising, holding,  
3 26 or conducting an event or match that is within the scope of  
3 27 section 90A.2.  
3 28 (2) The promoter has not applied for or has been denied a  
3 29 license.  
3 30 (3) The deadline to file a timely license application has  
3 31 passed.  
3 32 3. a. A person who acts as a promoter without first  
3 33 obtaining a license is subject to a civil penalty of not more  
3 34 than ten thousand dollars for each violation.  
3 35 b. The commissioner shall notify the unlicensed promoter



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4 1 of a proposed civil penalty by service in the same manner as  
4 2 an original notice or by certified mail. If within fifteen  
4 3 business days from the receipt of the notice, the unlicensed  
4 4 promoter fails to file a notice of contest in accordance with  
4 5 rules adopted by the commissioner pursuant to chapter 17A, the  
4 6 penalty as proposed shall be deemed final agency action for  
4 7 purposes of judicial review.

4 8 c. The commissioner shall notify the department of revenue  
4 9 upon final agency action regarding the assessment of a civil  
4 10 penalty against an unlicensed promoter. Interest shall be  
4 11 calculated on the penalty from the date of final agency action.

4 12 d. Judicial review of final agency action pursuant to  
4 13 this section may be sought in accordance with the terms of  
4 14 section 17A.19. If no petition for judicial review is filed  
4 15 within sixty days after service of the final agency action  
4 16 of the commissioner, the commissioner's findings of fact and  
4 17 final agency action shall be conclusive in connection with any  
4 18 petition for enforcement which is filed by the commissioner  
4 19 after the expiration of the sixty-day period. The clerk of  
4 20 court, unless otherwise ordered by the court, shall enter a  
4 21 decree enforcing the final agency action and shall transmit  
4 22 a copy of the decree to the commissioner and the unlicensed  
4 23 promoter named in the petition.

4 24 e. Civil penalties recovered pursuant to this section shall  
4 25 be remitted by the commissioner to the treasurer of state for  
4 26 deposit in the general fund of the state.

4 27 Sec. 11. Section 90A.12, Code 2009, is amended by adding the  
4 28 following new subsection:

4 29 NEW SUBSECTION. 3. A person shall not be a contestant in a  
4 30 mixed martial arts match unless the contestant is twenty-one  
4 31 years of age or older. Each contestant shall submit to  
4 32 the commissioner a certified birth certificate, or similar  
4 33 document, validating the contestant's date of birth prior to  
4 34 the match in order to verify the contestant's eligibility.

4 35 EXPLANATION



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5 1 This bill places the regulation of amateur and professional  
5 2 mixed martial arts (MMA) matches and events under the authority  
5 3 of the labor commissioner.

5 4 An MMA match is defined as a professional or amateur MMA  
5 5 match or event that is open to the public. The definition  
5 6 of "promoter" is expanded to include a person who organizes,  
5 7 holds, advertises, or conducts professional or amateur MMA  
5 8 matches.

5 9 Under Code section 90A.4, promoters are accountable for the  
5 10 conduct of all officials and participants at MMA matches and  
5 11 events.

5 12 Pursuant to Code section 90A.5(1), as amended by the bill,  
5 13 the commissioner may suspend an MMA match or event if an MMA  
5 14 contestant does not pass a required prefight physical exam; if  
5 15 a promoter, contestant, or participant is in violation of any  
5 16 rules; or if an MMA contestant fails to present adequate proof  
5 17 of age in order to compete.

5 18 The commissioner also has the authority in certain  
5 19 circumstances as presented in Code section 90A.6(1) to revoke,  
5 20 deny, or withdraw a license for or deny participation in an MMA  
5 21 match or event.

5 22 Promoters are required to pay taxes on the gross receipts of  
5 23 MMA matches and events. The process and tax are described in  
5 24 Code section 90A.9(1).

5 25 The bill amends Code section 90A.11 to authorize the labor  
5 26 commissioner to impose civil penalties not to exceed \$10,000  
5 27 per violation for acting as a promoter without a license.  
5 28 The labor commissioner may issue a cease and desist order to  
5 29 prevent a promoter from holding an unlicensed event or match.

5 30 The bill provides that an MMA contestant must be at least 21  
5 31 years of age, and provide proof thereof pursuant to new Code  
5 32 section 90A.12(3).

LSB 5823SV (1) 83  
ak/nh



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**Senate File 2287 - Introduced**

SENATE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB  
3138)

**A BILL FOR**

1 An Act relating to private college preparatory schools exempted  
2 from the state's educational standards and accreditation  
3 process, and including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5378SV (1) 83  
kh/rj



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



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2 1 list of college preparatory schools after the effective date  
2 2 of this Act. Only schools placed on the special accredited  
2 3 list on or before the effective date of this Act that continue  
2 4 to meet the criteria of this subsection shall remain on the  
2 5 special accredited list after the effective date of this Act.

2 6 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
2 7 immediate importance, takes effect upon enactment.

2 8 EXPLANATION

2 9 This bill restricts the state board of education from adding  
2 10 to the special accredited list of college preparatory schools  
2 11 after the effective date of the bill.

2 12 Currently, a private high school or private combined  
2 13 junior=senior high school that exists to qualify its graduates  
2 14 for matriculation at accredited four=year colleges or  
2 15 universities is placed on a special accredited list of college  
2 16 preparatory schools by the state board and is exempt from the  
2 17 educational standards for accreditation specified in Code  
2 18 section 256.11, subsections 1 through 12. The schools on the  
2 19 list must comply with minimum standards established in statute  
2 20 and administrative rules applicable to courses comprising the  
2 21 limited program, health requirements for personnel, plant  
2 22 facilities, and other environmental factors affecting the  
2 23 programs; and at least 80 percent of those graduating from the  
2 24 school within the four most recent calendar years, with few  
2 25 exceptions, must have been accepted by accredited four=year  
2 26 colleges or universities.

2 27 Under the bill, only schools placed on the list on or before  
2 28 the effective date of the bill, that continue to meet the  
2 29 criteria established in the Code, may remain on the list after  
2 30 that date.

2 31 The bill takes effect upon enactment, which is generally the  
2 32 date of approval by the governor.

LSB 5378SV (1) 83

kh/rj



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**Senate File 2288 - Introduced**

SENATE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB  
3136)

**A BILL FOR**

1 An Act relating to the duties and operations of the department  
2 of education and local school boards.

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

TL5B 5391SV (2) 83

kh/sc



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



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2 1 section 256.9, subsection 47.

2 2 Sec. 3. Section 256.5A, Code 2009, is amended to read as  
2 3 follows:

2 4 256.5A Nonvoting member.

2 5 1. The governor shall appoint the one nonvoting student  
2 6 member of the state board for a term of ~~one year~~ two  
2 7 years beginning and ending as provided in section 69.19. The  
2 8 nonvoting student member shall be appointed from a list of  
2 9 names submitted by the state board of education. Students  
2 10 enrolled in ~~either~~ grade ten ~~or eleven~~ in a public school  
2 11 may apply to the state board to serve as a nonvoting student  
2 12 member.

2 13 2. The department shall develop an application process that  
2 14 requires the consent of the student's parent or guardian if  
2 15 the student is a minor, initial application approval by the  
2 16 school district in which the student applicant is enrolled, and  
2 17 submission of approved applications by a school district to the  
2 18 department.

2 19 3. The nonvoting student member's school district of  
2 20 enrollment shall notify the student's parents if the student's  
2 21 grade point average falls during the period in which the  
2 22 student is a member of the state board.

2 23 4. The state board shall adopt rules under chapter 17A  
2 24 specifying criteria for the selection of applicants whose  
2 25 names shall be submitted to the governor. Criteria shall  
2 26 include, but are not limited to, academic excellence,  
2 27 participation in extracurricular and community activities,  
2 28 and interest in serving on the board. Rules adopted by the  
2 29 state board shall also require, if the student is a minor,  
2 30 supervision of the student by the student's parent or guardian  
2 31 while the student is engaged in authorized state board business  
2 32 at a location other than the community in which the student  
2 33 resides, unless the student's parent or guardian submits to the  
2 34 state board a signed release indicating the parent or guardian  
2 35 has determined that supervision of the student by the parent or



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3 1 guardian is unnecessary.

3 2 5. The nonvoting student member appointment is not subject  
3 3 to section 69.16 or 69.16A.

3 4 6. The nonvoting student member shall have been enrolled  
3 5 in a public school in Iowa for at least one year prior to the  
3 6 member's appointment. ~~A nonvoting student member who will not~~  
~~3 7 graduate from high school prior to the end of a second term may~~  
~~3 8 apply to the state board for submission of candidacy to the~~  
~~3 9 governor for a second one-year term.~~

3 10 7. A nonvoting student member shall be paid a per diem as  
3 11 provided in section 7E.6 and the student and the student's  
3 12 parent or guardian shall be reimbursed for actual and necessary  
3 13 expenses incurred in the performance of the student's duties as  
3 14 a nonvoting member of the state board.

3 15 8. A vacancy in the membership of the nonvoting student  
3 16 member shall not be filled until the expiration of the term.

3 17 Sec. 4. Section 256.9, subsections 25 and 26, Code  
3 18 Supplement 2009, are amended by striking the subsections.

3 19 Sec. 5. Section 256.9, subsection 52, paragraph a, Code  
3 20 Supplement 2009, is amended to read as follows:

3 21 a. Develop and distribute, in collaboration with the area  
3 22 education agencies, core curriculum technical assistance  
3 23 and implementation strategies that school districts and  
3 24 accredited nonpublic schools shall utilize, including but  
3 25 not limited to the development and delivery of formative and  
3 26 ~~end-of-course~~ model end-of-course and additional assessments  
3 27 classroom teachers may use to measure student progress  
3 28 on the core curriculum adopted pursuant to section 256.7,  
3 29 subsection 26. The department shall, in collaboration with the  
3 30 advisory group convened in accordance with paragraph "b" and  
3 31 educational assessment providers, identify and make available  
3 32 to school districts model end-of-course and additional model  
~~3 33 end-of-course~~ and additional assessments to align with the  
3 34 expectations included in the Iowa core curriculum. The model  
3 35 assessments shall be suitable to meet the multiple assessment



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4 1 measures requirement specified in section 256.7, subsection 21,  
4 2 paragraph "c".

4 3 Sec. 6. Section 256.10, subsection 2, Code 2009, is amended  
4 4 to read as follows:

4 5 2. Appointments to the professional staff of the department  
4 6 shall be made in accordance with section 216.6, subsection 1,  
4 7 and shall be without reference to political party affiliation,  
4 8 ~~religious affiliation, sex,~~ or marital status, but shall be  
4 9 based solely upon fitness, ability, and proper qualifications  
4 10 for the particular position. The professional staff shall  
4 11 serve at the discretion of the director. A member of the  
4 12 professional staff shall not be dismissed for cause without  
4 13 ~~appropriate due process procedures including a hearing an~~  
4 14 ~~opportunity to meet with the director.~~

4 15 Sec. 7. Section 256.30, Code 2009, is amended to read as  
4 16 follows:

4 17 256.30 Educational expenses for American Indians.

4 18 1. The department of education shall provide moneys to pay  
4 19 the expense of educating American Indian children residing in  
4 20 the Sac and Fox Indian settlement on land held in trust by  
4 21 the secretary of the interior of the United States in excess  
4 22 of federal moneys paid to the tribal council for educating  
4 23 the American Indian children when moneys are appropriated for  
4 24 that purpose. ~~The tribal council shall administer the moneys~~  
4 25 ~~distributed to it by the department and shall submit an annual~~  
4 26 ~~report and other reports as required by the department to the~~  
4 27 ~~department on the expenditure of the moneys.~~

4 28 2. The tribal council shall administer moneys distributed  
4 29 to it by the department of education as provided in subsection

4 30 1. The tribal council shall first use the moneys distributed  
4 31 ~~to it by the department of education~~ for the purposes of this  
4 32 section to pay the additional costs of salaries for licensed  
4 33 instructional staff for educational attainment and full-time  
4 34 equivalent years of experience to equal the salaries listed on  
4 35 the proposed salary schedule for the school at the Sac and Fox



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5 1 Indian settlement for that school year, but the salary for a  
5 2 licensed instructional staff member employed on a full-time  
5 3 basis shall not be less than eighteen thousand dollars.

5 4 3. The department of management shall approve allotments  
5 5 of moneys appropriated in for purposes of this section when  
~~5 6 the department of education certifies to the department of~~  
~~5 7 management that the requirements of this section have been met.~~

5 8 Sec. 8. Section 257.6, subsection 1, paragraph a,  
5 9 subparagraph (3), Code Supplement 2009, is amended to read as  
5 10 follows:

5 11 (3) Shared-time and part-time pupils of school age enrolled  
5 12 in public schools within the district, irrespective of the  
5 13 districts in which the pupils reside, in the proportion that  
5 14 the time for which they are enrolled or receive instruction for  
5 15 the school year is to the time that full-time pupils carrying  
5 16 a normal course schedule, at the same grade level, in the  
5 17 same school district, for the same school year, are enrolled  
5 18 and receive instruction. Tuition charges to the parent or  
5 19 guardian of a shared-time or part-time nonresident pupil shall  
5 20 be reduced by the amount of any increased state aid received by  
5 21 the district by the counting of the pupil. This subparagraph  
5 22 applies to pupils enrolled in grades nine through twelve under  
5 23 section 299A.8 and to pupils from accredited nonpublic schools  
5 24 accessing classes or services on the accredited nonpublic  
5 25 school premises or the school district site, but excludes  
5 26 accredited nonpublic school pupils receiving classes or  
5 27 services funded by federal grants or allocations.

5 28 Sec. 9. Section 257.31, subsection 2, Code Supplement 2009,  
5 29 is amended to read as follows:

5 30 2. The committee shall specify the number of hearings held  
5 31 annually, ~~the reasons for the committee's recommendations, a~~  
5 32 summary of decisions, information about the amounts of property  
5 33 tax levied by school districts for a cash reserve, and other  
5 34 information the committee deems advisable on the department of  
5 35 education's internet ~~website~~ site.



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6 1 Sec. 10. Section 257.37, subsection 4, Code 2009, is amended  
6 2 to read as follows:

6 3 4. "Enrollment served" means the basic enrollment plus the  
6 4 number of nonpublic school pupils served with media services  
6 5 or educational services, as applicable, except that if a  
6 6 nonpublic school pupil or a pupil attending another district  
6 7 under a whole grade sharing agreement or open enrollment  
6 8 receives services through an area other than the area of the  
6 9 pupil's residence, the pupil shall be deemed to be served by  
6 10 the area of the pupil's residence, which shall by contractual  
6 11 arrangement reimburse the area through which the pupil actually  
6 12 receives services. Each school district shall include in  
6 13 the enrollment report submitted pursuant to section 257.6,  
6 14 subsection 1, the number of nonpublic school pupils within each  
6 15 school district for media and educational services served by  
6 16 the area. However, the school district shall not include in  
6 17 the enrollment report nonpublic school pupils receiving classes  
6 18 or services funded by federal grants or allocations.

6 19 Sec. 11. Section 257B.33, Code 2009, is amended to read as  
6 20 follows:

6 21 257B.33 Suit == attorney fee.

6 22 If the debtor does not comply with the notice, the auditor  
6 23 shall report the noncompliance to the ~~county attorney,~~  
6 24 ~~who shall~~ board of directors of the school district, which  
6 25 may bring an action to recover the debt, and an injunction may  
6 26 issue for cause, without bond when so petitioned, and there  
6 27 shall be allowed in the judgment, entered and taxed as a part  
6 28 of the costs in the case, a reasonable sum as compensation to  
6 29 plaintiff's attorney, not exceeding the amount provided by law  
6 30 for attorneys' fees.

6 31 Sec. 12. Section 259A.1, Code 2009, is amended to read as  
6 32 follows:

6 33 259A.1 Tests.

6 34 The department of education shall cause to be made  
6 35 available for qualified individuals a high school equivalency



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7 1 diploma. The diploma shall be issued on the basis of  
7 2 satisfactory competence as shown by tests covering all of the  
7 3 following: ~~reading, arts, language arts, writing~~ language  
7 4 arts=reading, language arts=writing, mathematics, science, and  
7 5 social studies.  
7 6 Sec. 13. Section 261E.8, subsection 5, Code Supplement  
7 7 2009, is amended by striking the subsection.  
7 8 Sec. 14. Section 273.3, subsection 12, Code Supplement  
7 9 2009, is amended to read as follows:  
7 10 12. Prepare an annual budget estimating income and  
7 11 expenditures for programs and services as provided in sections  
7 12 273.1 to 273.9 and chapter 256B within the limits of funds  
7 13 provided under section 256B.9 and chapter 257. The board  
7 14 shall give notice of a public hearing on the proposed budget  
7 15 by publication in an official county newspaper in each county  
7 16 in the territory of the area education agency in which the  
7 17 principal place of business of a school district that is a part  
7 18 of the area education agency is located. The notice shall  
7 19 specify the date, which shall be not later than March 1 of  
7 20 each year, the time, and the location of the public hearing.  
7 21 The proposed budget as approved by the board shall then be  
7 22 submitted to the state board of education, on forms provided  
7 23 by the department, no later than March 15 preceding the  
7 24 next fiscal year for approval. The state board shall review  
7 25 the proposed budget of each area education agency and shall  
7 26 before ~~April~~ May 1, either grant approval or return the budget  
7 27 without approval with comments of the state board included. An  
7 28 unapproved budget shall be resubmitted to the state board for  
7 29 final approval not later than ~~April~~ May 15. ~~For the fiscal~~  
~~7 30 year beginning July 1, 1999, and each succeeding fiscal year,~~  
~~7 31 the~~ The state board shall give final approval only to budgets  
7 32 submitted by area education agencies accredited by the state  
7 33 board or that have been given conditional accreditation by the  
7 34 state board.  
7 35 Sec. 15. Section 273.23, subsection 5, Code 2009, is amended



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8 1 to read as follows:

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

8 26 Sec. 16. Section 279.30, Code 2009, is amended to read as  
8 27 follows:

8 28 279.30 Exceptions.

8 29 Each payment must be made payable to the person entitled to  
8 30 receive the money or deposited directly into an account at a  
8 31 financial institution, as defined in section 527.2, specified  
8 32 by the person entitled to receive the money. The board of  
8 33 directors of a school district or an area education agency may  
8 34 by resolution authorize the secretary, upon approval of the  
8 35 superintendent or designee, or administrator, in the case of



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9 1 an area education agency, to issue payments when the board  
9 2 of directors is not in session in payment of reasonable and  
9 3 necessary expenses, but only upon verified bills filed with the  
9 4 secretary or administrator, and for the payment of salaries  
9 5 pursuant to the terms of a written contract. Each payment  
9 6 must be made payable only to the person performing the service  
9 7 or presenting the verified bill, and must state the purpose  
9 8 for which the payment is issued. All bills and salaries for  
9 9 which payments are issued prior to audit and allowance by the  
9 10 board must be passed upon by the board of directors at the next  
9 11 meeting and be entered in the regular minutes of the secretary.

9 12 Sec. 17. Section 279.42, Code 2009, is amended to read as  
9 13 follows:

9 14 279.42 Gifts to schools.

9 15 The board of directors of a school district ~~which that~~  
9 16 receives funds through ~~gifts, devises, and bequests a gift,~~  
9 17 devise, or bequest shall deposit these the funds in a trust  
9 18 and, permanent, or agency fund and shall use them the funds in  
9 19 accordance with the terms of the gift, devise, or bequest.

9 20 Sec. 18. Section 280.3, subsection 2, Code 2009, is amended  
9 21 to read as follows:

9 22 2. The minimum educational program shall be the curriculum  
9 23 set forth in subsection 3 of this section and section 256.11,  
9 24 except as otherwise provided by law. The board of directors of  
9 25 a public school district shall not allow discrimination in any  
9 26 educational program on the basis of race, color, creed, sex,  
9 27 ~~marital status,~~ sexual orientation, gender identity, or place  
9 28 of national origin.

9 29 Sec. 19. Section 282.9, subsection 1, Code Supplement 2009,  
9 30 is amended to read as follows:

9 31 1. Notwithstanding this chapter and sections 275.55A, and  
9 32 256F.4, and 282.18, or any other provision to the contrary,  
9 33 prior to knowingly enrolling an individual who is required  
9 34 to register as a sex offender under chapter 692A, but who is  
9 35 otherwise eligible to enroll in a public school, the board of



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10 1 directors of a school district shall determine the educational  
10 2 placement of the individual. Upon receipt of notice that a  
10 3 student who is enrolled in the district is required to register  
10 4 as a sex offender under chapter 692A, the board shall determine  
10 5 the educational placement of the student. The tentative agenda  
10 6 for the meeting of the board of directors at which the board  
10 7 will consider such enrollment or educational placement shall  
10 8 specifically state that the board is considering the enrollment  
10 9 or educational placement of an individual who is required  
10 10 to register as a sex offender under chapter 692A. If the  
10 11 individual is denied enrollment in a school district under this  
10 12 section, the school district of residence shall provide the  
10 13 individual with educational services in an alternative setting.

10 14 Sec. 20. Section 282.18, subsection 4, Code Supplement  
10 15 2009, is amended by adding the following new paragraph:

10 16 NEW PARAGRAPH. Oc. If a request for transfer is submitted  
10 17 to the receiving district after March 1 of the preceding  
10 18 school year on behalf of a pupil whose sibling is already  
10 19 participating in open enrollment, the receiving district shall  
10 20 take action to approve the request.

10 21 Sec. 21. Section 282.18, subsection 5, Code Supplement  
10 22 2009, is amended to read as follows:

10 23 5. Open enrollment applications filed after March 1  
10 24 of the preceding school year that do not qualify for ~~good~~  
~~10 25 cause approval~~ as provided in subsection 4 shall be subject  
10 26 to the approval of the board of the resident district and  
10 27 the board of the receiving district. The parent or guardian  
10 28 shall send notification to the district of residence and the  
10 29 receiving district that the parent or guardian seeks to enroll  
10 30 the parent's or guardian's child in the receiving district. A  
10 31 decision of either board to deny an application filed under  
10 32 this subsection involving repeated acts of harassment of the  
10 33 student or serious health condition of the student that the  
10 34 resident district cannot adequately address is subject to  
10 35 appeal under section 290.1. The state board shall exercise



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11 1 broad discretion to achieve just and equitable results that are  
11 2 in the best interest of the affected child or children.

11 3 Sec. 22. Section 284.10, subsection 2, Code 2009, is amended  
11 4 to read as follows:

11 5 2. An administrator licensed under chapter 272 who conducts  
11 6 evaluations of teachers for purposes of this chapter shall  
11 7 complete the evaluator training program. A practitioner  
11 8 licensed under chapter 272 who is not an administrator  
11 9 may enroll in the evaluator training program. Enrollment  
11 10 preference shall be given to administrators and to other  
11 11 practitioners who are not beginning teachers. Upon successful  
11 12 completion, the provider shall certify that the administrator  
11 13 or other practitioner is qualified to conduct evaluations  
11 14 for employment, make recommendations for licensure, and make  
11 15 recommendations that a teacher is qualified to advance from one  
11 16 career path level to the next career path level pursuant to  
11 17 this chapter. Certification is for a period of five years and  
11 18 may be renewed.

11 19 Sec. 23. Section 284A.2, subsection 2, Code Supplement  
11 20 2009, is amended to read as follows:

11 21 2. "Beginning administrator" means an individual serving  
11 22 under an ~~initial~~ administrator license, issued by the board  
11 23 of educational examiners under chapter 272, who is assuming  
11 24 a position as a school district ~~administrator~~ principal or  
11 25 superintendent for the first time.

11 26 Sec. 24. Section 284A.5, subsections 3 and 5, Code 2009, are  
11 27 amended to read as follows:

11 28 3. Each school board shall establish an administrator  
11 29 mentoring program for all beginning administrators. The  
11 30 school board may adopt the model program developed by the  
11 31 department pursuant to subsection 2. Each school board's  
11 32 beginning administrator mentoring and induction program  
11 33 shall, at a minimum, provide for one year of programming to  
11 34 support the Iowa standards for school administrators adopted  
11 35 pursuant to section 256.7, subsection 27, and beginning



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12 1 administrators' professional and personal needs. Each school  
12 2 board shall develop ~~an initial and implement a beginning~~  
12 3 administrator mentoring and induction plan. The plan shall  
12 4 describe the mentor selection process, describe supports for  
12 5 beginning administrators, describe program organizational  
12 6 and collaborative structures, provide a budget, provide  
12 7 for sustainability of the program, and provide for program  
12 8 evaluation. The school board employing an administrator shall  
12 9 determine the conditions and requirements of an administrator  
12 10 participating in a program established pursuant to this  
12 11 section. A school board shall include its plan in the school  
12 12 district's comprehensive school improvement plan submitted  
12 13 pursuant to section 256.7, subsection 21.  
12 14 5. By the end of a beginning administrator's first year of  
12 15 employment, the beginning administrator may be comprehensively  
12 16 evaluated to determine if the administrator meets expectations  
12 17 to move to a ~~standard~~ professional administrator license,  
12 18 where appropriate. The school district or area education  
12 19 agency that employs a beginning administrator shall recommend  
12 20 the beginning administrator for a ~~standard~~ professional  
12 21 administrator license, where appropriate, if the beginning  
12 22 administrator is determined through a comprehensive evaluation  
12 23 to demonstrate competence in the Iowa standards for school  
12 24 administrators adopted pursuant to section 256.7, subsection  
12 25 27. A school district or area education agency may allow a  
12 26 beginning administrator a second year to demonstrate competence  
12 27 in the Iowa standards for school administrators if, after  
12 28 conducting a comprehensive evaluation, the school district  
12 29 or area education agency determines that the administrator  
12 30 is likely to successfully demonstrate competence in the Iowa  
12 31 standards for school administrators by the end of the second  
12 32 year. Upon notification by the school district or area  
12 33 education agency, the board of educational examiners shall  
12 34 grant a beginning administrator who has been allowed a second  
12 35 year to demonstrate competence a one-year extension of the



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13 1 beginning administrator's initial license. An administrator  
13 2 granted a second year to demonstrate competence shall undergo a  
13 3 comprehensive evaluation at the end of the second year.  
13 4 Sec. 25. Section 284A.6, subsection 2, Code 2009, is amended  
13 5 to read as follows:  
13 6 2. In cooperation with the administrator's evaluator, the  
13 7 administrator who has a ~~standard administrator's~~ professional  
13 8 administrator license issued by the board of educational  
13 9 examiners pursuant to chapter 272 and is employed by a  
13 10 school district or area education agency in a school  
13 11 district administrative position, shall develop an individual  
13 12 administrator professional development plan. The purpose  
13 13 of the plan is to promote individual and group professional  
13 14 development. The individual plan shall be based, at a minimum,  
13 15 on the needs of the administrator, the Iowa standards for  
13 16 school administrators adopted pursuant to section 256.7,  
13 17 subsection 27, and the student achievement goals of the  
13 18 attendance center and the school district as outlined in the  
13 19 comprehensive school improvement plan.  
13 20 Sec. 26. Section 284A.7, Code 2009, is amended to read as  
13 21 follows:  
13 22 284A.7 Evaluation requirements for administrators.  
13 23 A school district shall conduct an evaluation of  
13 24 an administrator who holds a ~~standard~~ professional  
13 25 administrator license issued under chapter 272 at least once  
13 26 every three years for purposes of assisting the administrator  
13 27 in making continuous improvement, documenting continued  
13 28 competence in the Iowa standards for school administrators  
13 29 adopted pursuant to section 256.7, subsection 27, or to  
13 30 determine whether the administrator's practice meets school  
13 31 district expectations. The review shall include, at a minimum,  
13 32 an assessment of the administrator's competence in meeting  
13 33 the Iowa standards for school administrators and the goals of  
13 34 the administrator's individual professional development plan,  
13 35 including supporting documentation or artifacts aligned to the



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14 1 Iowa standards for school administrators and the individual  
14 2 administrator's professional development plan.  
14 3 Sec. 27. Section 284A.8, Code Supplement 2009, is amended  
14 4 to read as follows:  
14 5 284A.8 Beginning administrator mentoring and induction  
14 6 program == program funds.  
14 7 1. To the extent moneys are available, a school district  
14 8 shall receive one thousand five hundred dollars per beginning  
14 9 administrator participating in the program. ~~If the funds~~  
~~14 10 appropriated for the program are insufficient to pay mentors~~  
~~14 11 and school districts as provided in this section, the~~  
~~14 12 department shall prorate the amount distributed to school~~  
~~14 13 districts based upon the amount appropriated.~~ Moneys received  
14 14 by a school district pursuant to this section shall be expended  
14 15 to provide each mentor with an award of five hundred dollars  
14 16 per semester, at a minimum, for participation in the school  
14 17 district's beginning administrator mentoring and induction  
14 18 program; to implement the plan; and to pay any applicable costs  
14 19 of the employer's share of contributions to federal social  
14 20 security and the Iowa public employees' retirement system or a  
14 21 pension and annuity retirement system established under chapter  
14 22 294, for such amounts paid by the district.  
14 23 2. If the funds appropriated for the program are  
14 24 insufficient to pay mentors and school districts as provided  
14 25 in this section, the department shall prorate the amount  
14 26 distributed to school districts based upon the amount  
14 27 appropriated. A school district shall give priority to fully  
14 28 funding the obligation to principal mentors. Remaining moneys,  
14 29 if any, shall first be used to fund superintendent mentors and  
14 30 then to fund other program costs and applicable costs described  
14 31 in subsection 1.  
14 32 Sec. 28. Section 285.9, Code 2009, is amended by adding the  
14 33 following new subsection:  
14 34 NEW SUBSECTION. 5. Review all transportation disputes  
14 35 between districts. If the affected districts are located in



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15 1 more than one area education agency, the area education agency  
15 2 in which the affected district with the greatest certified  
15 3 enrollment is located shall be the reviewing agency. In  
15 4 resolving disputes between districts, the reviewing agency  
15 5 board shall, after receiving all facts, make such alterations  
15 6 or changes as necessary to make the arrangements, designations,  
15 7 and contracts conform to the legal and established requirements  
15 8 and shall notify each affected local school board of such  
15 9 action. An affected district may appeal the decision of the  
15 10 agency board to the director of the department of education by  
15 11 following the timelines and procedures in section 285.12.

15 12 Sec. 29. Section 291.1, Code 2009, is amended to read as  
15 13 follows:

15 14 291.1 President == duties.

15 15 The president of the board of directors shall preside at  
15 16 all of its meetings, sign all contracts made by the board,  
15 17 and appear ~~in~~ on behalf of the corporation in all actions  
15 18 brought by or against it, unless individually a party, in  
15 19 which case this duty shall be performed by the secretary.

15 20 The president or the president's designee shall sign, using  
15 21 an original or facsimile signature, all school district  
15 22 warrants payments drawn and authorize electronic funds  
15 23 transfers as provided by law. The board of directors, by  
15 24 resolution, may designate an individual, who shall not be the  
15 25 secretary, to sign warrants payments or authorize electronic  
15 26 funds transfers on behalf of the president.

15 27 Sec. 30. Section 291.6, subsection 3, Code 2009, is amended  
15 28 by striking the subsection and inserting in lieu thereof the  
15 29 following:

15 30 3. Accounting records. Keep an accurate accounting record  
15 31 of each payment or electronic funds transfer from each fund  
15 32 which shall be provided monthly to the board of directors. The  
15 33 secretary of the creditor district shall prepare and deliver to  
15 34 debtor districts an itemized statement of tuition fees charged  
15 35 in accordance with sections 275.55A and 282.11, and section



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



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17 1 electronic funds transfers made and reported to the treasurer  
17 2 by the secretary, showing the number, date, to whom drawn, the  
17 3 fund ~~upon~~ from which ~~drawn~~ each payment and transfer was made,  
17 4 the purpose and amount.

17 5 Sec. 35. Section 291.14, Code 2009, is amended to read as  
17 6 follows:

17 7 291.14 Financial statement.

17 8 The treasurer shall render a statement of the finances of the  
17 9 corporation whenever required by the board, and the treasurer's  
17 10 ~~books~~ accounting records shall always be open for inspection.

17 11 Sec. 36. Section 298A.13, Code 2009, is amended to read as  
17 12 follows:

17 13 298A.13 Trust, permanent, or agency funds.

17 14 Trust, permanent, or agency funds shall be established by  
17 15 any school corporation to account for gifts it receives to  
17 16 be used for a particular purpose or to account for money and  
17 17 property received and administered by the district as trustee  
17 18 or custodian or in the capacity of an agent. Boards may  
17 19 establish trust ~~and, permanent, or~~ agency funds as necessary.

17 20 Sec. 37. Section 299A.11, Code 2009, is amended to read as  
17 21 follows:

17 22 299A.11 Student records confidential.

17 23 Notwithstanding any provision of law or rule to the  
17 24 contrary, personal information in records regarding a child  
17 25 receiving competent private instruction pursuant to this  
17 26 chapter, which are maintained, created, collected, or assembled  
17 27 by or for a state agency, shall be kept confidential in  
17 28 the same manner as personal information in student records  
17 29 maintained, created, collected, or assembled by or for a school  
17 30 corporation or educational institution in accordance with  
17 31 section 22.7, subsection 1. For purposes of this section,  
17 32 "personal information in records regarding a child receiving  
17 33 competent private instruction" shall include the child's  
17 34 name and home address as well as all other information that  
17 35 personally identifies the child.



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18 1 Sec. 38. Section 321.1, subsection 69, unnumbered paragraph  
18 2 1, Code Supplement 2009, is amended to read as follows:  
18 3 "School bus" means every vehicle operated for the  
18 4 transportation of children to or from school or school  
18 5 activities, except vehicles which are:

18 6 Sec. 39. Section 321.1, subsection 69, paragraph d, Code  
18 7 Supplement 2009, is amended to read as follows:

18 8 d. Designed to carry not more than nine persons as  
18 9 passengers, either school owned or privately owned, which  
18 10 are used to transport pupils to activity events in which the  
~~18 11 pupils are participants or used to transport pupils to their~~  
18 12 homes in case of illness or other emergency situations. The  
18 13 vehicles operated under the provisions of this paragraph  
18 14 shall be operated by employees of the school district who are  
18 15 specifically approved by the local superintendent of schools  
18 16 for the assignment.

18 17 Sec. 40. Section 321.373, subsection 1, Code 2009, is  
18 18 amended to read as follows:

18 19 1. Every school bus ~~except private passenger vehicles~~  
~~18 20 used as school buses as defined in section 321.1, subsection~~  
18 21 69, shall be constructed and equipped to meet safety standards  
18 22 prescribed in rules adopted by the state board of education.  
18 23 Such rules shall conform to safety standards set forth in  
18 24 federal laws and regulations and shall conform, insofar  
18 25 as practicable, to the minimum standards for school buses  
18 26 recommended by the national conference on school transportation  
18 27 administered by the national commission on safety education and  
18 28 published by the national education association.

18 29 Sec. 41. Section 321.376, Code Supplement 2009, is amended  
18 30 by adding the following new subsection:

18 31 NEW SUBSECTION. 3. The provisions of this section relating  
18 32 to a certificate of qualification and approved course of  
18 33 instruction shall not apply to a person driving a vehicle  
18 34 designed to carry not more than nine persons as passengers,  
18 35 either school owned or privately owned, used to transport



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19 1 pupils to school activities or events.

19 2 Sec. 42. Section 321.379, Code 2009, is amended to read as  
19 3 follows:

19 4 321.379 Violations.

19 5 No school board, individual, or organization shall purchase,  
19 6 construct, or contract for use, to transport pupils to or  
19 7 from school or school activities, any school bus which does  
19 8 not comply with the minimum requirements of section 321.373  
19 9 and any individual, or any member or officer of such board or  
19 10 organization who authorizes, the purchase, construction, or  
19 11 contract for any such bus not complying with these minimum  
19 12 requirements shall be guilty of a misdemeanor punishable as  
19 13 provided in section 321.482.

19 14 Sec. 43. Section 321J.3, subsection 1, paragraph c, Code  
19 15 2009, is amended to read as follows:

19 16 c. The court may prescribe the length of time for the  
19 17 evaluation and treatment or it may request that the community  
19 18 college or other approved provider conducting the course  
19 19 for drinking drivers which the person is ordered to attend  
19 20 or the treatment program to which the person is committed  
19 21 immediately report to the court when the person has received  
19 22 maximum benefit from the course for drinking drivers or  
19 23 treatment program or has recovered from the person's addiction,  
19 24 dependency, or tendency to chronically abuse alcohol or drugs.

19 25 Sec. 44. Section 321J.17, subsection 2, paragraph b, Code  
19 26 2009, is amended to read as follows:

19 27 b. The court or department may request that the community  
19 28 college or substance abuse treatment providers licensed under  
19 29 chapter 125 or other approved provider conducting the course  
19 30 for drinking drivers that the person is ordered to attend  
19 31 immediately report to the court or department that the person  
19 32 has successfully completed the course for drinking drivers.  
19 33 The court or department may request that the treatment program  
19 34 which the person attends periodically report on the defendant's  
19 35 attendance and participation in the program, as well as the



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20 1 status of treatment or rehabilitation.

20 2 Sec. 45. Section 321J.22, subsection 1, Code 2009, is  
20 3 amended by adding the following new paragraph:

20 4 NEW PARAGRAPH. Oa. "Approved provider" means a provider of  
20 5 a course offered outside this state for drinking drivers which  
20 6 has been approved by the department of education.

20 7 Sec. 46. Section 321J.22, subsection 2, Code 2009, is  
20 8 amended by adding the following new paragraph:

20 9 NEW PARAGRAPH. Od. The department of education may approve  
20 10 a provider of a course offered outside this state for drinking  
20 11 drivers upon proof to the department's satisfaction that the  
20 12 course is comparable to those offered by community colleges,  
20 13 substance abuse treatment programs licensed under chapter 125,  
20 14 and state correctional facilities as provided in this section.  
20 15 The department shall comply with the requirements of subsection  
20 16 5 regarding such approved providers.

20 17 Sec. 47. Section 331.756, subsection 7, Code 2009, is  
20 18 amended to read as follows:

20 19 7. Give advice or a written opinion, without compensation,  
20 20 to the board and other county officers and to ~~school~~

~~20 21 and~~ township officers, when requested by an officer, upon  
20 22 any matters in which the state, county, ~~school~~, or township  
20 23 is interested, or relating to the duty of the officer in any  
20 24 matters in which the state, county, ~~school~~, or township may  
20 25 have an interest, but the county attorney shall not appear  
20 26 before the board at a hearing in which the state or county is  
20 27 not interested.

20 28 Sec. 48. Section 331.756, subsection 54, Code 2009, is  
20 29 amended by striking the subsection.

20 30 Sec. 49. REPEAL. Sections 256.20 and 256.23, Code 2009,  
20 31 are repealed.

20 32 Sec. 50. STATE MANDATE FUNDING SPECIFIED. In accordance  
20 33 with section 25B.2, subsection 3, the state cost of requiring  
20 34 compliance with any state mandate included in this Act shall  
20 35 be paid by a school district from state school foundation aid



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21 1 received by the school district under section 257.16. This  
21 2 specification of the payment of the state cost shall be deemed  
21 3 to meet all of the state funding-related requirements of  
21 4 section 25B.2, subsection 3, and no additional state funding  
21 5 shall be necessary for the full implementation of this Act  
21 6 by and enforcement of this Act against all affected school  
21 7 districts.

21 8 EXPLANATION

21 9 This bill makes miscellaneous changes to Code provisions  
21 10 relating to education as follows:

21 11 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is  
21 12 amended to establish that the provision does not prohibit a  
21 13 school corporation or educational institution from transferring  
21 14 student records electronically to other school corporations or  
21 15 educational institutions in accordance with the department of  
21 16 education's comprehensive management information system and  
21 17 uniform coding and reporting system.

21 18 Code section 299A.11 is amended to provide that "personal  
21 19 information in records regarding a child receiving competent  
21 20 private instruction" includes the child's name and home  
21 21 address, and any other information that personally identifies  
21 22 the child.

21 23 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section  
21 24 256.5A is amended to increase the term of the nonvoting student  
21 25 member of the state board of education from one year to two  
21 26 years, and provides that the student must be enrolled in grade  
21 27 10 when applying for the appointment. Currently, a student may  
21 28 be enrolled in grade 10 or 11 at the time the student applies.

21 29 SCHOOL LAW PRINTING REQUIREMENT. Code section 256.9,  
21 30 subsections 25 and 26, are stricken. The provisions require  
21 31 the director of the department of education to cause to  
21 32 be printed in book form, every four years since 1987, all  
21 33 school laws, and changes to school laws, with forms, rulings,  
21 34 decisions, notes, and suggestions which may aid school officers  
21 35 in the proper discharge of their duties. The book must be



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22 1 furnished to school and area officers and administrators,  
22 2 members of the general assembly, and others as reasonably  
22 3 requested.

22 4 EMPLOYMENT PRACTICES. Code section 256.10, subsection 2, is  
22 5 amended by striking a provision that prohibits the dismissal  
22 6 of a member of the professional staff for cause without  
22 7 appropriate due process procedures, but adds that the person  
22 8 must not be dismissed without an opportunity to meet with the  
22 9 director of education. The bill also adds that appointments  
22 10 to the professional staff must be made in accordance with Code  
22 11 section 216.6, subsection 1, which prohibits discriminatory  
22 12 employment practices. Code sections 19B.11 and 280.3 are  
22 13 amended to conform them to Code section 216.6.

22 14 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30  
22 15 provides for the distribution and administration of moneys  
22 16 in excess of federal moneys to pay the expense of educating  
22 17 American Indian children residing in the Sac and Fox Indian  
22 18 settlement. The bill eliminates language that requires the  
22 19 tribal council to submit an annual report to the department of  
22 20 education accounting for expenditure of the moneys and requires  
22 21 the department of education to certify compliance before the  
22 22 department of management can approve allotment of the moneys.

22 23 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section  
22 24 257.6 is amended to specify that accredited nonpublic school  
22 25 pupils receiving classes or services funded by federal grants  
22 26 or allocations shall not be counted in a school district's  
22 27 enrollment as shared-time or part-time pupils. The bill makes  
22 28 a conforming change to Code section 257.37, subsection 4.

22 29 SCHOOL BUDGET REVIEW COMMITTEE INTERNET SITE INFORMATION.  
22 30 Code section 257.31, subsection 2, is amended to eliminate a  
22 31 requirement that the school budget review committee specify on  
22 32 its internet site annually the reasons for its recommendations,  
22 33 and instead require that it specify a summary of decisions.  
22 34 The reference to recommendations was tied to a requirement that  
22 35 the committee report to the general assembly any recommended



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23 1 changes in laws relating to school districts, but that  
23 2 requirement was stricken by legislation enacted in 2009.  
23 3 ACTION AGAINST DEBTOR. Code section 257B.33 is amended and  
23 4 Code section 331.756(54) is stricken to eliminate a provision  
23 5 requiring the county attorney to commence legal proceedings to  
23 6 recover school funds and instead allow the school district to  
23 7 bring action to recover debt.  
23 8 DISTRICT=TO=COMMUNITY COLLEGE SHARING OR CONCURRENT  
23 9 ENROLLMENT PROGRAM == TRANSPORTATION. Code section 261E.8,  
23 10 which provides for the district=to=community college sharing  
23 11 or concurrent enrollment program, is amended to strike a  
23 12 requirement that the parent or legal guardian of a student who  
23 13 has enrolled in and is attending a community college under  
23 14 the program furnish transportation to and from the community  
23 15 college for the student.  
23 16 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23 are  
23 17 amended to extend the dates by which area education agency  
23 18 proposed budgets must be reviewed, approved, or returned by the  
23 19 state board and resubmitted to the state board if the first  
23 20 submission is not approved.  
23 21 BEGINNING ADMINISTRATOR MENTORING PROGRAM. Code sections  
23 22 284A.2, subsection 2; 284A.5, subsections 3 and 5; 284A.6,  
23 23 subsection 2; 284A.7 and 284A.8 are amended to broaden the  
23 24 definition of beginning administrator to include those who  
23 25 hold a professional administrator license, and to change  
23 26 references to the standard administrator license to the  
23 27 professional administrator license. If funds are insufficient,  
23 28 the bill gives priority to fully fund principal mentors, then  
23 29 superintendent mentors, then the remaining program costs.  
23 30 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section  
23 31 279.30 is amended to allow the board of directors of a  
23 32 school district or of an AEA to direct deposit a payment at a  
23 33 financial institution specified by the person entitled to the  
23 34 money. Code section 291.1; Code section 291.6, subsections  
23 35 3 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14



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



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25 1 school administrators are given preference.  
25 2     AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new  
25 3 provision to Code section 285.9 to assign the duty of reviewing  
25 4 and resolving all transportation disputes between districts to  
25 5 the AEA boards.  
25 6     SCHOOL BUS == DEFINITION. Code section 321.1, subsection  
25 7 69, is amended to strike from an exemption to the definition  
25 8 of "school bus", language that includes a vehicle operated for  
25 9 the transportation of children to or from school activities.  
25 10 Currently, the definition is limited to transportation of  
25 11 children to or from school. The bill makes a conforming  
25 12 amendment to Code section 321.373 to provide that every  
25 13 school bus, including those used to transport students to  
25 14 school activities, must be constructed and equipped to meet  
25 15 specified safety standards. However, the bill amends Code  
25 16 section 321.376 to provide that certificate of qualification  
25 17 and approved course of instruction requirements do not apply  
25 18 to persons driving pupils to activities in nine-passenger  
25 19 vehicles.  
25 20     APPROVED COURSES FOR DRINKING DRIVERS. Code sections 321J.3  
25 21 and 321J.17 are amended to expand the providers of drinking  
25 22 driver courses supervised and approved by the department of  
25 23 education to include "other approved providers", which the  
25 24 bill defines in Code section 321J.22, as providers of courses  
25 25 offered out of state. The providers of out-of-state courses  
25 26 must prove to the department's satisfaction that the course is  
25 27 comparable to those offered by community colleges and substance  
25 28 abuse treatment programs. The bill establishes that other  
25 29 approved providers may be requested to meet the same reporting  
25 30 requirements as the community colleges and substance abuse  
25 31 treatment programs.  
25 32     DUTIES OF THE COUNTY ATTORNEY. The bill amends Code section  
25 33 331.756, subsection 7, which specifies the duties of county  
25 34 attorneys, to eliminate a requirement that county attorneys  
25 35 give advice or a written opinion to school officers upon



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26 1 request.

26 2 CODE SECTIONS REPEALED. The bill repeals the following:

26 3 1. Code section 256.20, which permits school districts to  
26 4 request approval from the state board of education for a pilot  
26 5 project for a year-around three-semester school year.

26 6 2. Code section 256.23, which establishes a recruitment and  
26 7 advancement program to provide for the allocation of grants  
26 8 to school corporations for pilot projects that encourage  
26 9 the advancement of women and minorities to administrative  
26 10 positions.

26 11 STATE MANDATE. The bill may include a state mandate as  
26 12 defined in Code section 25B.3. The bill requires that the  
26 13 state cost of any state mandate included in the bill be  
26 14 paid by a school district from state school foundation aid  
26 15 received by the school district under Code section 257.16. The  
26 16 specification is deemed to constitute state compliance with  
26 17 any state mandate funding-related requirements of Code section  
26 18 25B.2. The inclusion of this specification is intended to  
26 19 reinstate the requirement of political subdivisions to comply  
26 20 with any state mandates included in the bill.

LSB 5391SV (2) 83

kh/sc



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**Senate File 2289 - Introduced**

SENATE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB  
3137)

**A BILL FOR**

1 An Act relating to deaccreditation of a school district by the  
2 state board of education.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5405SV (1) 83  
kh/sc



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1 1 Section 1. Section 256.11, subsection 11, paragraphs c and  
1 2 d, Code Supplement 2009, are amended to read as follows:  
1 3 c. If the deficiencies have not been corrected, and the  
1 4 conditional accreditation alternatives contained in the report  
1 5 are not mutually acceptable to the state board and the local  
1 6 board, the state board shall deaccredit the school district  
1 7 and merge the territory of the school district with one or more  
1 8 contiguous school districts at the end of the school year. The  
1 9 state board may place a district under receivership for the  
1 10 remainder of the school year. The receivership shall be under  
1 11 the direct supervision and authority of the area education  
1 12 agency in which the district is located. The decision of  
1 13 whether to ~~merge deaccredit~~ the school district ~~and require~~  
1 14 ~~payment of tuition for the district's students~~ or to place the  
1 15 district under receivership shall be based upon a determination  
1 16 by the state board of the best interests of the students,  
1 17 parents, residents of the community, teachers, administrators,  
1 18 and school district board members and upon the recommendations  
1 19 of the accreditation committee and the director.  
1 20 d. In the case of a nonpublic school, if the deficiencies  
1 21 have not been corrected, the state board may ~~declare~~  
1 22 ~~a deaccredit the nonpublic school to be nonaccredited.~~  
1 23 The ~~removal of accreditation~~ deaccreditation shall take  
1 24 effect on the date established by the resolution of the  
1 25 state board, which shall be no later than the end of the  
1 26 school year in which the nonpublic school is ~~declared to be~~  
1 27 ~~nonaccredited~~ deaccredited.  
1 28 Sec. 2. Section 256.11, subsection 12, Code Supplement  
1 29 2009, is amended to read as follows:  
1 30 12. If the state board ~~removes accreditation from~~  
1 31 deaccredits a school district and merges the territory  
1 32 of the school district with one or more contiguous school  
1 33 districts, the deaccredited school district ~~whose accreditation~~  
1 34 ~~is removed~~ ceases to exist as a school corporation on  
1 35 the effective date set by the state board for ~~removal of~~



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~~2 1 accreditation~~ deaccreditation. Notwithstanding any other  
2 2 provision of law, the contiguous school districts receiving  
2 3 territory of the ~~former~~ deaccredited school district ~~whose~~  
~~2 4 accreditation was removed~~ are not considered successor school  
2 5 corporations of the ~~former~~ deaccredited school district.  
2 6 a. Division of assets and liabilities of the  
2 7 deaccredited school district ~~whose accreditation was~~  
~~2 8 removed~~ shall be as provided in this paragraph "a" and  
2 9 in sections 275.29 through 275.31.  
2 10 (1) If one or more of the contiguous school districts  
2 11 receiving assets and liabilities of the deaccredited school  
2 12 district ~~whose accreditation was removed~~ utilizes the  
2 13 equalization levy, only that territory in the school district  
2 14 imposing the equalization levy that comprises territory of the  
2 15 ~~former~~ deaccredited school district shall be taxed.  
2 16 (2) Income surtax revenue and revenues generated by  
2 17 property taxes shall be distributed proportionately based on  
2 18 taxable value of the territory received by one or more school  
2 19 districts contiguous to the ~~former~~ deaccredited school district  
2 20 ~~whose accreditation was removed~~.  
2 21 (3) Revenues that are based on student enrollment shall  
2 22 be distributed based on percentages of students ~~of the who~~  
2 23 were enrolled in the deaccredited school district ~~whose~~  
~~2 24 accreditation was removed~~ in the school year immediately  
2 25 prior to deaccreditation and who now reside in territory  
2 26 received by one or more school districts contiguous to the  
2 27 deaccredited school district whose accreditation was removed.  
2 28 (4) If the deaccredited school district has a negative fund  
2 29 balance in its general fund at the time it is deaccredited  
2 30 by the state board, the director may order that the positive  
2 31 balance from one or more other funds of the deaccredited school  
2 32 district be transferred to the deaccredited school district's  
2 33 general fund.  
2 34 b. Prior to the effective date set by the state board for  
2 35 ~~removal of accreditation~~ deaccreditation, the school district



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3 1 ~~whose accreditation is to be removed~~ shall remain responsible  
3 2 for, and may retain such authority as is necessary to complete,  
3 3 all of the following:  
3 4 (1) Execution of one or more quitclaim deeds, in fulfillment  
3 5 of the merger of territory received by one or more contiguous  
3 6 school districts from the ~~former~~ deaccredited school district  
3 7 ~~whose accreditation was removed~~.  
3 8 (2) Preparation of and payment for a final audit of all the  
3 9 district's financial accounts.  
3 10 (3) Preparation and certification of a final certified  
3 11 annual report to the department.  
3 12 c. The provisions of section 275.57 apply when ~~removal~~  
3 13 deaccreditation of ~~accreditation from~~ a school district and  
3 14 merger of ~~its~~ the territory of such school district with a  
3 15 contiguous school district that is currently divided into  
3 16 director districts leads to the formation of new director  
3 17 districts.

3 18 EXPLANATION

3 19 This bill amends Code language relating to the accreditation  
3 20 process for school districts and nonpublic schools. The bill  
3 21 allows the director of the department of education to order the  
3 22 positive fund balances held by a deaccredited school district  
3 23 to be transferred to the school's general fund if the school's  
3 24 general fund has a negative fund balance. The bill also  
3 25 eliminates language that permitted the state board of education  
3 26 to decide whether or not to require payment of tuition for a  
3 27 deaccredited school district's students.

3 28 The bill eliminates references to "nonaccredited",  
3 29 "merge", and "removal of accreditation" and refers instead to  
3 30 "deaccreditation" of a school district or nonpublic school.

LSB 5405SV (1) 83

kh/sc



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**Senate File 2290 - Introduced**

SENATE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2010)

**A BILL FOR**

1 An Act relating to the use of certain regular physical plant  
2 and equipment levy funds and including effective date  
3 provisions.

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

TL5B 5652SV (4) 83

ak/sc



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1 1 Section 1. Section 298.3, Code Supplement 2009, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 1A. a. The revenue from the regular  
1 4 physical plant and equipment levy and the portion of any  
1 5 unspent balance in the physical plant and equipment levy  
1 6 fund that is attributable to the regular physical plant and  
1 7 equipment levy as determined pursuant to section 298A.4 may be  
1 8 expended for the following purposes in addition to the purposes  
1 9 described in subsection 1:  
1 10 (1) The purchase, lease=purchase, or lease of computers or  
1 11 computer=related equipment regardless of value per unit, and  
1 12 computer software.  
1 13 (2) The funding of technical support services provided  
1 14 by third=party contractual agreement and technical support  
1 15 training of school district personnel.  
1 16 (3) The cost of the repair of any equipment purchased by the  
1 17 school district under this section.  
1 18 b. This subsection shall not apply to funds received by the  
1 19 school district pursuant to section 423E.4 and authorized to be  
1 20 used for the purposes described in this section.  
1 21 Sec. 2. Section 298A.4, Code 2009, is amended to read as  
1 22 follows:  
1 23 298A.4 Physical plant and equipment levy fund.  
1 24 1. The physical plant and equipment levy fund is a special  
1 25 revenue fund. A physical plant and equipment levy fund must  
1 26 be established in any school corporation which levies the tax  
1 27 authorized, whether regular or voter=approved, under section  
1 28 298.2.  
1 29 2. If applicable, for the school year beginning July 1,  
1 30 2009, the amount of any unspent balance in the physical plant  
1 31 and equipment levy fund that is expended in any one fiscal year  
1 32 for purposes of section 298.3, subsection 1A, shall not exceed  
1 33 an amount equivalent to the ratio of the regular physical plant  
1 34 and equipment levy funds to the voter=approved physical plant  
1 35 and equipment levy funds collected in that fiscal year.



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2 1 3. If applicable, for school years beginning on or after  
2 2 July 1, 2010, the department of education shall require school  
2 3 districts to establish within the physical plant and equipment  
2 4 levy fund a separate account for those revenues derived from  
2 5 the regular physical plant and equipment levy and a separate  
2 6 account for those revenues derived from a voter-approved  
2 7 physical plant and equipment levy in order to ensure that funds  
2 8 expended for purposes of section 298.3, subsection 1A, shall  
2 9 only be expended from regular physical plant and equipment levy  
2 10 revenues.

2 11 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
2 12 immediate importance, takes effect upon enactment.

2 13 EXPLANATION

2 14 This bill modifies the purposes for which physical plant and  
2 15 equipment levy (PPEL) funds may be used by school districts.

2 16 The bill expands the authorized uses of the funds to include  
2 17 the purchase, lease-purchase, and lease of computers and  
2 18 computer-related equipment; computer software; payment of  
2 19 technical support, including contractual support and in-house  
2 20 technical support training; and the cost of repair of any  
2 21 equipment purchased with PPEL funds. No funds paid to school  
2 22 districts from the school infrastructure funds pursuant to Code  
2 23 chapter 423E may be used for the purposes of the bill.

2 24 For the current fiscal year beginning July 1, 2009, school  
2 25 districts with both the regular PPEL and the voter-approved  
2 26 PPEL may not spend more than an amount equal to the ratio of  
2 27 the regular PPEL funds to the voter-approved PPEL funds. For  
2 28 school years beginning on or after July 1, 2010, the department  
2 29 of education must require districts to establish within their  
2 30 PPEL fund, a separate account for revenues from the regular  
2 31 PPEL to ensure only those funds are spent for the purposes  
2 32 specified in the bill.

2 33 The bill is effective upon enactment.

LSB 5652SV (4) 83

ak/sc



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**Senate File 2291 - Introduced**

SENATE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB  
3135)

**A BILL FOR**

1 An Act relating to special education rights and duties and  
2 to the related duties and operations of the department of  
3 education and local school boards.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5412SV (2) 83  
kh/nh



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1 1 Section 1. Section 256B.2, subsection 1, paragraph a, Code  
1 2 Supplement 2009, is amended to read as follows:

1 3 a. "Children requiring special education" means persons under  
1 4 twenty-one years of age, including children under five years of  
1 5 age, who have a disability in obtaining an education because  
1 6 of a head injury, autism, behavioral disorder, or physical,  
1 7 mental, communication, or learning disability, as defined by  
1 8 the rules of the department of education. If a child requiring  
1 9 special education reaches the age of twenty-one during an  
1 10 academic year, the child may elect to receive special education  
1 11 services until the end of the academic year.

1 12 Sec. 2. Section 256B.6, Code 2009, is amended to read as  
1 13 follows:

1 14 256B.6 Parent's or guardian's duties == review.

1 15 1. When the school district or area education agency has  
1 16 provided special education services and programs as provided  
1 17 herein for any child requiring special education, either  
1 18 by admission to a special class or by supportive services,  
1 19 it shall be the duty of the parent or guardian to enroll  
1 20 ~~said~~ the child for instruction in such special classes or  
1 21 supportive services as may be established, except in the  
1 22 event a doctor's certificate is filed with the secretary  
1 23 of the school district showing that it is inadvisable for  
1 24 medical reasons for the child requiring special education to  
1 25 receive the special education provided; all the provisions  
1 26 and conditions of chapter 299 ~~and amendments thereto~~ shall  
1 27 be applicable to this section, and any violations shall be  
1 28 punishable as provided in ~~said~~ chapter 299.

1 29 2. A child, or the parent or guardian of the child, or the  
1 30 school district in which the child resides, may obtain a review  
1 31 of an action or omission of ~~state or~~ local authorities pursuant  
1 32 to the procedures established by the state board of education  
1 33 on the ground that the child has been or is about to be:

1 34 ~~1.~~ a. Denied entry or continuance in a program of special  
1 35 education appropriate to the child's condition and needs.



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2 1     ~~2.~~ b. Placed in a special education program which is  
2 2 inappropriate to the child's condition and needs.  
2 3     ~~3.~~ c. Denied educational services because no suitable  
2 4 program of education or related services is maintained.  
2 5     ~~4.~~ d. Provided with special education which is insufficient  
2 6 in quantity to satisfy the requirements of law.  
2 7     ~~5.~~ e. Assigned to a program of special education when the  
2 8 child does not have a disability.  
2 9     3. When a child requiring special education attains the  
2 10 age of majority or is incarcerated in an adult or juvenile,  
2 11 state or local, correctional institution, all rights accorded  
2 12 to the parent or guardian under this chapter transfer to the  
2 13 child except as provided in this subsection. Any notice  
2 14 required by this chapter shall be provided to both the child  
2 15 who has reached the age of majority or is incarcerated in an  
2 16 adult or juvenile, state or local, correctional institution,  
2 17 and the parent or guardian. If rights under this chapter have  
2 18 transferred to the child and the child has been determined  
2 19 to be incompetent by a court or determined unable to provide  
2 20 informed educational consent by a court or other competent  
2 21 authority, then rights under this chapter shall be exercised by  
2 22 the person who has been appointed to represent the educational  
2 23 interest of the child. The director of the department of  
2 24 education may establish standards for determining whether  
2 25 a public agency, as defined in section 28E.2, is competent  
2 26 to determine whether a child is unable to provide informed  
2 27 educational consent, and the procedures by which such  
2 28 determination shall be made and reviewed.  
2 29     4. Notwithstanding section 17A.11, the state board of  
2 30 education shall adopt rules for the appointment of an impartial  
2 31 administrative law judge for special education appeals. The  
2 32 rules shall comply with federal statutes and regulations.  
2 33     Sec. 3. Section 256B.8, unnumbered paragraph 2, Code 2009,  
2 34 is amended to read as follows:  
2 35     An area education agency director of special education may



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3 1 request approval from the department of education to continue  
3 2 the special education program of a person beyond the ~~person's~~  
~~3 3 twenty-first birthday~~ period specified in section 256B.2,  
3 4 subsection 1, paragraph "a", if the person had an accident or  
3 5 prolonged illness that resulted in delays in the initiation of  
3 6 or interruptions in that person's special education program.  
3 7 Approval may be granted by the department to continue the  
3 8 special education program of that person for up to three years  
3 9 or until the person's twenty-fourth birthday.  
3 10 Sec. 4. Section 256B.11, Code 2009, is amended to read as  
3 11 follows:  
3 12 256B.11 Program plans.  
3 13 1. Program plans submitted to the department of education  
3 14 pursuant to section 273.5 for approval by the director of the  
3 15 department of education shall establish all of the following:  
3 16 ~~1.~~ a. That there are sufficient children requiring special  
3 17 education within the area.  
3 18 ~~2.~~ b. That the service or program will be provided by the  
3 19 most appropriate educational agency.  
3 20 ~~3.~~ c. That the educational agency providing the service or  
3 21 program has employed qualified special educational personnel.  
3 22 ~~4.~~ d. That the instruction is a natural and normal  
3 23 progression of a planned course of instruction.  
3 24 ~~5.~~ e. That all revenue raised for support of special  
3 25 education instruction and services is expended for actual  
3 26 delivery of special education instruction or services.  
3 27 ~~6.~~ f. Other factors as the state board may require.  
3 28 2. Notwithstanding subsection 1 and section 273.5,  
3 29 subsection 6, the director of the department of education may  
3 30 authorize the area education agency to submit a statement  
3 31 assuring that the requirements of subsection 1 are satisfied  
3 32 in lieu of submitting a special education instructional and  
3 33 support program plan.  
3 34 Sec. 5. Section 256B.15, subsection 7, Code 2009, is amended  
3 35 to read as follows:



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4 1 7. The area education agencies shall transfer to  
4 2 the department of ~~education~~ human services an amount  
4 3 equal to ~~eighty-four percent~~ the nonfederal share of the  
4 4 payments to be received from the medical assistance program  
4 5 provided pursuant to chapter 249A. The nonfederal share  
4 6 amount shall be transferred to the medical assistance account  
4 7 prior to claims payment. This requirement does not apply to  
4 8 medical assistance reimbursement for services provided by an  
4 9 area education agency under part C of the federal Individuals  
4 10 With Disabilities Education Act. Funds received under this  
4 11 section shall not be considered or included as part of the area  
4 12 education agencies' budgets when calculating funds that are to  
4 13 be received by area education agencies during a fiscal year.

4 14 Sec. 6. Section 257.11, subsection 8, Code Supplement 2009,  
4 15 is amended to read as follows:

4 16 8. Pupils ineligible. A pupil eligible for the weighting  
4 17 plan provided in section 256B.9 is not eligible for  
4 18 supplementary weighting pursuant to this section unless it  
4 19 is determined that the course generating the supplemental  
4 20 weighting has no relationship to the pupil's disability. A  
4 21 pupil attending an alternative program or an at-risk pupils'  
4 22 program, including alternative high school programs, is not  
4 23 eligible for supplementary weighting under subsection 2.

4 24 Sec. 7. STATE MANDATE FUNDING SPECIFIED. In accordance  
4 25 with section 25B.2, subsection 3, the state cost of requiring  
4 26 compliance with any state mandate included in this Act shall  
4 27 be paid by a school district from state school foundation aid  
4 28 received by the school district under section 257.16. This  
4 29 specification of the payment of the state cost shall be deemed  
4 30 to meet all of the state funding-related requirements of  
4 31 section 25B.2, subsection 3, and no additional state funding  
4 32 shall be necessary for the full implementation of this Act  
4 33 by and enforcement of this Act against all affected school  
4 34 districts.

4 35

EXPLANATION



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5 1 This bill makes Code changes related to special education  
5 2 rights, duties, and responsibilities.  
5 3     The bill amends Code section 256B.2 to add to the definition  
5 4 of "children requiring special education" a provision allowing  
5 5 such a child who reaches age 21 during an academic year to  
5 6 elect to continue to receive special education services until  
5 7 the academic year ends. A conforming change is made to Code  
5 8 section 256B.8.  
5 9     The bill also provides that when a child requiring special  
5 10 education attains the age of majority or is incarcerated in a  
5 11 correctional institution, the rights of the child's parent or  
5 12 guardian transfers to the child, and any notice to that child's  
5 13 parent or guardian must also be provided to the child. If the  
5 14 child is determined to be incompetent, these rights shall be  
5 15 exercised by the person appointed to represent the educational  
5 16 interests of the child.  
5 17     The bill authorizes the director of the department of  
5 18 education to establish standards and procedures for determining  
5 19 whether a public agency is competent to determine whether a  
5 20 child is unable to provide informed educational consent, and  
5 21 to authorize an area education agency to submit a statement  
5 22 assuring its special education instruction and support program  
5 23 plan meets the specific requirements established in Code  
5 24 section 256B.11, subsection 1, rather than require the agency  
5 25 to submit the actual plan to the department for approval.  
5 26     The bill also directs area education agencies to transfer to  
5 27 the department of human services, rather than the department  
5 28 of education as provided in current law, an amount equal to  
5 29 the nonfederal share of the payments to be received from the  
5 30 medical assistance program, rather than 84 percent as provided  
5 31 in current law, of payments received for medical assistance  
5 32 services provided to children requiring special education.  
5 33     The bill also provides that a pupil who is eligible  
5 34 for special education weighting is not also eligible for  
5 35 supplementary weighting unless the course generating the



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6 1 supplementary weighting has no relationship to the pupil's  
6 2 disability.  
6 3     The bill may include a state mandate as defined in Code  
6 4 section 25B.3. The bill requires that the state cost of  
6 5 any state mandate included in the bill be paid by a school  
6 6 district from state school foundation aid received by the  
6 7 school district under Code section 257.16. The specification  
6 8 is deemed to constitute state compliance with any state mandate  
6 9 funding-related requirements of Code section 25B.2. The  
6 10 inclusion of this specification is intended to reinstate the  
6 11 requirement of political subdivisions to comply with any state  
6 12 mandates included in the bill.

LSB 5412SV (2) 83

kh/nh



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**Senate File 2292 - Introduced**

SENATE FILE  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO SSB  
3044)

**A BILL FOR**

1 An Act requiring the department of veterans affairs to promote  
2 and support the preservation of the U.S.S. Iowa as a naval  
3 museum.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5345SV (1) 83  
ec/rj



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1 1 Section 1. DEPARTMENT OF VETERANS AFFAIRS == U.S.S. IOWA  
1 2 NAVAL MUSEUM. The Iowa department of veterans affairs shall  
1 3 promote and support the preservation of the battleship U.S.S.  
1 4 Iowa as a permanent naval museum at naval shipyard Mare Island,  
1 5 Vallejo, California.

1 6 EXPLANATION

1 7 This bill requires the department of veterans affairs to  
1 8 promote and support the preservation of the battleship U.S.S.  
1 9 Iowa as a permanent naval museum at naval shipyard Mare Island,  
1 10 Vallejo, California.

LSB 5345SV (1) 83

ec/rj



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**Senate File 2293 - Introduced**

SENATE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB  
3166)

**A BILL FOR**

1 An Act relating to expunging convictions of certain criminal  
2 offenses.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5188SV (2) 83  
jm/rj



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1 1 Section 1. Section 123.46, subsection 5, Code 2009, is  
 1 2 amended to read as follows:  
 1 3 5. Upon the expiration of two years following conviction  
 1 4 for a violation of this section, a person may petition the  
 1 5 court to ~~exonerate the person of~~ expunge the conviction, and  
 1 6 if the person has had no other criminal convictions, other  
 1 7 than simple misdemeanor violations of chapter 321 during the  
 1 8 two-year period, ~~the person shall be deemed exonerated of~~  
~~1 9 the offense~~ conviction shall be expunged as a matter of law.  
 1 10 The court shall enter an order ~~exonerating the person of the~~  
~~1 11 conviction, and ordering~~ that the record of the conviction be  
 1 12 expunged by the clerk of the district court. Notwithstanding  
~~1 13 section 692.2, after receipt of notice from the clerk of the~~  
~~1 14 district court that a record of conviction has been expunged,~~  
~~1 15 the record of conviction shall be removed from the criminal~~  
~~1 16 history data files maintained by the department of public~~  
~~1 17 safety.~~  
 1 18 Sec. 2. Section 123.47, Code 2009, is amended by adding the  
 1 19 following new subsection:  
 1 20 NEW SUBSECTION. 7. Upon the expiration of two years  
 1 21 following conviction for a violation of subsection 2 or of a  
 1 22 similar local ordinance, a person may petition the court to  
 1 23 expunge the conviction, and if the person has had no other  
 1 24 criminal convictions, other than local traffic violations  
 1 25 or simple misdemeanor violations of chapter 321 during the  
 1 26 two-year period, the conviction shall be expunged as a matter  
 1 27 of law. The court shall enter an order that the record of the  
 1 28 conviction be expunged by the clerk of the district court.  
 1 29 Notwithstanding section 692.2, after receipt of notice from  
 1 30 the clerk of the district court that a record of conviction  
 1 31 has been expunged for a violation of subsection 2, the record  
 1 32 of conviction shall be removed from the criminal history data  
 1 33 files maintained by the department of public safety. An  
 1 34 expunged conviction shall not be considered a prior offense for  
 1 35 purposes of enhancement under subsection 3 or under a local



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2 1 ordinance unless the new violation occurred prior to entry of  
2 2 the order of expungement.

2 3 EXPLANATION

2 4 This bill relates to expunging certain criminal convictions.

2 5 The bill modifies provisions relating to expunging the  
2 6 record of a conviction for public intoxication after two  
2 7 years. Under the bill, two years after conviction for public  
2 8 intoxication a person may petition the court to expunge the  
2 9 record of the conviction if the person has not had other  
2 10 criminal convictions other than simple misdemeanor violations  
2 11 of Code chapter 321 during the two-year period. If the record  
2 12 of conviction is expunged, the bill requires the department  
2 13 of public safety to remove the record of conviction from the  
2 14 criminal history data files of the department. Currently, a  
2 15 person may petition the court to exonerate the person and have  
2 16 the court enter an order exonerating the person as a matter of  
2 17 law.

2 18 The bill establishes a similar expungement provision for  
2 19 possessing, purchasing, or attempting to purchase alcohol  
2 20 under legal age and for similar local ordinances. Under the  
2 21 bill, two years after conviction for possessing, purchasing,  
2 22 or attempting to purchase alcohol under legal age or under a  
2 23 similar local ordinance, a person may petition the court to  
2 24 expunge the record of the conviction if the person has not had  
2 25 other criminal convictions other than local traffic violations  
2 26 or simple misdemeanor violations of Code chapter 321 during the  
2 27 two-year period. If the record of conviction is expunged for  
2 28 a state violation, the bill requires the department of public  
2 29 safety to remove the record of conviction from the criminal  
2 30 history data files of the department. The bill also provides  
2 31 that the expunged conviction for possessing, purchasing, or  
2 32 attempting to purchase alcohol or for a local ordinance shall  
2 33 not be considered a prior offense for purposes of enhancement  
2 34 under state law or under a local ordinance unless the new  
2 35 violation occurred prior to entry of the order of expungement.

LSB 5188SV (2) 83

jm/rj



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**Senate File 2294 - Introduced**

SENATE FILE  
BY COMMITTEE ON REBUILD  
IOWA

(SUCCESSOR TO SSB  
3196)

**A BILL FOR**

- 1 An Act creating a disaster recovery fund and including
- 2 effective date and applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6069SV (2) 83  
jp/rj



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1 1 Section 1. Section 8.55, subsection 2, paragraph a, Code  
1 2 2009, is amended to read as follows:  
1 3 a. The maximum balance of the fund is the amount equal  
1 4 to two and one-half percent of the adjusted revenue estimate  
1 5 for the fiscal year. If the amount of moneys in the Iowa  
1 6 economic emergency fund is equal to the maximum balance,  
1 7 moneys in excess of this amount shall be transferred to the  
1 8 ~~general disaster recovery~~ fund created in section 8.56A.  
1 9 Sec. 2. NEW SECTION. 8.56A Disaster recovery fund.  
1 10 1. A disaster recovery fund is created. The fund shall be  
1 11 separate from the general fund of the state and the balance in  
1 12 the fund shall not be considered part of the balance of the  
1 13 general fund of the state. The moneys credited to the fund  
1 14 are not subject to section 8.33, and shall not be transferred,  
1 15 used, obligated, appropriated, or otherwise encumbered except  
1 16 as provided in this section.  
1 17 2. The maximum balance of the fund is the amount equal to  
1 18 ten percent of the adjusted revenue estimate for the fiscal  
1 19 year. If the amount of moneys in the disaster recovery fund is  
1 20 equal to the maximum balance, moneys in excess of this amount  
1 21 shall be transferred to the general fund of the state.  
1 22 3. Except as authorized in subsection 4, moneys in the  
1 23 fund shall only be used pursuant to an appropriation made  
1 24 by the general assembly for purposes of disaster relief and  
1 25 recovery. In order to become law, the bill or joint resolution  
1 26 containing the appropriation must be approved by vote of at  
1 27 least three-fifths of the members of both chambers of the  
1 28 general assembly and signed by the governor.  
1 29 4. a. Moneys in the fund may be used for cash flow purposes  
1 30 during a fiscal year provided that any moneys so allocated are  
1 31 returned to the fund by the end of that fiscal year.  
1 32 b. Except as provided in section 8.58, the disaster recovery  
1 33 fund shall be considered a special account for the purposes of  
1 34 section 8.53 in determining the cash position of the general  
1 35 fund of the state for the payment of state obligations.



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2 1 5. Notwithstanding section 12C.7, subsection 2, interest  
2 2 or earnings on moneys deposited in the disaster recovery fund  
2 3 shall be credited to the fund. Such credited moneys, if  
2 4 appropriated, may be used for the expenses of providing ongoing  
2 5 training and staffing for disaster response and recovery by  
2 6 the department of human services, department of economic  
2 7 development, Iowa finance authority, or division of homeland  
2 8 security and emergency management of the department of public  
2 9 safety.

2 10 Sec. 3. Section 8.58, Code 2009, is amended to read as  
2 11 follows:

2 12 8.58 Exemption from automatic application.

2 13 1. To the extent that moneys appropriated under section  
2 14 8.57 do not result in moneys being credited to the general  
2 15 fund under section 8.55, subsection 2, moneys appropriated  
2 16 under section 8.57 and moneys contained in the cash reserve  
2 17 fund, rebuild Iowa infrastructure fund, environment first  
2 18 fund, disaster recovery fund, and Iowa economic emergency fund  
2 19 shall not be considered in the application of any formula,  
2 20 index, or other statutory triggering mechanism which would  
2 21 affect appropriations, payments, or taxation rates, contrary  
2 22 provisions of the Code notwithstanding.

2 23 2. To the extent that moneys appropriated under section  
2 24 8.57 do not result in moneys being credited to the general  
2 25 fund under section 8.55, subsection 2, moneys appropriated  
2 26 under section 8.57 and moneys contained in the cash reserve  
2 27 fund, rebuild Iowa infrastructure fund, environment first fund,  
2 28 disaster recovery fund, and Iowa economic emergency fund shall  
2 29 not be considered by an arbitrator or in negotiations under  
2 30 chapter 20.

2 31 Sec. 4. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This  
2 32 Act, being deemed of immediate importance, takes effect upon  
2 33 enactment and is applicable to moneys transferred from the Iowa  
2 34 economic emergency fund pursuant to section 8.55, subsection 2,  
2 35 paragraph "a", as amended by this Act, beginning with the close



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3 1 of the fiscal year ending on June 30, 2010.

3 2 EXPLANATION

3 3 This bill creates a disaster recovery fund in new Code  
3 4 section 8.56A.

3 5 Under current state financing law, surplus state general  
3 6 fund moneys are first credited to the cash reserve until  
3 7 it reaches its maximum balance equal to 7.5 percent of the  
3 8 adjusted revenue estimate for the applicable fiscal year, then  
3 9 surplus moneys are credited to the Iowa economic emergency  
3 10 fund until it reaches its maximum balance equal to 2.5 percent  
3 11 of the adjusted revenue estimate. The bill provides for the  
3 12 surplus moneys to flow to the disaster recovery fund once  
3 13 the first two funds have reached the maximum balance. Under  
3 14 current law, the surplus funding is transferred to the general  
3 15 fund of the state. The bill provides that if the disaster  
3 16 recovery fund reaches its maximum balance equal to 10 percent  
3 17 of the adjusted revenue estimate, surplus moneys then flow to  
3 18 the general fund.

3 19 Moneys credited to the new fund may only be used pursuant  
3 20 to an appropriation made for purposes of disaster relief and  
3 21 recovery but are otherwise not subject to transfer, use,  
3 22 obligation, appropriation, or other encumbrance except for  
3 23 disaster relief and recovery. However, during the course of  
3 24 a fiscal year moneys in the fund may be used for cash flow  
3 25 purposes provided that any moneys so allocated are returned  
3 26 to the fund by the end of that fiscal year. In order for an  
3 27 appropriation to become law it must be approved by a vote of at  
3 28 least three-fifths of the members of each chamber and approved  
3 29 by the governor.

3 30 Interest or earnings on moneys in the fund are retained by  
3 31 the fund instead of the general fund as otherwise provided in  
3 32 Code section 12C.7. These retained moneys may be appropriated  
3 33 for training and staffing of disaster and recovery functions  
3 34 of the state agencies listed in the bill as providing those  
3 35 functions.



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4 1 Code section 8.58 is amended to include the disaster  
4 2 recovery fund in the list of various reserve funds that are  
4 3 exempted from being considered to be available for any formula,  
4 4 index, or other statutory triggering mechanism which would  
4 5 affect appropriations, payments, or taxation rates or being  
4 6 considered by an arbitrator or in negotiations under Code  
4 7 chapter 20, relating to public employee collective bargaining.  
4 8 The bill takes effect upon enactment and applies to  
4 9 transfers of surplus moneys from the Iowa economic emergency  
4 10 fund beginning with the close of the fiscal year ending on June  
4 11 30, 2010.

LSB 6069SV (2) 83

jp/rj



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**Senate File 2295 - Introduced**

SENATE FILE  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO SSB  
3127)

**A BILL FOR**

- 1 An Act providing for the development of programs to attract
- 2 qualified disabled veterans for job opportunities in state
- 3 government.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5679SV (1) 83  
ak/nh



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Senate File 2295 - Introduced continued

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1 1 Section 1. Section 8A.402, subsection 2, paragraph f, Code  
1 2 Supplement 2009, is amended to read as follows:  
1 3 f. (1) Develop, in consultation with the department of  
1 4 veterans affairs, programs to inform members of the national  
1 5 guard or organized reserves of the armed forces of the United  
1 6 States returning to Iowa following active federal service about  
1 7 job opportunities in state government.

1 8 (2) Develop, in consultation with the department of  
1 9 veterans affairs, programs to attract and hire qualified  
1 10 disabled veterans for job opportunities in state government.  
1 11 The veterans shall have successfully completed a federal nonpay  
1 12 work experience program.

1 13 EXPLANATION  
1 14 This bill requires the department of administrative  
1 15 services, as part of its duties relative to human resources  
1 16 management for state government, to develop programs to seek  
1 17 out and hire qualified disabled veterans for job opportunities  
1 18 in state government. The veterans must have successfully  
1 19 completed a federal nonpay work experience program. The bill  
1 20 provides that the department shall consult with the department  
1 21 of veterans affairs in developing these programs.

LSB 5679SV (1) 83  
ak/nh



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**Senate Joint Resolution 2007 - Introduced**

SENATE JOINT RESOLUTION  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO LSB  
6220SC)

**SENATE JOINT RESOLUTION**

1 A Joint Resolution supporting the preservation efforts for the  
2 Battleship Iowa, BB=61.  
3 WHEREAS, BB=61, the USS Iowa, is the namesake for the most  
4 powerful class of warships ever made; and  
5 WHEREAS, navy members recruited from Iowa have received  
6 preference for assignment to service on board the USS Iowa  
7 through most of its service life; and  
8 WHEREAS, the USS Iowa would remain a continuing marketing  
9 display for the talented and well-educated workforce in the  
10 State of Iowa throughout a period of museum duty; and  
11 WHEREAS, there is now a proposal to assign the USS Iowa to  
12 museum duty in the San Francisco Bay area of California; and  
13 WHEREAS, former Governors Robert D. Ray and Terry E.  
14 Branstad and former Governor and current United States  
15 Secretary of Agriculture Thomas J. Vilsack serve as honorary  
16 chairpersons of efforts to preserve the USS Iowa as a  
17 national museum and memorial, truly a source of pride for all  
18 Iowans; and  
19 WHEREAS, those efforts include restoration of the USS  
20 Iowa and future service as an educational museum and tourist  
21 attraction, and perhaps, with her many facilities still intact,  
22 service as an emergency response center; and  
23 WHEREAS, the restoration and preservation of the USS Iowa  
24 will honor all veterans of the State of Iowa, inspire youth,  
25 and educate the public; NOW THEREFORE,  
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6220SV (1) 83  
jr/rj



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Senate Joint Resolution 2007 - Introduced continued

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1 1 Section 1. STATE OF IOWA SUPPORT. The state of Iowa hereby  
1 2 supports the assignment of the USS Iowa as a museum to an  
1 3 appropriate location in the Bay area of California.

1 4 Sec. 2. COMMITTEE CREATED. A committee of ten is created,  
1 5 to be appointed by the governor and to serve at the pleasure  
1 6 of the governor, to support efforts for the preservation and  
1 7 relocation of the Battleship Iowa.

1 8 a. The committee shall annually select its own chairperson  
1 9 and establish its rules of procedure. The committee shall meet  
1 10 as may be deemed necessary by the chairperson. A majority of  
1 11 the members of the committee shall constitute a quorum.

1 12 b. Members shall serve without compensation or  
1 13 reimbursement for actual expenses.

1 14 c. The committee shall raise all of the funds necessary for  
1 15 the operation of the committee; and shall solicit donations to  
1 16 be used for the preservation and relocation of the Battleship  
1 17 Iowa.

1 18 Sec. 3. ADMINISTRATIVE SUPPORT. The department of cultural  
1 19 affairs shall provide all necessary administrative support for  
1 20 the committee and shall administer the BB=61 fund.

1 21 Sec. 4. BB=61 FUND. A BB=61 fund is created in the  
1 22 state treasury, to be administered by the department of  
1 23 cultural affairs. The proceeds of the fund shall be used  
1 24 for the purposes specified in section 2 of this resolution.  
1 25 The department may accept gifts, grants, bequests, and  
1 26 other moneys, including but not limited to state or federal  
1 27 moneys, and in-kind contributions for deposit in the fund.  
1 28 Notwithstanding section 12C.7, interest or earnings on moneys  
1 29 in the fund shall be credited to the fund. Notwithstanding  
1 30 section 8.33, any unexpended or unencumbered moneys remaining  
1 31 in the fund at the end of a fiscal year shall not revert to  
1 32 the general fund of the state, but shall remain available  
1 33 from the fund for expenditure by the department in succeeding  
1 34 fiscal years for the purposes specified in section 2 of this  
1 35 resolution.





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**Senate Joint Resolution 2008 - Introduced**

SENATE JOINT RESOLUTION  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB  
3202)

**SENATE JOINT RESOLUTION**

1 A Joint Resolution nullifying rules adopted by the educational  
2 examiners board, and relating to the contents of a complaint  
3 notice, and including effective date provisions.  
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6208SV (1) 83  
jr/rj



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Senate Joint Resolution 2008 - Introduced continued

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1 1 Section 1. 282 Iowa administrative code, rule 11.4, subrule  
1 2 5, is nullified.

1 3 Sec. 2. EFFECTIVE UPON ENACTMENT. This joint resolution,  
1 4 being deemed of immediate importance, takes effect upon  
1 5 enactment.

1 6 EXPLANATION

1 7 The administrative rule which is the subject of this  
1 8 nullification resolution relates to the contents of the notice  
1 9 of a complaint filed with the board of educational examiners  
1 10 and sent to the respondent. Prior to the adoption of the  
1 11 identified subrule, the respondent received a copy of the  
1 12 complaint which identified the person making the complaint.  
1 13 With the implementation of this subrule, the respondent will  
1 14 be informed of the identity of the complainant only after the  
1 15 board has found probable cause to hold a disciplinary hearing.

1 16 At its January 5, 2010 meeting, the administrative rules  
1 17 review committee imposed a session delay on the rulemaking  
1 18 filing which contained this subrule. This delay will terminate  
1 19 upon adjournment of the 2010 regular session and the filing  
1 20 will then become immediately effective.

1 21 This joint resolution nullifies the subrule.

1 22 The joint resolution takes effect upon enactment.

LSB 6208SV (1) 83

jr/rj



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**Senate Study Bill 3224**

SENATE FILE

BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act relating to the administration of the sales and use  
2 taxes under the streamlined sales tax agreement and  
3 including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6159XC (12) 83  
tw/sc



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Senate Study Bill 3224 continued

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1 1 Section 1. Section 321.105A, subsection 2, paragraph a,  
1 2 unnumbered paragraph 1, Code Supplement 2009, is amended to  
1 3 read as follows:  
1 4 For purposes of this subsection, "purchase price" applies to  
1 5 the measure subject to the fee for new registration. "Purchase  
1 6 price" shall be determined in the same manner as "sales price"  
1 7 is determined for purposes of computing the tax imposed upon  
1 8 the sales price of tangible personal property under chapter  
1 9 423, pursuant to the definition of sales price in section  
1 10 423.1, ~~subsection 47~~, subject to the following exemptions:  
1 11 Sec. 2. Section 423.1, Code 2009, is amended by adding the  
1 12 following new subsection:  
1 13 NEW SUBSECTION. 0A. "Affiliate" means any entity to which  
1 14 any of the following applies:  
1 15 a. Directly, indirectly, or constructively controls another  
1 16 entity.  
1 17 b. Is directly, indirectly, or constructively controlled by  
1 18 another entity.  
1 19 c. Is subject to the control of a common entity. A common  
1 20 entity is one which owns directly or individually more than ten  
1 21 percent of the voting securities of the entity.  
1 22 Sec. 3. Section 423.1, subsections 27, 28, and 29, Code  
1 23 2009, are amended to read as follows:  
1 24 27. "Model 1 seller" is a seller registered under the  
1 25 agreement that has selected a certified service provider as its  
1 26 agent to perform all the seller's sales and use tax functions,  
1 27 other than the seller's obligation to remit tax on its own  
1 28 purchases.  
1 29 28. "Model 2 seller" is a seller registered under the  
1 30 agreement that has selected a certified automated system to  
1 31 perform part of its sales and use tax functions, but retains  
1 32 responsibility for remitting the tax.  
1 33 29. "Model 3 seller" is a seller registered under the  
1 34 agreement that has sales in at least five member states,  
1 35 has total annual sales revenue of at least five hundred



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2 1 million dollars, has a proprietary system that calculates the  
2 2 amount of tax due each jurisdiction, and has entered into a  
2 3 performance agreement with the member states that establishes  
2 4 a tax performance standard for the seller. As used in this  
2 5 definition, a "seller" includes an affiliated group of sellers  
2 6 using the same proprietary system.

2 7 Sec. 4. Section 423.1, Code 2009, is amended by adding the  
2 8 following new subsection:

2 9 NEW SUBSECTION. 29A. "Model 4 seller" is a seller  
2 10 registered under the agreement that is not a model 1, model 2,  
2 11 or model 3 seller.

2 12 Sec. 5. Section 423.1, subsection 47, paragraph a,  
2 13 subparagraph (6), Code 2009, is amended by striking the  
2 14 subparagraph.

2 15 Sec. 6. Section 423.1, subsection 47, paragraph c, Code  
2 16 2009, is amended to read as follows:

2 17 c. The sales price does not include and the sales tax shall  
2 18 not apply to amounts received for charges included in paragraph  
2 19 "a", subparagraphs (3) through ~~(7)~~ (6), if they are separately  
2 20 contracted for, separately stated on the invoice, billing,  
2 21 or similar document given to the purchaser, and the amounts  
2 22 represent charges which are not the sales price of a taxable  
2 23 sale or of the furnishing of a taxable service.

2 24 Sec. 7. Section 423.1, Code 2009, is amended by adding the  
2 25 following new subsections:

2 26 NEW SUBSECTION. 52A. "State agency" means an authority,  
2 27 board, commission, department, instrumentality, or other  
2 28 administrative office or unit of this state, or any other state  
2 29 entity reported in the Iowa comprehensive annual financial  
2 30 report, including public institutions of higher education.

2 31 NEW SUBSECTION. 62. "Voting security" means a security to  
2 32 which any of the following applies:

2 33 a. Confers upon the holder the right to vote for the  
2 34 election of members of the board of directors or similar  
2 35 governing body of the entity.



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3 1 b. Is convertible into, or entitles the holder to receive  
3 2 upon its exercise, a security that confers such a right to  
3 3 vote.

3 4 c. Is a general partnership interest.

3 5 Sec. 8. Section 423.2, subsection 1, paragraph a, Code 2009,  
3 6 is amended to read as follows:

3 7 a. For the purposes of this subchapter, sales of the  
3 8 following services are treated as if they were sales of  
3 9 tangible personal property:

3 10 (1) Sales of engraving, photography, retouching, printing,  
3 11 and binding services.

3 12 (2) Sales of vulcanizing, recapping, and retreading  
3 13 services.

3 14 (3) Sales of prepaid telephone calling cards and  
~~3 15 prepaid services that use an authorization numbers code.~~

3 16 (4) Sales of optional service or warranty contracts, except  
3 17 residential service contracts regulated under chapter 523C,  
3 18 which provide for the furnishing of labor and materials and  
3 19 require the furnishing of any taxable service enumerated under  
3 20 this section. The sales price is subject to tax even if some of  
3 21 the services furnished are not enumerated under this section.  
3 22 Additional sales, services, or use taxes shall not be levied  
3 23 on services, parts, or labor provided under optional service  
3 24 or warranty contracts which are subject to tax under this  
3 25 subsection.

~~3 26 If the optional service or warranty contract is a computer  
3 27 software maintenance or support service contract and there is  
3 28 no separately stated fee for the taxable personal property  
3 29 or for the nontaxable service, the tax imposed by this  
3 30 subsection shall be imposed on fifty percent of the sales price  
3 31 from the sale of such contract. If the contract provides for  
3 32 technical support services only, no tax shall be imposed under  
3 33 this subsection. The provisions of this subparagraph (4) also  
3 34 apply to the use tax.~~

3 35 (5) Sales of optional service or warranty contracts for



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4 1 computer software maintenance or support services.

4 2 (a) If a service or warranty contract does not specify a fee  
4 3 amount for nontaxable services or taxable personal property,  
4 4 the tax imposed pursuant to this section shall be imposed upon  
4 5 an amount equal to one-half of the sales price of the contract.

4 6 (b) If a service or warranty contract provides only for  
4 7 technical support services, no tax shall be imposed pursuant to  
4 8 this section.

4 9 (6) Subparagraphs (4) and (5) shall also apply to the use  
4 10 tax imposed under section 423.5.

4 11 Sec. 9. Section 423.2, subsection 10, Code 2009, is amended  
4 12 to read as follows:

4 13 10. a. Any person or that person's affiliate, which is  
4 14 a retailer in this state or a retailer maintaining a place  
4 15 of business in this state under this chapter, that enters into  
4 16 a contract with an agency of this state must register, collect,  
4 17 and remit Iowa sales tax under this chapter on all sales of  
4 18 tangible personal property and enumerated services.

4 19 b. Every bid submitted and each contract executed by a  
4 20 state agency shall contain a certification by the bidder or  
4 21 contractor stating that the bidder or contractor is registered  
4 22 with the department and will collect and remit Iowa sales tax  
4 23 due under this chapter. In the certification, the bidder or  
4 24 contractor shall also acknowledge that the state agency may  
4 25 declare the contract or bid void if the certification is false.  
4 26 Fraudulent certification, by act or omission, may result in  
4 27 the state agency or its representative filing for damages for  
4 28 breach of contract.

4 29 For the purposes of this subsection, the following  
4 30 definitions apply:

4 31 a. "Affiliate" means any entity to which any of the  
4 32 following applies:

4 33 (1) Directly, indirectly, or constructively controls  
4 34 another entity.

4 35 (2) Is directly, indirectly, or constructively controlled



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~~5 1 by another entity.~~

~~5 2 (3) Is subject to the control of a common entity. A common  
5 3 entity is one which owns directly or individually more than ten  
5 4 percent of the voting securities of the entity.~~

~~5 5 b. "State agency" means an authority, board, commission,  
5 6 department, instrumentality, or other administrative office or  
5 7 unit of this state, or any other state entity reported in the  
5 8 Iowa comprehensive annual financial report, including public  
5 9 institutions of higher education.~~

~~5 10 e. "Voting security" means a security to which any of the  
5 11 following applies:~~

~~5 12 (1) Confers upon the holder the right to vote for the  
5 13 election of members of the board of directors or similar  
5 14 governing body of the entity.~~

~~5 15 (2) Is convertible into, or entitles the holder to receive  
5 16 upon its exercise, a security that confers such a right to  
5 17 vote.~~

~~5 18 (3) Is a general partnership interest.~~

~~5 19 Sec. 10. Section 423.5, subsection 8, Code 2009, is amended  
5 20 to read as follows:~~

~~5 21 8. Any person or that person's affiliate, which is a  
5 22 retailer in this state or a retailer maintaining a place  
5 23 of business in this state under this chapter, that enters  
5 24 into a contract with an agency of this state must register,  
5 25 collect, and remit Iowa use tax under this chapter on all sales  
5 26 of tangible personal property and enumerated services. Every  
5 27 bid submitted and each contract executed by a state agency  
5 28 shall contain a certification by the bidder or contractor  
5 29 stating that the bidder or contractor is registered with the  
5 30 department and will collect and remit Iowa use tax due under  
5 31 this chapter. In the certification, the bidder or contractor  
5 32 shall also acknowledge that the state agency may declare the  
5 33 contract or bid void if the certification is false. Fraudulent  
5 34 certification, by act or omission, may result in the state  
5 35 agency or its representative filing for damages for breach of~~



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6 1 contract.

6 2 For the purposes of this subsection, "affiliate", "state  
~~6 3 agency", and "voting security" mean the same as defined in~~  
~~6 4 section 423.2, subsection 10.~~

6 5 Sec. 11. Section 423.46, Code 2009, is amended to read as  
6 6 follows:

6 7 423.46 Rate and base changes == liability for failure to  
6 8 collect.

6 9 1. The department shall make a reasonable effort to provide  
6 10 sellers with as much advance notice as practicable of a rate  
6 11 change and to notify sellers of legislative changes in the tax  
6 12 base and amendments to sales and use tax rules. ~~Failure of a~~  
~~6 13 seller to receive notice or failure of this state to provide~~  
~~6 14 notice or limit the effective date of a rate change shall not~~  
~~6 15 relieve the seller of its obligation to collect sales or use~~  
~~6 16 taxes for this state~~ Except as provided in subsection 2, a  
6 17 seller shall not be relieved of the obligation to collect sales  
6 18 or use taxes for this state by either a failure to receive such  
6 19 notice or by a failure of the state to provide notice.

6 20 2. A seller will be relieved of liability for failing to  
6 21 collect sales or use taxes for this state at the new rate under  
6 22 all of the following conditions and to the following extent:

6 23 a. The department, after the enactment of a rate change,  
6 24 fails to make a reasonable effort pursuant to subsection 1 to  
6 25 notify sellers at least thirty days before the rate change  
6 26 takes effect.

6 27 b. The seller continues to collect sales or use taxes at the  
6 28 rate in effect immediately prior to the rate change.

6 29 c. The erroneous collection described in paragraph "b" does  
6 30 not continue for more than thirty days after the effective date  
6 31 of the rate change.

6 32 3. The relief from the obligation to collect sales or use  
6 33 taxes described in subsection 2 shall not apply if a seller  
6 34 knowingly or fraudulently fails to collect tax at the new rate  
6 35 or if a seller has solicited purchasers on the basis of the



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7 1 rate in effect immediately prior to the rate change.  
7 2     Sec. 12. Section 423.48, subsection 2, Code 2009, is amended  
7 3 by adding the following new paragraph:  
7 4     NEW PARAGRAPH. h. Upon the registration of a seller,  
7 5 the department shall provide to the seller information  
7 6 regarding the options available for the filing of returns and  
7 7 remittances. Such information shall include information on  
7 8 the requirements of filing simplified electronic returns and  
7 9 remittances.  
7 10     Sec. 13. Section 423.48, subsection 3, Code 2009, is amended  
7 11 by adding the following new paragraph:  
7 12     NEW PARAGRAPH. d. A model 2, model 3, or model 4 seller  
7 13 making no sales sourced in the state in the preceding twelve  
7 14 months may elect to be registered in the state as a seller that  
7 15 anticipates making no sales sourced in the state. Making such  
7 16 an election shall not relieve the seller of the obligation to  
7 17 collect and remit sales or use taxes on sales sourced in the  
7 18 state.  
7 19     Sec. 14. Section 423.48, Code 2009, is amended by adding the  
7 20 following new subsection:  
7 21     NEW SUBSECTION. 4. The provisions of this section shall not  
7 22 be construed to relieve a seller of the obligation to register  
7 23 in the state if required to do so, and to collect and remit  
7 24 sales or use taxes for at least thirty-six months or to meet  
7 25 any other requirements necessary for amnesty in Iowa under the  
7 26 terms of an agreement as provided in section 423.54.  
7 27     Sec. 15. Section 423.49, Code 2009, is amended by striking  
7 28 the section and inserting in lieu thereof the following:  
7 29     423.49 Return requirements == electronic filing.  
7 30     1. Except as provided in subsection 7, all sellers  
7 31 registered under the agreement shall file a single return per  
7 32 month for the state and all taxing jurisdictions within this  
7 33 state.  
7 34     2. The director shall by rule determine the date on which  
7 35 returns shall be filed. The date shall not be earlier than the



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8 1 twentieth day of the following month.  
8 2 3. The department shall provide to all registered and  
8 3 unregistered sellers, except sellers of products qualifying for  
8 4 exclusion from the provisions of section 308 of the agreement,  
8 5 a simplified return that can be filed electronically.  
8 6 a. The simplified return shall be provided in a form  
8 7 approved by the governing board and shall not contain a field  
8 8 unless that field has been approved by the governing board.  
8 9 b. The simplified return shall contain two parts. The  
8 10 first part shall contain information relating to remittances  
8 11 and allocations. The second part shall contain information  
8 12 relating to exempt sales.  
8 13 c. The department shall notify the governing board if  
8 14 the submission of the second part of the return is no longer  
8 15 necessary.  
8 16 d. The department shall not require a model 4 seller to  
8 17 submit the second part of the simplified return but may provide  
8 18 for another means of collecting the information contained in  
8 19 the second part of the return as described in subsection 4,  
8 20 paragraph "e".  
8 21 4. a. A certified service provider shall file a simplified  
8 22 return electronically on behalf of a model 1 seller and shall  
8 23 file audit reports for the seller as provided for in article V  
8 24 of the rules and procedures of the agreement.  
8 25 b. A certified service provider shall file the first part of  
8 26 the simplified return, as described in subsection 3, once per  
8 27 month, as required pursuant to subsection 1.  
8 28 c. A model 1 seller may file both the first and second parts  
8 29 of the simplified return. Model 1 sellers filing both parts  
8 30 shall also file audit reports as described in paragraph "a".  
8 31 d. A model 4 seller may elect to file a simplified return.  
8 32 Model 4 sellers electing to do so shall file the first part of  
8 33 the return each month.  
8 34 e. A model 4 seller required to register in the state may  
8 35 submit the information collected in the second part of the



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9 1 return in one of the following ways:

9 2       (1) By filing monthly both the first and second parts  
9 3 electronically on a simplified return as described in  
9 4 subsection 3.

9 5       (2) By filing the second part together with the required  
9 6 December filing of the first part. A seller filing the second  
9 7 part of a return pursuant to this subparagraph shall include  
9 8 information for all months of that calendar year and shall  
9 9 report the information in an annual rather than a monthly  
9 10 fashion.

9 11       (3) The department shall notify the governing board prior to  
9 12 requiring the submission of the second part of the simplified  
9 13 return pursuant to this paragraph "e".

9 14       5. The department shall adopt rules for the filing of  
9 15 returns by a model 4 seller electing not to file a simplified  
9 16 return pursuant to this section.

9 17       6. A seller which has previously elected to file a  
9 18 simplified return shall provide at least three months' notice  
9 19 of an intent to discontinue the filing of such returns.

9 20       7. a. A seller making the election under section 423.48,  
9 21 subsection 2, paragraph "h", is exempt from the requirements of  
9 22 this section and shall not be required to file a return.

9 23       b. The exemption allowed under paragraph "a" is only  
9 24 applicable as long as a seller makes no taxable sales in this  
9 25 state. If a seller makes a taxable sale in this state, the  
9 26 seller shall file a return the month after such a sale is made.

9 27       8. A seller may file a return for more than one legal entity  
9 28 at the same time only if such entities are affiliated.

9 29       9. The department shall adopt a standardized process for the  
9 30 transmission and receipt of returns and related information.  
9 31 The adoption of a procedure pursuant to this subsection is  
9 32 subject to the approval of the governing board.

9 33       10. a. The department shall notify a seller registered  
9 34 under the agreement that has no obligation to register in  
9 35 this state of a failure to file a return required under this





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11 1 to "prepaid calling cards" to "prepaid calling services" and  
11 2 clarifies certain language relating to service and warranty  
11 3 contracts.

11 4     The bill requires the department of revenue to make  
11 5 reasonable efforts to notify sellers after sales tax rate  
11 6 changes and provides a safe harbor under certain circumstances  
11 7 to sellers who do not receive such notice.

11 8     The bill clarifies that the changes made in the bill do not  
11 9 affect a seller's obligation to register in the state or to  
11 10 meet certain requirements for amnesty under the agreement.

11 11     The bill allows certain sellers to register in the state as  
11 12 sellers who do not anticipate making any sales here.

11 13     The bill provides for the electronic filing of simplified  
11 14 returns and remittances, in accordance with the terms of the  
11 15 agreement.

11 16     The bill eliminates the requirement in Code section 423.49  
11 17 that a remote seller file a return in the following month if it  
11 18 accumulates more than \$1,000 of state and local sales taxes in  
11 19 the preceding month.

11 20     The bill directs the department to adopt a standardized  
11 21 process for the remittance of sales tax payments.

11 22     The bill takes effect upon enactment.

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