



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 25, 2009

House Amendment 1084

PAG LIN

1 1 Amend House File 259 as follows:
 1 2 #1. Page 1, line 4, by striking the words
 1 3 <paragraph "b"> and inserting the following:
 1 4 <paragraphs "b" and "c">.
 1 5 #2. Page 1, by inserting after line 19 the
 1 6 following:
 1 7 <c. The board of directors of a school district
 1 8 that wishes to reduce the compulsory attendance age
 1 9 established in paragraph "a" from seventeen to sixteen
 1 10 years of age by September 15 shall set forth its
 1 11 proposal to reduce the compulsory attendance age in a
 1 12 resolution and shall publish the notice of the time
 1 13 and place of a public hearing on the resolution.
 1 14 Notice of the time and place of the public hearing
 1 15 shall be published not less than ten nor more than
 1 16 twenty days before the public hearing in a newspaper
 1 17 which is a newspaper of general circulation in the
 1 18 school district. At the hearing, or no later than
 1 19 thirty days after the date of the hearing, the board
 1 20 may take action by majority vote to adopt the
 1 21 resolution to reduce the compulsory attendance age to
 1 22 sixteen. Notwithstanding subsection 2, if the board
 1 23 takes action to reduce the compulsory attendance age
 1 24 to sixteen in accordance with this paragraph,
 1 25 "individual" for purposes of subsection 2, includes an
 1 26 individual who reaches the age of seventeen on or
 1 27 after September 15 during the school year and intends
 1 28 to terminate school enrollment prior to graduation.>
 1 29 #3. By renumbering as necessary.
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 1 33 MAY of Dickinson
 1 34 HF 259.703 83
 1 35 kh/nh/21698
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House Amendment 1085

PAG LIN

1 1 Amend House File 414 as follows:
1 2 #1. Page 18, by inserting after line 3 the
1 3 following:
1 4 <Sec. _____. SALE OR LEASE OF IOWA COMMUNICATIONS
1 5 NETWORK. The Iowa telecommunications and technology
1 6 commission shall implement a request for proposals
1 7 process to sell or lease the Iowa communications
1 8 network. The request for proposals shall provide for
1 9 the sale to be closed or the lease to commence during
1 10 the fiscal year beginning July 1, 2009. The
1 11 commission shall implement the sale or lease with
1 12 terms that will allow existing users of the network to
1 13 continue such use at a lower overall long-term cost as
1 14 compared to the anticipated operation and maintenance
1 15 overall long-term cost if state ownership and control
1 16 were to continue.>
1 17 #2. By renumbering as necessary.
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1 21 WATTS of Dallas
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1 25 RAECKER of Polk
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1 29 ALONS of Sioux
1 30 HF 414.701 83
1 31 jp/tm/21963
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House Amendment 1086

PAG LIN

1 1 Amend House File 414 as follows:
1 2 #1. Page 18, by inserting after line 3 the
1 3 following:
1 4 <Sec. _____. VEHICLE PURCHASES DEFERRED.
1 5 Notwithstanding any provision to the contrary, except
1 6 as otherwise provided by this section, the department
1 7 of administrative services shall defer the purchase of
1 8 replacement motor vehicles paid for from the general
1 9 fund of the state or from such moneys credited to the
1 10 depreciation fund maintained pursuant to section
1 11 8A.365. The purchase deferral is applicable to the
1 12 remainder of the fiscal year beginning July 1, 2008,
1 13 commencing on the effective date of this section and
1 14 to the succeeding fiscal year. However, the executive
1 15 council may authorize an exception to allow purchase
1 16 of a replacement vehicle when the purchase is less
1 17 costly than all other alternatives.>
1 18 #2. By renumbering as necessary.
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1 22 RAECKER of Polk
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1 26 ALONS of Sioux
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1 30 WATTS of Dallas
1 31 HF 414.302 83
1 32 jp/tm/21960
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House Amendment 1087

PAG LIN

1 1 Amend House File 243 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 69.16D LOCAL APPOINTIVE
1 5 BOARDS == MEMBERSHIP SELECTION.
1 6 Opportunities to serve on all appointive boards,
1 7 commissions, committees, and councils of a political
1 8 subdivision of the state that are established by the
1 9 Code shall be open to all members of the community on
1 10 the basis of their qualifications and without bias or
1 11 discrimination. Political subdivisions shall utilize
1 12 a fair and unbiased method of selecting the best
1 13 qualified applicants for such appointments. Political
1 14 subdivisions shall consciously and actively seek the
1 15 participation of and solicit applications for
1 16 appointment from all groups of the community so that
1 17 the appointment of a highly qualified applicant can be
1 18 made.>
1 19 #2. Title page, by striking lines 1 through 3 and
1 20 inserting the following: <An Act concerning the
1 21 appointment of members to local boards, commissions,
1 22 committees, and councils.>
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1 26 HORBACH of Tama
1 27 HF 243.203 83
1 28 ec/rj/22138
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House Amendment 1088

PAG LIN

1 1 Amend House File 414 as follows:
1 2 #1. Page 17, line 10, by striking the figure
1 3 <25,606,746> and inserting the following:
1 4 <30,606,746>.
1 5 #2. Page 17, line 27, by inserting after the
1 6 figure <4.> the following: <The exercise of transfer
1 7 authority shall be applied to produce at least
1 8 \$5,000,000 in reductions through the elimination of
1 9 the funding for full-time equivalent positions that
1 10 have been vacant throughout the six months prior to
1 11 the effective date of this section. Such positions do
1 12 not include correctional officers, state patrol
1 13 officers, seasonal or temporary positions intended to
1 14 be vacant during the designated period, positions
1 15 funded by the appropriations exempt from this section,
1 16 and positions that are more than 25 percent funded by
1 17 sources other than the general fund of the state.>
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1 21 HEATON of Henry
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1 25 LUKAN of Dubuque
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1 29 RAECKER of Polk
1 30 HF 414.703 83
1 31 jp/tm/12070
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House Amendment 1089

PAG LIN

1 1 Amend House File 414 as follows:
1 2 #1. Page 18, by inserting before line 4 the
1 3 following:
1 4 <Sec. _____. JUST ELIMINATE LIES PROGRAM ==
1 5 IMPLEMENTATION SUSPENDED. Notwithstanding chapter
1 6 142A, 2008 Iowa Acts, chapter 1187, section 62,
1 7 subsection 1, and any other provision to the contrary,
1 8 the department of public health and the commission on
1 9 tobacco use prevention and control shall suspend
1 10 expenditures for the Just Eliminate Lies program,
1 11 including but not limited to grants to school
1 12 districts and community organizations to support Just
1 13 Eliminate Lies youth chapters and youth tobacco
1 14 prevention activities and the Just Eliminate Lies
1 15 tobacco prevention media campaign. The suspension
1 16 period is applicable for the remainder of the fiscal
1 17 year beginning July 1, 2008, commencing on the
1 18 effective date of this section, and to the succeeding
1 19 fiscal year.>
1 20 #2. By renumbering as necessary.
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1 24 UPMEYER of Hancock
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1 28 PAULSEN of Linn
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1 32 RAECKER of Polk
1 33 HF 414.502 83
1 34 jp/tm/22134
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House Amendment 1090

PAG LIN

1 1 Amend House File 420 as follows:
1 2 #1. Page 3, line 17, by inserting after the word
1 3 <appointed,> the following: <denied appointment,>.
1 4
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1 7 WATTS of Dallas
1 8 HF 420.501 83
1 9 md/rj/22133
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House Amendment 1091

PAG LIN

1 1 Amend Senate File 218, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 7, by striking the word
1 4 <percent.> and inserting the following: <percent,
1 5 and, in addition, any property tax increase caused as
1 6 a result of this state percent of growth shall be paid
1 7 for by the state.>
1 8 #2. Title page, line 2, by inserting after the
1 9 word <program,> the following: <requiring state
1 10 payment of any related property tax increases,>.
1 11
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1 14 SCHULTE of Linn
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1 18 WAGNER of Linn
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1 22 MAY of Dickinson
1 23 SF 218.303 83
1 24 ak/sc/21689
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House Amendment 1092

PAG LIN

1 1 Amend Senate File 218, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by striking lines 6 and 7 and
1 4 inserting the following: <1, 2009, is four percent.
1 5 The state>.
1 6 #2. Page 1, by inserting after line 14 the
1 7 following:
1 8 <Sec. _____. STATE PERCENT OF GROWTH ==
1 9 POSTPONEMENT.
1 10 Notwithstanding section 257.8, subsection 1, the
1 11 state percent of growth for the budget year beginning
1 12 July 1, 2010, shall be established in January 2010.>
1 13 #3. Title page, line 1, by striking the words
1 14 <establishment of> and inserting the following:
1 15 <postponement of establishing>.
1 16 #4. By renumbering as necessary.
1 17
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1 20 SANDS of Louisa
1 21 SF 218.302 83
1 22 ak/sc/21690
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House Amendment 1093

PAG LIN

1 1 Amend House File 414 as follows:
1 2 #1. Page 17, line 10, by striking the figure
1 3 <25,606,746> and inserting the following:
1 4 <33,606,746>.
1 5 #2. Page 17, line 27, by inserting after the
1 6 figure <4.> the following: <The transfer authority
1 7 shall be applied to produce a reduction in
1 8 expenditures for office supplies, service contracts,
1 9 and equipment purchases of at least \$8,000,000.>
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1 13 RAECKER of Polk
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1 17 WAGNER of Linn
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1 21 HELLAND of Polk
1 22 HF 414.702 83
1 23 jp/tm/12071
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**Iowa General Assembly
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House Amendment 1094

PAG LIN

1 1 Amend House File 414 as follows:
 1 2 #1. Page 28, by inserting after line 21 the
 1 3 following:
 1 4 <Sec. ____ . AMERICAN RECOVERY AND REINVESTMENT ACT
 1 5 OF 2009 == PROPERTY TAX RELIEF FUND RISK POOL.
 1 6 1. There is appropriated from the fund created by
 1 7 section 8.41 to the department of human services for
 1 8 the fiscal year beginning July 1, 2008, and ending
 1 9 June 30, 2009, the following amount, or so much
 1 10 thereof as is necessary, to be used for the purposes
 1 11 designated:
 1 12 From unencumbered fiscal stabilization moneys
 1 13 available under the American Recovery and Reinvestment
 1 14 Act of 2009, to be credited to the risk pool created
 1 15 in the property tax relief fund in section 426B.5:
 1 16 \$ 14,000,000
 1 17 2. The amount appropriated in this section shall
 1 18 be used for grants to counties to eliminate or avoid
 1 19 the implementation of waiting lists in the fiscal year
 1 20 beginning July 1, 2008, and the succeeding fiscal
 1 21 year, and to address the other circumstances the risk
 1 22 pool is authorized to address. All of the eligibility
 1 23 requirements and other requirements and restrictions
 1 24 applicable to risk pool funding under section 426B.5
 1 25 are applicable for distribution of the moneys
 1 26 appropriated in this section except for the following:
 1 27 a. Notwithstanding section 426B.5, subsection 2,
 1 28 paragraph "h", the risk pool board shall allocate the
 1 29 moneys appropriated in this section so that the moneys
 1 30 are distributed to counties for both the fiscal year
 1 31 beginning July 1, 2008, and the succeeding fiscal
 1 32 year.
 1 33 b. Awards of the unpaid balances of the amounts
 1 34 previously accepted by the risk pool board for award
 1 35 for the fiscal year beginning July 1, 2008, shall be
 1 36 made without additional application. For the
 1 37 remainder of the appropriation, a county must apply
 1 38 for risk pool assistance within 30 calendar days of
 1 39 the effective date of this section. The risk pool
 1 40 board shall make its final decisions on applications
 1 41 within 60 calendar days of the effective date of this
 1 42 section.
 1 43 3. The department of human services shall
 1 44 calculate the amount of moneys due to eligible
 1 45 counties in accordance with the board's decisions and
 1 46 that amount is appropriated for each fiscal year from
 1 47 the risk pool to the department for payment of the
 1 48 moneys due. For the fiscal year beginning July 1,
 1 49 2008, the department shall authorize the issuance of
 1 50 warrants payable to the county treasurer for the



Iowa General Assembly
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House Amendment 1094 continued

2 1 amounts due and the warrants shall be issued on or
2 2 before June 15, 2009. For the succeeding fiscal year,
2 3 the department shall authorize the issuance of
2 4 warrants payable to the county treasurer for the
2 5 amounts due and the warrants shall be issued on or
2 6 before July 15, 2009.>
2 7 #2. By renumbering as necessary.
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2 11 RAECKER of Polk
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2 15 SCHULTE of Linn
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2 19 RAYHONS of Hancock
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2 23 ALONS of Sioux
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2 27 ANDERSON of Page
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2 31 ARNOLD of Lucas
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2 35 BAUDLER of Adair
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2 39 COWNIE of Polk
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2 43 DE BOEF of Keokuk
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2 47 DEYOE of Story
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House Amendment 1094 continued

3 1 DRAKE of Cass
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3 5 FORRISTALL of Pottawattamie
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3 9 GRASSLEY of Butler
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3 13 HAGENOW of Polk
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3 17 HEATON of Henry
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3 25 HUSEMAN of Cherokee
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3 29 KAUFMANN of Cedar
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3 33 KOESTER of Polk
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3 37 L. MILLER of Scott
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3 41 LUKAN of Dubuque
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3 45 MAY of Dickinson
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3 49 S. OLSON of Clinton
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House Amendment 1094 continued

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- 4 3 PETTENGILL of Benton
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- 4 7 ROBERTS of Carroll
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- 4 11 SODERBERG of Plymouth
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- 4 23 TJEPKES of Webster
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- 4 27 TYMESON of Madison
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- 4 31 UPMEYER of Hancock
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- 4 35 VAN ENGELLENHOVEN of Marion
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- 4 39 WAGNER of Linn
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- 4 43 WATTS of Dallas
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- 4 47 WINDSCHITL of Harrison
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House Amendment 1094 continued

5 1 WORTHAN of Buena Vista
5 2 HF 414.501 83
5 3 jp/tm/12073



Iowa General Assembly
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House Amendment 1095

PAG LIN

1 1 Amend House File 416 as follows:
1 2 #1. Page 1, by striking lines 1 through 15.
1 3 #2. Page 1, by inserting before line 16 the
1 4 following:
1 5 <Sec. _____. STATE PERCENT OF GROWTH ==
1 6 POSTPONEMENT.
1 7 Notwithstanding section 257.8, subsection 1, the
1 8 state percent of growth for the budget year beginning
1 9 July 1, 2010, shall be established in January 2010.>
1 10 #3. Title page, line 1, by striking the words
1 11 <establishment of> and inserting the following:
1 12 <postponement of establishing>.
1 13 #4. By renumbering as necessary.
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1 17 MAY of Dickinson
1 18 HF 416.703 83
1 19 ak/sc/21983
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Iowa General Assembly
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House Amendment 1096

PAG LIN

1 1 Amend Senate File 217, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by striking lines 1 through 15.
1 4 #2. Page 1, by inserting before line 16 the
1 5 following:
1 6 <Sec. _____. STATE PERCENT OF GROWTH ==
1 7 POSTPONEMENT. Notwithstanding section 257.8,
1 8 subsection 1, the state percent of growth for the
1 9 budget year beginning July 1, 2010, shall be
1 10 established in January 2010.>
1 11 #3. Title page, line 1, by striking the words
1 12 <establishment of> and inserting the following:
1 13 <postponement of establishing>.
1 14 #4. By renumbering as necessary.
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1 18 MAY of Dickinson
1 19 SF 217.501 83
1 20 ak/sc/21982
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Iowa General Assembly
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House Amendment 1097

PAG LIN

1 1 Amend House File 259 as follows:
1 2 #1. Page 1, by striking lines 7 through 10 and
1 3 inserting the following: <compulsory attendance age.
1 4 ~~However, if a~~ A child enrolled in a school district or
1 5 accredited nonpublic school who reaches the age of
1 6 ~~sixteen seventeen~~ on or after September 15, ~~the child~~
1 7 remains of compulsory age until the end of the regular
1 8 school calendar.>
1 9 #2. Page 2, by striking lines 28 through 30 and
1 10 inserting the following: <receiving competent private
1 11 instruction under this chapter or a child over
1 12 compulsory age who is receiving private instruction
1 13 submits a request, the child shall also be>.
1 14 #3. Page 4, line 23, by striking the word
1 15 <section> and inserting the following: <sections>.
1 16 #4. Page 4, by striking line 24 and inserting the
1 17 following: <providing for school district compulsory
1 18 attendance support reviews and for a compulsory
1 19 attendance working group take>.
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1 23 WINCKLER of Scott
1 24 HF 259.502 83
1 25 kh/nh/21712
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House Amendment 1098

PAG LIN

1 1 Amend House File 414 as follows:
1 2 #1. Page 29, by inserting before line 35 the
1 3 following:
1 4 <Sec. _____. IOWA PUBLIC EMPLOYEES' RETIREMENT
1 5 SYSTEM == TEMPORARY LAYOFFS == AVERAGE COVERED WAGE
1 6 RECALCULATION.
1 7 1. Notwithstanding any provision of chapter 97B to
1 8 the contrary, a member of the Iowa public employees'
1 9 retirement system who has an employer=mandated
1 10 reduction in hours but remains on the employer's
1 11 payroll, and who would receive a reduction in the
1 12 member's three=year average covered wage as a result
1 13 of the reduction in hours, may have the member's
1 14 retirement allowance calculated based on the
1 15 three=year average covered wage the member would have
1 16 received, based on reasonable assumptions, if the
1 17 member had not been subject to the employer=mandated
1 18 reduction in hours, upon payment by the member of the
1 19 applicable contribution amount. For purposes of this
1 20 section, the applicable contribution amount is an
1 21 amount equal to the employee and employer
1 22 contributions that would have been paid to the system
1 23 based on the wages that the member would have received
1 24 but for the employer=mandated reduction in hours and
1 25 would have been included in the member's three=year
1 26 average covered wage.
1 27 2. The payment of the applicable contribution
1 28 amount under this section shall be treated as pick=up
1 29 contributions in addition to amounts picked up under
1 30 section 97B.11A. The member must notify the Iowa
1 31 public employees' retirement system and the member's
1 32 employer prior to the member terminating employment
1 33 covered under the system so that the appropriate
1 34 calculations can be made and the applicable
1 35 contribution amount for the member can be deducted
1 36 from the member's wages. The Iowa public employees'
1 37 retirement system shall have no liability for a
1 38 member's failure to notify the system and the member's
1 39 employer in time to make such calculations and deduct
1 40 the applicable contribution amount from the member's
1 41 remaining wage payments.
1 42 3. This section shall apply to employer=mandated
1 43 reductions in hours during the period of time
1 44 beginning on or after January 1, 2009, and ending no
1 45 later than June 30, 2010. The system is authorized to
1 46 adopt such rules, including emergency rules, as it
1 47 deems necessary or prudent to implement this section.>
1 48 #2. By renumbering as necessary.
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House Amendment 1098 continued

2 1
2 2 OLDSON of Polk
2 3 HF 414.203 83
2 4 jp/tm/12075



**Iowa General Assembly
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House Amendment 1099

PAG LIN

1 1 Amend House File 414 as follows:
 1 2 #1. Page 30, by inserting after line 15 the
 1 3 following:
 1 4 <Sec. _____. JUDICIAL APPOINTMENT == DELAY.
 1 5 1. Notwithstanding section 46.12, the chief
 1 6 justice may order the state commissioner of elections
 1 7 to delay, for up to one hundred eighty days for
 1 8 budgetary reasons, the sending of a notification to
 1 9 the proper judicial nominating commission that a
 1 10 vacancy in the supreme court, court of appeals, or
 1 11 district court has occurred or will occur.
 1 12 2. Notwithstanding sections 602.6304, 602.7103B,
 1 13 and 633.20B, the chief justice may order any county
 1 14 magistrate appointing commission to delay, for up to
 1 15 one hundred eighty days for budgetary reasons, the
 1 16 certification of nominees to the chief judge of the
 1 17 judicial district for a district associate judgeship,
 1 18 associate juvenile judgeship, or associate probate
 1 19 judgeship.
 1 20 3. Notwithstanding section 602.6403, the chief
 1 21 justice may order any county magistrate appointing
 1 22 commission to delay, for up to one hundred eighty days
 1 23 for budgetary reasons, the appointment of a
 1 24 magistrate.
 1 25 4. The section is applicable for the period
 1 26 beginning on the effective date of this section and
 1 27 ending June 30, 2009.>
 1 28 #2. By renumbering as necessary.
 1 29
 1 30
 1 31
 1 32 OLDSON of Polk
 1 33 HF 414.705 83
 1 34 jp/tm/12076
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House Amendment 218

PAG LIN

1 1 Amend Senate File 218, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 7, by striking the word
1 4 <percent.> and inserting the following: <percent,
1 5 and, in addition, any property tax increase caused as
1 6 a result of this state percent of growth shall be paid
1 7 for by the state.>
1 8 #2. Title page, line 2, by inserting after the
1 9 word <program,> the following: <requiring state
1 10 payment of any related property tax increases,>.
1 11
1 12
1 13
1 14 SCHULTE of Linn
1 15
1 16
1 17
1 18 WAGNER of Linn
1 19
1 20
1 21
1 22 MAY of Dickinson
1 23 SF 218.303 83
1 24 ak/sc/21689
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House File 426 - Introduced

HOUSE FILE
 BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 293)

(COMPANION TO LSB 2134SS
 BY KREIMAN)

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

A BILL FOR

- 1 An Act relating to reporting requirements for traffic accidents
- 2 involving the operation of motor vehicles by reserve peace
- 3 officers.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2134HV 83
- 6 rh/nh/8



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House File 426 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.267A, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. For the purposes of this section, "certified law
1 4 enforcement officer" ~~means~~ includes a law enforcement officer
1 5 who is certified through the Iowa law enforcement academy as
1 6 provided in section 80B.13, subsection 3, or ~~section 80B.17 a~~
1 7 reserve peace officer certified through the Iowa law
1 8 enforcement academy as provided in section 80D.4A.

1 9 EXPLANATION
1 10 This bill provides that a traffic accident involving the
1 11 operation of a motor vehicle by a law enforcement officer or a
1 12 reserve peace officer shall be reported to the state
1 13 department of transportation by the law enforcement officer's
1 14 employer or the reserve peace officer's employer. The
1 15 employer shall certify to the department whether or not the
1 16 accident occurred in the line of duty while operating an
1 17 official government vehicle.
1 18 LSB 2134HV 83
1 19 rh/nh/8



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House Study Bill 225

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the practices and procedures of the department
2 of public safety including school inspections, gaming floor or
3 wagering area restrictions, public intoxication testing,
4 operating a vehicle, motorboat, or sailboat while intoxicated
5 testing, interception of communications, and peace officers
6 acting with federal agents, and providing penalties.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TL5B 1333DP 83
9 jm/nh/14



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House Study Bill 225 continued

PAG LIN

1 1 DIVISION I
1 2 SCHOOL FIRE INSPECTIONS
1 3 Section 1. Section 100.31, Code 2009, is amended to read
1 4 as follows:
1 5 100.31 FIRE AND TORNADO DRILLS ~~IN PUBLIC~~ == WARNING
1 6 SYSTEMS == INSPECTION OF SCHOOLS.
1 7 1. It shall be the duty of the state fire marshal and the
1 8 fire marshal's designated subordinates to require all private
1 9 and public school officials and teachers to conduct not less
1 10 than four fire drills and not less than four tornado drills in
1 11 all school buildings during each school year when school is in
1 12 session; and to require the officials and teachers of all
1 13 schools to keep all doors and exits of their respective rooms
1 14 and buildings unlocked when occupied during school hours or
1 15 when such areas are being used by the public at other times.
1 16 Not less than two drills of each type shall be conducted
1 17 between July 1 and December 31 of each year and not less than
1 18 two drills of each type shall be conducted between January 1
1 19 and June 30 of each year.
1 20 2. Every school building with two or more classrooms shall
1 21 have a warning system for fires of a type approved by the
1 22 underwriters' laboratories and by the state fire marshal. The
1 23 warning system shall be used only for fire drills or as a
1 24 warning for emergency. Schools may modify the fire warning
1 25 system for use as a tornado warning system or shall install a
1 26 separate tornado warning system. Every school building shall
1 27 also be equipped with portable fire extinguishers, with the
1 28 type, size and number in accordance with national fire
1 29 protection association standards and approved by the state
1 30 fire marshal.
1 31 3. The state fire marshal or the fire marshal's deputies
1 32 shall cause each public or private school, college, or
1 33 university to be inspected at least once every ~~two~~ four years
1 34 to determine whether each school meets the fire safety
1 35 standards of this Code and is free from other fire hazards.



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House Study Bill 225 continued

2 1 Provided, however, that cities which employ fire department
2 2 inspectors shall cause such inspections to be made.

2 3 DIVISION II

2 4 LEGAL AGE VIOLATIONS AT GAMING FACILITIES

2 5 Sec. 2. Section 99D.11, subsection 7, Code 2009, is
2 6 amended to read as follows:

2 7 7. A person under the age of twenty-one years shall not
2 8 make or attempt to make a pari-mutuel wager. A person who
2 9 violates this subsection commits a scheduled violation under
2 10 section 805.8C, subsection 5, paragraph "a".

2 11 Sec. 3. Section 99F.9, subsection 5, Code 2009, is amended
2 12 to read as follows:

2 13 5. A person under the age of twenty-one years shall not
2 14 make or attempt to make a wager on an excursion gambling boat,
2 15 gambling structure, or in a racetrack enclosure and shall not
2 16 be allowed on the gaming floor of an excursion gambling boat
2 17 or gambling structure or in the wagering area, as defined in
2 18 section 99D.2, or on the gaming floor of a racetrack
2 19 enclosure. However, a person eighteen years of age or older
2 20 may be employed to work on the gaming floor of an excursion
2 21 gambling boat or gambling structure or in the wagering area or
2 22 on the gaming floor of a racetrack enclosure. A person who
2 23 violates this subsection with respect to making or attempting
2 24 to make a wager commits a scheduled violation under section
2 25 805.8C, subsection 5, paragraph "a".

2 26 Sec. 4. Section 99F.9, Code 2009, is amended by adding the
2 27 following new subsection:

2 28 NEW SUBSECTION. 5A. a. A person under the age of
2 29 twenty-one years shall not enter or attempt to enter the
2 30 gaming floor or wagering area, as defined in section 99D.2, of
2 31 a facility licensed under this chapter to operate gambling
2 32 games.

2 33 b. A person under the age of twenty-one years does not
2 34 violate this subsection if any of the following circumstances
2 35 apply:



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House Study Bill 225 continued

3 1 (1) The person is employed to work at the facility.

3 2 (2) The person is an employee or agent of the commission,
3 3 the division, a distributor, or a manufacturer, and acting
3 4 within the scope of the person's employment.

3 5 (3) The person is present in a racetrack enclosure and
3 6 does not enter or attempt to enter the gaming floor or
3 7 wagering area of the facility.

3 8 c. A person who violates this subsection commits a simple
3 9 misdemeanor punishable as a scheduled violation under section
3 10 805.8C, subsection 5, paragraph "b".

3 11 Sec. 5. Section 725.19, subsection 1, Code 2009, is
3 12 amended to read as follows:

3 13 1. Any person under the age of twenty-one years shall not
3 14 make or attempt to make a gambling wager, except as permitted
3 15 under chapter 99B. A person who violates this subsection
3 16 commits a scheduled violation under section 805.8C, subsection
3 17 5, paragraph "a".

3 18 Sec. 6. Section 805.8C, subsection 5, Code 2009, is
3 19 amended to read as follows:

3 20 5. GAMBLING VIOLATIONS.

3 21 a. For violations of legal age for gambling wagering under
3 22 section 99D.11, subsection 7, section 99F.9, subsection 5, and
3 23 section 725.19, subsection 1, the scheduled fine is five
3 24 hundred dollars. Failure to pay the fine by a person under
3 25 the age of eighteen shall not result in the person being
3 26 detained in a secure facility.

3 27 b. For legal age violations for entering or attempting to
3 28 enter a facility under section 99F.9, subsection 5A, the
3 29 scheduled fine is two hundred fifty dollars. Failure to pay
3 30 the fine by a person under the age of eighteen shall not
3 31 result in the person being detained in a secure facility.

3 32 DIVISION III

3 33 PUBLIC INTOXICATION TESTING

3 34 Sec. 7. Section 123.46, subsection 3, Code 2009, is
3 35 amended to read as follows:



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4 1 3. When a peace officer arrests a person on a charge of
4 2 public intoxication under this section, the peace officer
4 3 shall inform the person that the person may have a chemical
4 4 test administered at the person's own expense. If a device
4 5 approved by the commissioner of public safety for testing a
4 6 sample of a person's breath to determine the person's blood
4 7 alcohol concentration is available, that is the only test that
4 8 need be offered the person arrested. In a prosecution for
4 9 public intoxication, evidence of the results of a chemical
4 10 test performed under this subsection is admissible upon proof
4 11 of a proper foundation. The percentage of alcohol present in
4 12 a person's blood, or breath, ~~or urine~~ established by the
4 13 results of a chemical test performed within two hours after
4 14 the person's arrest on a charge of public intoxication is
4 15 presumed to be the percentage of alcohol present at the time
4 16 of arrest.

4 17 DIVISION IV

4 18 OPERATING WHILE INTOXICATED TESTING

4 19 Sec. 8. Section 321J.1, subsection 1, paragraph c, Code
4 20 2009, is amended by striking the paragraph.

4 21 Sec. 9. Section 321J.2, subsection 3, paragraph a,
4 22 subparagraph (1), Code 2009, is amended to read as follows:

4 23 (1) If the defendant's alcohol concentration established
4 24 by the results of an analysis of a specimen of the defendant's
4 25 blood, or breath, ~~or urine~~ withdrawn in accordance with this
4 26 chapter exceeds .15, regardless of whether or not the alcohol
4 27 concentration indicated by the chemical test minus the
4 28 established margin of error inherent in the device or method
4 29 used to conduct the test equals an alcohol concentration of
4 30 .15 or more.

4 31 Sec. 10. Section 321J.2, subsection 8, paragraph a, Code
4 32 2009, is amended to read as follows:

4 33 a. The alcohol concentration established by the results of
4 34 an analysis of a specimen of the defendant's blood, or breath,
4 35 ~~or urine~~ withdrawn within two hours after the defendant was



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5 1 driving or in physical control of a motor vehicle is presumed
5 2 to be the alcohol concentration at the time of driving or
5 3 being in physical control of the motor vehicle.

5 4 Sec. 11. Section 321J.2A, Code 2009, is amended to read as
5 5 follows:

5 6 321J.2A PERSONS UNDER THE AGE OF TWENTY=ONE.

5 7 1. A person who is under the age of twenty=one shall not
5 8 operate a motor vehicle while having an alcohol concentration,
5 9 as defined under section 321J.1, of .02 or more. The driver's
5 10 license or nonresident operating privilege of a person who is
5 11 under the age of twenty=one and who operates a motor vehicle
5 12 while having an alcohol concentration of .02 or more shall be
5 13 revoked by the department for the period of time specified
5 14 under section 321J.12. A revocation under this section shall
5 15 not preclude a prosecution or conviction under any applicable
5 16 criminal provisions of this chapter. However, if the person
5 17 is convicted of a criminal offense under section 321J.2, the
5 18 revocation imposed under this section shall be superseded by
5 19 any revocation imposed as a result of the conviction.

5 20 2. In any proceeding regarding a revocation under this
5 21 section, evidence of the results of analysis of a specimen of
5 22 the defendant's blood, breath, or urine is admissible upon
5 23 proof of a proper foundation. The alcohol concentration
5 24 established by the results of an analysis of a specimen of the
5 25 defendant's blood, or breath, ~~or urine~~ withdrawn within two
5 26 hours after the defendant was driving or in physical control
5 27 of a motor vehicle is presumed to be the alcohol concentration
5 28 at the time of driving or being in physical control of the
5 29 motor vehicle.

5 30 Sec. 12. Section 321J.6, subsection 1, unnumbered
5 31 paragraph 1, Code 2009, is amended to read as follows:

5 32 A person who operates a motor vehicle in this state under
5 33 circumstances which give reasonable grounds to believe that
5 34 the person has been operating a motor vehicle in violation of
5 35 section 321J.2 or 321J.2A is deemed to have given consent to



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6 1 the withdrawal of specimens of the person's blood, breath, or
6 2 urine, as applicable, and to a chemical test or tests of the
6 3 specimens for the purpose of determining the alcohol
6 4 concentration or presence of a controlled substance or other
6 5 drugs, subject to this section. The withdrawal of the body
6 6 substances and the test or tests shall be administered at the
6 7 written request of a peace officer having reasonable grounds
6 8 to believe that the person was operating a motor vehicle in
6 9 violation of section 321J.2 or 321J.2A, and if any of the
6 10 following conditions exist:

6 11 Sec. 13. Section 321J.6, subsections 2 and 3, Code 2009,
6 12 are amended to read as follows:

6 13 2. The peace officer shall determine which of the three
6 14 substances, ~~breath, blood~~ blood, breath, or urine, shall be
6 15 tested. Refusal to submit to a chemical test of blood,
6 16 breath, or urine, or breath is deemed a refusal to submit, and
6 17 section 321J.9 applies. ~~A refusal to submit to a chemical~~
~~6 18 test of blood is not deemed a refusal to submit, but in that~~
~~6 19 case, the peace officer shall then determine which one of the~~
~~6 20 other two substances shall be tested and shall offer the test.~~

6 21 If the peace officer fails to offer a test within two hours
6 22 after the preliminary screening test is administered or
6 23 refused or the arrest is made, whichever occurs first, a test
6 24 is not required, and there shall be no revocation under
6 25 section 321J.9.

6 26 3. Notwithstanding subsection 2, if the peace officer has
6 27 reasonable grounds to believe that the person was under the
6 28 influence of a controlled substance, or a drug other than
6 29 alcohol, ~~or~~ a blood or urine test shall be required even after
6 30 a breath test has been administered. If the peace officer has
6 31 reasonable grounds to believe that the person was under the
6 32 influence of a combination of alcohol and another drug, a
6 33 blood or urine test shall be required even after another type
6 34 of test has been administered. Section 321J.9 applies to a
6 35 refusal to submit to a chemical test of urine or blood



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7 1 requested under this subsection.

7 2 Sec. 14. Section 321J.10, subsection 4, paragraph b,
7 3 subparagraph (2), Code 2009, is amended to read as follows:

7 4 (2) If the testimony in support of the warrant sets forth
7 5 facts and information that the peace officer has reasonable
7 6 grounds to believe that the person was under the influence of
7 7 a controlled substance, or a drug other than alcohol, ~~or a~~
7 8 urine sample shall be collected in lieu of a blood sample if
7 9 the person is capable of giving a urine sample and the urine
7 10 sample can be collected without the need to physically compel
7 11 the execution of the warrant. If the testimony in support of
7 12 the warrant sets forth facts and information that the peace
7 13 officer has reasonable grounds to believe that the person was
7 14 under the influence of a combination of alcohol and another
7 15 drug, a urine sample shall be collected in lieu of a blood
7 16 sample, if the person is capable of giving a urine sample and
~~7 17 the sample can be collected without the need to physically~~
~~7 18 compel the execution of the warrant shall be collected.~~

7 19 Sec. 15. Section 321J.10A, subsection 2, unnumbered
7 20 paragraph 1, Code 2009, is amended to read as follows:

7 21 If the person from whom a specimen of blood is to be
7 22 withdrawn objects to the withdrawal, ~~a breath or urine sample~~
~~7 23 may be taken under the following circumstances provisions~~
7 24 shall apply:

7 25 Sec. 16. Section 321J.10A, subsection 2, paragraph b, Code
7 26 2009, is amended to read as follows:

7 27 b. If the peace officer has reasonable grounds to believe
7 28 that the person was under the influence of a controlled
7 29 substance, or a drug other than alcohol, ~~or a urine sample~~
7 30 shall be collected in lieu of a blood sample if the person is
7 31 capable of giving a urine sample and the sample can be
7 32 collected. However, if the urine sample is unable to be
7 33 collected, or if the peace officer has reasonable grounds to
7 34 believe that the person was under the influence of a
7 35 combination of alcohol and another drug, a ~~urine~~ blood sample



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8 1 shall be collected ~~in lieu of a blood sample, if the person is~~
~~8 2 capable of giving a urine sample and the sample can be~~
~~8 3 collected without a warrant if all of the circumstances in~~
8 4 subsection 1 apply.

8 5 Sec. 17. Section 321J.11, Code 2009, is amended to read as
8 6 follows:

8 7 321J.11 TAKING SAMPLE FOR TEST.

8 8 1. ~~Only a~~ A licensed physician, licensed physician
8 9 assistant as defined in section 148C.1, medical technologist,
8 10 or registered nurse, acting at the request of a peace officer,
8 11 may withdraw a specimen of blood for the purpose of
8 12 determining the alcohol concentration or the presence of a
8 13 controlled substance or other drugs. However, any peace
8 14 officer, using devices and methods approved by the
8 15 commissioner of public safety, may take a specimen of a
8 16 person's breath ~~or urine~~ for the purpose of determining the
8 17 alcohol concentration, or may take a specimen of a person's
8 18 urine for the purpose of determining the presence of a
8 19 controlled substance or other drugs. ~~Only new~~ New equipment
8 20 kept under strictly sanitary and sterile conditions shall be
8 21 used for drawing blood.

8 22 2. The person may have an independent chemical test or
8 23 tests administered at the person's own expense in addition to
8 24 any administered at the direction of a peace officer. The
8 25 failure or inability of the person to obtain an independent
8 26 chemical test or tests does not preclude the admission of
8 27 evidence of the results of the test or tests administered at
8 28 the direction of the peace officer. Upon the request of the
8 29 person who is tested, the results of the test or tests
8 30 administered at the direction of the peace officer shall be
8 31 made available to the person.

8 32 Sec. 18. Section 907.3, subsection 1, paragraph g,
8 33 subparagraph (1), Code 2009, is amended to read as follows:

8 34 (1) If the defendant's alcohol concentration established
8 35 by the results of an analysis of a specimen of the defendant's



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9 1 blood, or breath, ~~or urine~~ withdrawn in accordance with
9 2 chapter 321J exceeds .15, regardless of whether or not the
9 3 alcohol concentration indicated by the chemical test minus the
9 4 established margin of error inherent in the device or method
9 5 used to conduct the test equals an alcohol concentration of
9 6 .15 or more.

9 7 Sec. 19. Section 907.3, subsection 2, paragraph c,
9 8 subparagraph (1), Code 2009, is amended to read as follows:

9 9 (1) If the defendant's alcohol concentration established
9 10 by the results of an analysis of a specimen of the defendant's
9 11 blood, or breath, ~~or urine~~ withdrawn in accordance with
9 12 chapter 321J exceeds .15, regardless of whether or not the
9 13 alcohol concentration indicated by the chemical test minus the
9 14 established margin of error inherent in the device or method
9 15 used to conduct the test equals an alcohol concentration of
9 16 .15 or more.

9 17 Sec. 20. Section 907.3, subsection 3, paragraph c,
9 18 subparagraph (1), Code 2009, is amended to read as follows:

9 19 (1) If the defendant's alcohol concentration established
9 20 by the results of an analysis of a specimen of the defendant's
9 21 blood, or breath, ~~or urine~~ withdrawn in accordance with
9 22 chapter 321J exceeds .15, regardless of whether or not the
9 23 alcohol concentration indicated by the chemical test minus the
9 24 established margin of error inherent in the device or method
9 25 used to conduct the test equals an alcohol concentration of
9 26 .15 or more.

9 27 DIVISION V

9 28 OPERATING MOTORBOAT OR SAILBOAT WHILE INTOXICATED

9 29 Sec. 21. Section 462A.2, subsection 1, paragraph c, Code
9 30 2009, is amended by striking the paragraph.

9 31 Sec. 22. Section 462A.2, subsection 6, Code 2009, is
9 32 amended to read as follows:

9 33 6. "Chemical test" means an analysis of a person's blood,
9 34 or breath, ~~urine~~, or other bodily substance for the
9 35 determination of the presence of alcohol, or an analysis of a



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10 1 person's blood, breath, urine, or other bodily substance for
10 2 the determination of the presence of a controlled substance,
10 3 or a drug.

10 4 Sec. 23. Section 462A.14, subsection 3, paragraph a,
10 5 subparagraph (1), Code 2009, is amended to read as follows:

10 6 (1) If the defendant's alcohol concentration established
10 7 by the results of an analysis of a specimen of the defendant's
10 8 ~~blood, or breath, or urine~~ withdrawn in accordance with this
10 9 chapter exceeds .15, regardless of whether or not the alcohol
10 10 concentration indicated by the chemical test minus the
10 11 established margin of error inherent in the device or method
10 12 used to conduct the test equals an alcohol concentration of
10 13 .15 or more.

10 14 Sec. 24. Section 462A.14, subsection 8, paragraph a, Code
10 15 2009, is amended to read as follows:

10 16 a. The alcohol concentration established by the results of
10 17 an analysis of a specimen of the defendant's ~~blood, or breath,~~
10 18 ~~or urine~~ withdrawn within two hours after the defendant was
10 19 operating or in physical control of a motorboat or sailboat is
10 20 presumed to be the alcohol concentration at the time of
10 21 operating or being in physical control of the motorboat or
10 22 sailboat.

10 23 Sec. 25. Section 462A.14A, subsection 4, paragraphs c, d,
10 24 and e, Code 2009, are amended to read as follows:

10 25 c. Refusal to submit to a chemical test of ~~urine or blood,~~
10 26 ~~breath, or urine, as applicable~~ is deemed a refusal to submit,
10 27 and the peace officer shall inform the person that the
10 28 person's refusal will result in the suspension of the person's
10 29 privilege to operate a motorboat or sailboat.

10 30 ~~d. Refusal to submit to a chemical test of blood is not~~
10 31 ~~deemed a refusal to submit, but in that case, the peace~~
10 32 ~~officer shall then determine which one of the other two~~
10 33 ~~substances shall be tested and shall offer the test.~~

10 34 ~~e. d.~~ Notwithstanding paragraphs "a" through "~~d~~" "c", if
10 35 the peace officer has reasonable grounds to believe that the



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11 1 person was under the influence of a drug other than alcohol,
11 2 or a combination of alcohol and another drug, a urine test may
11 3 be required even after a blood or breath test has been
11 4 administered.

11 5 Sec. 26. Section 462A.14D, subsection 4, paragraph b,
11 6 subparagraph (2), Code 2009, is amended to read as follows:

11 7 (2) If the testimony in support of the warrant sets forth
11 8 facts and information that the peace officer has reasonable
11 9 grounds to believe that the person was under the influence of
11 10 a controlled substance, or a drug other than alcohol, or a
11 11 urine sample shall be collected in lieu of a blood sample, if
11 12 the person is capable of giving a urine sample and the urine
11 13 sample can be collected without the need to physically compel
11 14 the execution of the warrant. If the testimony in support of
11 15 the warrant sets forth the facts and information that the
11 16 peace officer has reasonable grounds to believe that the
11 17 person was under the influence of a combination of alcohol and
11 18 another drug, a urine sample shall be collected in lieu of a
11 19 blood sample, if the person is capable of giving a urine
11 20 sample and the sample can be collected without the need to
11 21 physically compel the execution of the warrant shall be
11 22 collected without a warrant if all of the circumstances in
11 23 subsection 1 apply.

11 24

DIVISION VI

11 25

INTERCEPTION OF COMMUNICATIONS

11 26 Sec. 27. Section 808B.1, subsection 4, Code 2009, is
11 27 amended by adding the following new paragraph:

11 28 NEW PARAGRAPH. d. Electronic funds transfer information
11 29 stored by a financial institution in a communication system
11 30 used for the electronic storage and transfer of funds.

11 31 Sec. 28. Section 808B.1, subsection 8, Code 2009, is
11 32 amended to read as follows:

11 33 8. "Oral communication" means an oral communication
11 34 uttered by a person exhibiting an expectation that the
11 35 communication is not subject to interception, under



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12 1 circumstances justifying that expectation. An "oral
12 2 communication" does not include an electronic communication.
12 3 Sec. 29. Section 808B.1, subsections 9, 11, and 12, Code
12 4 2009, are amended by striking the subsections and inserting in
12 5 lieu thereof the following:
12 6 9. "Pen register" means a device or process which records
12 7 or decodes dialing, routing, addressing, or signaling
12 8 information, but not the contents of the communication,
12 9 transmitted by an instrument or facility from which a wire or
12 10 electronic communication is transmitted. "Pen register" does
12 11 not include any device or process used by a provider or
12 12 customer of a wire or electronic communication service for
12 13 billing, or recording as an incident to billing, for
12 14 communications services provided by such provider or any
12 15 device or process used by a provider or customer of a wire
12 16 communication service for cost accounting or other like
12 17 purposes in the ordinary course of its business.
12 18 11. "Trap and trace device" means a device or process
12 19 which captures the incoming electronic or other impulses which
12 20 identify the originating number or other dialing, routing,
12 21 addressing, and signaling information reasonably likely to
12 22 identify the source of a wire or electronic communication, but
12 23 does not capture the contents of any communication.
12 24 12. "Wire communication" means any aural transfer made in
12 25 whole or in part through the use of facilities for the
12 26 transmission of communications by the aid of wire, cable, or
12 27 other like connection between the point of origin and the
12 28 point of reception, including the use of such connection in a
12 29 switching station, furnished or operated by any person engaged
12 30 in providing or operating such facilities for the transmission
12 31 of interstate or foreign communications or communications
12 32 affecting interstate or foreign commerce.
12 33 Sec. 30. Section 808B.3, Code 2009, is amended by adding
12 34 the following new subsections:
12 35 NEW SUBSECTION. 3. A felony offense involving ongoing



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13 1 criminal conduct in violation of chapter 706A.
13 2 NEW SUBSECTION. 4. A forcible felony as defined in
13 3 section 702.11.
13 4 NEW SUBSECTION. 5. A felony fugitive warrant issued in
13 5 the state or involving an individual who is reasonably
13 6 believed to be located within the state.
13 7 Sec. 31. Section 808B.5, Code 2009, is amended by adding
13 8 the following new subsections:
13 9 NEW SUBSECTION. 11A. A judge shall issue a search warrant
13 10 which authorizes the placement, tracking, or monitoring of a
13 11 global positioning device, if the application includes facts,
13 12 information, and circumstances establishing sufficient grounds
13 13 for granting the application, and probable cause for believing
13 14 that the grounds exist.
13 15 NEW SUBSECTION. 11B. Upon the demand of an investigative
13 16 or law enforcement officer, a judge may issue a subpoena or
13 17 other court order in order to obtain information and
13 18 supporting documentation regarding contemporaneous or
13 19 prospective wire or electronic communications based upon a
13 20 finding that a prosecuting attorney is engaged in a criminal
13 21 investigation of an offense listed in section 808B.3.
13 22 NEW SUBSECTION. 11C. Notwithstanding any other provision
13 23 of law, upon the demand of an investigative or law enforcement
13 24 officer, a judge may authorize the capture of a wire or oral
13 25 communication by a pen register or trap and trace device, if a
13 26 judge finds that there is probable cause to believe that a
13 27 wire or oral communication relevant to a valid search warrant
13 28 will occur at any point while the warrant is in effect.
13 29 Sec. 32. Section 808B.10, unnumbered paragraph 1, Code
13 30 2009, is amended to read as follows:
13 31 A Except for emergency situations pursuant to section
13 32 808B.12, a person shall not install or use a pen register or a
13 33 trap and trace device without first obtaining a search warrant
13 34 or court order pursuant to either section 808B.11 or 808B.12.
13 35 However, a pen register or a trap and trace device may be used



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House Study Bill 225 continued

14 1 or installed without court order if any of the following
14 2 apply:

14 3 Sec. 33. Section 808B.11, subsection 3, paragraph c, Code
14 4 2009, is amended to read as follows:

14 5 c. The telephone number if known, ~~and~~ the physical
14 6 location of the telephone line where the pen register or trap
14 7 and trace device will be attached, the method for determining
14 8 the location of the electronic communication, and the
14 9 geographic limits of the trap and trace device.

14 10 Sec. 34. Section 808B.12, Code 2009, is amended by
14 11 striking the section and inserting in lieu thereof the
14 12 following:

14 13 808B.12 EMERGENCY INSTALLATION AND USE == SUBSEQUENT
14 14 APPLICATION AND ORDER.

14 15 1. Notwithstanding any other provision of this chapter, a
14 16 special state agent authorized by the prosecuting attorney or
14 17 an assistant attorney general who reasonably determines that
14 18 an emergency situation described in subsection 2 exists which
14 19 requires the installation and use of a pen register or a trap
14 20 and trace device before an order authorizing such installation
14 21 and use can be obtained with due diligence, may install and
14 22 use a pen register or trap and trace device, if an order
14 23 approving the installation or use is applied for and issued in
14 24 accordance with section 808B.11 within forty-eight hours of
14 25 the installation.

14 26 2. Subsection 1 applies in the following emergency
14 27 situations:

14 28 a. Immediate danger of death or serious bodily injury to a
14 29 person.

14 30 b. Conspiratorial activities characteristic of organized
14 31 crime.

14 32 c. Immediate threat to a national security interest.

14 33 d. Ongoing attack on a computer that constitutes a crime
14 34 punishable by a term of imprisonment greater than one year.

14 35 3. In the absence of an authorizing order, such use shall



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15 1 immediately terminate when the information sought is obtained,
15 2 when the application for the order is denied, or when
15 3 forty=eight hours have lapsed since the installation of the
15 4 pen register or trap and trace device, whichever is earlier.

15 5 4. The knowing installation or use by any investigative or
15 6 law enforcement officer of a pen register or trap and trace
15 7 device pursuant to subsection 1 without application for the
15 8 authorizing order within forty=eight hours of the installation
15 9 constitutes a serious misdemeanor.

15 10 5. A provider of a wire or electronic communication
15 11 service, landlord, custodian, or other person who furnishes
15 12 facilities or technical assistance pursuant to this section
15 13 shall be reasonably compensated for such reasonable expenses
15 14 incurred in providing such facilities and assistance.

15 15 Sec. 35. Section 808B.13, subsections 4 and 5, Code 2009,
15 16 are amended to read as follows:

15 17 4. A cause of action shall not lie in any court against
15 18 any provider of a wire or electronic communication service,
15 19 its officers, employees, agents, or other specified persons
15 20 for providing information, facilities, or assistance in
15 21 accordance with the terms of a search warrant or court order
15 22 under section 808B.11 or 808B.12.

15 23 5. A good faith reliance on a search warrant or court
15 24 order under section 808B.11 or 808B.12 is a complete defense
15 25 against any civil or criminal action brought under this
15 26 chapter or any other statute.

15 27 DIVISION VII

15 28 PEACE OFFICER SERVING AS FEDERAL ACTOR

15 29 Sec. 36. Section 80.9A, Code 2009, is amended by adding
15 30 the following new subsection:

15 31 NEW SUBSECTION. 8. a. A peace officer of the department,
15 32 when authorized by the commissioner, may act in concert with,
15 33 under the direction of, or otherwise serve as a state actor
15 34 for an officer or agent of the federal government.

15 35 b. If serving as a state actor for an officer or agent of



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16 1 the federal government as provided in paragraph "a", the peace
16 2 officer shall be considered acting within the scope of the
16 3 employee's office or employment as defined in section 669.2,
16 4 subsection 1.

16 5 EXPLANATION

16 6 This bill relates to practices and procedures of the
16 7 department of public safety including school inspections,
16 8 gaming floor or wagering area restrictions, public
16 9 intoxication testing, operating while intoxicated testing,
16 10 interception of communications, and peace officers acting with
16 11 federal agents.

16 12 DIVISION I. The division provides that the state fire
16 13 marshal shall inspect a public or private school every four
16 14 years to determine whether the school meets fire safety
16 15 standards. Current law requires an inspection every two
16 16 years.

16 17 DIVISION II. The division prohibits a person under 21
16 18 years of age from entering or attempting to enter the gaming
16 19 floor or wagering area of a facility licensed under Code
16 20 chapter 99D to operate gambling games.

16 21 A person under 21 years of age does not violate the
16 22 prohibition if the person is employed at the gambling
16 23 facility, is an employee or agent acting within the person's
16 24 scope of employment by the state racing and gaming commission,
16 25 division of criminal investigation of the department of public
16 26 safety, a distributor, or a manufacturer, or the person is
16 27 present in a racetrack enclosure and does not enter or attempt
16 28 to enter the gaming floor or wagering area of the facility.

16 29 A person who violates the prohibition commits a simple
16 30 misdemeanor punishable by a scheduled fine of \$250.

16 31 DIVISION III. The division strikes a provision permitting
16 32 a urine test in a prosecution for public intoxication. The
16 33 division does not affect provisions relating to a blood or
16 34 breath test in such a prosecution.

16 35 DIVISION IV. The division strikes provisions allowing a



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17 1 person arrested for operating a motor vehicle while
17 2 intoxicated to be tested for alcohol concentration levels from
17 3 a specimen of the arrested person's urine. Current law
17 4 permits testing of a specimen of an arrested person's blood,
17 5 breath, or urine. The division does not affect provisions
17 6 allowing testing of a specimen of an arrested person's urine
17 7 if the presence of a controlled substance is suspected.
17 8 The division also provides that a refusal to submit to a
17 9 test of the blood results in longer revocation of a driver's
17 10 license pursuant to Code section 321J.9. Currently, a refusal
17 11 of a test of the breath or urine, but not blood, results in a
17 12 longer revocation of the driver's license.
17 13 DIVISION V. The division strikes provisions permitting a
17 14 person arrested for operating a motorboat or sailboat while
17 15 intoxicated to be tested for alcohol concentration levels from
17 16 a specimen of the arrested person's urine. Current law
17 17 permits testing of a specimen of an arrested person's blood,
17 18 breath, or urine.
17 19 DIVISION VI. The division makes changes to Code chapter
17 20 808B (interception of communications).
17 21 The division excludes electronic funds transfer information
17 22 from the definition of "electronic communication".
17 23 The division specifies that an "oral communication" does
17 24 not include an "electronic communication".
17 25 The division modifies the definitions for "pen register",
17 26 "trap and trace device", and "wire communication".
17 27 The division expands the list of criminal investigations
17 28 for which the interception of communications may be authorized
17 29 to include ongoing criminal conduct (Code chapter 706A), a
17 30 forcible felony (Code section 702.11), or a felony fugitive
17 31 warrant for persons reasonably believed to be in this state.
17 32 Current law permits the interception of communications in
17 33 criminal investigations for a felony offense involving dealing
17 34 in a controlled substance or a felony offense involving money
17 35 laundering.



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18 1 The division provides that a judge shall issue a search
18 2 warrant which authorizes the placement, tracking, or
18 3 monitoring of a global positioning device, if the application
18 4 contains sufficient grounds to establish probable cause.

18 5 The division provides that a judge may issue a subpoena or
18 6 other court order in order to obtain information and
18 7 supporting documentation regarding contemporaneous or
18 8 prospective wire or electronic communications based upon a
18 9 finding that a prosecuting attorney is engaged in a criminal
18 10 investigation of an offense listed in Code section 808B.3.

18 11 The division also provides that a judge may authorize the
18 12 capture of a wire or oral communication by a pen register or
18 13 trap and trace device, if a judge finds that there is probable
18 14 cause to believe that a wire or oral communication relevant to
18 15 a valid search warrant will occur at any point while the
18 16 warrant is in effect.

18 17 The division specifies that an order authorizing the
18 18 interception of a communication shall refer to the method for
18 19 determining the location of the electronic communication
18 20 intercepted in addition to other requirements specified in
18 21 Code section 808B.11(3).

18 22 The division permits a special agent or an assistant
18 23 attorney general who determines that an emergency situation
18 24 exists which requires the installation and use of a pen
18 25 register or a trap and trace device before an order
18 26 authorizing such installation and use can be obtained with due
18 27 diligence, to install and use a pen register or trap and trace
18 28 device if an order approving the installation or use is issued
18 29 within 48 hours of the installation occurring.

18 30 The division limits such emergency situations to those
18 31 involving death or serious bodily injury, conspiratorial
18 32 activities characteristic of organized crime, immediate
18 33 threats to national security, or ongoing attack on a computer
18 34 that constitutes a crime punishable by a term of imprisonment
18 35 greater than one year.



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19 1 DIVISION VII. The division authorizes a peace officer of
19 2 the department of public safety to act in concert with, or
19 3 under the direction of, a federal officer or agent of the
19 4 federal government.
19 5 LSB 1333DP 83
19 6 jm/nh/14



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House Study Bill 226

HOUSE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON SMITH)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to financial liability for the costs of services
- 2 paid by a county for a person with mental illness.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2522HC 83
- 5 jp/rj/24



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1 1 Section 1. Section 230.15, Code 2009, is amended to read
1 2 as follows:
1 3 230.15 PERSONAL LIABILITY.
1 4 1. A person with mental illness and a person legally
1 5 liable for the person's support remain liable for the ~~support~~
~~1 6 of total amount of the cost of providing care, maintenance,~~
~~1 7 and treatment for the person with mental illness as provided~~
~~1 8 in this section while a voluntary or committed patient.~~
1 9 Persons legally liable for the support of a person with mental
1 10 illness include the spouse of the person, any person bound by
1 11 contract for support of the person, and, with respect to
1 12 persons with mental illness under eighteen years of age only,
1 13 the father and mother of the person. ~~The county auditor,~~
~~1 14 subject to the direction of the board of supervisors, shall~~
~~1 15 enforce the obligation created in this section as to all sums~~
~~1 16 advanced by the county. The liability to the county incurred~~
~~1 17 by a person with mental illness or a person legally liable for~~
~~1 18 the person's support under this section is limited to an~~
~~1 19 amount equal to one hundred percent of the cost of care and~~
~~1 20 treatment of the person with mental illness at a state mental~~
~~1 21 health institute for one hundred twenty days of~~
~~1 22 hospitalization. This limit of liability may be reached by~~
~~1 23 payment of the cost of care and treatment of the person with~~
~~1 24 mental illness subsequent to a single admission or multiple~~
~~1 25 admissions to a state mental health institute or, if the~~
~~1 26 person is not discharged as cured, subsequent to a single~~
~~1 27 transfer or multiple transfers to a county care facility~~
~~1 28 pursuant to section 227.11. After reaching this limit of~~
~~1 29 liability, a person with mental illness or a person legally~~
~~1 30 liable for the person's support is liable to the county for~~
~~1 31 the care and treatment of the person with mental illness at a~~
~~1 32 state mental health institute or, if transferred but not~~
~~1 33 discharged as cured, at a county care facility in an amount~~
~~1 34 not in excess of the average minimum cost of the maintenance~~
~~1 35 of an individual who is physically and mentally healthy~~



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~~House Study Bill 226 continued~~

~~2 1 residing in the individual's own home, which standard shall be
2 2 established and may from time to time be revised by the
2 3 department of human services. A lien imposed by section
2 4 230.25 shall not exceed the amount of the liability which may
2 5 be incurred under this section on account of a person with
2 6 mental illness.~~

2 7 2. A substance abuser or chronic substance abuser is
2 8 legally liable for the total amount of the cost of providing
2 9 care, maintenance, and treatment for the substance abuser or
2 10 chronic substance abuser while a voluntary or committed
2 11 patient.

2 12 3. When a portion of the cost of providing care,
2 13 maintenance, and treatment is paid by a county, the person
2 14 with mental illness and a person legally liable for the
2 15 person's support or the substance abuser or chronic substance
2 16 abuser is legally liable to the county for the amount paid.
2 17 ~~The~~ Such a person or substance abuser or chronic substance
2 18 abuser shall assign to the state any claim for reimbursement
2 19 under any contract of indemnity, by insurance or otherwise,
2 20 providing for the ~~abuser's~~ care, maintenance, and treatment of
2 21 the person with mental illness, the substance abuser, or the
2 22 chronic substance abuser in a state hospital ~~to the state.~~

2 23 Any payments received by the state from or on behalf of a
2 24 person with mental illness or a substance abuser or chronic
2 25 substance abuser shall be in part credited to the county in
2 26 proportion to the share of the costs paid by the county.

2 27 4. Nothing in this section shall be construed to prevent a
2 28 relative or other person from voluntarily paying the full
2 29 actual cost or any portion of the care and treatment of any
2 30 person with mental illness, substance abuser, or chronic
2 31 substance abuser as established by the department of human
2 32 services.

EXPLANATION

2 34 This bill relates to financial liability for the costs of
2 35 services paid by a county for a person with mental illness.



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3 1 Under current law in Code section 230.15, the financial
3 2 liability is limited to an amount equal to 100 percent of the
3 3 cost of care and treatment of the person with mental illness
3 4 at a state mental health institute for 120 days of
3 5 hospitalization. After the limit of liability is reached,
3 6 further liability is limited to the average minimum cost of
3 7 the maintenance of an individual who is physically and
3 8 mentally healthy residing in the individual's own home. The
3 9 average minimum cost is established in 441 IAC 29.3 by the
3 10 department of human services to be based on the family
3 11 investment program standards.
3 12 The bill eliminates the liability limitations so that the
3 13 financial liability of a person with mental illness or the
3 14 person legally responsible for the person's support is for the
3 15 total amount paid by the county, which is consistent with that
3 16 of a substance abuser or chronic substance abuser under Code
3 17 section 230.15.
3 18 LSB 2522HC 83
3 19 jp/rj/24



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House Study Bill 227

HOUSE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON SMITH)

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

A BILL FOR

1 An Act relating to individual development accounts available to
2 certain persons with low income and providing effective and
3 applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2441HC 83
6 jp/mg/14



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House Study Bill 227 continued

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1 1 Section 1. Section 541A.2, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. a. To be eligible to open an account, a prospective
1 4 account holder must have a household income that is equal to
1 5 or less than two hundred percent of the federal poverty level.
1 6 b. The account ~~is~~ shall be kept in the name of an
1 7 individual account holder.
1 8 Sec. 2. Section 541A.2, subsections 4 and 5, Code 2009,
1 9 are amended to read as follows:
1 10 4. During a calendar year, with the approval of the
1 11 operating organization, an account holder may ~~withdraw~~ make
1 12 withdrawals from the account holder's account ~~the sum of the~~
1 13 for any of the following authorized purposes:
1 14 ~~a. With the approval of the operating organization,~~
1 15 ~~amounts withdrawn for any of the following approved purposes:~~
1 16 ~~(1) Educational costs at an accredited institution of~~
1 17 ~~higher education.~~
1 18 ~~(2) b. Training costs for an accredited or licensed~~
1 19 ~~training program.~~
1 20 ~~(3) c. Purchase of a primary residence.~~
1 21 ~~(4) d. Capitalization of a small business start-up.~~
1 22 ~~(5) e. An improvement to a primary residence which~~
1 23 ~~increases the tax basis of the property.~~
1 24 ~~(6) f. Emergency medical costs for the account holder or~~
1 25 ~~for a member of the account holder's family. However, a~~
1 26 ~~withdrawal for this purpose is limited to once during the life~~
1 27 ~~of the account and the amount of the withdrawal shall not~~
1 28 ~~exceed ten percent of the account balance at the time of the~~
1 29 ~~withdrawal.~~
1 30 ~~(7) g. A purpose ~~approved~~ authorized in accordance with~~
1 31 ~~rule for a refugee individual development account.~~
1 32 ~~(8) h. Purchase of an automobile.~~
1 33 ~~(9) i. Purchase of assistive technology, home or vehicle~~
1 34 ~~modification, or other device or physical improvement to~~
1 35 ~~assist an account holder or family member with a disability.~~



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3 1 household income of less than 200 percent of the federal
3 2 poverty level. The bill shifts this income restriction to
3 3 instead be applicable to eligibility to open an account.
3 4 Code section 541A.2, subsections 4 and 5, are amended to
3 5 make a terminology change relating to the purposes authorized
3 6 for making withdrawals from accounts, to consolidate the
3 7 requirements for making withdrawals, and for renumbering.
3 8 Code section 541.5, relating to the rules for the program, is
3 9 amended to include a conforming change to the purposes
3 10 authorized for withdrawals from a refugee account.
3 11 An authorization in Code section 514.2, subsection 4,
3 12 allowing an account holder who is at least 59 and one-half
3 13 years old to withdraw any amount from their account is
3 14 eliminated.
3 15 The bill takes effect upon enactment and is retroactively
3 16 applicable to January 1, 2009.
3 17 LSB 2441HC 83
3 18 jp/mg/14



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House Study Bill 228

HOUSE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SMITH)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to county liability for adult mental health,
2 mental retardation, developmental disabilities, and substance
3 abuse services authorized through the county central point of
4 coordination process.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2518HC 83
7 jp/rj/5



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House Study Bill 228 continued

PAG LIN

1 1 Section 1. Section 230.1, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. A county of legal settlement is not liable for costs
1 4 and expenses associated with a person with mental illness
1 5 unless the costs and expenses are for services and other
1 6 support authorized for the person through the central point of
1 7 coordination process. For the purposes of this chapter,
1 8 "central point of coordination process" means the same as
1 9 defined in section 331.440. This required authorization
1 10 through the central point of coordination process of an adult
1 11 person's services and other support provided by a state mental
1 12 health institute or other service provider applies to services
1 13 and other support provided on a voluntary or involuntary basis
1 14 and to services and other support that address substance abuse
1 15 in addition to mental illness.

1 16 EXPLANATION

1 17 This bill relates to county liability for adult mental
1 18 health, mental retardation, developmental disabilities, and
1 19 substance abuse services authorized through the county central
1 20 point of coordination process.

1 21 Under current law in Code section 230.1, relating to the
1 22 liability of the county and state for support of persons with
1 23 mental illness, a county of legal settlement is not liable for
1 24 costs and expenses associated with a person with mental
1 25 illness unless the costs and expenses are for services and
1 26 other support authorized for the person through the central
1 27 point of coordination process. The bill provides that the
1 28 scope of this requirement includes authorization of an adult
1 29 person's services and other support provided by a state mental
1 30 health institute or other service provider, whether or not the
1 31 services and other support address substance abuse in addition
1 32 to mental illness, and whether or not the services and other
1 33 support are provided on a voluntary or involuntary basis.

1 34 LSB 2518HC 83

1 35 jp/rj/5



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House Study Bill 229

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

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

A BILL FOR

- 1 An Act relating to the licensing of midwives under a title Act
- 2 and providing for a fee and a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2311HC 83
- 5 jr/rj/14



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PAG LIN

1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2009,
1 2 are amended to read as follows:

1 3 3. "Licensed" or "certified", when applied to a physician
1 4 and surgeon, podiatric physician, osteopathic physician and
1 5 surgeon, physician assistant, psychologist, chiropractor,
1 6 nurse, dentist, dental hygienist, dental assistant,
1 7 optometrist, speech pathologist, audiologist, pharmacist,
1 8 physical therapist, physical therapist assistant, occupational
1 9 therapist, occupational therapy assistant, respiratory care
1 10 practitioner, practitioner of cosmetology arts and sciences,
1 11 practitioner of barbering, funeral director, dietitian,
1 12 marital and family therapist, mental health counselor, social
1 13 worker, massage therapist, midwife, athletic trainer,
1 14 acupuncturist, nursing home administrator, hearing aid
1 15 dispenser, or sign language interpreter or transliterator
1 16 means a person licensed under this subtitle.

1 17 6. "Profession" means medicine and surgery, podiatry,
1 18 osteopathic medicine and surgery, practice as a physician
1 19 assistant, psychology, chiropractic, nursing, dentistry,
1 20 dental hygiene, dental assisting, optometry, speech pathology,
1 21 audiology, pharmacy, physical therapy, physical therapist
1 22 assisting, occupational therapy, occupational therapy
1 23 assisting, respiratory care, cosmetology arts and sciences,
1 24 barbering, mortuary science, marital and family therapy,
1 25 mental health counseling, social work, dietetics, massage
1 26 therapy, midwifery, athletic training, acupuncture, nursing
1 27 home administration, hearing aid dispensing, or sign language
1 28 interpreting or transliterating.

1 29 Sec. 2. Section 147.2, subsection 1, Code 2009, is amended
1 30 to read as follows:

1 31 1. A person shall not engage in the practice of medicine
1 32 and surgery, podiatry, osteopathic medicine and surgery,
1 33 psychology, chiropractic, physical therapy, physical therapist
1 34 assisting, nursing, dentistry, dental hygiene, dental
1 35 assisting, optometry, speech pathology, audiology,



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2 1 occupational therapy, occupational therapy assisting,
2 2 respiratory care, pharmacy, cosmetology arts and sciences,
2 3 barbering, social work, dietetics, marital and family therapy
2 4 or mental health counseling, massage therapy, midwifery,
2 5 mortuary science, athletic training, acupuncture, nursing home
2 6 administration, hearing aid dispensing, or sign language
2 7 interpreting or transliterating, or shall not practice as a
2 8 physician assistant, unless the person has obtained a license
2 9 for that purpose from the board for the profession.

2 10 Sec. 3. Section 147.13, Code 2009, is amended by adding
2 11 the following new subsection:

2 12 NEW SUBSECTION. 24. For midwifery, the board of
2 13 midwifery.

2 14 Sec. 4. Section 147.14, subsection 1, Code 2009, is
2 15 amended by adding the following new paragraph:

2 16 NEW PARAGRAPH. x. For midwifery, a total of five members,
2 17 three members who are licensed professional midwives, one
2 18 member who either is licensed under chapter 148, is practicing
2 19 in obstetrics, and has professional experience consulting for
2 20 and collaborating with direct=entry midwives, or is an
2 21 advanced registered nurse practitioner licensed under chapter
2 22 152, is a certified nurse midwife, and has professional
2 23 experience consulting for and collaborating with direct=entry
2 24 midwives, and one member who is not a licensed midwife or a
2 25 licensed health care provider who has received direct=entry
2 26 midwifery services and who shall represent the general public.

2 27 Sec. 5. Section 147.74, Code 2009, is amended by adding
2 28 the following new subsection:

2 29 NEW SUBSECTION. 5A. A midwife licensed under chapter 148F
2 30 may use the words "licensed midwife" or the initials "L.M."
2 31 after the person's name.

2 32 Sec. 6. NEW SECTION. 148F.1 DEFINITIONS.

2 33 As used in this chapter, unless the context otherwise
2 34 requires:

2 35 1. "Board" means the board of midwifery.



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- 3 1 2. "Licensed midwife" means a person who is licensed to
3 2 practice midwifery under this chapter.
- 3 3 3. "Out-of-hospital" means any facility, institution, or
3 4 place which is not an ambulatory surgical center or a
3 5 hospital, such as a birth center as defined in section 135.61
3 6 or a private home.
- 3 7 4. "Practice of midwifery" means the provision of primary
3 8 maternity care during the antepartum, intrapartum, and
3 9 postpartum periods by a person who is neither licensed to
3 10 practice under chapter 148, nor a nurse recognized by the Iowa
3 11 board of nursing as an advanced registered nurse practitioner
3 12 who is a certified nurse midwife, and who is not rendering
3 13 emergency services without compensation.
- 3 14 Sec. 7. NEW SECTION. 148F.2 LICENSURE == LICENSED
3 15 MIDWIFERY.
- 3 16 An applicant for a license to practice midwifery shall be
3 17 granted a license by the board when the applicant satisfies
3 18 all of the following requirements:
- 3 19 1. Has submitted an application in a form prescribed by
3 20 the department.
- 3 21 2. Has paid a fee as determined by the board.
- 3 22 3. Has fulfilled national certification requirements of
3 23 the North American registry of midwives or its successor
3 24 organization.
- 3 25 4. Holds current adult cardiopulmonary resuscitation and
3 26 newborn resuscitation certifications through an organization
3 27 approved by the department in collaboration with the board.
- 3 28 Sec. 8. NEW SECTION. 148F.3 USE OF TITLE == PENALTY.
- 3 29 A person shall not use the title "licensed midwife",
3 30 describe or imply that the person is a licensed midwife, or
3 31 represent the person as a licensed midwife unless the person
3 32 is granted a license under this chapter or is licensed as a
3 33 nurse-midwife under chapter 152.
- 3 34 Sec. 9. NEW SECTION. 148F.4 RULES.
- 3 35 1. The board shall adopt rules relating to:



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4 1 a. Standards for professional conduct of persons licensed
4 2 under this chapter.
4 3 b. The administration of this chapter.
4 4 c. The application of the certification requirements of
4 5 the North American registry of midwives or its successor
4 6 organization to criteria for licensure as a midwife under this
4 7 chapter.
4 8 d. Procedures for the issuance, renewal, and revocation or
4 9 suspension of a license under this chapter based on
4 10 qualifications, standards, and scope of practice established
4 11 by the North American registry of midwives or its successor
4 12 organization.
4 13 e. The maintenance of a registry of licensed midwives and
4 14 statistics on the practice of midwifery utilizing vital
4 15 statistics data.
4 16 2. In establishing rules, the board shall consult with
4 17 persons knowledgeable regarding the prenatal and postpartum
4 18 birth process, particularly those possessing experience with
4 19 out-of-hospital births, including but not limited to persons
4 20 licensed under chapter 148, certified professional midwives,
4 21 advanced registered nurse practitioners who are certified
4 22 nurse midwives, and women who have given birth in an
4 23 out-of-hospital setting.
4 24 3. Rules regarding the practice of midwifery shall be
4 25 consistent with the North American registry of midwives'
4 26 current job description for the profession and the standards
4 27 regarding the practice of midwifery established by the
4 28 national association of certified professional midwives or a
4 29 successor organization, including guidelines for consultation,
4 30 referral, and transfer of care to the hospital setting when
4 31 appropriate.
4 32 4. Rules may permit a licensed midwife to carry and
4 33 administer certain medications during the practice of
4 34 midwifery, including oxytocin, as a postpartum antihemorrhagic
4 35 agent, oxygen, intravenous fluids for stabilization, vitamin



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5 1 K, eye prophylactics, and other drugs or procedures as
5 2 appropriate for the scope of practice for licensed midwives
5 3 and as determined by the board.
5 4 5. Rules shall not permit a licensed midwife to use
5 5 forceps or vacuum extraction, or perform a surgical delivery.
5 6 Sec. 10. NEW SECTION. 148F.5 CLIENT DISCLOSURE.
5 7 Prior to accepting a patient for midwifery care, a licensed
5 8 midwife shall provide information indicating all of the
5 9 following:
5 10 1. Evidence that the care provider is a licensed midwife
5 11 meeting the requirements of this chapter.
5 12 2. Whether the licensed midwife has malpractice liability
5 13 insurance coverage and the policy limits of such coverage.
5 14 3. The midwife's educational background and relevant
5 15 experience, including experience in various birth settings.
5 16 4. The nature, scope, and location of the care to be
5 17 given, including the possibility of and the guidelines for
5 18 consultation, referral, or transfer of the patient to a
5 19 hospital from an out-of-hospital setting.
5 20 Sec. 11. NEW SECTION. 148F.6 EXCEPTIONS.
5 21 1. This chapter does not prevent qualified members of
5 22 other professions, including but not limited to, individuals
5 23 licensed under chapter 148 or 152 from providing services
5 24 consistent with the nature of midwifery.
5 25 2. This chapter does not prevent or prohibit any person
5 26 from performing tasks related to the practice of midwifery
5 27 under the supervision of a licensed midwife, a certified nurse
5 28 midwife, or a licensed physician or osteopathic physician
5 29 during completion of the North American registry of midwives
5 30 certification process.
5 31 3. The practice of midwifery in Iowa prior to the
5 32 effective date of this chapter shall not constitute grounds
5 33 for disciplinary action by the board. The board may issue a
5 34 license to a person who has so practiced midwifery in Iowa
5 35 upon application and compliance with the provisions of this



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6 1 chapter and the rules adopted pursuant to this chapter.

6 2 Sec. 12. NEW SECTION. 148F.7 LIABILITY.

6 3 Persons licensed under chapters 148 and 152 and other
6 4 licensed health care providers shall not be held liable for
6 5 the acts or omissions of a licensed midwife when they render
6 6 birth-related services to the client of a licensed midwife.
6 7 The liability of those licensed individuals in rendering care
6 8 or assistance in good faith to a client of a licensed midwife
6 9 is limited to the standard of care of the licensed
6 10 individual's profession as applied to the licensed
6 11 individual's own negligence or acts or omissions.

6 12 Sec. 13. Section 272C.1, subsection 6, Code 2009, is
6 13 amended by adding the following new paragraph:

6 14 NEW PARAGRAPH. af. The board of midwifery, created
6 15 pursuant to chapter 147.

6 16 Sec. 14. Section 272C.4, subsection 6, Code 2009, is
6 17 amended to read as follows:

6 18 6. Define by rule acts or omissions that are grounds for
6 19 revocation or suspension of a license under section 105.22,
6 20 147.55, 148.6, 148B.7, 148F.4, 152.10, 153.34, 154A.24,
6 21 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
6 22 or 602.3203 or chapter 151 or 155, as applicable, and to
6 23 define by rule acts or omissions that constitute negligence,
6 24 careless acts, or omissions within the meaning of section
6 25 272C.3, subsection 2, paragraph "b", which licensees are
6 26 required to report to the board pursuant to section 272C.9,
6 27 subsection 2.

6 28 Sec. 15. INITIAL APPOINTMENTS.

6 29 1. Initial professional appointees to the board of
6 30 midwifery shall fulfill the national certification
6 31 requirements of the North American registry of midwives.

6 32 2. One of the initial professional appointments to the
6 33 board shall be appointed for a one-year term, one member shall
6 34 be appointed for a two-year term, and one member shall be
6 35 appointed for a three-year term. The member who is licensed



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7 1 under chapter 148 or 152 shall be appointed for a two-year
7 2 term, and the member representing the general public shall be
7 3 appointed to a three-year term.

7 4 EXPLANATION

7 5 This bill creates new Code chapter 148F that provides for
7 6 the licensure of midwives under a title Act. A midwife is not
7 7 an allopathic or osteopathic physician licensed under Code
7 8 chapter 148 or a nurse licensed under Code chapter 152
7 9 providing primary maternity care during the antepartum,
7 10 intrapartum, and postpartum periods.

7 11 The bill provides for the establishment of a five-member
7 12 board of midwifery consisting of three members who are
7 13 midwives, one physician or nurse, and one member who
7 14 represents the general public. The bill provides for fees to
7 15 fund the board and provides penalties for violation of the
7 16 practice requirement; those penalties are set out for all
7 17 health-related boards in Code chapters 147 and 272C. Code
7 18 section 147.86 provides that it is a serious misdemeanor to
7 19 violate a provision of the licensing laws.

7 20 The board is similar in composition and responsibilities to
7 21 other health-related licensing boards.

7 22 LSB 2311HC 83

7 23 jr/rj/14



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House Study Bill 230

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

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

A BILL FOR

- 1 An Act relating to admissibility into evidence of medical records
- 2 and bills in civil cases.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2633HC 83
- 5 rh/rj/14



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1 1 Section 1. NEW SECTION. 622.4 ADMISSIBILITY OF MEDICAL
1 2 RECORDS AND BILLS.
1 3 1. In a civil action in which a plaintiff claims that
1 4 health care treatment was necessitated or will be necessitated
1 5 by the events giving rise to the claim or in which the
1 6 plaintiff is seeking medical, hospital, or disability
1 7 benefits, any party may offer the records and billing
1 8 statements of a care provider who provided such treatment, or
1 9 portions thereof, into evidence. Such records may include
1 10 letters or reports by the care provider, including those made
1 11 in connection with the action, that include opinions by the
1 12 care provider regarding the plaintiff's diagnosis, prognosis,
1 13 impairment, causation, or future treatment needs and costs.
1 14 2. A party intending to offer records or billing
1 15 statements of a care provider into evidence pursuant to this
1 16 section shall notify all parties of the party's intent to do
1 17 so on or before the party's deadline to designate expert
1 18 witnesses pursuant to court order or rule. The notice shall
1 19 identify the records and billing statements, or portions
1 20 thereof, that the party intends to offer. Not less than
1 21 thirty days before trial, a party shall provide all other
1 22 parties with copies of the records and billing statements, or
1 23 portions thereof, that the party intends to offer in the
1 24 exhibit form in which they will be offered. A party may
1 25 include a cover page identifying the care provider, setting
1 26 forth the dates of service, and summarizing the charges and
1 27 payments therefor.
1 28 3. a. A record or billing statement offered pursuant to
1 29 this section is admissible without supporting evidence or
1 30 testimony to identify or authenticate the record or billing
1 31 statement and to establish that the record or billing
1 32 statement is a record of a regularly conducted business
1 33 activity.
1 34 b. A record offered pursuant to this section is competent
1 35 evidence to identify or authenticate a record of all of the



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2 1 following:

2 2 (1) The existence and treatment of the plaintiff's
2 3 medical, dental, or other health condition and that the
2 4 treatment described in the record was reasonable and necessary
2 5 to treat the conditions stated.

2 6 (2) The opinions of the care provider as they relate to
2 7 the diagnosis, prognosis, causation, and future treatment
2 8 needs and costs of the plaintiff without additional supporting
2 9 testimony.

2 10 c. A billing statement offered pursuant to this section is
2 11 competent evidence of the amount and reasonableness of the
2 12 charges for the treatment or materials provided.

2 13 4. This section shall not prohibit a party, including a
2 14 party offering records or billing statements under this
2 15 section, from objecting to the admissibility of records or
2 16 billing statements or portions thereof, or from redacting
2 17 information in such records or billing statements, on any
2 18 other grounds. If the party offering records or billing
2 19 statements under this section has made any redactions thereto,
2 20 the party shall notify all parties about the redactions at the
2 21 time that the records or billing statements are provided in
2 22 exhibit form. A party who objects to the form of a record or
2 23 billing statement or to some or all of its content, or to
2 24 redactions made thereto by the offering party, shall raise the
2 25 objection with the court within ten days of service upon that
2 26 party of the record or billing statement in exhibit form. If
2 27 a party contests the authenticity or identification of a
2 28 record or billing statement offered pursuant to this section,
2 29 or claims that the offered record or billing statement was not
2 30 made in the regular course of the business of the care
2 31 provider, the burden shall be on the objecting party to prove
2 32 such to the court.

2 33 5. This section shall not be construed to do any of the
2 34 following:

2 35 a. Prohibit any party, including an offering party, from



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3 1 examining a care provider by deposition or at trial at that
3 2 party's expense or from presenting supporting or contrary
3 3 expert testimony.

3 4 b. Impose a duty upon a care provider to provide the care
3 5 provider's opinions in letter or report form, except as
3 6 otherwise required by law.

3 7 c. Alter the rights and limitations of a party or that
3 8 party's legal counsel to communicate with a care provider
3 9 pursuant to section 622.10.

3 10 d. Prohibit or alter the admissibility of records or
3 11 billing statements that are otherwise admissible under the
3 12 rules of evidence.

3 13 e. Change the timing of disclosure of expert opinions
3 14 pursuant to court order or rule.

3 15 6. As used in this section, "care provider" means any
3 16 physician or surgeon, physician assistant, advanced registered
3 17 nurse practitioner, mental health professional, dentist,
3 18 chiropractor, or other person who furnishes health care in the
3 19 regular course of business.

3 20 7. This section does not apply to records or billing
3 21 statements of a care provider retained by the plaintiff in
3 22 anticipation of litigation or for trial unless those care
3 23 providers have personally examined the plaintiff.

3 24 EXPLANATION

3 25 This bill relates to the admissibility of medical records
3 26 and billing statements in civil cases.

3 27 The bill provides that in a civil action in which a
3 28 plaintiff claims that health care treatment was necessitated
3 29 or will be necessitated by the events giving rise to the claim
3 30 or in which the plaintiff is seeking medical, hospital, or
3 31 disability benefits, any party may offer the records and
3 32 billing statements of a care provider who provided such
3 33 treatment, or portions thereof, into evidence. Such records
3 34 may include letters or reports by the care provider that
3 35 include opinions by the care provider regarding the



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4 1 plaintiff's diagnosis, prognosis, impairment, causation, or
4 2 future treatment needs and costs. The bill defines "care
4 3 provider" as any physician or surgeon, physician assistant,
4 4 advanced registered nurse practitioner, mental health
4 5 professional, dentist, chiropractor, or other person who
4 6 furnishes health care in the regular course of business.
4 7 The bill provides that a party intending to offer records
4 8 or billing statements of a care provider into evidence shall
4 9 notify all parties of the party's intent to do so on or before
4 10 the party's deadline to designate expert witnesses pursuant to
4 11 court order or rule. The notice shall identify the records
4 12 and billing statements, or portions thereof, that the party
4 13 intends to offer. Not less than 30 days before trial, the
4 14 party shall provide all parties with copies of the records and
4 15 billing statements, or portions thereof, that the party
4 16 intends to offer in the exhibit form in which they will be
4 17 offered. A party may include a cover page identifying the
4 18 care provider, setting forth the dates of service, and
4 19 summarizing the charges and payments.
4 20 The bill provides that a record or billing statement is
4 21 admissible without supporting evidence or testimony to
4 22 identify or authenticate the record or billing statement and
4 23 to establish that the record or billing statement is a record
4 24 of a regularly conducted business activity. A record that is
4 25 offered is competent evidence to identify or authenticate a
4 26 record of all of the existence and treatment of the
4 27 plaintiff's medical, dental, or other health condition and
4 28 that the treatment was reasonable and necessary to treat the
4 29 conditions stated and the opinions of the care provider as
4 30 they relate to the diagnosis, prognosis, causation, and future
4 31 treatment needs and costs of the plaintiff without additional
4 32 supporting testimony. A billing statement that is offered is
4 33 competent evidence of the amount and reasonableness of the
4 34 charges for the treatment or materials provided.
4 35 The bill does not prohibit a party from objecting to the



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5 1 admissibility of records or statements or portions thereof, or
5 2 from redacting information in such records or statements, on
5 3 any other grounds. If the party offering records or billing
5 4 statements has made any redactions, the party shall notify all
5 5 parties about the redactions at the time that the records or
5 6 billing statements are provided in exhibit form. A party who
5 7 objects to the form of a record or billing statement or to
5 8 some or all of its content, or to redactions made by the
5 9 offering party, shall raise the objection with the court
5 10 within 10 days of service upon that party of the record or
5 11 billing statement in exhibit form. If a party contests the
5 12 authenticity or identification of a record or billing
5 13 statement offered pursuant to this section, or claims that the
5 14 offered record or billing statement was not made in the
5 15 regular course of the business of the care provider, the
5 16 burden shall be on the objecting party to prove such to the
5 17 court.

5 18 The bill does not prohibit any party from examining a care
5 19 provider by deposition or at trial at that party's expense or
5 20 from presenting supporting or contrary expert testimony, does
5 21 not impose a duty upon a care provider to provide the care
5 22 provider's opinions in letter or report form, does not alter
5 23 the rights and limitations of a party or that party's legal
5 24 counsel to communicate with a care provider pursuant to Code
5 25 section 622.10, does not prohibit or alter the admissibility
5 26 of records or billing statements otherwise admissible, and
5 27 does not change the timing of disclosure of expert opinions
5 28 pursuant to court order or rule.

5 29 The bill does not apply to records or billing statements of
5 30 a care provider retained by the plaintiff in anticipation of
5 31 litigation or for trial unless those care providers have
5 32 personally examined the plaintiff.

5 33 LSB 2633HC 83

5 34 rh/rj/14



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House Study Bill 231

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act establishing a board of clinical laboratory science,
2 requiring the licensure of clinical laboratory science
3 practitioners, and providing for fees and penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2117HC 83
6 jr/nh/5



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1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2009,
1 2 are amended to read as follows:

1 3 3. "Licensed" or "certified", when applied to a physician
1 4 and surgeon, podiatric physician, osteopathic physician and
1 5 surgeon, physician assistant, psychologist, chiropractor,
1 6 clinical laboratory science practitioner, nurse, dentist,
1 7 dental hygienist, dental assistant, optometrist, speech
1 8 pathologist, audiologist, pharmacist, physical therapist,
1 9 physical therapist assistant, occupational therapist,
1 10 occupational therapy assistant, respiratory care practitioner,
1 11 practitioner of cosmetology arts and sciences, practitioner of
1 12 barbering, funeral director, dietitian, marital and family
1 13 therapist, mental health counselor, social worker, massage
1 14 therapist, athletic trainer, acupuncturist, nursing home
1 15 administrator, hearing aid dispenser, or sign language
1 16 interpreter or transliterator means a person licensed under
1 17 this subtitle.

1 18 6. "Profession" means medicine and surgery, podiatry,
1 19 osteopathic medicine and surgery, practice as a physician
1 20 assistant, psychology, chiropractic, nursing, dentistry,
1 21 dental hygiene, dental assisting, optometry, speech pathology,
1 22 audiology, pharmacy, physical therapy, physical therapist
1 23 assisting, occupational therapy, occupational therapy
1 24 assisting, respiratory care, cosmetology arts and sciences,
1 25 barbering, mortuary science, marital and family therapy,
1 26 mental health counseling, social work, dietetics, massage
1 27 therapy, athletic training, acupuncture, nursing home
1 28 administration, hearing aid dispensing, ~~or~~ sign language
1 29 interpreting or transliterating, or clinical laboratory
1 30 science.

1 31 Sec. 2. Section 147.2, subsection 1, Code 2009, is amended
1 32 to read as follows:

1 33 1. A person shall not engage in the practice of medicine
1 34 and surgery, podiatry, osteopathic medicine and surgery,
1 35 psychology, chiropractic, physical therapy, physical therapist



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2 1 assisting, nursing, dentistry, dental hygiene, dental
2 2 assisting, optometry, speech pathology, audiology,
2 3 occupational therapy, occupational therapy assisting,
2 4 respiratory care, pharmacy, cosmetology arts and sciences,
2 5 barbering, social work, dietetics, marital and family therapy
2 6 or mental health counseling, massage therapy, mortuary
2 7 science, athletic training, acupuncture, nursing home
2 8 administration, hearing aid dispensing, or sign language
2 9 interpreting or transliterating, or shall not practice as a
2 10 physician assistant or as a clinical laboratory science
2 11 practitioner, unless the person has obtained a license for
2 12 that purpose from the board for the profession.

2 13 Sec. 3. Section 147.13, Code 2009, is amended by adding
2 14 the following new subsection:

2 15 NEW SUBSECTION. 24. For clinical laboratory science
2 16 practitioners, the board of clinical laboratory science.

2 17 Sec. 4. Section 147.14, subsection 1, Code 2009, is
2 18 amended by adding the following new paragraph:

2 19 NEW PARAGRAPH. x. For clinical laboratory science, four
2 20 clinical laboratory science practitioners, at least one of
2 21 whom is a nonphysician laboratory director, one of whom is a
2 22 clinical laboratory scientist, and one of whom is a clinical
2 23 laboratory technician, and who, except for the initial
2 24 appointments, hold active and valid licenses as clinical
2 25 laboratory science practitioners in this state; one physician
2 26 certified by the American board of pathology or American board
2 27 of osteopathic pathology; one physician who is not a
2 28 pathologist or a laboratory director; one member who is not
2 29 licensed to practice as a clinical laboratory science
2 30 practitioner and who shall represent the general public. A
2 31 majority of members of the board constitutes a quorum.

2 32 Sec. 5. NEW SECTION. 148F.1 TITLE, FINDINGS, AND
2 33 PURPOSE.

2 34 1. This chapter may be cited and referred to as the
2 35 "Clinical Laboratory Science Practice Act".



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3 1 2. The general assembly finds all of the following:
3 2 a. The practice of clinical laboratory science by health
3 3 care professionals affects the public health, safety, and
3 4 welfare and is subject to control and regulation in the public
3 5 interest.
3 6 b. Clinical laboratories and clinical laboratory science
3 7 practitioners provide essential services to practitioners of
3 8 the healing arts by furnishing vital information which may be
3 9 used in the diagnosis, prevention, and treatment of disease or
3 10 impairment, and the assessment of the health of humans.
3 11 3. The purpose of this chapter is to provide for the
3 12 better protection of public health by providing minimum
3 13 qualifications for clinical laboratory science practitioners,
3 14 and by ensuring that clinical laboratory tests are performed
3 15 with the highest degree of professional competency by those
3 16 engaged in providing such services in this state.
3 17 Sec. 6. NEW SECTION. 148F.2 DEFINITIONS.
3 18 As used in this chapter, the following definitions apply,
3 19 unless the context otherwise requires:
3 20 1. "Accredited clinical laboratory science program" means
3 21 a program planned to provide a predetermined amount of
3 22 instruction and experience in clinical laboratory science that
3 23 has been accredited by one of the accrediting agencies
3 24 recognized by the United States department of education.
3 25 2. "Board" means the board of clinical laboratory science.
3 26 3. "Clinical laboratory" or "laboratory" means any
3 27 facility or office in which clinical laboratory tests are
3 28 performed.
3 29 4. "Clinical laboratory science practitioner" or "one who
3 30 engages in the practice of clinical laboratory science" means
3 31 a health care professional who performs clinical laboratory
3 32 tests or who is engaged in management, education, consulting,
3 33 or research in clinical laboratory science, and includes
3 34 laboratory directors, supervisors, clinical laboratory
3 35 scientists, specialists, and technicians working in a



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4 1 laboratory. "Clinical laboratory science practitioner" does
4 2 not include persons employed by a clinical laboratory to
4 3 perform supportive functions not related to direct performance
4 4 of laboratory tests or clinical laboratory trainees.

4 5 5. "Clinical laboratory scientist" means a person who
4 6 performs laboratory tests pursuant to established and approved
4 7 protocols requiring the exercise of independent judgment and
4 8 responsibility, maintains equipment and records, performs
4 9 quality assurance activities related to test performance, and
4 10 may supervise and teach within a clinical laboratory setting.

4 11 6. "Clinical laboratory technician" means a person who
4 12 performs laboratory tests pursuant to established and approved
4 13 protocols which require limited exercise of independent
4 14 judgment and which are performed under the personal and direct
4 15 supervision of a clinical laboratory scientist, laboratory
4 16 supervisor, or laboratory director.

4 17 7. "Clinical laboratory test" or "laboratory test" means a
4 18 microbiological, serological, chemical, hematological,
4 19 radiobioassay, cytological, biophysical, immunological, or
4 20 other pathological examination which is performed on material
4 21 derived from the human body, or any other test or procedure
4 22 conducted by a laboratory or facility which provides
4 23 information for the diagnosis, prevention, or treatment of a
4 24 disease, or assessment of a human medical condition.

4 25 8. "Limited function test" means a test conducted using
4 26 procedures which, as determined by the board, have an
4 27 insignificant risk of an erroneous result, including any of
4 28 the following:

4 29 a. Tests which have been approved by the United States
4 30 food and drug administration for home use.

4 31 b. Tests which employ methodologies that are so simple and
4 32 accurate as to render the likelihood of erroneous results
4 33 negligible.

4 34 c. Tests which the board has determined pose no reasonable
4 35 risk of harm to the patient if performed incorrectly.



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5 1 Sec. 7. NEW SECTION. 148F.3 DUTIES OF THE BOARD.
5 2 The board shall administer this chapter. The board's
5 3 duties shall include but are not limited to the following:
5 4 1. Adoption of rules to administer this chapter and
5 5 chapters 147 and 272C with respect to the licensing of
5 6 clinical laboratory science practitioners.
5 7 2. Adoption of rules relating to professional conduct and
5 8 licensing and the establishment of ethical and professional
5 9 standards of practice.
5 10 3. Adoption of rules relating to the qualifications for
5 11 licensure of clinical laboratory science practitioners.
5 12 4. Acting on matters concerning licensure and the process
5 13 of applying for, granting, suspending, imposing supervisory or
5 14 probationary conditions upon, reinstating, revoking, or
5 15 renewing a license.
5 16 5. Establishing and collecting licensure fees as provided
5 17 in section 147.80.
5 18 6. Developing continuing education requirements as a
5 19 condition of license renewal.
5 20 7. Evaluating requirements for licensure in other states
5 21 to determine if reciprocity may be granted.
5 22 8. Establishing procedures by rule for the waiver of the
5 23 requirements under section 148F.5 for applicants who hold a
5 24 valid license or its equivalent issued by another
5 25 jurisdiction; provided that the requirements under which that
5 26 license or its equivalent was issued are equal to or exceed
5 27 the standards required by this chapter.
5 28 Sec. 8. NEW SECTION. 148F.4 PERSONS AND PRACTICES NOT
5 29 AFFECTED.
5 30 This chapter does not prevent or restrict the practice,
5 31 services, or activities of any of the following:
5 32 1. Any person licensed in this state under any other
5 33 statute from engaging in the practice for which the person is
5 34 licensed.
5 35 2. Clinical laboratory science practitioners employed by



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6 1 the United States government while in the discharge of the
6 2 employee's official duties.

6 3 3. Clinical laboratory science practitioners engaged in
6 4 teaching or research, provided that the results of any
6 5 examination performed are not used in health maintenance or
6 6 diagnosis or treatment of disease.

6 7 4. Students or trainees enrolled in an accredited clinical
6 8 laboratory science program provided that the activities
6 9 constitute a part of a planned course in the program, that the
6 10 persons are designated by title such as intern, trainee, or
6 11 student, and the persons work directly under an individual
6 12 licensed by this state as a clinical laboratory science
6 13 practitioner.

6 14 5. Individuals performing only limited function tests.

6 15 6. Persons incidentally in this state to provide service
6 16 as part of an emergency response team working in conjunction
6 17 with disaster relief officials.

6 18 Sec. 9. NEW SECTION. 148F.5 REQUIREMENTS FOR LICENSURE.

6 19 1. The board shall adopt by rule requirements for
6 20 licensure for all of the following types of clinical
6 21 laboratory science practitioners:

- 6 22 a. Clinical laboratory scientist.
- 6 23 b. Clinical laboratory technician.
- 6 24 c. Clinical histotechnologist.
- 6 25 d. Clinical histologic technician.
- 6 26 e. Cytotechnologist.
- 6 27 f. Clinical laboratory scientist in cytogenetics.

6 28 2. The board may establish standards for such other
6 29 clinical laboratory science practitioners specializing in
6 30 areas such as biophysics, chemistry, cytology, hematology,
6 31 histologic technique, immunohematology, microbiology,
6 32 serology, nuclear medical technology, or similar recognized
6 33 academic and scientific disciplines.

6 34 Sec. 10. Section 272C.1, subsection 6, Code 2009, is
6 35 amended by adding the following new paragraph:



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House Study Bill 231 continued

7 1 NEW PARAGRAPH. af. The board of clinical laboratory
7 2 science, created pursuant to chapter 147.
7 3 Sec. 11. INITIAL BOARD. The initial members of the board
7 4 of clinical laboratory science created pursuant to section
7 5 147.14, subsection 1, paragraph "x", as enacted in this Act,
7 6 shall be appointed to the following terms:
7 7 1. Two clinical laboratory science practitioner specialist
7 8 members eligible for licensure, one physician member, and one
7 9 public member shall be appointed for terms of two years.
7 10 2. Two clinical laboratory science practitioner members
7 11 eligible for licensure and one physician member shall be
7 12 appointed for terms of one year.

7 13 EXPLANATION

7 14 This bill creates new Code chapter 148F that requires the
7 15 licensure of clinical laboratory science practitioners. The
7 16 bill provides for the establishment of a seven-member board of
7 17 clinical laboratory science consisting of four members who are
7 18 clinical laboratory science practitioners, two members who are
7 19 physicians, and one member who represents the general public.
7 20 The bill provides for fees to fund the board and provides
7 21 penalties for violation of the practice requirement; those
7 22 penalties are set out for all health-related boards in Code
7 23 chapters 147 and 272C. Code section 148F.5 sets out several
7 24 levels of licensure along with a directive to the new board to
7 25 adopt licensure requirements by rule for each type of license.
7 26 LSB 2117HC 83
7 27 jr/nh/5



Iowa General Assembly
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Senate Amendment 3038

PAG LIN

1 1 Amend Senate File 117 as follows:
1 2 #1. Page 1, line 24, by inserting after the words
1 3 <a vehicle> the following: <or bicycle>.
1 4 #2. Page 1, line 24, by striking the words <or a>
1 5 and inserting the following: <or>.
1 6 #3. Page 1, line 34, by inserting after the word
1 7 <vehicle> the following: <or bicycle>.
1 8 #4. Page 1, line 35, by striking the word <a>.
1 9 #5. Page 1, line 35, by inserting after the words
1 10 <overtaking vehicle> the following: <or bicycle>.
1 11 #6. Page 2, line 6, by inserting after the word
1 12 <vehicle> the following: <or bicycle>.
1 13 #7. Page 2, line 7, by striking the word <a>.
1 14
1 15
1 16
1 17 KIM REYNOLDS
1 18 SF 117.506 83
1 19 dea/nh/21959
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Iowa General Assembly
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Senate Amendment 3039

PAG LIN

1 1 Amend Senate File 117 as follows:
1 2 #1. Page 3, by striking lines 27 through 35.
1 3 #2. Page 4, lines 9 and 10, by striking the words
1 4 <, or a person who is convicted of a violation of
1 5 section 321.371A,>.
1 6 #3. Page 4, by striking lines 21 through 25.
1 7 #4. By renumbering as necessary.
1 8
1 9
1 10
1 11 KIM REYNOLDS
1 12 SF 117.203 83
1 13 dea/nh/21961
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Senate Amendment 3040

PAG LIN

1 1 Amend the amendment, S=3024, to Senate File 81 as
1 2 follows:
1 3 #1. Page 1, by striking lines 23 through 30 and
1 4 inserting the following:
1 5 <#____. Page 2, by striking lines 16 through 31.
1 6 #____. Page 2, line 34, by striking the word <_
1 7 purchase,>.>
1 8 #2. Page 1, by inserting after line 38 the
1 9 following:
1 10 <#____. Page 3, line 7, by striking the word <_
1 11 purchase,>.>
1 12 #3. Page 2, by inserting after line 33 the
1 13 following:
1 14 <#____. Title page, line 3, by striking the word
1 15 <moneys,> and inserting the following: <moneys and>.
1 16 #____. Title page, by striking lines 4 through 6
1 17 and inserting the following: <disaster recovery>.>
1 18
1 19
1 20
1 21 DAVID JOHNSON
1 22 SF 81.704 83
1 23 ak/sc/22122
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Iowa General Assembly
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Senate Amendment 3041

PAG LIN

1 1 Amend Senate File 117 as follows:
1 2 #1. Page 2, by striking lines 21 through 34.
1 3 #2. By renumbering as necessary.
1 4
1 5
1 6
1 7 MERLIN BARTZ
1 8 SF 117.501 83
1 9 dea/nh/21930
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Senate Amendment 3042

PAG LIN

1 1 Amend Senate File 117 as follows:
 1 2 #1. Page 2, by inserting before line 35 the
 1 3 following:
 1 4 <Sec. _____. Section 321.319, Code 2009, is amended
 1 5 to read as follows:
 1 6 321.319 ENTERING INTERSECTIONS FROM DIFFERENT
 1 7 ~~HIGHWAYS~~ DIRECTIONS.
 1 8 1. a. When two vehicles or bicycles, or a vehicle
 1 9 and a bicycle, enter an intersection from different
 1 10 highways or public streets, or enter an intersection
 1 11 with a recreation trail, at approximately the same
 1 12 time, the ~~driver~~ operator of the vehicle or bicycle on
 1 13 the left shall yield the right-of-way to the vehicle
 1 14 or bicycle on the right. This subsection does not
 1 15 apply where a sign posted by state or local
 1 16 authorities requires recreation trail users to yield
 1 17 to cross traffic.
 1 18 2. The foregoing rule under subsection 1 is
 1 19 modified at through highways and otherwise as
 1 20 hereinafter stated provided in this chapter.
 1 21 3. For purposes of this section, "intersection
 1 22 with a recreation trail" includes the intersection of
 1 23 a public or private road, alley, or driveway and a
 1 24 recreation trail.>
 1 25 #2. Page 3, line 2, by striking the words <OR
 1 26 RECREATION TRAIL>.
 1 27 #3. Page 3, by striking lines 12 through 22 and
 1 28 inserting the following:
 1 29 <2. The driver of a vehicle about to enter or
 1 30 cross a>.
 1 31 #4. By renumbering as necessary.
 1 32
 1 33
 1 34
 1 35 MERLIN BARTZ
 1 36 SF 117.301 83
 1 37 dea/nh/21942
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Senate Amendment 3043

PAG LIN

1 1 Amend Senate File 187 as follows:
1 2 #1. Page 1, line 22, by inserting after the word
1 3 <with> the following: <, at a minimum,>.
1 4 #2. Page 1, line 25, by inserting after the words
1 5 <part of both legs> the following: <, who has
1 6 received a nonambulatory person's permit from the
1 7 department as provided by rule>.
1 8
1 9
1 10
1 11 DICK L. DEARDEN
1 12 SF 187.702 83
1 13 av/nh/21686
1 14
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Senate Amendment 3044

PAG LIN

1 1 Amend Senate File 117 as follows:
 1 2 #1. Page 1, by inserting before line 1 the
 1 3 following:
 1 4 <Section 1. Section 321.234, Code 2009, is amended
 1 5 by adding the following new subsection:
 1 6 NEW SUBSECTION. 4A. A person shall not ride a
 1 7 bicycle on a public highway, public recreational
 1 8 trail, or other public property unless the bicycle is
 1 9 equipped with a red safety flag at least six by nine
 1 10 inches in size and displayed at least sixty inches
 1 11 above the bicycle seat.>
 1 12 #2. Page 4, by inserting after line 20 the
 1 13 following:
 1 14 <Sec. __. Section 805.8A, subsection 9, Code 2009,
 1 15 is amended to read as follows:
 1 16 9. BICYCLE OR PEDESTRIAN VIOLATIONS. For
 1 17 violations by a pedestrian or a bicyclist under
 1 18 section 321.234, subsections 3, ~~and~~ 4, and 4A, section
 1 19 321.236, subsection 10, section 321.257, subsection 2,
 1 20 section 321.275, subsection 8, section 321.325,
 1 21 321.326, 321.328, 321.331, 321.332, 321.397, or
 1 22 321.434, the scheduled fine is fifteen dollars.>
 1 23 #3. Title page, lines 1 and 2, by striking the
 1 24 words <a street or highway>.
 1 25 #4. By renumbering as necessary.
 1 26
 1 27
 1 28
 1 29 JAMES F. HAHN
 1 30 SF 117.303 83
 1 31 dea/nh/12483
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Senate Amendment 3045

PAG LIN

1 1 Amend Senate File 117 as follows:
1 2 #1. Page 4, by inserting after line 14 the
1 3 following:
1 4 <Sec. _____. Section 669.14, Code 2009, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 16. Any claim based upon or
1 7 arising out of the condition of a street or highway,
1 8 as defined in section 321.1, by a person participating
1 9 in a statewide touring event when the person knew or
1 10 reasonably should have known that participation in the
1 11 statewide touring event created the likelihood of
1 12 exposure to a variety of road surfaces and conditions,
1 13 unless the claim is based upon an act or omission of
1 14 an officer or employee of the state and the act or
1 15 omission constitutes actual malice or a criminal
1 16 offense. For purposes of this subsection, "statewide
1 17 touring event" means a major group bicycle ride across
1 18 Iowa, a group tractor ride, an antique car tour, or a
1 19 similar event that involves more than one area of the
1 20 state, attracts wide participation, and is likely to
1 21 contribute significantly to the economic well-being of
1 22 the state or areas of the state.
1 23 Sec. _____. Section 670.4, Code 2009, is amended by
1 24 adding the following new subsection:
1 25 NEW SUBSECTION. 16. Any claim based upon or
1 26 arising out of the condition of a street or highway,
1 27 as defined in section 321.1, by a person participating
1 28 in a statewide touring event when the person knew or
1 29 reasonably should have known that participation in the
1 30 statewide touring event created the likelihood of
1 31 exposure to a variety of road surfaces and conditions,
1 32 unless the claim is based upon an act or omission of
1 33 an officer or employee of the municipality and the act
1 34 or omission constitutes actual malice or a criminal
1 35 offense. For purposes of this subsection, "statewide
1 36 touring event" means a major group bicycle ride across
1 37 Iowa, a group tractor ride, an antique car tour, or a
1 38 similar event that involves more than one area of the
1 39 state, attracts wide participation, and is likely to
1 40 contribute significantly to the economic well-being of
1 41 the state or areas of the state.>
1 42 #2. Title page, line 3, by inserting after the
1 43 word <bicycles,> the following: <limiting the
1 44 liability of the state and municipalities for claims
1 45 brought by participants in statewide touring events
1 46 based on road conditions,>.
1 47 #3. By renumbering as necessary.
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1 49
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Senate Amendment 3045 continued

2 1 BRAD ZAUN
2 2 SF 117.204 83
2 3 dea/nh/12482



Iowa General Assembly
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Senate File 240 - Introduced

SENATE FILE
BY JOCHUM

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

A BILL FOR

- 1 An Act authorizing local authorities to permit parking on the
- 2 left side of a roadway.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2331SS 83
- 5 dea/nh/14



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Senate File 240 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.361, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 1A. Local authorities may by ordinance
1 4 permit vehicles stopped or parked upon a roadway where there
1 5 are adjacent curbs to be stopped or parked with the left-hand
1 6 wheels of the vehicle adjacent to and within eighteen inches
1 7 of the left-hand curb, if deemed safer than stopping or
1 8 parking as provided in subsection 1.

1 9 EXPLANATION

1 10 This bill relates to parking on the left side of a roadway.
1 11 The bill permits a political subdivision of the state to adopt
1 12 an ordinance allowing a vehicle to park on a roadway with the
1 13 left-hand wheels of a vehicle within 18 inches of the
1 14 left-hand curb, if the political subdivision deems it safer
1 15 than parking on the other side of the street. Current law
1 16 prohibits a vehicle from parking with the left-hand wheels
1 17 adjacent to the left-hand curb unless the roadway is a one-way
1 18 roadway.

1 19 LSB 2331SS 83

1 20 dea/nh/14



Iowa General Assembly
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Senate File 241 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 1169)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act correcting references in the Code relating to the United
- 2 States department of veterans affairs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1936SV 83
- 5 ec/nh/5



Iowa General Assembly
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Senate File 241 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.413, subsection 22, paragraph a,
1 2 Code 2009, is amended to read as follows:
1 3 a. Veterans who have a service-connected disability or are
1 4 receiving compensation, disability benefits, or pension under
1 5 laws administered by the United States department of veterans
1 6 ~~administration~~ affairs shall have ten points added to the
1 7 grades attained in qualifying examinations.

1 8 Sec. 2. Section 35.6, Code 2009, is amended to read as
1 9 follows:

1 10 35.6 CONTRACT WITH UNITED STATES DEPARTMENT OF VETERANS
1 11 ADMINISTRATION AFFAIRS.

1 12 A state agency or a political subdivision of this state
1 13 operating a hospital or medical facility may contract with the
1 14 United States department of veterans ~~administration~~ affairs to
1 15 receive and to provide medical services to patients who are
1 16 the responsibility of a United States department of veterans
1 17 ~~administration~~ affairs hospital or medical facility in the
1 18 same jurisdiction or medical service area.

1 19 Sec. 3. Section 35.12, subsection 1, Code 2009, is amended
1 20 to read as follows:

1 21 1. The department shall coordinate with United States
1 22 department of veterans ~~administration~~ affairs hospitals,
1 23 health care facilities, and clinics in this state and the
1 24 department of public health to provide assistance to veterans
1 25 and their families to reduce the incidence of alcohol and
1 26 chemical dependency and suicide among veterans and to make
1 27 mental health counseling available to veterans.

1 28 Sec. 4. Section 35A.5, subsection 7, Code 2009, is amended
1 29 to read as follows:

1 30 7. Assist the United States department of veterans
1 31 ~~administration~~ affairs, the Iowa veterans home, funeral
1 32 directors, and federally chartered veterans service
1 33 organizations in providing information concerning veterans
1 34 service records and veterans affairs data.

1 35 Sec. 5. Section 35D.1, subsection 1, Code 2009, is amended



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Senate File 241 - Introduced continued

2 1 to read as follows:

2 2 1. The Iowa veterans home, located in Marshalltown, shall
2 3 be maintained as a long-term health care facility providing
2 4 multiple levels of care, with attendant health care services,
2 5 for honorably discharged veterans and their dependent spouses
2 6 and for surviving spouses of honorably discharged veterans.
2 7 Eligibility requirements for admission to the Iowa veterans
2 8 home shall coincide with the eligibility requirements for
2 9 hospitalization in a United States department of veterans
2 10 ~~administration~~ administration affairs facility pursuant to ~~title 38, United~~
2 11 ~~States Code, section 610 38 U.S.C. } 1710, and regulations~~
2 12 promulgated under that section, as amended ~~to January 1, 1984.~~

2 13 Sec. 6. Section 35D.18, subsection 3, paragraph a, Code
2 14 2009, is amended to read as follows:

2 15 a. ~~Federal~~ United States department of veterans
2 16 ~~administration~~ administration affairs payments.

2 17 Sec. 7. Section 36.3, subsection 2, Code 2009, is amended
2 18 to read as follows:

2 19 2. Annually compile and evaluate the information submitted
2 20 in the reports pursuant to subsection 1, in consultation and
2 21 cooperation with a certified medical toxicologist selected by
2 22 the department. The department shall submit the report to the
2 23 governor, the general assembly, and the United States
2 24 department of veterans administration ~~administration~~ administration affairs. The report
2 25 shall include current research data on the effects of exposure
2 26 to chemicals, statistical information received from individual
2 27 physicians' reports, and statistical information from the
2 28 epidemiological investigations pursuant to subsection 3.

2 29 Sec. 8. Section 125.83A, Code 2009, is amended to read as
2 30 follows:

2 31 125.83A PLACEMENT IN CERTAIN FEDERAL FACILITIES.

2 32 1. If upon completion of the commitment hearing, the court
2 33 finds that the contention that the respondent is a chronic
2 34 substance abuser has been sustained by clear and convincing
2 35 evidence, and the court is furnished evidence that the



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Senate File 241 - Introduced continued

3 1 respondent is eligible for care and treatment in a facility
3 2 operated by the United States department of veterans
3 3 ~~administration~~ affairs or another agency of the United States
3 4 government and that the facility is willing to receive the
3 5 respondent, the court may so order. The respondent, when so
3 6 placed in a facility operated by the United States department
3 7 of veterans administration ~~administration~~ affairs or another agency of the
3 8 United States government within or outside of this state,
3 9 shall be subject to the rules of the United States department
3 10 of veterans administration ~~administration~~ affairs or other agency, but shall
3 11 not lose any procedural rights afforded the respondent by this
3 12 chapter. The chief officer of the facility shall have, with
3 13 respect to the respondent so placed, the same powers and
3 14 duties as the chief medical officer of a hospital in this
3 15 state would have in regard to submission of reports to the
3 16 court, retention of custody, transfer, convalescent leave, or
3 17 discharge. Jurisdiction is retained in the court to maintain
3 18 surveillance of the respondent's treatment and care, and at
3 19 any time to inquire into the respondent's condition and the
3 20 need for continued care and custody.

3 21 2. Upon receipt of a certificate stating that a respondent
3 22 placed under this chapter is eligible for care and treatment
3 23 in a facility operated by the United States department of
3 24 veterans administration ~~administration~~ affairs or another agency of the
3 25 United States government which is willing to receive the
3 26 respondent without charge to the state of Iowa or any county
3 27 in the state, the chief medical officer may transfer the
3 28 respondent to that facility. Upon so doing, the chief medical
3 29 officer shall notify the court which ordered the respondent's
3 30 placement in the same manner as would be required in the case
3 31 of a transfer under section 125.86, subsection 2, and the
3 32 respondent transferred shall be entitled to the same rights as
3 33 the respondent would have under that subsection. No
3 34 respondent shall be transferred under this section who is
3 35 confined pursuant to conviction of a public offense or whose



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Senate File 241 - Introduced continued

4 1 placement was ordered upon contention of incompetence to stand
4 2 trial by reason of mental illness, without prior approval of
4 3 the court which ordered that respondent's placement.

4 4 3. A judgment or order of commitment by a court of
4 5 competent jurisdiction of another state or the District of
4 6 Columbia, under which any person is hospitalized or placed in
4 7 a facility operated by the United States department of
4 8 veterans ~~administration~~ affairs or another agency of the
4 9 United States government, shall have the same force and effect
4 10 with respect to that person while the person is in this state
4 11 as the judgment or order would have if the person were in the
4 12 jurisdiction of the court which issued it. That court shall
4 13 be deemed to have retained jurisdiction of the person so
4 14 placed for the purpose of inquiring into that person's
4 15 condition and the need for continued care and custody, as do
4 16 courts in this state under this section. Consent is given to
4 17 the application of the law of the state or district in which
4 18 the court is situated which issued the judgment or order as
4 19 regards authority of the chief officer of any facility,
4 20 operated in this state by the United States department of
4 21 veterans ~~administration~~ affairs or another agency of the
4 22 United States government, to retain custody, transfer, place
4 23 on convalescent leave, or discharge the person so committed.

4 24 Sec. 9. Section 152A.3, subsection 3, Code 2009, is
4 25 amended to read as follows:

4 26 3. Dietitians who serve in the armed forces or the public
4 27 health service of the United States or are employed by the
4 28 United States department of veterans ~~administration~~ affairs,
4 29 provided their practice is limited to that service or
4 30 employment.

4 31 Sec. 10. Section 229.28, Code 2009, is amended to read as
4 32 follows:

4 33 229.28 HOSPITALIZATION IN CERTAIN FEDERAL FACILITIES.

4 34 When a court finds that the contention that a respondent is
4 35 seriously mentally impaired has been sustained or proposes to



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5 1 order continued hospitalization of any person, or an
5 2 alternative placement, as described under section 229.14,
5 3 subsection 1, paragraph "b" or "d", and the court is furnished
5 4 evidence that the respondent or patient is eligible for care
5 5 and treatment in a facility operated by the United States
5 6 department of veterans ~~administration~~ affairs or another
5 7 agency of the United States government and that the facility
5 8 is willing to receive the respondent or patient, the court may
5 9 so order. The respondent or patient, when so hospitalized or
5 10 placed in a facility operated by the United States department
5 11 of veterans ~~administration~~ affairs or another agency of the
5 12 United States government within or outside of this state,
5 13 shall be subject to the rules of the United States department
5 14 of veterans ~~administration~~ affairs or other agency, but shall
5 15 not thereby lose any procedural rights afforded the respondent
5 16 or patient by this chapter. The chief officer of the facility
5 17 shall have, with respect to the person so hospitalized or
5 18 placed, the same powers and duties as the chief medical
5 19 officer of a hospital in this state would have in regard to
5 20 submission of reports to the court, retention of custody,
5 21 transfer, convalescent leave or discharge. Jurisdiction is
5 22 retained in the court to maintain surveillance of the person's
5 23 treatment and care, and at any time to inquire into that
5 24 person's mental condition and the need for continued
5 25 hospitalization or care and custody.

5 26 Sec. 11. Section 229.29, Code 2009, is amended to read as
5 27 follows:

5 28 229.29 TRANSFER TO CERTAIN FEDERAL FACILITIES.

5 29 Upon receipt of a certificate stating that any person
5 30 involuntarily hospitalized under this chapter is eligible for
5 31 care and treatment in a facility operated by the United States
5 32 department of veterans ~~administration~~ affairs or another
5 33 agency of the United States government which is willing to
5 34 receive the person without charge to the state of Iowa or any
5 35 county in the state, the chief medical officer may transfer



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6 1 the person to that facility. Upon so doing, the chief medical
6 2 officer shall notify the court which ordered the person's
6 3 hospitalization in the same manner as would be required in the
6 4 case of a transfer under section 229.15, subsection 5, and the
6 5 person transferred shall be entitled to the same rights as the
6 6 person would have under that subsection. No person shall be
6 7 transferred under this section who is confined pursuant to
6 8 conviction of a public offense or whose hospitalization was
6 9 ordered upon contention of incompetence to stand trial by
6 10 reason of mental illness, without prior approval of the court
6 11 which ordered that person's hospitalization.

6 12 Sec. 12. Section 229.30, Code 2009, is amended to read as
6 13 follows:

6 14 229.30 ORDERS OF COURTS IN OTHER STATES.

6 15 A judgment or order of hospitalization or commitment by a
6 16 court of competent jurisdiction of another state or the
6 17 District of Columbia, under which any person is hospitalized
6 18 or placed in a facility operated by the United States
6 19 department of veterans ~~administration~~ affairs or another
6 20 agency of the United States government, shall have the same
6 21 force and effect with respect to that person while the person
6 22 is in this state as the judgment or order would have if the
6 23 person were in the jurisdiction of the court which issued it.
6 24 That court shall be deemed to have retained jurisdiction of
6 25 the person so hospitalized or placed for the purpose of
6 26 inquiring into that person's mental condition and the need for
6 27 continued hospitalization or care and custody, as do courts in
6 28 this state under section 229.28. Consent is hereby given to
6 29 the application of the law of the state or district in which
6 30 is situated the court which issued the judgment or order as
6 31 regards authority of the chief officer of any facility,
6 32 operated in this state by the United States department of
6 33 veterans ~~administration~~ affairs or another agency of the
6 34 United States government, to retain custody, transfer, place
6 35 on convalescent leave or discharge the person so hospitalized



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7 1 or committed.

7 2 Sec. 13. Section 230.11, Code 2009, is amended to read as
7 3 follows:

7 4 230.11 RECOVERY OF COSTS FROM STATE.

7 5 Costs and expenses attending the taking into custody, care,
7 6 and investigation of a person who has been admitted or
7 7 committed to a state hospital, United States department of
7 8 ~~veterans administration~~ affairs hospital, or other agency of
7 9 the United States government, for persons with mental illness
7 10 and who has no legal settlement in this state or whose legal
7 11 settlement is unknown, including cost of commitment, if any,
7 12 shall be paid out of any money in the state treasury not
7 13 otherwise appropriated, on itemized vouchers executed by the
7 14 auditor of the county which has paid them, and approved by the
7 15 administrator.

7 16 Sec. 14. Section 331.608, subsection 2, Code 2009, is
7 17 amended to read as follows:

7 18 2. If an official discharge was not issued or if the
7 19 veteran was killed in action or died in service, the recorder
7 20 shall record an official certificate, general or special
7 21 order, letter, or telegram from a competent authority,
7 22 including letters from the United States department of
7 23 defense, the United States department of veterans
7 24 ~~administration~~ affairs, or other governmental office, which
7 25 shows the termination of the veteran's service.

7 26 Sec. 15. Section 400.10, Code 2009, is amended to read as
7 27 follows:

7 28 400.10 PREFERENCES.

7 29 In all examinations and appointments under this chapter,
7 30 other than promotions and appointments of chief of the police
7 31 department and chief of the fire department, veterans as
7 32 defined in section 35.1, who are citizens and residents of
7 33 this state, shall have five points added to the veteran's
7 34 grade or score attained in qualifying examinations for
7 35 appointment to positions and five additional points added to



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8 1 the grade or score if the veteran has a service-connected
8 2 disability or is receiving compensation, disability benefits
8 3 or pension under laws administered by the United States
8 4 department of veterans administration affairs. An honorably
8 5 discharged veteran who has been awarded the Purple Heart for
8 6 disabilities incurred in action shall be considered to have a
8 7 service-connected disability. However, the points shall be
8 8 given only upon passing the exam and shall not be the
8 9 determining factor in passing.

8 10 Sec. 16. Section 535B.10, subsection 3, paragraph f, Code
8 11 2009, is amended to read as follows:

8 12 f. ~~Veterans administration~~ United States department of
8 13 veterans affairs.

8 14 Sec. 17. Section 599.5, Code 2009, is amended to read as
8 15 follows:

8 16 599.5 VETERANS MINORITY DISABILITIES.

8 17 The disability of minority of any person otherwise eligible
8 18 for guaranty or insurance of a loan pursuant to the
8 19 Servicemen's Readjustment Act of 1944*, as amended and of the
8 20 minor spouse of any eligible veteran, irrespective of age, in
8 21 connection with any transaction entered into pursuant to said
8 22 Act, as amended, is hereby removed for all purposes in
8 23 connection with such transaction, including, but not limited
8 24 to, incurring of indebtedness or obligations, and acquiring,
8 25 encumbering, selling, releasing or conveying property or any
8 26 interest therein, and litigating or settling controversies
8 27 arising therefrom, if all or part of any obligations incident
8 28 to such transaction be guaranteed or insured by the
8 29 ~~administrator~~ secretary of the United States department of
8 30 veterans affairs pursuant to such Act; provided, nevertheless,
8 31 that this section shall not be construed to impose any other
8 32 or greater rights or liabilities than would exist if such
8 33 person and such spouse were under no such disability.

8 34 Sec. 18. Section 633.566, subsection 4, Code 2009, is
8 35 amended to read as follows:



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9 1 4. The estimated present value of the real estate, the
9 2 estimated value of the personal property, and the estimated
9 3 gross annual income of the estate. If any money is payable,
9 4 or to become payable, to the proposed ward by the United
9 5 States through the United States department of veterans
9 6 ~~administration~~ affairs, the petition shall so state.

9 7 Sec. 19. Section 633.580, subsection 4, Code 2009, is
9 8 amended to read as follows:

9 9 4. A general description of the property of the proposed
9 10 ward within this state and of the proposed ward's right to
9 11 receive property; also, the estimated present value of the
9 12 real estate, the estimated value of the personal property, and
9 13 the estimated gross annual income of the estate. If any money
9 14 is payable, or to become payable, to the proposed ward by the
9 15 United States through the United States department of veterans
9 16 ~~administration~~ affairs, the petition shall so state.

9 17 Sec. 20. Section 633.614, Code 2009, is amended to read as
9 18 follows:

9 19 633.614 APPLICATION OF OTHER PROVISIONS TO VETERANS'
9 20 CONSERVATORSHIPS.

9 21 Whenever moneys are paid or are payable pursuant to any law
9 22 of the United States through the United States department of
9 23 ~~veterans administration~~ affairs to a conservator or a
9 24 guardian, the provisions of sections 633.615, 633.617 and
9 25 633.622 shall apply to the administration of said moneys.
9 26 However, such provisions shall be construed to be
9 27 supplementary to the other provisions for conservators, and
9 28 shall not be exclusive of such provisions.

9 29 Sec. 21. Section 633.615, Code 2009, is amended to read as
9 30 follows:

9 31 633.615 ~~ADMINISTRATOR~~ SECRETARY OF VETERANS AFFAIRS ==
9 32 PARTY IN INTEREST.

9 33 The ~~administrator~~ secretary of veterans affairs of the
9 34 United States, the ~~administrator's~~ secretary's successor, or
9 35 the designee of either, shall be a party in interest in any



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10 1 proceeding for the appointment or removal of a conservator, or
10 2 for the termination of the conservatorship, and in any suit or
10 3 other proceeding, including reports and accountings, affecting
10 4 in any manner the administration of those assets that were
10 5 derived in whole or in part from benefits paid by the United
10 6 States department of veterans ~~administration~~ affairs. Not
10 7 less than fifteen days prior to the time set for a hearing in
10 8 any such matters, notice, in writing, of the time and place
10 9 thereof shall be given by mail to the office of the United
10 10 States department of veterans ~~administration~~ affairs having
10 11 jurisdiction over the area in which such matter is pending.
10 12 Sec. 22. Section 633.617, Code 2009, is amended to read as
10 13 follows:

10 14 633.617 WARD RATED INCOMPETENT BY UNITED STATES DEPARTMENT
10 15 OF VETERANS ~~ADMINISTRATION~~ AFFAIRS.

10 16 Upon the trial of an issue arising upon a prayer for the
10 17 appointment of either a temporary or a permanent conservator,
10 18 a certificate of the ~~administrator~~ secretary of the United
10 19 States department of veterans ~~administration~~ affairs, or the
10 20 ~~administrator's~~ secretary's representative, setting forth the
10 21 fact that the defendant veteran has been rated incompetent by
10 22 the United States department of veterans ~~administration~~
10 23 affairs upon examination in accordance with the laws and
10 24 regulations governing the United States department of veterans
10 25 ~~administration~~ affairs, shall be prima facie evidence of the
10 26 necessity for such appointment, and the court may appoint a
10 27 conservator for the property of such person.

10 28 Sec. 23. Section 633.622, Code 2009, is amended to read as
10 29 follows:

10 30 633.622 BOND REQUIREMENTS.

10 31 In administering moneys paid by the United States
10 32 department of veterans ~~administration~~ affairs the conservator,
10 33 unless it is a bank or trust company qualified to act as a
10 34 fiduciary in this state, shall execute and file with the clerk
10 35 a bond by a recognized surety company equal to such moneys and



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11 1 the annual income therefrom, plus the expected annual United
11 2 States department of veterans administration affairs benefit
11 3 payments.
11 4 Sec. 24. Section 636.45, Code 2009, is amended to read as
11 5 follows:
11 6 636.45 FEDERALLY INSURED LOANS.
11 7 Insurance companies, building and loan associations,
11 8 trustees, guardians, executors, administrators, and other
11 9 fiduciaries, the state and its political subdivisions, and
11 10 institutions and agencies thereof, and all other persons,
11 11 associations, and corporations (1) may make such loans and
11 12 advances of credit and purchases of obligations representing
11 13 loans and advances of credit as are eligible for insurance
11 14 pursuant to Title I, section 2, of the National Housing Act
11 15 [12 U.S.C., ch 13], and may obtain such insurance, (2) may
11 16 make such loans, secured by real property or leasehold, as the
11 17 federal housing administrator insures or makes a commitment to
11 18 insure pursuant to Title II of the National Housing Act, and
11 19 may obtain such insurance, and (3) may make real property
11 20 loans which are guaranteed or insured by the ~~administrator of~~
~~11 21 veterans'~~ secretary of the United States department of
11 22 veterans affairs under the provisions of Title 38, sections
11 23 1801 through 1824, inclusive, United States Code.
11 24 It shall be lawful for insurance companies, building and
11 25 loan associations, trustees, guardians, executors,
11 26 administrators, and other fiduciaries, the state and its
11 27 political subdivisions, and institutions and agencies thereof,
11 28 and all other persons, associations, and corporations, subject
11 29 to the laws of this state, to originate real estate loans
11 30 which are guaranteed or insured by the ~~administrator of~~
~~11 31 veterans'~~ secretary of the United States department of
11 32 veterans affairs under the provisions of Title 38, sections
11 33 1801 through 1824, inclusive, United States Code, and
11 34 originate loans secured by real property or leasehold, as the
11 35 federal housing administrator insures or makes a commitment to



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12 1 insure pursuant to Title II of the National Housing Act, and
12 2 may obtain such insurance and may invest their funds, and the
12 3 moneys in their custody or possession, eligible for
12 4 investment, in bonds and notes secured by mortgage or trust
12 5 deed insured by the federal housing administrator, and in the
12 6 debentures issued by the federal housing administrator
12 7 pursuant to Title II of the National Housing Act, and in
12 8 securities issued by national mortgage associations or similar
12 9 credit institutions now or hereafter organized under Title III
12 10 of the National Housing Act, and in real estate loans which
12 11 are guaranteed or insured by the ~~administrator of veterans'~~
12 12 secretary of the United States department of veterans affairs
12 13 under the provisions of Title 38, sections 1801 through 1824,
12 14 inclusive, United States Code.

12 15 EXPLANATION

12 16 This bill changes references in the Code to the federal
12 17 veterans administration and the administrator of veterans
12 18 affairs to the United States department of veterans affairs
12 19 and the secretary of the United States department of veterans
12 20 affairs. In 1989, the federal veterans administration was
12 21 changed to a cabinet-level department, the United States
12 22 department of veterans affairs.

12 23 LSB 1936SV 83

12 24 ec/nh/5



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SENATE FILE
BY KETTERING and McKINLEY

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

A BILL FOR

1 An Act directing state aid funding for special education support
2 services, media services, educational services, area education
3 agency professional development supplement, and area education
4 agency teacher salary supplement to the applicable school
5 districts, allowing area education agencies and other
6 organizations to bid to provide the services the funding
7 supports, and providing an applicability date.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1595XS 83
10 ak/sc:mg/8



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1 1 Section 1. Section 257.35, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. ~~The~~ For school budget years beginning prior to July 1,
1 4 2010, the department of management shall deduct the amounts
1 5 calculated for special education support services, media
1 6 services, area education agency teacher salary supplement
1 7 district cost, area education agency professional development
1 8 supplement district cost, and educational services for each
1 9 school district from the state aid due to the district
1 10 pursuant to this chapter and shall pay the amounts to the
1 11 respective area education agencies on a monthly basis from
1 12 September 15 through June 15 during each school year. The
1 13 department of management shall notify each school district of
1 14 the amount of state aid deducted for these purposes and the
1 15 balance of state aid shall be paid to the district. If a
1 16 district does not qualify for state aid under this chapter in
1 17 an amount sufficient to cover its amount due to the area
1 18 education agency as calculated by the department of
1 19 management, the school district shall pay the deficiency to
1 20 the area education agency from other moneys received by the
1 21 district, on a quarterly basis during each school year.
1 22 Sec. 2. NEW SECTION. 257.35A AREA EDUCATION AGENCIES ==
1 23 STATE FUNDING REDIRECTED.
1 24 1. Notwithstanding any provision of this chapter to the
1 25 contrary, for school budget years beginning after July 1,
1 26 2010, the state aid funding for special education support
1 27 services, media services, and educational services, as
1 28 calculated by this chapter, shall be paid directly to the
1 29 applicable school district.
1 30 2. A school district receiving funding under subsection 1
1 31 shall choose one of the following options:
1 32 a. A school district may provide its own special education
1 33 services, media services, and educational services, as those
1 34 services are described in chapter 273. However, the school
1 35 district shall not receive funding for its costs that exceeds



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2 1 the amount determined under subsection 1, except for funds
2 2 received from another school district for providing special
2 3 education services, media services, or educational services to
2 4 such other school district.

2 5 b. A school district may solicit bids from organizations,
2 6 including other school districts and area education agencies,
2 7 to provide special education services, media services, and
2 8 educational services, as those services are described in
2 9 chapter 273. However, the school district soliciting bids
2 10 shall not receive funding for its costs that exceeds the
2 11 amount determined under subsection 1.

2 12 3. The department of education shall distribute the
2 13 appropriate amount of area education agency professional
2 14 development supplement and area education agency teacher
2 15 salary supplement funding to a school district if an area
2 16 education agency successfully bids to provide the services.

2 17 Sec. 3. Section 273.9, subsection 1, Code 2009, is amended
2 18 to read as follows:

2 19 1. ~~School~~ For school budget years beginning prior to July
2 20 1, 2010, school districts shall pay for the programs and
2 21 services provided through the area education agency and shall
2 22 include expenditures for the programs and services in their
2 23 budgets, in accordance with this section.

2 24 Sec. 4. NEW SECTION. 273.9A FUNDING FROM SCHOOL
2 25 DISTRICTS == STATE AND LOCAL FUNDS.

2 26 Notwithstanding any provision of this chapter to the
2 27 contrary, for school budget years beginning after July 1,
2 28 2010, an area education agency or other organization shall
2 29 receive state aid funding for providing special education
2 30 support services, media services, and educational services
2 31 from the applicable school district. Area education agencies
2 32 and other organizations may submit bids for providing special
2 33 education support services, media services, and educational
2 34 services in a process to be determined by the department of
2 35 education by rule under chapter 17A.



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3 1 Sec. 5. APPLICABILITY DATE. This Act applies to school
3 2 budget years beginning on and after July 1, 2010.

3 3 EXPLANATION

3 4 This bill enacts new Code section 257.35A, which directs
3 5 state aid funding for special education support services,
3 6 media services, educational services, area education agency
3 7 professional development supplement, and area education agency
3 8 teacher salary supplement to the applicable school districts.

3 9 The bill allows a school district to provide its own
3 10 services. A school district may also bid to provide services
3 11 to other school districts. A school district may also solicit
3 12 bids from organizations to receive these services. If a
3 13 school district provides its own special education support
3 14 services, media services, or educational services, it shall
3 15 not receive funding that exceeds the amount determined under
3 16 new Code section 257.35A. The bill requires area education
3 17 agencies (AEAs) and other organizations to bid to provide
3 18 special education support services, media services, and
3 19 educational services. An AEA or organization that
3 20 successfully bids to provide these services to a school
3 21 district will receive the appropriate amount of funding. The
3 22 department of education is tasked with developing the bid
3 23 process by rule.

3 24 Currently, area education agency funding operates pursuant
3 25 to a "flow-through" concept. With no direct taxing authority,
3 26 AEAs rely on local school districts to generate funds for
3 27 their operation. While AEA funding is included within a
3 28 school district's budget, the district does not actually
3 29 receive AEA-related state aid payments. Instead, funds
3 30 generated by the districts through the operation of the school
3 31 finance formula and earmarked for AEAs are subtracted by the
3 32 department of management from the state aid otherwise due to
3 33 the district and are paid directly to each AEA.

3 34 The bill applies to school budget years beginning on and
3 35 after July 1, 2010.



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4 1 LSB 1595XS 83
4 2 ak/sc:mg/8.3



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Senate File 243 - Introduced

SENATE FILE
BY HANCOCK

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the purchasing of raffle tickets.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2632SS 83
- 4 ec/nh/14



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1 1 Section 1. Section 99B.17, Code 2009, is amended to read
1 2 as follows:
1 3 99B.17 GAMBLING ON CREDIT UNLAWFUL == EXCEPTION.
1 4 A person who tenders and a person who receives any promise,
1 5 agreement, note, bill, bond, contract, mortgage or other
1 6 security, or any negotiable instrument, as consideration for
1 7 any wager or bet, whether or not lawfully conducted or engaged
1 8 in pursuant to this chapter, commits a misdemeanor. However,
1 9 a participant in a bingo occasion or in a contest lawful under
1 10 section 99B.11 may make payment by personal check for any
1 11 entry or participation fee assessed by the sponsor of the
1 12 bingo occasion or contest. In addition, a participant in a
1 13 raffle may purchase raffle tickets by personal check, money
1 14 order, bank check, cashier's check, electronic check, credit
1 15 card, or debit card. The department shall adopt rules setting
1 16 minimum standards concerning the purchase of raffle tickets as
1 17 authorized by this section for the protection of personal
1 18 information consistent with payment card industry compliance
1 19 regulations.

1 20 EXPLANATION
1 21 This bill authorizes the purchase of raffle tickets by
1 22 check, money order, credit card, or debit card. Current law
1 23 makes it a misdemeanor to gamble or wager on credit. The bill
1 24 requires the department of inspections and appeals to adopt
1 25 rules regarding the purchase of raffle tickets on credit to
1 26 include protection of personal information consistent with
1 27 payment card industry regulations.
1 28 LSB 2632SS 83
1 29 ec/nh/14



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Senate File 244 - Introduced

SENATE FILE
BY RIELLY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing a tax credit for certain small businesses
- 2 offering wellness programs to employees and including
- 3 effective and applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 2010SS 83
- 6 tw/mg:sc/5



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1 1 Section 1. NEW SECTION. 135.27B WELLNESS PROGRAM TAX
1 2 CREDIT.
1 3 1. a. A wellness program tax credit shall be allowed
1 4 against the taxes imposed in chapter 422, divisions II, III,
1 5 and V, and in chapter 432, and against the moneys and credits
1 6 tax imposed in section 533.329, for a portion of a taxpayer's
1 7 costs incurred in providing a certified small business
1 8 wellness program to employees.
1 9 b. The amount of the tax credit shall be fifty percent of
1 10 the costs incurred in providing a certified small business
1 11 wellness program to employees. However, the total amount of
1 12 the tax credit claimed shall not exceed three hundred dollars
1 13 per employee per tax year.
1 14 c. To be eligible for the tax credit, a small business
1 15 shall be located in this state, be operated for profit and
1 16 under a single management, and have at least two but not more
1 17 than one hundred employees employed for at least fifty percent
1 18 of the employer's working days during the tax year.
1 19 d. An individual may claim a tax credit under this section
1 20 of a partnership, limited liability company, S corporation,
1 21 estate, or trust electing to have income taxed directly to the
1 22 individual. The amount claimed by the individual shall be
1 23 based upon the pro rata share of the individual's earnings
1 24 from the partnership, limited liability company, S
1 25 corporation, estate, or trust.
1 26 e. Any tax credit in excess of the taxpayer's liability
1 27 for the tax year is not refundable, but the taxpayer may elect
1 28 to have the excess credited to the tax liability for the
1 29 following five years or until depleted, whichever is earlier.
1 30 A tax credit shall not be carried back to a tax year prior to
1 31 the tax year in which the taxpayer first receives the tax
1 32 credit.
1 33 f. A taxpayer claiming a credit under this section shall
1 34 not be precluded, in computing taxable income, from deducting
1 35 the amount of costs for providing a wellness program allowed



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2 1 under any provision of the Internal Revenue Code.
2 2 2. To claim a wellness program tax credit under this
2 3 section, a taxpayer must attach a tax credit certificate
2 4 issued by the department verifying the taxpayer's eligibility
2 5 for the credit. The tax credit certificate attached to the
2 6 taxpayer's tax return shall be issued in the taxpayer's name,
2 7 contain an expiration date that falls on or after the last day
2 8 of the taxable year for which the taxpayer is claiming the tax
2 9 credit, and show a tax credit amount equal to or greater than
2 10 the tax credit claimed on the taxpayer's tax return.
2 11 3. a. The department shall accept applications from
2 12 eligible small businesses for wellness program tax credits.
2 13 b. If the department determines that a wellness program
2 14 qualifies for a tax credit pursuant to this section, the
2 15 department shall issue a wellness program tax credit
2 16 certificate to be attached to the small business's tax return.
2 17 The tax credit certificate shall contain the taxpayer's name,
2 18 address, tax identification number, the number of employees,
2 19 the total costs incurred in providing the wellness program,
2 20 and any other information required by the department of
2 21 revenue.
2 22 c. The tax credit certificate, unless otherwise void,
2 23 shall be accepted by the department of revenue as payment for
2 24 taxes imposed pursuant to chapter 422, divisions II, III, and
2 25 V, chapter 432, and section 533.329, subject to any conditions
2 26 or restrictions placed by the department upon the face of the
2 27 tax credit and subject to the limitations of this section.
2 28 d. Tax credits issued under this section are not
2 29 transferable to any person or entity.
2 30 4. The department shall not issue a tax credit certificate
2 31 under this section unless the wellness program offered by a
2 32 small business provides for all of the following:
2 33 a. The development of measurable positive health outcomes
2 34 for employees participating in the wellness program.
2 35 b. Regular health risk factor assessments and a treatment



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3 1 regimen designed to address health risk factors. For purposes
3 2 of this paragraph, "health risk factor" means a condition with
3 3 the potential to negatively affect a person's health or bodily
3 4 well-being. Health risk factors include but are not limited
3 5 to cholesterol levels, triglyceride levels, or blood pressure
3 6 levels that are outside the ranges for such measurements
3 7 recommended by the centers for disease control and prevention
3 8 of the United State department of health and human services.

3 9 c. Smoking cessation education that covers all of the
3 10 cessation treatments and counseling approved by the United
3 11 States food and drug administration. Smoking cessation
3 12 education may be provided by direct payment on an employee's
3 13 behalf, reimbursement of costs, or by the purchase of
3 14 insurance coverage providing for such education.

3 15 d. Weight loss education that addresses both nutrition and
3 16 physical activity.

3 17 e. Preventative care education, including information
3 18 about immunization, promotion of physical activity,
3 19 nutritional counseling, and stress management techniques.

3 20 f. Disease management services that identify diseases
3 21 before onset and treat diseases after onset.

3 22 5. The department may charge a fee in an amount not to
3 23 exceed fifty dollars per application for costs incurred in the
3 24 administration of this section.

3 25 6. The department shall adopt rules in accordance with
3 26 chapter 17A for the administration of this section, including
3 27 rules governing the application process and the criteria used
3 28 to evaluate applications.

3 29 Sec. 2. NEW SECTION. 422.11X WELLNESS PROGRAM TAX
3 30 CREDIT.

3 31 The taxes imposed under this division, less the credits
3 32 allowed under section 422.12, shall be reduced by a wellness
3 33 program tax credit allowed under section 135.27B.

3 34 Sec. 3. Section 422.33, Code 2009, is amended by adding
3 35 the following new subsection:



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4 1 NEW SUBSECTION. 27. The taxes imposed under this division
4 2 shall be reduced by a wellness program tax credit allowed
4 3 under section 135.27B.

4 4 Sec. 4. Section 422.60, Code 2009, is amended by adding
4 5 the following new subsection:

4 6 NEW SUBSECTION. 15. The taxes imposed under this division
4 7 shall be reduced by a wellness program tax credit allowed
4 8 under section 135.27B.

4 9 Sec. 5. NEW SECTION. 432.12M WELLNESS PROGRAM TAX
4 10 CREDIT.

4 11 The taxes imposed under this chapter shall be reduced by a
4 12 wellness program tax credit allowed under section 135.27B.

4 13 Sec. 6. Section 533.329, subsection 2, Code 2009, is
4 14 amended by adding the following new paragraph:

4 15 NEW PARAGRAPH. n. The moneys and credits tax imposed
4 16 under this section shall be reduced by a wellness program tax
4 17 credit allowed under section 135.27B.

4 18 Sec. 7. EFFECTIVE AND APPLICABILITY DATE. This Act takes
4 19 effect January 1, 2010, for tax years beginning on or after
4 20 that date.

4 21 EXPLANATION

4 22 This bill provides a credit against the individual and
4 23 corporate income taxes, franchise tax, insurance premiums tax,
4 24 and moneys and credits tax for a portion of a taxpayer's costs
4 25 incurred in providing a certified small business wellness
4 26 program to employees.

4 27 The amount of the tax credit is 50 percent of the costs
4 28 incurred in providing a certified small business wellness
4 29 program to employees, but the total amount of the credit
4 30 claimed cannot exceed \$300 per employee per year.

4 31 To be eligible for the tax credit, a small business must be
4 32 located in the state, be operated for profit and under a
4 33 single management, and have at least two but not more than 100
4 34 employees employed for at least 50 percent of the employer's
4 35 working days during the tax year.



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5 1 The tax credit is not refundable, but the taxpayer may
5 2 elect to have the excess credited to the tax liability for the
5 3 following five years or until depleted, whichever is earlier.
5 4 A tax credit shall not be carried back to a tax year prior to
5 5 the tax year in which the taxpayer first receives the tax
5 6 credit. The tax credit is not transferable.

5 7 To claim a certified wellness program tax credit under this
5 8 section, a taxpayer must attach a tax credit certificate
5 9 issued by the department of public health verifying the
5 10 taxpayer's eligibility for the credit.

5 11 The department will issue a tax credit certificate if the
5 12 wellness program offered by the small business provides for
5 13 all of the following: (1) measurable positive health
5 14 outcomes, (2) regular health risk factor assessments, (3)
5 15 smoking cessation education, (4) weight loss education that
5 16 addresses both nutrition and physical activity, (5)
5 17 preventative care education, and (6) disease management
5 18 services.

5 19 The department may charge a fee in an amount not to exceed
5 20 \$50 per application for administrative costs and is directed
5 21 to adopt rules for the issuance of the tax credit
5 22 certificates.

5 23 The bill takes effect January 1, 2010, for tax years
5 24 beginning on or after that date.

5 25 LSB 2010SS 83

5 26 tw/mg:sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 25, 2009

Senate File 245 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1130)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the licensing of persons installing fire
- 2 protection systems.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1571SV 83
- 5 jr/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 25, 2009

Senate File 245 - Introduced continued

PAG LIN

1 1 Section 1. 2008 Iowa Acts, chapter 1094, section 2,
1 2 subsection 1, is amended to read as follows:

1 3 1. "Apprentice sprinkler fitter" means a person who, ~~as a~~
1 4 ~~principal occupation,~~ is engaged in learning the fire
1 5 protection system industry trade under the direct supervision
1 6 of a certified fire extinguishing system contractor or
1 7 licensed fire sprinkler installer and maintenance worker and
1 8 who is registered with the United States department of labor,
1 9 office of apprenticeship.

1 10 Sec. 2. 2008 Iowa Acts, chapter 1094, section 2, is
1 11 amended by adding the following new subsection:

1 12 NEW SUBSECTION. 2A. "Division" means division of the
1 13 state fire marshal in the department.

1 14 Sec. 3. 2008 Iowa acts, chapter 1094, section 2,
1 15 subsection 7, is amended by to read as follows:

1 16 7. "Fire sprinkler installer and maintenance worker" means
1 17 a person who, ~~as a principal occupation, and~~ having the
1 18 necessary qualifications, training, experience, and technical
1 19 knowledge, conducts fire protection system installation and
1 20 maintenance, and who is licensed by the department.

1 21 Sec. 4. 2008 Iowa Acts, chapter 1094, section 3,
1 22 subsection 2, is amended to read as follows:

1 23 2. A licensed fire sprinkler installer and maintenance
1 24 worker must be present at all locations and at all times when
1 25 fire protection system installation work is being performed.
1 26 At least one licensed fire sprinkler installer and maintenance
1 27 worker must be present for every three apprentice sprinkler
1 28 fitters, ~~or any other employees~~ performing work related to
1 29 fire protection system installation.

1 30 Sec. 5. 2008 Iowa Acts, chapter 1094, section 4, is
1 31 amended to read as follows:

1 32 SEC. 4. 100D.3 FIRE SPRINKLER INSTALLER AND MAINTENANCE
1 33 WORKER LICENSE.

1 34 1. The state fire marshal shall issue a fire sprinkler
1 35 installer and maintenance worker license to an applicant who



Iowa General Assembly
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February 25, 2009

Senate File 245 - Introduced continued

2 1 ~~possesses~~ meets all of the following requirements:

2 2 a. Possesses a minimum of four years of employment
2 3 experience as an apprentice sprinkler fitter ~~and~~.

2 4 b. Has completed a United States department of labor
2 5 apprenticeship program ~~and is~~.

2 6 c. Is employed by a fire extinguishing system contractor,
~~2 7 who either receives.~~

2 8 d. Has received a passing score on the national
2 9 inspection, testing, and certification star fire sprinkler
2 10 mastery exam or on an equivalent exam from a nationally
2 11 recognized third-party testing agency that is approved by the
2 12 state fire marshal, or ~~who~~ is certified at level one in fire
2 13 protection technologies by the national institute for
2 14 certification in engineering technologies, as specified by
2 15 rule by the state fire marshal.

2 16 2. The holder of a fire sprinkler installer and
2 17 maintenance worker license shall be responsible for license
2 18 fees, renewal fees, and continuing education hours.

2 19 Sec. 6. 2008 Iowa Acts, chapter 1094, section 6,
2 20 subsection 5, is amended to read as follows:

2 21 5. Adopt rules specifying a violation reporting procedure
2 22 applicable to division employees, deputy fire marshals,
~~2 23 division inspectors, and municipal fire departments.~~

2 24 Sec. 7. 2008 Iowa Acts, chapter 1094, section 10,
2 25 subsections 2 and 3, are amended to read as follows:

2 26 2. A passing score on the national inspection, testing and
2 27 certification star fire sprinkler mastery exam or an
2 28 equivalent exam from a nationally recognized third-party
2 29 testing agency that is approved by the state fire marshal.

2 30 3. A passing score on the ~~NICET~~ national institute for
2 31 certification in engineering technologies level I examination
2 32 in fire protection technologies.

2 33 Sec. 8. 2008 Iowa Acts, chapter 1094, section 10, is
2 34 amended by adding the following new unnumbered paragraph:

2 35 ~~NEW UNNUMBERED PARAGRAPH.~~ After July 31, 2011, a person



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Senate File 245 - Introduced continued

3 1 licensed pursuant to this section shall renew or obtain a
3 2 license pursuant to section 100D.3.

3 3 EXPLANATION

3 4 In 2008, the general assembly enacted House File 2646 to
3 5 license persons performing fire protection system
3 6 installations or fire protection system maintenance. This
3 7 bill amends that Act, which takes effect August 1, 2009. The
3 8 bill eliminates a requirement limiting licensure to only those
3 9 working in the business "as a principal occupation"; this
3 10 change requires licensure for those working only part-time in
3 11 the profession.

3 12 The bill provides that the term "division" means the
3 13 division of state fire marshal in the department of public
3 14 safety.

3 15 The bill clarifies certain testing requirements including
3 16 by specifying that required examinations must relate to fire
3 17 protection technologies and provides that examinations must be
3 18 approved by the fire marshal.

3 19 The bill provides that after July 31, 2011, a person
3 20 licensed pursuant to the transition provisions in new Code
3 21 chapter 100D shall renew or obtain a license pursuant to the
3 22 regular licensure requirements in that chapter.

3 23 LSB 1571SV 83

3 24 jr/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate File 246 - Introduced

SENATE FILE
BY ZAUN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requesting establishment of an interim study committee on
- 2 automobile insurance direct repair programs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2463XS 83
- 5 av/nh/14



Iowa General Assembly
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Senate File 246 - Introduced continued

PAG LIN

1 1 Section 1. INTERIM STUDY COMMITTEE == AUTOMOBILE INSURANCE
1 2 DIRECT REPAIR PROGRAMS.
1 3 1. The legislative council is requested to establish an
1 4 interim study committee to study direct repair programs used
1 5 by some automobile insurance companies to provide repairs for
1 6 the insurance company's claimants. The study shall include
1 7 but is not limited to a review and analysis of the use of such
1 8 direct repair programs by the automobile insurance industry in
1 9 Iowa and the effect of the use of such programs on automotive
1 10 body repair shops, insurance costs, and Iowa consumers. In
1 11 addition to legislative members, the membership of the interim
1 12 study committee shall include the following public members:
1 13 a. Three consumers, one designated by the insurance
1 14 consumer advocate, one designated by the Iowa citizen action
1 15 network, and one designated by abate of Iowa, incorporated.
1 16 b. Four members who represent automotive body repair shops
1 17 in the state, two designated by the national federation of
1 18 independent business and two designated by the association of
1 19 business and industry.
1 20 c. Four members from the automobile insurance industry
1 21 designated by the federation of Iowa insurers.
1 22 2. The committee shall meet twice during the 2009
1 23 legislative interim and shall submit findings and any
1 24 recommendations in a report to the general assembly by January
1 25 1, 2010.

1 26 EXPLANATION

1 27 This bill requests that the legislative council establish
1 28 an interim study committee to study direct repair programs
1 29 used by some automobile insurance companies to provide repairs
1 30 for the insurance company's claimants. The study shall
1 31 include a review and analysis of the use of such programs in
1 32 Iowa and their effect on automotive body repair shops,
1 33 insurance costs, and Iowa consumers. In addition to
1 34 legislative members, the membership of the committee shall
1 35 include 11 public members designated by specified entities.



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Senate File 246 - Introduced continued

2 1 The committee shall meet twice during the 2009 legislative
2 2 interim and submit its findings and any recommendations to the
2 3 general assembly by January 1, 2010.
2 4 LSB 2463XS 83
2 5 av/nh/14



Iowa General Assembly
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Senate File 247 - Introduced

SENATE FILE
BY ZAUN

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

A BILL FOR

1 An Act requiring that a person assisting another person with a
2 disability by controlling an assistive animal be allowed to
3 accompany the person with the disability and the assistive
4 animal.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLBSB 2192XS 83
7 ak/nh/14



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Senate File 247 - Introduced continued

PAG LIN

1 1 Section 1. Section 216C.11, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. A person with a disability ~~or~~, a person assisting a
1 4 person with a disability by controlling an assistive animal,
1 5 or a person training an assistive animal has the right to be
1 6 accompanied by a service dog or an assistive animal, under
1 7 control, in any of the places listed in sections 216C.3 and
1 8 216C.4 without being required to make additional payment for
1 9 the service dog or assistive animal. A landlord shall waive
1 10 lease restrictions on the keeping of animals for the service
1 11 dog or assistive animal of a person with a disability. The
1 12 person is liable for damage done to any premises or facility
1 13 by a service dog or assistive animal.

1 14 EXPLANATION

1 15 This bill requires that a person assisting a person with a
1 16 disability by controlling an assistive animal be allowed to
1 17 accompany the person with the disability and the assistive
1 18 animal.

1 19 LSB 2192XS 83

1 20 ak/nh/14



Iowa General Assembly
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Senate File 248 - Introduced

SENATE FILE
BY ZAUN

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

A BILL FOR

1 An Act relating to campaign finance by restricting campaign
2 expenditures and the use of pledges in exchange for campaign
3 contributions in campaigns for the general assembly or for
4 statewide office.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2417XS 83
7 jr/sc/5



Iowa General Assembly
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Senate File 248 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.301A LIMIT ON EXPENDITURES
1 2 BY A CANDIDATE FOR THE GENERAL ASSEMBLY OR A CANDIDATE FOR
1 3 STATE OFFICE.

1 4 A candidate for the general assembly or a candidate for
1 5 state office may expend in a primary, general, or special
1 6 election no more than three times the annual salary for that
1 7 office.

1 8 Sec. 2. NEW SECTION. 68A.506 PROHIBITING CONTRIBUTIONS
1 9 IN EXCHANGE FOR A CANDIDATE PLEDGE.

1 10 A lobbyist or political committee shall not make a
1 11 contribution to the campaign of a candidate for the general
1 12 assembly or a candidate for state office in exchange for a
1 13 written pledge by the candidate to support or oppose a
1 14 particular issue or measure.

1 15 EXPLANATION

1 16 This bill sets spending limits for legislative campaigns
1 17 and campaigns for statewide office. A candidate may expend in
1 18 a primary, general, or special election no more than three
1 19 times the annual salary for the office. The bill also
1 20 prohibits a lobbyist or a political committee from
1 21 conditioning a campaign contribution on a signed pledge by the
1 22 candidate to support or oppose a particular issue or measure.

1 23 LSB 2417XS 83

1 24 jr/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate File 249 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 63)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to claims of adverse possession concerning
- 2 pioneer cemeteries.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1812SV 83
- 5 av/nh/24



Iowa General Assembly
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Senate File 249 - Introduced continued

PAG LIN

1 1 Section 1. Section 523I.316, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 7. ADVERSE POSSESSION. A pioneer
1 4 cemetery is exempt from seizure, appropriation, or acquisition
1 5 of title under any claim of adverse possession, unless it is
1 6 shown that all remains in the pioneer cemetery have been
1 7 disinterred and removed to another location.

1 8 EXPLANATION

1 9 This bill provides that a pioneer cemetery is exempt from
1 10 seizure, appropriation, or acquisition of title under a claim
1 11 of adverse possession unless it is shown that all remains in
1 12 the pioneer cemetery have been disinterred and removed to
1 13 another location.

1 14 LSB 1812SV 83

1 15 av/nh/24



Iowa General Assembly
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Senate File 250 - Introduced

SENATE FILE
BY SODDERS

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for cash payments to certain military veterans
- 2 working in skilled worker shortage areas.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2185SS 83
- 5 ak/nh/5



Iowa General Assembly
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Senate File 250 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 15.261 VETERANS EMPLOYMENT
1 2 INCENTIVES PROGRAM.
1 3 1. The department shall establish a program to provide
1 4 cash employment incentives to veterans to work in this state
1 5 in areas of employment with skilled worker shortages.
1 6 2. In order to receive the cash employment incentives
1 7 under this section, an applicant shall meet all of the
1 8 following requirements:
1 9 a. Be a veteran as defined in section 35.1 and have served
1 10 not less than twelve months cumulatively on active-duty
1 11 status.
1 12 b. Have graduated from a postsecondary educational
1 13 institution in this state. For the purposes of this section,
1 14 "postsecondary educational institution" means an accredited
1 15 higher education institution, as defined in section 261.92, an
1 16 Iowa community college, an institution of higher education
1 17 under the control of the state board of regents, a school of
1 18 cosmetology arts and sciences licensed under chapter 157, or a
1 19 barber school licensed under chapter 158.
1 20 c. Work continuously in a position or area of employment
1 21 in this state that has been identified by the department as
1 22 having a skilled worker shortage. An applicant may change
1 23 employers but must remain within the area of employment
1 24 designated as having a skilled worker shortage in order to
1 25 remain eligible for the cash employment incentives.
1 26 3. Beginning January 1, 2012, an applicant who meets the
1 27 conditions in subsection 2 shall be eligible for each of the
1 28 following cash employment incentives:
1 29 a. After a total of three years of employment, the
1 30 applicant may receive three thousand dollars.
1 31 b. After a total of five years of employment, the
1 32 applicant may receive two thousand dollars.
1 33 c. After a total of eight years of employment, the
1 34 applicant may receive five thousand dollars.
1 35 4. The department, in consultation with the department of



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Senate File 250 - Introduced continued

2 1 workforce development, shall designate by rule, and update
2 2 annually, areas of employment where a skilled worker shortage
2 3 exists. An applicant who takes a position or works in an area
2 4 designated as having a skilled worker shortage shall remain
2 5 eligible for the cash employment incentives for the duration
2 6 of the applicant's employment even if the department no longer
2 7 designates the position or area as having a shortage during
2 8 the full period the applicant is eligible for the employment
2 9 incentives.

2 10 5. This program is not an entitlement and any benefit is
2 11 subject to the availability of funds.

EXPLANATION

2 13 This bill requires the department of economic development
2 14 to develop a program to pay cash incentives to certain
2 15 veterans to work in the state in employment areas identified
2 16 as having a skilled worker shortage.

2 17 The bill requires that an applicant meet the following
2 18 conditions: be a veteran and have served at least 12 months
2 19 cumulatively on active-duty status; have graduated from a
2 20 postsecondary educational institution in this state; and work
2 21 continuously in this state in an employment position or area
2 22 that has been identified by the department of economic
2 23 development as having a skilled worker shortage.

2 24 The bill provides that beginning January 1, 2012, an
2 25 applicant that meets the conditions is eligible for the
2 26 following cash incentives: after three total years of
2 27 employment, \$3,000; after five total years of employment,
2 28 \$2,000; and after eight total years of employment, \$5,000.

2 29 The department of economic development and the department
2 30 of workforce development shall identify by rule, and update
2 31 annually, areas of employment where a skilled worker shortage
2 32 exists in the state. However, an applicant who takes a
2 33 position or works in an area identified as having a skilled
2 34 worker shortage remains eligible for the cash incentives for
2 35 the duration of the applicant's eligibility for the incentives



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Senate File 250 - Introduced continued

3 1 even if the area the applicant works in is no longer
3 2 designated as having a shortage.
3 3 The bill states that this program is not an entitlement and
3 4 the cash incentives are subject to the availability of funds.
3 5 LSB 2185SS 83
3 6 ak/nh/5.1



Iowa General Assembly
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Senate File 251 - Introduced

SENATE FILE
BY OLIVE and HANCOCK

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

A BILL FOR

1 An Act concerning off-premises consumption of resealed bottles of
2 wine.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2528SS 83
5 ec/nh/5



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Senate File 251 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.30, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. Notwithstanding any provision of this
1 4 chapter to the contrary, a person holding a license to sell
1 5 alcoholic liquors for consumption on the licensed premises may
1 6 permit a customer to remove one unsealed bottle of wine for
1 7 consumption off the premises if the customer has purchased and
1 8 consumed a portion of the bottle of wine on the licensed
1 9 premises. The licensee or the licensee's agent shall securely
1 10 reseal such bottle in a bag designed so that it is visibly
1 11 apparent that the resealed bottle of wine has not been
1 12 tampered with and provide a dated receipt for the resealed
1 13 bottle of wine to the customer. A wine bottle resealed
1 14 pursuant to the requirements of this subsection is subject to
1 15 the requirements of sections 321.284 and 321.284A.

1 16 EXPLANATION

1 17 This bill provides that a person holding a liquor control
1 18 license allowing the consumption of alcohol for on-premises
1 19 consumption can permit a customer to remove one unsealed
1 20 bottle of wine for consumption off the premises if the
1 21 customer has purchased and consumed a portion of the bottle of
1 22 wine on the licensed premises. The bill provides that the
1 23 licensee shall place the bottle in a bag with a receipt for
1 24 the wine of the customer. The bill provides that the resealed
1 25 bottle of wine is still considered an open container for
1 26 purposes of those Code sections prohibiting open containers of
1 27 alcohol in vehicles.

1 28 LSB 2528SS 83

1 29 ec/nh/5



Iowa General Assembly
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Senate Study Bill 1259

SENATE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA BILL BY
CHAIRPERSON HOGG)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for waivers of certain community attraction and
- 2 tourism program requirements and including an effective date
- 3 provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2419SC 83
- 6 tw/tm:rj/8



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Senate Study Bill 1259 continued

PAG LIN

1 1 Section 1. COMMUNITY ATTRACTION AND TOURISM WAIVERS. For
1 2 the fiscal period beginning July 1, 2008, and ending June 30,
1 3 2010, an applicant for financial assistance under the
1 4 community attraction and tourism program or the river
1 5 enhancement community attraction and tourism program created
1 6 in chapter 15F may apply to the vision Iowa board for a waiver
1 7 of any of the requirements described in sections 15F.202,
1 8 15F.203, and 15F.205 if the applicant is located in an area
1 9 declared a disaster area by the president of the United
1 10 States. The board may grant all or a portion of the
1 11 applicant's waiver request.

1 12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 13 immediate importance, takes effect upon enactment.

1 14 EXPLANATION

1 15 This bill allows an applicant for financial assistance
1 16 under the community attraction and tourism program or the
1 17 river enhancement community attraction and tourism program to
1 18 apply to the vision Iowa board for a waiver of any of the
1 19 program requirements if that applicant is located in an area
1 20 declared a disaster area by the president of the United
1 21 States. The board may grant all or a portion of the
1 22 applicant's waiver request. The ability to apply for a waiver
1 23 is available until June 30, 2010.

1 24 The bill takes effect upon enactment.

1 25 LSB 2419SC 83

1 26 tw/tm:rj/8



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Senate Study Bill 1260

SENATE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
INDEPENDENCE BILL BY
CHAIRPERSON BLACK)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to antidegradation protection for surface waters.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2137SC 83
- 4 tm/nh/8



Iowa General Assembly
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Senate Study Bill 1260 continued

PAG LIN

1 1 Section 1. NEW SECTION. 455B.176B ANTIDegradation.
1 2 1. The department shall establish and administer a
1 3 four-tiered antidegradation policy which is in accordance with
1 4 the federal Water Pollution Control Act and the federal rule
1 5 governing state antidegradation policies in 40 C.F.R. }
1 6 131.12. The department shall not establish an antidegradation
1 7 policy more stringent than that required by 40 C.F.R. }
1 8 131.12.
1 9 2. Tier one review shall protect instream water uses and
1 10 the level of water quality necessary to protect those uses, as
1 11 required by 40 C.F.R. } 131.12.
1 12 3. For purposes of a tier two review and tier two
1 13 requirements compliance, the department shall not require
1 14 consideration or implementation of alternatives with costs
1 15 greater than one hundred ten percent of the base cost of
1 16 pollution control measures for the discharge.
1 17 4. For purposes of a tier three review, the department
1 18 shall comply with the following:
1 19 a. The department shall prohibit permanent degradation of
1 20 water quality in a water designated for a tier three level of
1 21 protection. Any proposed activity that would result in a
1 22 permanent new or expanded direct source of pollutants of
1 23 concern to any segment which has been classified as a tier
1 24 three level protected water is prohibited. Temporary and
1 25 limited degradation of a water receiving tier three protection
1 26 may be allowed by the department on a case-by-case basis. A
1 27 water receiving tier three review shall be assessed against
1 28 the existing water quality data or other appropriate reference
1 29 stream data, accounting for existing permitted discharges.
1 30 b. Any person may nominate a surface water for a tier
1 31 three level of protection by filing a nomination with the
1 32 department. The department shall consider such nominations
1 33 during a triennial review of surface water quality standards.
1 34 (1) The nomination shall include a map and description of
1 35 the surface water, a statement in support of the nomination,



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Senate Study Bill 1260 continued

2 1 supporting evidence that the applicable criteria are met, and
2 2 available relevant water quality data for establishing
2 3 existing water quality.

2 4 (2) The nominating party has the burden of establishing
2 5 the basis for classifying a surface water for a tier three
2 6 level of protection.

2 7 (3) The department shall hold at least one public meeting
2 8 in the local area of a surface water nominated for tier three
2 9 level protection to solicit public comment and to educate the
2 10 public on the classification process and potential impacts of
2 11 the designation. The department shall notify the public
2 12 officials in the affected community about the classification
2 13 process and potential impacts of the designation.

2 14 (4) The department may classify a surface water as a tier
2 15 three level protected water based on all of the following
2 16 criteria:

2 17 (a) The surface water is perennial and in a free-flowing
2 18 condition.

2 19 (b) The unique location of the surface water such as on
2 20 federal lands, national parks, or national wildlife refuges.

2 21 (c) The surface water has pristine water quality.

2 22 (d) The surface water is of exceptional recreational or
2 23 ecological significance because of its unique attributes.

2 24 (e) The surface water serves as habitat for threatened or
2 25 endangered species and classification is necessary for the
2 26 protection of the species.

2 27 (5) The department shall consider all of the following
2 28 factors when making a decision as to whether to classify a
2 29 nominated surface water as a tier three level protected water:

2 30 (a) Whether there is an ability to manage the water and
2 31 its watershed to maintain and protect existing water quality.

2 32 (b) The social and economic impact of tier three
2 33 antidegradation protection.

2 34 (c) Public comments in support of or opposition to the
2 35 tier three level classification for the water.



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Senate Study Bill 1260 continued

3 1 (d) The consistency of a tier three level classification
3 2 with applicable water quality management plans.
3 3 (e) Whether the nominated surface water is located within
3 4 a national or state park, national monument, national
3 5 recreation area, wilderness area, riparian conservation area,
3 6 wildlife management area, area of critical environmental
3 7 concern, or has another special use or unique attributes.
3 8 5. Tier four review shall apply to thermal discharges, as
3 9 required by 40 C.F.R. } 131.12(a)(4).
3 10 6. In support of antidegradation objectives, the
3 11 department shall promote implementation of best management
3 12 practices for nonpoint sources as necessary to comply with
3 13 federal and state law. Implementation of best management
3 14 practices shall not be a prerequisite to approval of an
3 15 expanded point source discharge.
3 16 7. Rules adopted by the department shall apply to
3 17 regulated activities after July 1, 2009, which result in new
3 18 or expanded discharges of pollutants of concern that will
3 19 degrade water quality in designated stream segments of surface
3 20 waters of the state.
3 21 8. A new discharge into tier two waters that replaces an
3 22 existing septic system is not subject to antidegradation
3 23 review. Such new discharges to tier three waters are only
3 24 allowable if the analysis shows that treatment and discharge
3 25 of existing septic system flows will result in a net
3 26 improvement in water quality for such waters. Combined sewer
3 27 overflow control projects resulting in a net decrease in the
3 28 combined sewer overflow related pollutant loadings to surface
3 29 waters shall be excluded from review requirements when these
3 30 loadings are included in department-approved plans in
3 31 accordance with federal guidance or policies.
3 32 9. A regulated activity shall not be considered to result
3 33 in degradation if activity is occurring within the design
3 34 capacity of the treatment plant as specified in the existing
3 35 construction permit or a permit for an existing facility does



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4 1 not propose less stringent permit limits, or when treatment is
4 2 added to a previously unpermitted discharge resulting in
4 3 improvements to the receiving water, or when the activity will
4 4 only result in temporary and limited degradation of water
4 5 quality.

4 6 10. In the approval process for a regulated activity that
4 7 would degrade surface water, the department shall ensure
4 8 appropriate public and interagency participation in the
4 9 process and shall act in accordance with the following:

4 10 a. The applicant shall provide public notice and
4 11 opportunity for public comment on the alternatives analysis
4 12 and the social and economic importance review, before the
4 13 alternatives analysis is finalized by the applicant. If the
4 14 applicant is a municipal facility, rural water association, or
4 15 rural water district, public notice shall conform to notice
4 16 procedures required by section 362.3.

4 17 b. The department shall carry out an intergovernmental
4 18 coordination and review process in tandem with the public
4 19 comment period held by the applicant pursuant to paragraph
4 20 "a", prior to approving a regulated activity that would
4 21 degrade surface water.

4 22 11. For purposes of this section, "pollutants of concern"
4 23 for antidegradation reviews shall include only those
4 24 pollutants for which specific numeric water quality criteria
4 25 are established or where an implementation methodology
4 26 approved by the United States environmental protection agency
4 27 has been developed for narrative criteria application, and
4 28 that are reasonably expected to be present in the discharge at
4 29 a level that could negatively affect the beneficial uses of
4 30 the receiving water.

4 31 EXPLANATION

4 32 This bill relates to antidegradation of surface waters.

4 33 The bill requires the department of natural resources to
4 34 establish and administer a four-tiered antidegradation
4 35 procedure which is in accordance with the federal Water



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5 1 Pollution Control Act and federal rules on antidegradation.
5 2 The bill provides that for purposes of a tier two review
5 3 and tier two requirements compliance, the department shall not
5 4 require consideration or implementation of alternatives with
5 5 costs greater than 110 percent of the base cost of pollution
5 6 control measures for the discharge.
5 7 The bill provides that for purposes of a tier three review,
5 8 the department shall prohibit permanent degradation of water
5 9 quality in a water designated for a tier three level of
5 10 protection. Any proposed activity that would result in a
5 11 permanent new or expanded direct source of pollutants of
5 12 concern to any segment which has been classified as a tier
5 13 three level protected water is prohibited. Temporary and
5 14 limited degradation of a water receiving tier three protection
5 15 may be allowed by the department on a case-by-case basis. A
5 16 water receiving tier three review shall be assessed against
5 17 the existing water quality data or other appropriate reference
5 18 stream data, accounting for existing permitted discharges.
5 19 The bill allows any person to nominate a surface water for a
5 20 tier three level of protection by filing a nomination with the
5 21 department. The bill provides a nomination and approval
5 22 process for a tier three level protection including factors
5 23 and criteria for approval.
5 24 The bill provides that tier four review shall apply to
5 25 thermal discharges.
5 26 The bill provides that the department shall promote
5 27 implementation of best management practices for nonpoint
5 28 sources as necessary to comply with federal and state law and
5 29 that implementation of best management practices shall not be
5 30 a prerequisite to approval of an expanded point source
5 31 discharge.
5 32 The bill provides that rules adopted by the department
5 33 shall apply to regulated activities after July 1, 2009, which
5 34 result in new or expanded discharges of pollutants of concern
5 35 that will degrade water quality in designated stream segments



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6 1 of surface waters of the state.

6 2 The bill provides that a new discharge into tier two waters
6 3 that replaces an existing septic system is not subject to
6 4 antidegradation review. Such new discharges to tier three
6 5 waters are only allowable if the analysis shows that treatment
6 6 and discharge of existing septic system flows will result in a
6 7 net improvement in water quality for such waters.

6 8 The bill provides that a regulated activity shall not be
6 9 considered to result in degradation if activity is occurring
6 10 within the design capacity of the treatment plant as specified
6 11 in the existing construction permit or a permit for an
6 12 existing facility does not propose less stringent permit
6 13 limits, or when treatment is added to a previously unpermitted
6 14 discharge resulting in improvements to the receiving water, or
6 15 when the activity will only result in temporary and limited
6 16 degradation of water quality.

6 17 The bill provides public notice and comment requirements as
6 18 part of the approval process for a regulated activity that
6 19 would degrade surface water.

6 20 LSB 2137SC 83

6 21 tm/nh/8



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Senate Study Bill 1261

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the encouragement and assistance of businesses
- 2 owned by disabled veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1278SC 83
- 5 tw/rj/5



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PAG LIN

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 g. 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.
1 15 LSB 1278SC 83
1 16 tw/rj/5



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Senate Study Bill 1262

SENATE/HOUSE FILE
 BY (PROPOSED OFFICE OF
 ENERGY INDEPENDENCE
 BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the operation and purview of the office of
 2 energy independence, by transferring authority over specified
 3 energy-related measures and programs from the department of
 4 natural resources to the office of energy independence, and
 5 providing transition provisions relating to the transfer of
 6 authority.

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

8 TLSB 1302DP 83

9 rn/nh/14



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1 1 Section 1. Section 7D.34, subsection 2, paragraphs b and
1 2 c, Code 2009, are amended to read as follows:

1 3 b. Before a state agency seeks approval of the executive
1 4 council for leasing real or personal properties or facilities
1 5 for use as or in connection with any energy conservation
1 6 measure, the state agency shall have a comprehensive
1 7 engineering analysis done on a building in which it seeks to
1 8 improve the energy efficiency by an engineering firm approved
1 9 by the ~~department of natural resources~~ office of energy
1 10 independence through a competitive selection process and the
1 11 engineering firm is subject to approval of the executive
1 12 council. Provisions of this section shall only apply to
1 13 energy conservation measures identified in the comprehensive
1 14 engineering analysis.

1 15 c. Before the executive council gives its approval for a
1 16 state agency to lease real and personal properties or
1 17 facilities for use as or in connection with any energy
1 18 conservation measure, the executive council shall in
1 19 conjunction with the ~~department of natural resources~~ office of
1 20 energy independence and after review of the engineering
1 21 analysis submitted by the state agency make a determination
1 22 that the properties or facilities will result in energy cost
1 23 savings to the state in an amount that results in the state
1 24 recovering the cost of the properties or facilities within six
1 25 years after the initial acquisition of the properties or
1 26 facilities.

1 27 Sec. 2. Section 7D.35, Code 2009, is amended to read as
1 28 follows:

1 29 7D.35 DISPUTE RESOLUTION.

1 30 The executive council shall resolve any disputes
1 31 transmitted to it by the ~~department of natural resources~~
1 32 office of energy independence, the state building code
1 33 commissioner, or both, arising under section 470.7.

1 34 Sec. 3. Section 7E.5, subsection 1, paragraph q, Code
1 35 2009, is amended to read as follows:



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2 1 q. The department of natural resources, created in section
2 2 455A.2, which has primary responsibility for state parks and
2 3 forests, protecting the environment, and managing ~~energy,~~
2 4 fish, wildlife, and land and water resources.

2 5 Sec. 4. Section 8A.362, subsection 4, paragraph c, Code
2 6 2009, is amended to read as follows:

2 7 c. Not later than June 15 of each year, the director shall
2 8 report compliance with the corporate average fuel economy
2 9 standards published by the United States secretary of
2 10 transportation for new motor vehicles, other than motor
2 11 vehicles purchased by the state department of transportation,
2 12 institutions under the control of the state board of regents,
2 13 the department for the blind, and any other state agency
2 14 exempted from the requirements of this subsection. The report
2 15 of compliance shall classify the vehicles purchased for the
2 16 current vehicle model year using the following categories:
2 17 passenger automobiles, enforcement automobiles, vans, and
2 18 light trucks. The director shall deliver a copy of the report
2 19 to the ~~department of natural resources~~ office of energy
2 20 independence. As used in this paragraph, "corporate average
2 21 fuel economy" means the corporate average fuel economy as
2 22 defined in 49 C.F.R. } 533.5.

2 23 Sec. 5. Section 72.5, subsection 2, Code 2009, is amended
2 24 to read as follows:

2 25 2. The director of the ~~department of natural resources~~
2 26 office of energy independence in consultation with the
2 27 department of management, state building code commissioner,
2 28 and state fire marshal, shall develop standards and methods to
2 29 evaluate design development documents and construction
2 30 documents based upon life cycle cost factors to facilitate
2 31 fair and uniform comparisons between design proposals and
2 32 informed decision making by public bodies.

2 33 Sec. 6. Section 103A.8, subsection 7, Code 2009, is
2 34 amended to read as follows:

2 35 7. Limit the application of thermal efficiency standards



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3 1 for energy conservation to construction of buildings which are
3 2 heated or cooled. Air exchange fans designed to provide
3 3 ventilation shall not be considered a cooling system. The
3 4 commissioner shall exempt any construction from any thermal
3 5 efficiency standard for energy conservation if the
3 6 commissioner determines that the standard is unreasonable as
3 7 it would apply to a particular building or class of buildings.
3 8 No standard adopted by the commissioner for energy
3 9 conservation in construction shall be interpreted to require
3 10 the replacement or modification of any existing equipment or
3 11 feature solely to ensure compliance with requirements for
3 12 energy conservation in construction. Lighting efficiency
3 13 standards shall recognize variations in lighting intensities
3 14 required for the various tasks performed within the building.
3 15 The commissioner shall consult with the ~~department of natural~~
3 16 ~~resources~~ office of energy independence regarding standards
3 17 for energy conservation prior to the adoption of the
3 18 standards. However, the standards shall be consistent with
3 19 section 103A.8A.

3 20 Sec. 7. Section 103A.27, subsection 4, Code 2009, is
3 21 amended to read as follows:

3 22 4. The commission shall be formed for the two-year period
3 23 beginning July 1, 2008, and ending June 30, 2010, and shall
3 24 submit a report to the governor and the general assembly by
3 25 January 1, 2011, regarding its activities and recommendations.
3 26 Administrative support shall be furnished by the department of
3 27 public safety, with the assistance of the office of energy
3 28 independence ~~and the department of natural resources~~.

3 29 Sec. 8. Section 159A.3, subsection 4, Code 2009, is
3 30 amended to read as follows:

3 31 4. The office and state entities, including the
3 32 department, the committee, the Iowa department of economic
3 33 development, the state department of transportation, the
3 34 ~~department of natural resources~~ office of energy independence,
3 35 and the state board of regents institutions, shall cooperate



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4 1 to implement this section.

4 2 Sec. 9. Section 159A.4, subsection 1, paragraph d, Code
4 3 2009, is amended to read as follows:

4 4 d. The director of the ~~department of natural resources~~
4 5 office of energy independence, or a person designated by the
4 6 director, representing the ~~department of natural resources~~
4 7 office of energy independence.

4 8 Sec. 10. Section 159A.4, subsection 1, unnumbered
4 9 paragraph 2, Code 2009, is amended to read as follows:

4 10 The governor shall appoint persons who shall be confirmed
4 11 by the senate, pursuant to section 2.32, to serve as voting
4 12 members of the committee. However, the secretary of
4 13 agriculture shall appoint the person representing the
4 14 department of agriculture and land stewardship, the director
4 15 of the Iowa department of economic development shall appoint
4 16 the person representing that department, the director of the
4 17 state department of transportation shall appoint the person
4 18 representing that department, and the director of the
4 19 ~~department of natural resources~~ office of energy independence
4 20 shall appoint the person representing ~~that department~~ the
4 21 office. The governor may make appointments of persons
4 22 representing organizations listed under paragraphs "g" through
4 23 "i" from a list of candidates which shall be provided by the
4 24 organization upon request by the governor.

4 25 Sec. 11. Section 159A.6B, unnumbered paragraph 2, Code
4 26 2009, is amended to read as follows:

4 27 The office may execute contracts in order to provide
4 28 technical support and outreach services for purposes of
4 29 assisting and educating interested persons as provided in this
4 30 section. The office may also contract with a consultant to
4 31 provide part or all of these services. The office may require
4 32 that a person receiving assistance pursuant to this section
4 33 contribute up to fifty percent of the amount required to
4 34 support the costs of contracting with the consultant to
4 35 provide assistance to the person. The office shall assist the



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5 1 person in completing any technical information required in
5 2 order to receive assistance by the department of economic
5 3 development pursuant to the value-added agricultural products
5 4 and processes financial assistance program created pursuant to
5 5 section 15E.111. The office shall cooperate with the
5 6 department of economic development, the ~~department of natural~~
5 7 ~~resources~~ office of energy independence, and regents
5 8 institutions or other universities and colleges as provided in
5 9 section 15E.111, in order to carry out this section.

5 10 Sec. 12. Section 214A.19, subsection 1, Code 2009, is
5 11 amended to read as follows:

5 12 1. The ~~department of natural resources~~ office of energy
5 13 independence, conditioned upon the availability of funds, is
5 14 authorized to award demonstration grants to persons who
5 15 purchase vehicles which operate on alternative fuels,
5 16 including but not limited to E=85 gasoline, biodiesel,
5 17 compressed natural gas, electricity, solar energy, or
5 18 hydrogen. A grant shall be for the purpose of conducting
5 19 research connected with the fuel or the vehicle, and not for
5 20 the purchase of the vehicle itself, except that the money may
5 21 be used for the purchase of the vehicle if all of the
5 22 following conditions are satisfied:

- 5 23 a. The ~~department~~ office retains the title to the vehicle.
- 5 24 b. The vehicle is used for continuing research.
- 5 25 c. If the vehicle is sold or when the research related to
5 26 the vehicle is completed, the proceeds of the sale of the
5 27 vehicle shall be used for additional research.

5 28 Sec. 13. Section 266.39C, subsection 2, paragraph a,
5 29 subparagraph (6), Code 2009, is amended to read as follows:

5 30 (6) One representative of the ~~department of natural~~
5 31 ~~resources~~ office of energy independence, appointed by the
5 32 director.

5 33 Sec. 14. Section 272C.2, subsection 3, Code 2009, is
5 34 amended to read as follows:

5 35 3. The state board of engineering and land surveyors, the



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6 1 board of architectural examiners, the board of landscape
6 2 architectural examiners, and the ~~department of natural~~
~~6 3 resources~~ office of energy independence shall cooperate with
6 4 each other and with persons who typically offer continuing
6 5 education courses for design professionals to make available
6 6 energy efficiency related continuing education courses, and to
6 7 encourage interdisciplinary cooperation and education
6 8 concerning available energy efficiency strategies for
6 9 employment in the state's construction industry.

6 10 Sec. 15. Section 279.44, unnumbered paragraph 1, Code
6 11 2009, is amended to read as follows:

6 12 Between July 1, 1986 and June 30, 1991, and on a staggered
6 13 annual basis each five years thereafter, the board of
6 14 directors of each school district shall file with the
6 15 ~~department of natural resources~~ office of energy independence,
6 16 on forms prescribed by the ~~department of natural resources~~
6 17 office, the results of an energy audit of the buildings owned
6 18 and leased by the school district. The energy audit shall be
6 19 conducted under rules adopted by the ~~department of natural~~
~~6 20 resources~~ office pursuant to chapter 17A. The ~~department of~~
~~6 21 natural resources~~ office may waive the requirement for the
6 22 initial and subsequent energy audits for school districts that
6 23 submit evidence that energy audits were conducted prior to
6 24 January 1, 1987 and energy consumption for the district is at
6 25 an adjusted statewide average or below.

6 26 Sec. 16. Section 323A.2, subsection 1, paragraph c, Code
6 27 2009, is amended to read as follows:

6 28 c. The director of the ~~department of natural resources~~
6 29 office of energy independence determines that the franchisee
6 30 has demonstrated that a special hardship exists in the
6 31 community served by the franchisee relating to the public
6 32 health, safety, and welfare, as specified under the rules of
6 33 the ~~department of natural resources~~ office.

6 34 Sec. 17. Section 441.21, subsection 8, paragraph c,
6 35 subparagraph (2), unnumbered paragraph 2, Code 2009, is



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7 1 amended to read as follows:

7 2 In assessing and valuing the property for tax purposes, the
7 3 assessor shall disregard any market value added by a solar
7 4 energy system to a building. The director of revenue shall
7 5 adopt rules, after consultation with the ~~department of natural~~
7 6 ~~resources~~ office of energy independence, specifying the types
7 7 of equipment and structural components to be included under
7 8 the guidelines provided in this subsection.

7 9 Sec. 18. Section 455A.2, Code 2009, is amended to read as
7 10 follows:

7 11 455A.2 DEPARTMENT OF NATURAL RESOURCES.

7 12 A department of natural resources is created, which has the
7 13 primary responsibility for state parks and forests, protecting
7 14 the environment, and managing ~~energy~~, fish, wildlife, and land
7 15 and water resources in this state.

7 16 Sec. 19. Section 469.3, subsection 2, Code 2009, is
7 17 amended to read as follows:

7 18 2. The director shall do all of the following:

7 19 a. Direct the office of energy independence.

7 20 b. Coordinate the administration of the Iowa power fund.

7 21 c. Lead outreach and public education efforts concerning
7 22 renewable energy, renewable fuels, and energy efficiency.

7 23 d. Pursue new research and investment funds from federal
7 24 and private sources.

7 25 e. Coordinate and monitor all existing state and federal
7 26 renewable energy, renewable fuels, and energy efficiency
7 27 grants, programs, and policy.

7 28 f. Advise the governor and general assembly concerning
7 29 renewable energy, renewable fuels, and energy efficiency
7 30 policy and legislation.

7 31 g. Establish performance measures for determining
7 32 effectiveness of renewable energy, renewable fuels, and energy
7 33 efficiency efforts.

7 34 h. Contract for and utilize assistance from the department
7 35 of economic development regarding administration of grants,



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8 1 loans, and other financial incentives related to section
8 2 469.9, subsection 4, paragraph "a", subparagraph (1), the
8 3 department of natural resources and the utilities board
8 4 regarding assistance in the administration of grants, loans,
8 5 and other financial incentives related to section 469.9,
8 6 subsection 4, paragraph "a", subparagraph (2), and other state
8 7 agencies as appropriate.

8 8 i. Develop an Iowa energy independence plan pursuant to
8 9 section 469.4.

8 10 j. Approve engineering firms for performance of
8 11 comprehensive engineering analyses done on buildings in which
8 12 a state agency seeks to improve energy efficiency pursuant to
8 13 section 7D.34.

8 14 k. Develop standards and methods to evaluate design
8 15 development and construction documents based on life cycle
8 16 cost factors in relation to design proposals submitted
8 17 pursuant to section 72.5.

8 18 l. Coordinate with other state agencies regarding
8 19 implementation of the office of renewable fuels and coproducts
8 20 pursuant to section 159A.3, serve on the renewable fuels and
8 21 coproducts advisory committee, and assist in providing
8 22 technical assistance to new or existing renewable fuel
8 23 production facilities.

8 24 m. Award demonstration grants for alternative fuels
8 25 research pursuant to section 214A.19.

8 26 n. Appoint a representative to serve on the Iowa energy
8 27 center advisory council established in section 266.39C.

8 28 o. Make available energy efficiency related continuing
8 29 education courses pursuant to section 272C.2.

8 30 p. Receive results relating to energy audits from school
8 31 districts and perform related functions pursuant to section
8 32 279.44.

8 33 q. Determine whether special hardship criteria has been
8 34 demonstrated regarding franchise alternative fuel purchases
8 35 pursuant to section 323A.2.



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- 9 1 r. Consult with the state building code commissioner
9 2 regarding submissions of life cycle cost analyses pursuant to
9 3 section 470.7.
- 9 4 s. Compile energy-related information, administer and
9 5 coordinate the state building energy management program, and
9 6 perform additional responsibilities specified in section
9 7 473.7.
- 9 8 t. Transmit by resolution to the governor a determination
9 9 of actual or impending acute usable energy shortage pursuant
9 10 to section 473.8.
- 9 11 u. Operate a liquid fossil fuel set-aside program as
9 12 required in section 473.10.
- 9 13 v. Administer the building energy management program, the
9 14 building energy management fund, and the energy loan program
9 15 established in sections 473.19, 473.19A, and 473.20,
9 16 respectively.
- 9 17 w. Coordinate the energy city designation program created
9 18 in section 473.41.
- 9 19 x. Provide assistance to local government bodies and the
9 20 public regarding access to solar energy pursuant to section
9 21 564A.9.
- 9 22 ~~j.~~ y. Submit an annual report to the governor and general
9 23 assembly by November 1 of each year concerning the activities
9 24 and programs of the office, Iowa power fund, and other
9 25 departments related to renewable energy, renewable fuels, and
9 26 energy efficiency. The report shall include an assessment of
9 27 needs with respect to renewable energy, renewable fuels, and
9 28 energy efficiency efforts and policy and fiscal
9 29 recommendations for renewable energy, renewable fuels, and
9 30 energy efficiency. In addition, the director shall review
9 31 issues relating to the transportation of biofuels and explore
9 32 leading and participating in multistate efforts relating to
9 33 renewable energy and energy efficiency.
- 9 34 ~~k.~~ z. Adopt rules pursuant to chapter 17A concerning the
9 35 office, the Iowa power fund, and the programs and functions of



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10 1 the office and the fund.

10 2 Sec. 20. Section 469.4, subsection 1, Code 2009, is
10 3 amended to read as follows:

10 4 1. The director shall develop an Iowa energy independence
10 5 plan ~~with the assistance of the department of natural~~
~~10 6 resources as provided in section 473.7, and in association~~
10 7 with public and private partners selected by the director
10 8 including representatives of the energy industry,
10 9 environmental interests, agricultural interests, business
10 10 interests, other interested parties, and members of the
10 11 general public. The plan shall be subject to approval by the
10 12 board.

10 13 Sec. 21. Section 469.10, subsection 2, Code 2009, is
10 14 amended to read as follows:

10 15 2. a. Of the moneys appropriated to the office and
10 16 deposited in the fund, the office shall utilize up to three
10 17 and five-tenths percent of the amount appropriated from the
10 18 fund for a fiscal year for administrative costs.

10 19 b. From the funds available for administrative costs, the
10 20 office shall not employ more than four full-time equivalent
10 21 positions. Notwithstanding any other limitation, the director
10 22 may use funds received from any source other than the state
10 23 general fund to employ personnel necessary to administer any
10 24 program assigned to the office or to another state agency.

10 25 Sec. 22. Section 470.1, Code 2009, is amended to read as
10 26 follows:

10 27 470.1 DEFINITIONS.

10 28 As used in this chapter unless the context otherwise
10 29 requires:

10 30 1. "Commissioner" means the state building code
10 31 commissioner.

10 32 ~~2. "Department" means the department of natural resources.~~

10 33 ~~3. 2. "Director" means the director of the department of~~
~~10 34 natural resources office of energy independence.~~

10 35 ~~4. 3. "Economic life" means the projected or anticipated~~



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- 11 1 useful life of a facility as expressed by a term of years.
11 2 ~~5.~~ 4. "Energy system" includes but is not limited to the
11 3 following equipment or measures:
11 4 a. Equipment used to heat or cool the facility.
11 5 b. Equipment used to heat water in the facility.
11 6 c. On-site equipment used to generate electricity for the
11 7 major facility.
11 8 d. On-site equipment that uses the sun, wind, oil, natural
11 9 gas, coal or electricity as a power source.
11 10 e. Energy conservation measures in the facility design and
11 11 construction that decrease the energy requirements of the
11 12 facility.
11 13 ~~6.~~ 5. "Facility" means a building having twenty thousand
11 14 square feet or more of usable floor space that is heated or
11 15 cooled by a mechanical or electrical system or any building,
11 16 system, or physical operation which consumes more than forty
11 17 thousand British thermal units (BTUs) per square foot per
11 18 year.
11 19 ~~7.~~ 6. "Initial cost" means the moneys required for the
11 20 capital construction or renovation of a facility.
11 21 ~~8.~~ 7. "Life cycle cost analysis" means an analytical
11 22 technique that considers certain costs of owning, using and
11 23 operating a facility over its economic life including but not
11 24 limited to the following:
11 25 a. Initial costs.
11 26 b. System repair and replacement costs.
11 27 c. Maintenance costs.
11 28 d. Operating costs, including energy costs.
11 29 e. Salvage value.
11 30 8. "Office" means the office of energy independence
11 31 established in section 469.2.
11 32 9. "Public agency" means a state agency, political
11 33 subdivision of the state, school district, area education
11 34 agency, or community college.
11 35 10. "Renovation" means a project where additions or



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12 1 alterations exceed fifty percent of the value of a facility
12 2 and will affect an energy system.

12 3 Sec. 23. Section 470.3, subsection 2, Code 2009, is
12 4 amended to read as follows:

12 5 2. A public agency or a person preparing a life cycle cost
12 6 analysis for a public agency shall consider the methods and
12 7 analytical models provided by the ~~department~~ office and
12 8 available through the commissioner, which are suited to the
12 9 purpose for which the project is intended. Within sixty days
12 10 of final selection of a design architect or engineer, a public
12 11 agency, which is also a state agency under section 7D.34,
12 12 shall notify the commissioner and the ~~department~~ office of the
12 13 methodology to be used to perform the life cycle cost
12 14 analysis, on forms provided by the ~~department~~ office.

12 15 Sec. 24. Section 470.7, Code 2009, is amended to read as
12 16 follows:

12 17 470.7 LIFE CYCLE COST ANALYSIS == APPROVAL.

12 18 1. The public agency responsible for the new construction
12 19 or renovation of a public facility shall submit a copy of the
12 20 life cycle cost analysis for review by the commissioner who
12 21 shall consult with the ~~department~~ office. If the public
12 22 agency is also a state agency under section 7D.34, comments by
12 23 the ~~department~~ office or the commissioner, including any
12 24 recommendation for changes in the analysis, shall, within
12 25 thirty days of receipt of the analysis, be forwarded in
12 26 writing to the public agency. If either the ~~department~~ office
12 27 or the commissioner disagrees with any aspects of the life
12 28 cycle cost analysis, the public agency affected shall timely
12 29 respond in writing to the commissioner and the ~~department~~
12 30 office. The response shall indicate whether the agency
12 31 intends to implement the recommendations and, if the agency
12 32 does not intend to implement them, the public agency shall
12 33 present its reasons. The reasons may include, but are not
12 34 limited to, a description of the purpose of the facility or
12 35 renovation, preservation of historical architectural features,



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13 1 architectural and site considerations, and health and safety
13 2 concerns.

13 3 2. Within thirty days of receipt of the response of the
13 4 public agency affected, the ~~department~~ office, the
13 5 commissioner, or both, shall notify in writing the public
13 6 agency affected of the ~~department's~~ office's, the
13 7 commissioner's, or both's agreement or disagreement with the
13 8 response. In the event of a disagreement, the ~~department~~
13 9 office, the commissioner, or both, shall at the same time
13 10 transmit the notification of disagreement with response and
13 11 related papers to the executive council for resolution
13 12 pursuant to section 7D.34. The life cycle cost analysis
13 13 process, including submittal and approval, and implementation
13 14 exemption requests pursuant to section 470.8, shall be
13 15 completed prior to the letting of contracts for the
13 16 construction or renovation of a facility.

13 17 Sec. 25. Section 473.1, Code 2009, is amended to read as
13 18 follows:

13 19 473.1 DEFINITIONS.

13 20 As used in this chapter, unless the context otherwise
13 21 requires:

13 22 1. "Alternative and renewable energy" means the same as in
13 23 section 469.31.

13 24 2. "Commission" means the environmental protection
13 25 commission of the department of natural resources.

13 26 ~~3. "Department" means the department of natural resources~~
~~13 27 created under section 455A.2.~~

13 28 ~~4. 3.~~ "Director" means the director of the ~~department~~
13 29 office or a designee.

13 30 ~~5.~~ 4. "Energy" or "energy sources" means gasoline, fuel
13 31 oil, natural gas, propane, coal, special fuels and
13 32 electricity.

13 33 5. "Office" means the office of energy independence
13 34 established in section 469.2.

13 35 6. "Renewable fuel" means the same as in section 469.31.



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14 1 7. "Supplier" means any person engaged in the business of
14 2 selling, importing, storing, or generating energy sources,
14 3 alternative and renewable energy, or renewable fuel in Iowa.
14 4 Sec. 26. Section 473.7, Code 2009, is amended to read as
14 5 follows:
14 6 473.7 DUTIES OF THE ~~DEPARTMENT~~ OFFICE.
14 7 The ~~department~~ office shall:
14 8 1. ~~Assist the director of the office of energy~~
~~14 9 independence with preparation of the Iowa energy independence~~
~~14 10 plan as provided in section 469.4. In addition to assistance~~
~~14 11 requested by the director, the department shall supply~~ Supply
14 12 and annually update the following information:
14 13 a. The historical use and distribution of energy in Iowa.
14 14 b. The growth rate of energy consumption in Iowa,
14 15 including rates of growth for each energy source.
14 16 c. A projection of Iowa's energy needs at a minimum
14 17 through the year 2025.
14 18 d. The impact of meeting Iowa's energy needs on the
14 19 economy of the state, including the impact of energy
14 20 efficiency and renewable energy on employment and economic
14 21 development.
14 22 e. The impact of meeting Iowa's energy needs on the
14 23 environment of the state, including the impact of energy
14 24 production and use on greenhouse gas emissions.
14 25 f. An evaluation of renewable energy sources, including
14 26 the current and future technological potential for such
14 27 sources.
14 28 2. a. The ~~department~~ office shall collect and analyze
14 29 data to use in forecasting future energy demand and supply for
14 30 the state. A supplier is required to provide information
14 31 pertaining to the supply, storage, distribution, and sale of
14 32 energy sources in this state when requested by the ~~department~~
14 33 office. The information shall be of a nature which directly
14 34 relates to the supply, storage, distribution, and sale of
14 35 energy sources, and shall not include any records, documents,



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15 1 books, or other data which relate to the financial position of
15 2 the supplier. The ~~department~~ office, prior to requiring any
15 3 supplier to furnish it with such information, shall make every
15 4 reasonable effort to determine if such information is
15 5 available from any other governmental source. If it finds
15 6 such information is available, the ~~department~~ office shall not
15 7 require submission of the information from a supplier.
15 8 Notwithstanding the provisions of chapter 22, information and
15 9 reports obtained under this section shall be confidential
15 10 except when used for statistical purposes without identifying
15 11 a specific supplier and when release of the information will
15 12 not give an advantage to competitors and serves a public
15 13 purpose. The ~~department~~ office shall use this data to conduct
15 14 energy forecasts.

15 15 b. The ~~department~~ office may subpoena witnesses,
15 16 administer oaths, and require the production of records,
15 17 books, and documents for examination in order to obtain
15 18 information required to be submitted under this section. In
15 19 case of failure or refusal on the part of any person to comply
15 20 with a subpoena issued by the ~~department~~ office, or in case of
15 21 the refusal of any witness to testify as to any matter
15 22 regarding which the witness may be interrogated under this
15 23 chapter, the district court, upon the application of the
15 24 ~~department~~ office, may order the person to show cause why the
15 25 person should not be held in contempt for failure to testify
15 26 or comply with a subpoena, and may order the person to produce
15 27 the records, books, and documents for examination, and to give
15 28 testimony. The courts may punish for contempt as in the case
15 29 of disobedience to a like subpoena issued by the court, or for
15 30 refusal to testify.

15 31 3. Develop, recommend, and implement with appropriate
15 32 agencies public and professional education and communication
15 33 programs in energy efficiency, energy conservation, and
15 34 conversion to alternative and renewable energy.

15 35 4. When necessary to carry out its duties under this



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16 1 chapter, enter into contracts with state agencies and other
16 2 qualified contractors.

16 3 5. Receive and accept grants made available for programs
16 4 relating to duties of the ~~department~~ office under this
16 5 chapter.

16 6 6. Promulgate rules necessary to carry out the provisions
16 7 of this chapter, subject to review in accordance with chapter
16 8 17A. Rules promulgated by the governor pursuant to a
16 9 proclamation issued under the provisions of section 473.8
16 10 shall not be subject to review or a public hearing as required
16 11 in chapter 17A; however, ~~agency~~ office rules for
16 12 implementation of the governor's proclamation are subject to
16 13 the requirements of chapter 17A.

16 14 7. Examine and determine whether additional state
16 15 regulatory authority is necessary to protect the public
16 16 interest and to promote the effective development,
16 17 utilization, and conservation of energy resources. If the
16 18 ~~department~~ office finds that additional regulatory authority
16 19 is necessary, the ~~department~~ office shall submit
16 20 recommendations to the general assembly concerning the nature
16 21 and extent of such regulatory authority and which state agency
16 22 should be assigned such regulatory responsibilities.

16 23 8. Develop and assist in the implementation of public
16 24 education and communications programs in energy development,
16 25 use and conservation, in cooperation with the department of
16 26 education, the state university extension services and other
16 27 public or private agencies and organizations as deemed
16 28 appropriate by the ~~department~~ office.

16 29 ~~9. Develop, in coordination with the office of energy~~
~~16 30 independence, a program to annually give public recognition to~~
16 31 innovative methods of energy conservation, energy management,
16 32 and alternative and renewable energy production.

16 33 10. Administer and coordinate, ~~in coordination with the~~
~~16 34 office of energy independence,~~ federal funds for energy
16 35 conservation, energy management, and alternative and renewable



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17 1 energy programs.

17 2 11. Administer and coordinate the state building energy
17 3 management program including projects funded through private
17 4 financing.

17 5 12. Provide information from monthly fuel surveys which
17 6 establish a statistical average of motor fuel prices for
17 7 various motor fuels provided throughout the state.

17 8 Additionally, the department office shall provide statewide
17 9 monthly fuel survey information which establishes a
17 10 statistical average of motor fuel prices for various motor
17 11 fuels provided in both metropolitan and rural areas of the
17 12 state. The survey results shall be publicized in a monthly
17 13 press release issued by the department office.

17 14 ~~13. Conduct a study on activities related to energy
17 15 production and use which contribute to global climate change
17 16 and the depletion of the stratospheric ozone layer. The study
17 17 shall identify the types and relative contributions of these
17 18 activities in Iowa. The department shall develop a strategy
17 19 to reduce emissions from activities identified as having an
17 20 adverse impact on the global climate and the stratospheric
17 21 ozone layer. The department shall submit a report containing
17 22 its findings and recommendations to the governor and general
17 23 assembly by January 1, 1992.~~

17 24 Sec. 27. Section 473.8, unnumbered paragraph 1, Code 2009,
17 25 is amended to read as follows:

17 26 If the department office by resolution determines the
17 27 health, safety, or welfare of the people of this state is
17 28 threatened by an actual or impending acute shortage of usable
17 29 energy, it shall transmit the resolution to the governor
17 30 together with its recommendation on the declaration of an
17 31 emergency by the governor and recommended actions, if any, to
17 32 be undertaken. Within thirty days of the date of the
17 33 resolution, the governor may issue a proclamation of emergency
17 34 which shall be filed with the secretary of state. The
17 35 proclamation shall state the facts relied upon and the reasons



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18 1 for the proclamation.

18 2 Sec. 28. Section 473.8, subsection 4, Code 2009, is
18 3 amended to read as follows:

18 4 4. Delegate any administrative authority vested in the
18 5 governor to the ~~department~~ office or the director.

18 6 Sec. 29. Section 473.10, Code 2009, is amended to read as
18 7 follows:

18 8 473.10 RESERVE REQUIRED.

18 9 1. If the ~~department~~ office or the governor finds that an
18 10 impending or actual shortage or distribution imbalance of
18 11 liquid fossil fuels may cause hardship or pose a threat to the
18 12 health and economic well-being of the people of the state or a
18 13 significant segment of the state's population, the ~~department~~
18 14 office or the governor may authorize the director to operate a
18 15 liquid fossil fuel set-aside program as provided in subsection
18 16 2.

18 17 2. Upon authorization by the ~~department~~ office or the
18 18 governor the director may require a prime supplier to reserve
18 19 a specified fraction of the prime supplier's projected total
18 20 monthly release of liquid fossil fuel in Iowa. The director
18 21 may release any or all of the fuel required to be reserved by
18 22 a prime supplier to end-users or to distributors for release
18 23 through normal retail distribution channels to retail
18 24 customers. However, the specified fraction required to be
18 25 reserved shall not exceed three percent for propane, aviation
18 26 fuel and residual oil, and five percent for motor gasoline,
18 27 heating oil, and diesel oil.

18 28 3. The ~~department~~ office shall periodically review and may
18 29 terminate the operation of a set-aside program authorized by
18 30 the ~~department~~ office under subsection 1 when the ~~department~~
18 31 office finds that the conditions that prompted the
18 32 authorization no longer exist. The governor shall
18 33 periodically review and may terminate the operation of a
18 34 set-aside program authorized by the governor under subsection
18 35 1 when the governor finds that the conditions that prompted



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19 1 the authorization no longer exist.

19 2 4. The director shall adopt rules to implement this
19 3 section.

19 4 Sec. 30. Section 473.15, Code 2009, is amended to read as
19 5 follows:

19 6 473.15 ANNUAL REPORT.

19 7 The ~~department~~ office shall complete an annual report to
19 8 assess the progress of state agencies in implementing energy
19 9 management improvements, alternative and renewable energy
19 10 systems, and life cycle cost analyses under chapter 470, and
19 11 on the use of renewable fuels. The ~~department~~ office shall
19 12 work with state agencies and with any entity, agency, or
19 13 organization with which they are associated or involved in
19 14 such implementation, to use available information to minimize
19 15 the cost of preparing the report. The ~~department~~ office shall
19 16 also provide an assessment of the economic and environmental
19 17 impact of the progress made by state agencies related to
19 18 energy management and alternative and renewable energy, along
19 19 with recommendations on technological opportunities and
19 20 policies necessary for continued improvement in these areas.

19 21 Sec. 31. Section 473.19, Code 2009, is amended to read as
19 22 follows:

19 23 473.19 ~~ENERGY BANK~~ BUILDING ENERGY MANAGEMENT PROGRAM.

19 24 1. The building energy ~~bank~~ management program is
19 25 established by the ~~department~~ office. The building energy
19 26 ~~bank~~ management program consists of the following forms of
19 27 assistance for the state, state agencies, political
19 28 subdivisions of the state, school districts, area education
19 29 agencies, community colleges, and nonprofit organizations:

19 30 a. Promoting program availability.

19 31 b. Developing or identifying guidelines and model energy
19 32 techniques for the completion of energy analyses for state
19 33 agencies, political subdivisions of the state, school
19 34 districts, area education agencies, community colleges, and
19 35 nonprofit organizations.



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20 1 c. Providing technical assistance for conducting or
20 2 evaluating energy analyses for state agencies, political
20 3 subdivisions of the state, school districts, area education
20 4 agencies, community colleges, and nonprofit organizations.
20 5 d. Providing or facilitating loans, leases, and other
20 6 methods of alternative financing under the energy loan program
20 7 for the state, state agencies, political subdivisions of the
20 8 state, school districts, area education agencies, community
20 9 colleges, and nonprofit organizations to implement energy
20 10 management improvements or energy analyses.
20 11 e. Providing assistance for obtaining insurance on the
20 12 energy savings expected to be realized from the implementation
20 13 of energy management improvements.
20 14 f. Facilitating self-liquidating financing for the state,
20 15 state agencies, political subdivisions of the state, school
20 16 districts, area education agencies, community colleges, and
20 17 nonprofit organizations pursuant to section 473.20A.
20 18 g. Assisting the treasurer of state with financing
20 19 agreements entered into by the treasurer of state on behalf of
20 20 state agencies to finance energy management improvements
20 21 pursuant to section 12.28.
20 22 2. For the purpose of this section, section 473.20, and
20 23 section 473.20A, "energy management improvement" means
20 24 construction, rehabilitation, acquisition, or modification of
20 25 an installation in a facility or vehicle which is intended to
20 26 reduce energy consumption, or energy costs, or both, or allow
20 27 the use of alternative and renewable energy. "Energy
20 28 management improvement" may include control and measurement
20 29 devices. "Nonprofit organization" means an organization
20 30 exempt from federal income taxation under section 501(c)(3) of
20 31 the Internal Revenue Code.
20 32 3. The ~~department~~ office shall submit a report by January
20 33 1 annually to the governor and the general assembly detailing
20 34 services provided and assistance rendered pursuant to the
20 35 building energy ~~bank~~ management program and pursuant to



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21 1 sections 473.20 and 473.20A, and receipts and disbursements in
21 2 relation to the building energy bank management fund created
21 3 in section 473.19A.

21 4 4. Moneys awarded or allocated to the state, its citizens,
21 5 or its political subdivisions as a result of the federal court
21 6 decisions and United States department of energy settlements
21 7 resulting from alleged violations of federal petroleum pricing
21 8 regulations attributable to or contained within the Stripper
21 9 Well fund shall be allocated to and remain under the control
21 10 of the ~~department~~ office for utilization for energy
21 11 program-related staff support purposes.

21 12 Sec. 32. Section 473.19A, Code 2009, is amended to read as
21 13 follows:

21 14 473.19A BUILDING ENERGY BANK MANAGEMENT FUND.

21 15 1. The building energy bank management fund is created
21 16 within the state treasury under the control of the ~~department,~~
~~21 17 in collaboration with the office of energy independence~~
~~21 18 established in section 469.2 office.~~ The fund shall be used
21 19 for the operational expenses and administrative costs incurred
21 20 by the ~~department~~ office in facilitating and administering the
21 21 building energy bank management program established in section
21 22 473.19.

21 23 2. The building energy bank management fund shall consist
21 24 of amounts deposited into the fund or allocated from the
21 25 following sources:

21 26 a. Any moneys awarded or allocated to the state, its
21 27 citizens, or its political subdivisions as a result of the
21 28 federal court decisions and United States department of energy
21 29 settlements resulting from alleged violations of federal
21 30 petroleum pricing regulations attributable to or contained
21 31 within the Exxon fund. Amounts remaining in the oil
21 32 overcharge account established in section 455E.11, subsection
21 33 2, paragraph "e", Code 2007, and the energy conservation trust
21 34 established in section 473.11, Code 2007, as of June 30, 2008,
21 35 shall be deposited into the building energy bank management



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22 1 fund pursuant to this paragraph, notwithstanding section 8.60,
22 2 subsection 15, Code 2007.

22 3 b. (1) Moneys received in the form of fees imposed upon
22 4 the state, state agencies, political subdivisions of the
22 5 state, school districts, area education agencies, community
22 6 colleges, and nonprofit organizations for services performed
22 7 or assistance rendered pursuant to the building energy ~~bank~~
22 8 management program. Fees imposed pursuant to this paragraph
22 9 shall be established by the department office in an amount
22 10 corresponding to the operational expenses or administrative
22 11 costs incurred by the department office in performing services
22 12 or providing assistance authorized pursuant to the building
22 13 energy ~~bank~~ management program, as follows:

22 14 (a) For a building of up to twenty-five thousand square
22 15 feet, two thousand five hundred dollars.

22 16 (b) For a building in excess of twenty-five thousand
22 17 square feet, an additional eight cents per square foot.

22 18 (c) A building that houses more energy intensive functions
22 19 may be subject to a higher fee than the fees specified in
22 20 subparagraphs (a) and (b) as determined by the department
22 21 office.

22 22 (2) Any fees imposed shall be retained by the department
22 23 office and are appropriated to the department office for
22 24 purposes of providing services or assistance under the
22 25 program.

22 26 c. Moneys appropriated by the general assembly and any
22 27 other moneys, including grants and gifts from government and
22 28 nonprofit organizations, available to and obtained or accepted
22 29 by the department office for placement in the fund.

22 30 d. Moneys contained in the intermodal revolving loan fund
22 31 administered by the department of transportation for the
22 32 fiscal year beginning July 1, 2019, and succeeding fiscal
22 33 years.

22 34 e. Moneys in the fund are not subject to section 8.33.
22 35 Notwithstanding section 12C.7, interest or earnings on moneys



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23 1 in the fund shall be credited to the fund.
23 2 3. The building energy bank management fund shall be
23 3 limited to a maximum of one million dollars. Amounts in
23 4 excess of this maximum limitation shall be transferred to and
23 5 deposited in the rebuild Iowa infrastructure fund created in
23 6 section 8.57, subsection 6.
23 7 Sec. 33. Section 473.20, Code 2009, is amended to read as
23 8 follows:
23 9 473.20 ENERGY LOAN PROGRAM.
23 10 1. An energy loan program is established and shall be
23 11 administered by the department office.
23 12 2. The department office may facilitate the loan process
23 13 for political subdivisions of the state, school districts,
23 14 area education agencies, community colleges, and nonprofit
23 15 organizations for implementation of energy management
23 16 improvements identified in an energy analysis. Loans shall be
23 17 facilitated for all cost-effective energy management
23 18 improvements. For political subdivisions of the state, school
23 19 districts, area education agencies, community colleges, and
23 20 nonprofit organizations to receive loan assistance under the
23 21 program, the department office shall require completion of an
23 22 energy management plan including an energy analysis. The
23 23 department office shall approve loans facilitated under this
23 24 section.
23 25 3. a. Cities and counties shall repay the loans from
23 26 moneys in their debt service funds. Area education agencies
23 27 shall repay the loans from any moneys available to them.
23 28 b. School districts and community colleges may enter into
23 29 financing arrangements with the department office or its duly
23 30 authorized agents or representatives obligating the school
23 31 district or community college to make payments on the loans
23 32 beyond the current budget year of the school district or
23 33 community college. Chapter 75 shall not be applicable.
23 34 School districts shall repay the loans from moneys in either
23 35 their general fund or debt service fund. Community colleges



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24 1 shall repay the loans from their general fund. Other entities
24 2 receiving loans under this section shall repay the loans from
24 3 any moneys available to them.

24 4 4. For the purpose of this section, "loans" means loans,
24 5 leases, or alternative financing arrangements.

24 6 5. Political subdivisions of the state, school districts,
24 7 area education agencies, and community colleges shall design
24 8 and construct the most energy cost-effective facilities
24 9 feasible and may use financing facilitated by the ~~department~~
24 10 office to cover the incremental costs above minimum building
24 11 code energy efficiency standards of purchasing
24 12 energy-efficient devices and materials unless other lower cost
24 13 financing is available. As used in this section, "facility"
24 14 means a structure that is heated or cooled by a mechanical or
24 15 electrical system, or any system of physical operation that
24 16 consumes energy to carry out a process.

24 17 6. The ~~department~~ office shall not require the state,
24 18 state agencies, political subdivisions of the state, school
24 19 districts, area education agencies, and community colleges to
24 20 implement a specific energy management improvement identified
24 21 in an energy analysis if the entity which prepared the
24 22 analysis demonstrates to the ~~department~~ office that the
24 23 facility which is the subject of the energy management
24 24 improvement is unlikely to be used or operated for the full
24 25 period of the expected savings payback of all costs associated
24 26 with implementing the energy management improvement, including
24 27 without limitation, any fees or charges of the ~~department~~
24 28 office, engineering firms, financial advisors, attorneys, and
24 29 other third parties, and all financing costs including
24 30 interest, if financed.

24 31 Sec. 34. Section 473.20A, subsection 1, Code 2009, is
24 32 amended to read as follows:

24 33 1. a. The ~~department of natural resources~~ office may
24 34 facilitate financing agreements that may be entered into with
24 35 political subdivisions of the state, school districts, area



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25 1 education agencies, community colleges, or nonprofit
25 2 organizations to finance the costs of energy management
25 3 improvements on a self-liquidating basis. The provisions of
25 4 section 473.20 defining eligible energy management
25 5 improvements apply to financings under this section.
25 6 b. The financing agreement may contain provisions,
25 7 including interest, term, and obligations to make payments on
25 8 the financing agreement beyond the current budget year, as may
25 9 be acceptable to political subdivisions of the state, school
25 10 districts, area education agencies, community colleges, or
25 11 nonprofit organizations.
25 12 c. The ~~department~~ office shall assist the treasurer of
25 13 state with financing agreements entered into by the treasurer
25 14 of state on behalf of state agencies pursuant to section 12.28
25 15 to finance energy management improvements being implemented by
25 16 state agencies.
25 17 Sec. 35. Section 473.41, Code 2009, is amended to read as
25 18 follows:
25 19 473.41 ENERGY CITY DESIGNATION PROGRAM.
25 20 1. The ~~department~~ office shall establish an energy city
25 21 designation program, with the objective of encouraging cities
25 22 to develop and implement innovative energy efficiency
25 23 programs. To qualify for designation as an energy city, a
25 24 city shall submit an application on forms prescribed by the
25 25 ~~department~~ office by rule, indicating the following:
25 26 a. Submission of community-based plans for energy
25 27 reduction projects, energy-efficient building construction and
25 28 rehabilitation, and alternative or renewable energy
25 29 production.
25 30 b. Efforts to secure local funding for community-based
25 31 plans, and documentation of any state or federal grant or loan
25 32 funding being pursued in connection therewith.
25 33 c. Involvement of local schools, civic organizations,
25 34 chambers of commerce, and private groups in a community-based
25 35 plan.



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26 1 d. Existing or proposed ordinances encouraging energy
26 2 efficiency and conservation, recycling efforts, and
26 3 energy=efficient building code provisions and enforcement.

26 4 e. Organization of an energy day observance and
26 5 proclamation with a commemorating event and awards ceremony
26 6 for leading energy=efficient community businesses, groups,
26 7 schools, or individuals.

26 8 2. The ~~department~~ office shall establish by rule criteria
26 9 for awarding energy city designations. If more than one
26 10 designation is awarded annually, the criteria shall include a
26 11 requirement that the ~~department~~ office award the designations
26 12 to cities of varying populations. Rules shall also be
26 13 established identifying and publicizing state grant and loan
26 14 programs relating to energy efficiency, and the development of
26 15 a procedure whereby the ~~department~~ office shall coordinate
26 16 with other state agencies preferences given in the awarding of
26 17 grants or making of loans to energy city designated
26 18 applicants.

26 19 Sec. 36. Section 476.6, subsection 16, paragraph b, Code
26 20 2009, is amended to read as follows:

26 21 b. A gas and electric utility required to be
26 22 rate=regulated under this chapter shall assess potential
26 23 energy and capacity savings available from actual and
26 24 projected customer usage by applying commercially available
26 25 technology and improved operating practices to energy=using
26 26 equipment and buildings. The utility shall submit the
26 27 assessment to the board. Upon receipt of the assessment, the
26 28 board shall consult with the ~~department of natural resources~~
26 29 office of energy independence to develop specific capacity and
26 30 energy savings performance standards for each utility. The
26 31 utility shall submit an energy efficiency plan which shall
26 32 include economically achievable programs designed to attain
26 33 these energy and capacity performance standards. The board
26 34 shall periodically report the energy efficiency results
26 35 including energy savings of each utility to the general



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27 1 assembly.

27 2 Sec. 37. Section 476.63, Code 2009, is amended to read as
27 3 follows:

27 4 476.63 ENERGY EFFICIENCY PROGRAMS.

27 5 The division shall consult with the ~~department of natural~~
27 6 ~~resources~~ office of energy independence in the development and
27 7 implementation of public utility energy efficiency programs.

27 8 Sec. 38. Section 564A.9, Code 2009, is amended to read as
27 9 follows:

27 10 564A.9 ASSISTANCE TO LOCAL GOVERNMENT BODIES AND THE
27 11 PUBLIC.

27 12 The ~~department of natural resources~~ office of energy
27 13 independence shall make available information and guidelines
27 14 to assist local government bodies and the public to understand
27 15 and use the provisions of this chapter. The information and
27 16 guidelines shall include an application form for a solar
27 17 access easement, instructions and aids for preparing and
27 18 recording solar access easements and model ordinances that
27 19 promote reasonable access to solar energy.

27 20 Sec. 39. Section 473.13A, Code 2009, is repealed.

27 21 Sec. 40. TRANSITION PROVISIONS == RULEMAKING.

27 22 1. Any moneys retained in any account or fund under the
27 23 control of the department of natural resources relative to the
27 24 provisions of this Act shall be transferred to a comparable
27 25 fund or account under the control of the office of energy
27 26 independence for such purposes.

27 27 2. Any license, permit, or contract issued or entered into
27 28 by the department of natural resources relative to the
27 29 provisions of this Act in effect on the effective date of this
27 30 Act shall continue in full force and effect pending transfer
27 31 of such licenses, permits, or contracts to the office of
27 32 energy independence.

27 33 3. Not later than August 1, 2009, the office of energy
27 34 independence shall adopt administrative rules previously
27 35 adopted by the department of natural resources relative to the



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28 1 provisions of this Act in existence on the effective date of
28 2 this Act by emergency rulemaking pursuant to section 17A.4,
28 3 subsection 3, and section 17A.5, subsection 2, paragraph "b".
28 4 The rules shall become effective immediately upon filing or on
28 5 a later effective date specified in the rules. Any rules
28 6 adopted in accordance with the provisions of this section
28 7 shall also be published as a notice of intended action as
28 8 provided in section 17A.4. Any rule, regulation, form, order,
28 9 or directive promulgated by the department relative to the
28 10 provisions of this Act in effect on the effective date of this
28 11 Act shall continue in full force and effect until such
28 12 emergency rules are adopted.

28 13 4. The provisions of section 469.10, subsection 2,
28 14 relating to utilization by the director of the office of
28 15 energy independence of any funds received from any source
28 16 other than the state general fund to employ personnel
28 17 necessary to administer any program assigned to the office or
28 18 to another state agency, shall be applicable to the transfer
28 19 from the department of natural resources to the office of
28 20 energy independence of individuals currently employed by the
28 21 department in capacities relating to the programs or
28 22 provisions transferred from the department to the office
28 23 pursuant to this Act.

28 24 EXPLANATION

28 25 This bill transfers authority over specified energy-related
28 26 measures and programs from the department of natural resources
28 27 to the office of energy independence. References to the
28 28 "department" are changed to the "office" throughout Code
28 29 chapter 470 relating to life cycle cost analyses of public
28 30 facilities, and Code chapter 473, which contains provisions
28 31 relating to the development of policies and programs that
28 32 promote energy efficiency, alternative and renewable energy,
28 33 and energy management improvement financing. Similar
28 34 reference changes are made with regard to approving
28 35 engineering firms for performance of comprehensive engineering



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29 1 analyses done on a building in which a state agency seeks to
29 2 improve energy efficiency pursuant to Code section 7D.34,
29 3 developing standards and methods to evaluate design
29 4 development and construction documents based on life cycle
29 5 cost factors in relation to design proposals submitted
29 6 pursuant to Code section 72.5, and coordinating with other
29 7 state agencies regarding implementation of the office of
29 8 renewable fuels and coproducts pursuant to Code section
29 9 159A.3, serving on the renewable fuels and coproducts advisory
29 10 committee, and assisting in providing technical assistance to
29 11 new or existing renewable fuel production facilities.
29 12 Additional transfers of authority include awarding
29 13 demonstration grants for alternative fuels research pursuant
29 14 to Code section 214A.19, appointing a representative to serve
29 15 on the Iowa energy center advisory council established in Code
29 16 section 266.39C, making available energy efficiency-related
29 17 continuing education courses pursuant to Code section 272C.2,
29 18 receiving results relating to energy audits from school
29 19 districts and perform related functions pursuant to Code
29 20 section 279.44, determining whether special hardship criteria
29 21 has been demonstrated regarding franchise alternative fuel
29 22 purchases pursuant to Code section 323A.2, and providing
29 23 assistance to local government bodies and the public regarding
29 24 access to solar energy pursuant to Code section 564A.9.
29 25 Conforming changes are made in Code chapter 469 regarding the
29 26 transfer of authority.
29 27 Additionally, the bill provides that, notwithstanding any
29 28 other limitation, the director may use funds received from any
29 29 source other than the state general fund to employ personnel
29 30 necessary to administer any program assigned to the office or
29 31 to another state agency, including employing employees
29 32 transferred from the department in positions relating to the
29 33 authority transferred under the bill.
29 34 The bill repeals Code section 473.13A, which contained
29 35 outdated terminology and outdated provisions regarding



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30 1 financing for energy measures provided directly by the
30 2 department. The bill also changes the names of the energy
30 3 bank program and the energy bank fund to building energy
30 4 management program and building energy management fund,
30 5 respectively.
30 6 The bill contains transition provisions regarding the
30 7 transfer of moneys retained in an account or fund under the
30 8 control of the department to a comparable fund or account of
30 9 the office, regarding the continuation of any license, permit,
30 10 or contract issued or entered into by the department of
30 11 natural resources pending transfer and assignment to the
30 12 office; and regarding the continuation of any rule,
30 13 regulation, form, order, or directive promulgated by the
30 14 department relative to the provisions of the bill until
30 15 emergency rules are promulgated by the department.
30 16 LSB 1302DP 83
30 17 rn/nh/14.2



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Senate Study Bill 1263

SENATE/HOUSE FILE
BY (PROPOSED OFFICE OF
ENERGY INDEPENDENCE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to renewable energy production by specifying an
- 2 electricity distributed renewable generation standard.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1300DP 83
- 5 rn/rj/14



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1 1 Section 1. Section 476.42, Code 2009, is amended to read
1 2 as follows:

1 3 476.42 DEFINITIONS.

1 4 As used in this division, unless the context otherwise
1 5 requires:

1 6 1. "Alternate energy production facility" means any or all
1 7 of the following:

1 8 a. A solar, wind turbine, waste management, resource
1 9 recovery, refuse-derived fuel, agricultural crops or residues,
1 10 or woodburning facility of up to five hundred kilowatts of
1 11 nameplate generating capacity which is engaged in distributed
1 12 renewable generation.

1 13 b. Land, systems, buildings, or improvements that are
1 14 located at the project site and are necessary or convenient to
1 15 the construction, completion, or operation of the facility.

1 16 c. Transmission or distribution facilities necessary to
1 17 conduct the energy produced by the facility to users located
1 18 at or near the project site.

1 19 A facility which is a qualifying facility under 18 C.F.R.
1 20 part 292, subpart B is not precluded from being an alternate
1 21 energy production facility under this division.

1 22 2. "Distributed renewable generation" means electric
1 23 generation sited at a customer premises providing electric
1 24 energy to the customer load on that site, or providing
1 25 wholesale capacity and energy to an electric utility for use
1 26 by multiple customers in contiguous distribution substation
1 27 service areas.

1 28 ~~2.~~ 3. "Electric utility" means a public utility that
1 29 furnishes electricity to the public for compensation.

1 30 ~~3.~~ 4. "Next generating plant" means an electric utility's
1 31 assumed next coal-fired base load electric generating plant,
1 32 whether planned or not, based on current technology and
1 33 undiscounted current cost.

1 34 ~~4.~~ 5. "Small hydro facility" means any or all of the
1 35 following:



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2 1 a. A hydroelectric facility at a dam which is engaged in
2 2 distributed renewable generation.

2 3 b. Land, systems, buildings, or improvements that are
2 4 located at the project site and are necessary or convenient to
2 5 the construction, completion, or operation of the facility.

2 6 c. Transmission or distribution facilities necessary to
2 7 conduct the energy produced by the facility to users located
2 8 at or near the project site.

2 9 A facility which is a qualifying facility under 18 C.F.R.
2 10 part 292, subpart B is not precluded from being a small hydro
2 11 facility under this division.

2 12 Sec. 2. Section 476.44, subsection 2, Code 2009, is
2 13 amended to read as follows:

2 14 2. a. ~~An electric utility subject to this division,~~
~~2 15 except a utility that elects rate regulation pursuant to~~
~~2 16 section 476.1A, shall not be required to own or purchase, at~~
~~2 17 any one time, more than its share of one hundred five~~
~~2 18 megawatts of power from alternative energy production~~
~~2 19 facilities or small hydro facilities at the rates established~~
~~2 20 pursuant to section 476.43. The board shall allocate the one~~
~~2 21 hundred five megawatts based upon each utility's percentage of~~
~~2 22 the total Iowa retail peak demand, for the year beginning~~
~~2 23 January 1, 1990, of all utilities subject to this section. If~~
~~2 24 a utility undergoes reorganization as defined in section~~
~~2 25 476.76, the board shall combine the allocated purchases of~~
~~2 26 power for each utility involved in the reorganization.~~

2 27 b. ~~Notwithstanding the one hundred five megawatt maximum,~~
~~2 28 the board may increase the amount of power that a utility is~~
~~2 29 required to own or purchase at the rates established pursuant~~
~~2 30 to section 476.43 if the board finds that a utility, including~~
~~2 31 a reorganized utility, exceeds its 1990 Iowa retail peak~~
~~2 32 demand by twenty percent and the additional power the utility~~
~~2 33 is required to purchase will encourage the development of~~
~~2 34 alternate energy production facilities and small hydro~~
~~2 35 facilities. The increase shall not exceed the utility's~~



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~~3 1 increase in peak demand multiplied by the ratio of the
3 2 utility's share of the one hundred five megawatt maximum to
3 3 its 1990 Iowa retail peak demand. An electric utility shall
3 4 produce or purchase at least the following percentages of its
3 5 total annual Iowa retail electric sales from alternate energy
3 6 production facilities or small hydro facilities engaged in
3 7 distributed renewable generation, as follows:~~

- ~~3 8 a. One-tenth of one percent by 2011.~~
- ~~3 9 b. Twenty-five hundredths of one percent by 2013.~~
- ~~3 10 c. Four-tenths of one percent by 2014.~~
- ~~3 11 d. Sixty-five hundredths of one percent by 2015.~~
- ~~3 12 e. Eight-tenths of one percent by 2016.~~
- ~~3 13 f. One percent by 2016 and each year thereafter.~~

EXPLANATION

3 15 This bill relates to alternate and renewable energy
3 16 production.

3 17 The bill adds to the current definitions of an "alternate
3 18 energy production facility" and a "small hydro facility" in
3 19 Code section 476.42 that such a facility shall not exceed a
3 20 maximum nameplate generating capacity of 500 kilowatts in
3 21 distributed renewable generation. The bill defines
3 22 "distributed renewable generation" as electric generation
3 23 sited at a customer premises providing electric energy to the
3 24 customer load on that site, or providing wholesale capacity
3 25 and energy to an electric utility for use by multiple
3 26 customers in contiguous distribution substation service areas.

3 27 The bill requires electric utilities to produce or purchase
3 28 increasing, specified percentages of their total annual Iowa
3 29 retail electric sales from alternate energy production
3 30 facilities or small hydro facilities engaged in distributed
3 31 renewable generation, by specified dates. The maximum
3 32 percentage shall be one percent on and after 2016.

3 33 LSB 1300DP 83

3 34 rn/rj/14.1



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Senate Study Bill 1264

SENATE/HOUSE FILE
BY (PROPOSED OFFICE OF
ENERGY INDEPENDENCE
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to energy efficiency by establishing a renewable
- 2 energy transmission authority, and conferring bonding
- 3 authority upon the authority.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1291DP 83
- 6 rn/rj/14



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1 1 Section 1. NEW SECTION. 471.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Renewable Energy Transmission Authority Act".
1 4 Sec. 2. NEW SECTION. 471.2 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Acquire" means to obtain an eligible facility by
1 8 lease, construction, reconstruction, or purchase.
1 9 2. "Authority" means the renewable energy transmission
1 10 authority created in section 471.3.
1 11 3. "Bonds" means renewable energy transmission bonds and
1 12 includes notes, warrants, bonds, temporary bonds, and
1 13 anticipation notes issued by the authority.
1 14 4. "Eligible facility" means a facility to be financed or
1 15 acquired by the authority, in which, within one year after
1 16 beginning the transmission or storage of any electricity, and
1 17 thereafter, at least thirty percent of the electric energy, as
1 18 estimated by the authority, originates from renewable energy
1 19 sources.
1 20 5. "Facility" means an electric transmission and
1 21 interconnected storage facility and all related structures,
1 22 properties and supporting infrastructure, including any
1 23 interests in the facility.
1 24 6. "Finance" or "financing" means the lending of bond
1 25 proceeds by the authority to a public utility or other private
1 26 person for the purpose of planning, acquiring, operating, and
1 27 maintaining an eligible facility in whole or in part by that
1 28 public utility or other private person.
1 29 7. "Project" means an undertaking by the authority to
1 30 finance or plan; acquire outright, pursuant to an option to
1 31 own, or through a partnership for joint ownership with a
1 32 public utility or transmission operator; maintain; and operate
1 33 an eligible facility located in part or in whole within this
1 34 state.
1 35 8. "Public utility" means an electric or gas public



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2 1 utility subject to rate regulation by the utilities division
2 2 of the department of commerce, an electric public utility
2 3 having fewer than ten thousand customers and electric
2 4 cooperative corporations and associations exempt from rate
2 5 regulation pursuant to section 476.1A, a municipally
2 6 owned utility exempt from rate regulation pursuant to section
2 7 476.1B, and a gas public utility having fewer than two
2 8 thousand customers exempt from rate regulation pursuant to
2 9 section 476.1C.

2 10 9. a. "Renewable energy" means electric energy which is
2 11 any of the following:

2 12 (1) Generated by use of low or zero emissions generation
2 13 technology with substantial long-term production potential.

2 14 (2) Generated by use of renewable energy resources that
2 15 may include any of the following:

2 16 (a) Solar, wind, hydropower, and geothermal resources.

2 17 (b) Fuel cells that are not fossil fueled.

2 18 (c) Biomass resources, such as agriculture or animal
2 19 waste, small diameter timber, salt cedar and other
2 20 phreatophyte or woody vegetation removed from river basins or
2 21 watersheds in this state, landfill gas, and anaerobically
2 22 digested waste biomass.

2 23 b. For purposes of this subsection, "renewable energy"
2 24 does not include electric energy generated by use of fossil
2 25 fuel or nuclear energy.

2 26 10. "Storage" means an energy storage technology that
2 27 converts, stores, and returns electricity to alleviate a
2 28 disparity between electricity supply and demand, to facilitate
2 29 the dispatching of electricity, or to increase economic return
2 30 on the sale of electricity.

2 31 11. "Transmission operator" means an entity that builds,
2 32 owns, leases, or maintains transmission and distribution lines
2 33 within the state's boundaries.

2 34 Sec. 3. NEW SECTION. 471.3 RENEWABLE ENERGY TRANSMISSION
2 35 AUTHORITY CREATED == ORGANIZATION.



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3 1 1. A renewable energy transmission authority is created as
3 2 a public body, politic and corporate, separate and apart from
3 3 this state, constituting a governmental instrumentality for
3 4 the performance of essential public functions.
3 5 2. The authority shall be composed of seven voting members
3 6 as follows:
3 7 a. Three public members appointed by the governor.
3 8 b. The director of the office of energy independence or
3 9 the director's designee.
3 10 c. The treasurer of state or the treasurer of state's
3 11 designee.
3 12 d. The chairperson of the utilities board or the
3 13 chairperson's designee.
3 14 e. The director of the department of economic development
3 15 or the director's designee.
3 16 3. The qualifications of the members shall be as follows:
3 17 a. One member appointed by the governor shall have
3 18 expertise in financial matters involving the financing of
3 19 major electrical transmission projects.
3 20 b. The other appointed members shall have:
3 21 (1) Special knowledge of the public utility industry, as
3 22 evidenced by education or by experience, at least five years
3 23 of which must be with the public utility industry.
3 24 (2) Knowledge of renewable energy development.
3 25 (3) A member shall not own or operate a facility or
3 26 represent a person that owns or operates a facility.
3 27 4. In addition to the seven voting members, one member of
3 28 the senate appointed by the majority leader of the senate, one
3 29 member of the senate appointed by the minority leader of the
3 30 senate, one member of the house of representatives appointed
3 31 by the speaker of the house of representatives, and one member
3 32 of the house of representatives appointed by the minority
3 33 leader of the house of representatives, shall serve as ex
3 34 officio, nonvoting members of the authority.
3 35 5. Appointment of public members of the authority shall be



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4 1 subject to the requirements of sections 69.16, 69.16A, and
4 2 69.16C. Public members shall serve three-year terms beginning
4 3 and ending as provided in section 69.19. A vacancy on the
4 4 authority shall be filled for the unexpired portion of the
4 5 regular term in the same manner as regular appointments are
4 6 made. Voting members shall be reimbursed for actual and
4 7 necessary expenses incurred in performance of their duties,
4 8 and may also be eligible to receive compensation as provided
4 9 in section 7E.6. A majority of the voting members shall
4 10 constitute a quorum.

4 11 6. The governor shall designate a member appointed by the
4 12 governor to serve as chairperson, and the authority may elect
4 13 annually such other officers as it deems necessary.

4 14 7. The authority is not created or organized and its
4 15 operations are not conducted for the purpose of making a
4 16 profit, but it is expected to recover the costs of operating
4 17 the authority. Revenues or assets of the authority shall not
4 18 benefit or be distributable to its members, officers, or other
4 19 private persons.

4 20 8. The authority is not subject to the supervision or
4 21 control of any other board, bureau, department, or agency of
4 22 this state except as specifically provided in this chapter.
4 23 Use of the terms "state agency" or "instrumentality" in any
4 24 other law of the state shall not be deemed to refer to the
4 25 authority unless the authority is specifically referred to in
4 26 the law.

4 27 Sec. 4. NEW SECTION. 471.4 AUTHORITY == DUTIES AND
4 28 POWERS.

4 29 1. The authority may do any and all things necessary or
4 30 proper to accomplish its purposes, including all of the
4 31 following:

4 32 a. Hire an executive director and such other employees or
4 33 other agents as it deems necessary for the performance of its
4 34 powers and duties, including consultants, financial advisors
4 35 and legal advisors, and prescribe the powers and duties and



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- 5 1 fix the compensation of the employees and agents. The
5 2 executive director of the authority shall direct the affairs
5 3 and business of the authority, subject to the policies,
5 4 control, and direction of the authority.
5 5 b. Maintain such records and accounts of revenues and
5 6 expenditures as required by the auditor of state. The auditor
5 7 of state or the auditor of state's designee shall conduct an
5 8 annual financial and legal compliance audit of the accounts of
5 9 the authority and file copies with the governor and the
5 10 general assembly.
5 11 c. Make and execute agreements, contracts, and other
5 12 instruments necessary or convenient in the exercise of its
5 13 powers and functions with any person or governmental agency.
5 14 d. Enter into contractual agreements with respect to one
5 15 or more projects upon the terms and conditions the authority
5 16 considers advisable.
5 17 e. Utilize the services of state agencies upon mutually
5 18 agreeable terms and conditions.
5 19 f. Enter into partnerships with public or private
5 20 entities.
5 21 g. Identify and establish corridors for the transmission
5 22 of electricity within the state.
5 23 h. Coordinate, investigate, plan, prioritize, and
5 24 negotiate with entities within and outside the state for the
5 25 establishment of interstate transmission corridors through
5 26 participation in appropriate regional transmission forums.
5 27 i. Finance or plan, acquire, maintain, and operate one or
5 28 more eligible facilities necessary or useful for the
5 29 accomplishment of the purposes of this chapter.
5 30 j. Receive by gift, grant, donation, or otherwise, any
5 31 federal or state funding, or funding received from any other
5 32 state, any political subdivision, or any other public or
5 33 private entity.
5 34 k. Issue bonds as necessary to undertake a project.
5 35 l. Own eligible facilities or enter into a partnership for



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6 1 joint ownership with public utilities or transmission
6 2 operators.
6 3 m. Enter into contracts for the lease and operation by the
6 4 authority of eligible facilities owned by a public utility,
6 5 transmission operator, or other private person.
6 6 n. Enter into contracts for leasing one or more eligible
6 7 facilities owned by the authority, provided that any revenue
6 8 derived pursuant to the lease shall be deposited in the
6 9 renewable energy transmission bonding fund.
6 10 o. Collect payments of reasonable rates, fees, interest,
6 11 or other charges from persons using one or more eligible
6 12 facilities to finance one or more eligible facilities and for
6 13 other services rendered by the authority, provided that any
6 14 revenue derived from payments made to the authority shall be
6 15 deposited in the renewable energy transmission bonding fund.
6 16 p. Borrow money necessary to carry out its purposes and
6 17 mortgage and pledge any leases, loans, or contracts executed
6 18 and delivered by the authority.
6 19 q. Sue and be sued.
6 20 r. Adopt such reasonable administrative rules pursuant to
6 21 chapter 17A as may be necessary or appropriate to carry out
6 22 its powers and duties.
6 23 2. Except as provided in this subsection, the authority
6 24 shall not enter into any project if public utilities,
6 25 transmission operators, or other private persons are
6 26 performing the acts, are constructing or have constructed one
6 27 or more facilities, or are providing the services contemplated
6 28 by the authority, and are willing to provide funds for and own
6 29 new infrastructure to meet an identified need and market.
6 30 Before entering into a project, the following procedures shall
6 31 be implemented:
6 32 a. The authority shall provide to each gas and electric
6 33 public utility, transmission operator, and the utilities
6 34 division of the department of commerce and shall publish
6 35 notice in a newspaper of general circulation in this state and



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7 1 in a newspaper in the area where one or more eligible
7 2 facilities are contemplated and on a publicly accessible
7 3 internet site maintained by the authority, an initial notice
7 4 describing the project that the authority is contemplating,
7 5 including a detailed description of the existing or
7 6 anticipated renewable energy sources that justify the
7 7 determination by the authority that the project facilities are
7 8 eligible facilities. The description shall contain, at a
7 9 minimum, the names of all persons that already are or will
7 10 develop the renewable energy sources, all persons that will
7 11 own the renewable energy sources, and the peak output
7 12 capacity, source type, location, and anticipated connection
7 13 date of the renewable energy sources.

7 14 b. Any person with an interest that may be affected by the
7 15 proposed project shall have thirty days from the date of the
7 16 last publication of the initial notice to challenge, in
7 17 writing, the determination by the authority that the
7 18 facilities are eligible facilities. If a challenge is
7 19 received by the authority within the thirty days, the
7 20 authority shall hold a public hearing. Following the hearing,
7 21 the authority shall make a final determination of eligibility.
7 22 Any person or governmental entity participating in the hearing
7 23 may appeal the final determination by filing a notice of
7 24 appeal with the district court.

7 25 c. Gas and electric public utilities, transmission
7 26 operators, and other persons willing and able to provide money
7 27 for, acquire, maintain, and operate one or more eligible
7 28 facilities described in the notice shall have the following
7 29 time period to notify the authority of the intention and
7 30 ability to provide money for, acquire, maintain, and operate
7 31 the eligible facilities described in the notice:

7 32 (1) Within ninety days of the date of the last publication
7 33 of the initial notice if no challenge is received pursuant to
7 34 paragraph "b".

7 35 (2) Within ninety days of the date of the notice of



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8 1 determination if a challenge is received pursuant to paragraph
8 2 "b".

8 3 d. In the absence of notification by a public utility,
8 4 transmission operator, or other person pursuant to paragraph
8 5 "c", or if a person, having given notice of intention to
8 6 provide money for, acquire, maintain, and operate one or more
8 7 eligible facilities contemplated by the authority, fails to
8 8 make a good faith effort to commence the same within twelve
8 9 months from the date of notification by the authority of its
8 10 intention, the authority may proceed to finance or plan,
8 11 acquire, maintain, and operate the eligible facilities
8 12 originally contemplated, provided that a person that, within
8 13 the time required, has made necessary applications to acquire
8 14 federal, state, local or private permits, certificates, or
8 15 other approvals necessary to acquire the eligible facilities
8 16 shall be deemed to have commenced the same as long as the
8 17 person diligently pursues the permits, certificates, or other
8 18 approvals.

8 19 3. In soliciting and entering into contracts for the
8 20 transmission or storage of electricity, the authority and any
8 21 person leasing or operating one or more eligible facilities
8 22 financed or acquired by the authority shall, if practical,
8 23 give priority to those contracts that will transmit or store
8 24 electricity to be sold and consumed in this state.

8 25 4. The authority and any eligible facilities acquired by
8 26 the authority are not subject to the supervision, regulation,
8 27 control, or jurisdiction of the utilities division of the
8 28 department of commerce, provided this subsection shall not be
8 29 interpreted to allow a public utility to include the cost of
8 30 using eligible facilities in its rate base without the
8 31 approval of the utilities division.

8 32 5. A gas or electric public utility subject to rate
8 33 regulation pursuant to chapter 476 may recover the capital
8 34 cost of a project undertaken pursuant to this chapter from its
8 35 retail customers only if the project has received a



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9 1 certificate of public convenience and necessity pursuant to
9 2 section 476A.6. A municipal utility or a rural electric
9 3 cooperative or association exempt from rate regulation may
9 4 recover such costs only if the project has been approved by
9 5 the governing body of the municipality or political
9 6 subdivision or subdivision within the utility's service area.
9 7 Costs associated with a project undertaken pursuant to this
9 8 chapter are not recoverable from retail utility customers
9 9 except to the extent the costs are prudently incurred and the
9 10 project is used and useful in serving those customers as
9 11 determined by the utilities division.

9 12 Sec. 5. NEW SECTION. 471.5 RENEWABLE ENERGY TRANSMISSION
9 13 BONDS == APPROPRIATION OF PROCEEDS.

9 14 1. The authority is authorized to issue and sell revenue
9 15 bonds, known as renewable energy transmission bonds, payable
9 16 solely from the renewable energy transmission bonding fund for
9 17 the purpose of entering into a project when the authority
9 18 determines that the project is needed.

9 19 2. The net proceeds from the bonds are appropriated to the
9 20 authority for the purpose of financing or acquiring one or
9 21 more eligible facilities.

9 22 Sec. 6. NEW SECTION. 471.6 RENEWABLE ENERGY TRANSMISSION
9 23 BONDING FUND CREATED == MONEYS IN THE FUND PLEDGED.

9 24 1. The renewable energy transmission bonding fund is
9 25 created in the state treasury under the control of the
9 26 authority. The fund shall consist of revenues received by the
9 27 authority from operating or leasing eligible facilities, fees
9 28 and service charges collected, and, if the authority has
9 29 provided financing for eligible facilities, money from
9 30 payments of principal and interest on loans. Notwithstanding
9 31 section 12C.7, subsection 2, interest or earnings on moneys
9 32 deposited in the fund shall be credited to the fund.
9 33 Notwithstanding section 8.33, moneys remaining in the fund at
9 34 the end of a fiscal year shall not revert to the general fund
9 35 of the state.



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10 1 2. Moneys in the renewable energy transmission bonding
10 2 fund are pledged for the payment of principal and interest on
10 3 all bonds issued pursuant to this chapter. Moneys in the fund
10 4 are appropriated to the authority for the purpose of paying
10 5 debt service, including redemption premiums, on the bonds and
10 6 the expenses incurred in the issuance, payment, and
10 7 administration of the bonds.

10 8 3. On June 30 annually, the authority shall estimate the
10 9 amount needed to make debt service and other payments during
10 10 the next twelve months from the renewable energy transmission
10 11 bonding fund on the bonds plus the amount that may be needed
10 12 for any required reserves. The authority shall transfer to
10 13 the renewable energy transmission authority operational fund
10 14 created in section 471.13 any balance in the renewable energy
10 15 transmission bonding fund above the estimated amounts.

10 16 4. Bonds issued pursuant to this chapter shall be payable
10 17 solely from the renewable energy transmission bonding fund or,
10 18 with the approval of the bondholders, such other special funds
10 19 as may be provided by law and do not create an obligation or
10 20 indebtedness of this state. A breach of any contractual
10 21 obligation incurred pursuant to this chapter shall not impose
10 22 a pecuniary liability or a charge upon the general credit or
10 23 taxing power of this state, and the bonds are not general
10 24 obligations for which this state's full faith and credit is
10 25 pledged.

10 26 5. The renewable energy transmission bonding fund shall be
10 27 used only for the purposes specified in this section and
10 28 pledged first to pay the debt service on the bonds issued
10 29 pursuant to this chapter. Any law requiring the deposit of
10 30 revenues in the fund or authorizing expenditures from the fund
10 31 shall not be amended or repealed or otherwise modified so as
10 32 to impair the bonds to which the fund is dedicated as provided
10 33 in this section.

10 34 Sec. 7. NEW SECTION. 471.7 AUTHORITY TO REFUND BONDS.

10 35 The authority may issue and sell at public or private sale



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11 1 bonds to refund outstanding renewable energy transmission
11 2 bonds by exchange, immediate or prospective redemption,
11 3 cancellation, or escrow, including the escrow of debt service
11 4 funds accumulated for payment of outstanding bonds, or any
11 5 combination thereof, when, in its opinion, such action will be
11 6 beneficial to this state.

11 7 Sec. 8. NEW SECTION. 471.8 RENEWABLE ENERGY TRANSMISSION
11 8 BONDS == FORM == EXECUTION.

11 9 1. The authority, except as otherwise specifically
11 10 provided in this chapter shall determine at its discretion the
11 11 terms, covenants, and conditions of the bonds, including but
11 12 not limited to date of issue, denominations, maturities, rate
11 13 or rates of interest, call features, call premiums,
11 14 registration, refund ability and other covenants covering the
11 15 general and technical aspects of the issuance of the bonds.

11 16 2. The bonds shall be in such form as the authority may
11 17 determine, and successive issues shall be identified by
11 18 alphabetical, numerical, or other proper series designation.

11 19 3. Bonds shall be signed and attested by the executive
11 20 director of the authority and shall be executed with the
11 21 facsimile signature of the chairperson of the authority and
11 22 the facsimile seal of the authority, except for bonds issued
11 23 in book entry or similar form without the delivery of physical
11 24 securities. Any interest coupons attached to the bonds shall
11 25 bear the facsimile signature of the executive director of the
11 26 authority, which officer, by the execution of the bonds, shall
11 27 adopt as the executive director's own signature the facsimile
11 28 thereof appearing on the coupons.

11 29 Sec. 9. NEW SECTION. 471.9 PROCEDURE FOR SALE OF
11 30 RENEWABLE ENERGY TRANSMISSION BONDS.

11 31 1. Bonds shall be sold by the authority at such times and
11 32 in such manner as the authority may elect, either at private
11 33 sale for a negotiated price or to the highest bidder at public
11 34 sale for cash at not less than par and accrued interest.

11 35 2. In connection with any public sale of the bonds, the



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12 1 authority shall publish a notice of the time and place of sale
12 2 in a newspaper of general circulation in this state and also
12 3 in a recognized financial journal outside this state. The
12 4 publication shall be made once each week for two consecutive
12 5 weeks prior to the date fixed for such sale, the last
12 6 publication to be two business days prior to the date of sale.
12 7 The notice shall specify the amount, denomination, maturity,
12 8 and description of the bonds to be offered for sale and the
12 9 place, day, and hour at which sealed bids therefor shall be
12 10 received. All bids, except those of this state, shall be
12 11 accompanied by a deposit of two percent of the principal
12 12 amount of the bonds. Deposits of unsuccessful bidders shall
12 13 be returned upon rejection of the bids. At the time and place
12 14 specified in such notice, the authority shall open the bids in
12 15 public and shall award the bonds, or any part thereof, to the
12 16 bidder or bidders offering the best price. The authority may
12 17 reject any or all bids and readvertise.

12 18 3. The authority may sell a bond issue, or any part
12 19 thereof, to this state or to one or more investment bankers or
12 20 institutional investors at private sale.

12 21 Sec. 10. NEW SECTION. 471.10 AUTHORITY FOR ISSUANCE OF
12 22 BONDS == LEGAL INVESTMENTS.

12 23 1. This chapter constitutes full authority for the
12 24 issuance and sale of renewable energy transmission bonds,
12 25 which bonds shall have all the qualities of investment
12 26 securities under the uniform commercial code, chapter 554, and
12 27 shall not be invalid for any irregularity or defect or be
12 28 contestable in the hands of bona fide purchasers or holders
12 29 thereof for value.

12 30 2. The bonds are legal investments for any person or board
12 31 charged with the investment of any public funds and are
12 32 acceptable as security for any deposit of public money.

12 33 Sec. 11. NEW SECTION. 471.11 SUIT MAY BE BROUGHT TO
12 34 COMPEL PERFORMANCE OF OFFICERS.

12 35 Any holder of bonds or any person or officer being a party



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13 1 in interest may sue to enforce and compel the performance of
13 2 the provisions of this chapter.

13 3 Sec. 12. NEW SECTION. 471.12 RENEWABLE ENERGY
13 4 TRANSMISSION BONDS TAX EXEMPT.

13 5 All renewable energy transmission bonds are exempt from
13 6 taxation by this state or any political subdivision of this
13 7 state.

13 8 Sec. 13. NEW SECTION. 471.13 RENEWABLE ENERGY
13 9 TRANSMISSION AUTHORITY OPERATIONAL FUND.

13 10 The renewable energy transmission authority operational
13 11 fund is created in the state treasury under the control of the
13 12 authority. The fund shall consist of moneys appropriated to
13 13 the fund or transferred to the fund from any other source.
13 14 Moneys in the fund are appropriated to the authority for the
13 15 purpose of carrying out the provisions of this chapter.
13 16 Notwithstanding section 12C.7, subsection 2, interest or
13 17 earnings on moneys deposited in the fund shall be credited to
13 18 the fund. Notwithstanding section 8.33, moneys remaining in
13 19 the fund at the end of a fiscal year shall not revert to the
13 20 general fund of the state.

13 21 Sec. 14. NEW SECTION. 471.14 ANNUAL REPORT.

13 22 The authority shall submit a report of its activities to
13 23 the governor and the general assembly not later than December
13 24 1 annually. The report shall set forth a complete operating
13 25 and financial statement covering the authority's operations
13 26 for the previous fiscal year.

13 27 EXPLANATION

13 28 This bill creates a renewable energy transmission authority
13 29 to promote the establishment of electric transmission and
13 30 interconnected storage facilities and related structures and
13 31 infrastructure with at least 30 percent of the facility's
13 32 electric energy originating from renewable energy sources.
13 33 The authority shall be comprised of eleven members, including
13 34 the director of the office of energy independence or designee,
13 35 the state treasurer or designee, three members appointed by



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14 1 the governor, and two members appointed by the president of
14 2 the senate, and the speaker of the house of representatives,
14 3 respectively. One appointed member of the authority shall
14 4 possess expertise in financial matters involving the financing
14 5 of major electrical transmission projects, and the remaining
14 6 appointed members shall have special knowledge or expertise
14 7 relating to the public utility industry, with no member owning
14 8 or operating a facility or representing a person that owns or
14 9 operates such a facility. The bill specifies procedures
14 10 relating to appointment, member reimbursement, and designation
14 11 of a chairperson.

14 12 The bill specifies several duties and powers of the
14 13 authority. The duties include identifying and establishing
14 14 corridors for the transmission of electricity within the
14 15 state, negotiating with entities within and outside the state
14 16 for establishing interstate transmission corridors, financing
14 17 or planning, acquiring, maintaining, and operating electric
14 18 transmission and interconnected storage facilities and related
14 19 structures and infrastructure with at least 30 percent of the
14 20 facility's electric energy originating from renewable energy
14 21 sources, receiving specified forms of funding, issuing bonds
14 22 as necessary to undertake a project, and entering into
14 23 contracts for the lease and operation of electric transmission
14 24 facilities. Procedures are specified regarding notice to gas
14 25 and electric public utilities, the Iowa utilities board, and
14 26 in newspapers of general circulation and via the internet of
14 27 proposed projects that the authority is contemplating,
14 28 including a detailed description of existing or anticipated
14 29 renewable energy sources that justify the determination that
14 30 the proposed project meets the 30 percent renewable energy
14 31 threshold. Opportunity is provided for public utilities,
14 32 transmission operators as defined in the bill, or other
14 33 persons to challenge that threshold determination, and to
14 34 notify the authority of an intention to finance, acquire,
14 35 maintain, and operate the proposed facility. The bill



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15 1 provides that in the absence of such notification, or failure
15 2 to perform, the authority may proceed to finance or plan,
15 3 acquire, maintain, and operate the facility.
15 4 The bill specifies restrictions on the ability of the
15 5 authority to own or control transmission facilities, specifies
15 6 procedures for cost recovery by utilities for projects subject
15 7 to restrictions set forth in the bill, and provides for
15 8 bonding authority, procedures relating thereto, and
15 9 appropriation of the net proceeds from the bonds to the
15 10 authority for the purpose of financing or acquiring
15 11 transmission facilities. Additionally, the bill establishes a
15 12 renewable energy transmission bonding fund consisting of
15 13 specified sources of revenue, authorizes the authority to
15 14 refund bonds, and creates a renewable energy transmission
15 15 authority operational fund to assist the authority in carrying
15 16 out its duties. The bill directs the authority to submit a
15 17 report to the governor and general assembly by December 1
15 18 annually regarding its operations.
15 19 LSB 1291DP 83
15 20 rn/rj/14.1



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SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 cultural affairs, the department of economic development,
3 certain board of regents institutions, the department of
4 workforce development, and the public employment relations
5 board, and related matters.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1011XG 83
8 tw/tm:jp/5



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1 1 Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There is
 1 2 appropriated from the general fund of the state to the
 1 3 department of cultural affairs for the fiscal year beginning
 1 4 July 1, 2009, and ending June 30, 2010, the following amounts,
 1 5 or so much thereof as is necessary, to be used for the
 1 6 purposes designated:

1 7 1. ADMINISTRATION
 1 8 For salaries, support, maintenance, and miscellaneous
 1 9 purposes:
 1 10 \$ 235,632
 1 11 The department of cultural affairs shall coordinate
 1 12 activities with the tourism office of the department of
 1 13 economic development to promote attendance at the state
 1 14 historical building and at this state's historic sites.

1 15 2. COMMUNITY CULTURAL GRANTS
 1 16 For planning and programming for the community cultural
 1 17 grants program established under section 303.3:
 1 18 \$ 279,159

1 19 3. HISTORICAL DIVISION
 1 20 For salaries, support, maintenance, and miscellaneous
 1 21 purposes:
 1 22 \$ 3,550,119
 1 23 From the moneys appropriated under this subsection, the
 1 24 department shall use \$50,000 for purposes of planning
 1 25 commemoration activities for the sesquicentennial anniversary
 1 26 of the civil war and Iowa's participation in the civil war.
 1 27 Such activities may include activities in Iowa, activities
 1 28 through partnerships with other states, and activities on a
 1 29 national level.

1 30 4. HISTORIC SITES
 1 31 For salaries, support, maintenance, and miscellaneous
 1 32 purposes:
 1 33 \$ 547,845

1 34 5. ARTS DIVISION
 1 35 For salaries, support, maintenance, and miscellaneous



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2 1 purposes, including funds to match federal grants:
 2 2 \$ 1,137,459
 2 3 6. GREAT PLACES
 2 4 For salaries, support, maintenance, and miscellaneous
 2 5 purposes:
 2 6 \$ 307,432
 2 7 7. ARCHIVE IOWA GOVERNORS' RECORDS
 2 8 For archiving the records of Iowa governors:
 2 9 \$ 77,936
 2 10 8. RECORDS CENTER RENT
 2 11 For payment of rent for the state records center:
 2 12 \$ 222,018
 2 13 Sec. 2. GOALS AND ACCOUNTABILITY == ECONOMIC DEVELOPMENT.
 2 14 1. The goals for the department of economic development
 2 15 shall be to expand and stimulate the state economy, increase
 2 16 the wealth of Iowans, and increase the population of the
 2 17 state.
 2 18 2. To achieve the goals in subsection 1, the department of
 2 19 economic development shall do all of the following:
 2 20 a. Concentrate its efforts on programs and activities that
 2 21 result in commercially viable products and services.
 2 22 b. Adopt practices and services consistent with free
 2 23 market, private sector philosophies.
 2 24 c. Ensure economic growth and development throughout the
 2 25 state.
 2 26 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
 2 27 appropriated from the general fund of the state to the
 2 28 department of economic development for the fiscal year
 2 29 beginning July 1, 2009, and ending June 30, 2010, the
 2 30 following amounts, or so much thereof as is necessary, to be
 2 31 used for the purposes designated:
 2 32 1. ADMINISTRATION DIVISION
 2 33 a. General administration
 2 34 For salaries, support, maintenance, miscellaneous purposes,
 2 35 and programs; for transfer to the Iowa state commission grant



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3 1 program:
3 2 \$ 2,044,671
3 3 From the money appropriated under this subsection, the
3 4 department shall use \$50,000 for administration of the
3 5 generation Iowa commission.
3 6 b. The department shall work with businesses and
3 7 communities to continually improve the economic development
3 8 climate along with the economic well-being and quality of life
3 9 for Iowans. The administration division shall coordinate with
3 10 other state agencies to ensure that all state departments are
3 11 attentive to the needs of an entrepreneurial culture.
3 12 2. BUSINESS DEVELOPMENT DIVISION
3 13 a. Business development operations
3 14 For business development operations and programs, the film
3 15 office, international trade, export assistance, workforce
3 16 recruitment, and the partner state program; for transfer to
3 17 the strategic investment fund; for transfer to the value-added
3 18 agricultural products and processes financial assistance fund;
3 19 and for salaries, support, maintenance, and miscellaneous
3 20 purposes:
3 21 \$ 6,090,227
3 22 b. The department shall establish a strong and aggressive
3 23 marketing image to showcase Iowa's workforce, existing
3 24 industry, and potential. A priority shall be placed on
3 25 recruiting new businesses, business expansion, and retaining
3 26 existing Iowa businesses. Emphasis shall also be placed on
3 27 entrepreneurial development through helping to secure capital
3 28 for entrepreneurs, and developing networks and a business
3 29 climate conducive to entrepreneurs and small business.
3 30 c. A business creating jobs with economic development
3 31 assistance through moneys appropriated in this subsection
3 32 shall be subject to contract provisions stating that new and
3 33 retained jobs shall be filled by individuals who are citizens
3 34 of the United States who reside within the United States or
3 35 any person authorized to work in the United States pursuant to



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4 1 federal law, including legal resident aliens in the United
4 2 States. Any vendor who receives such public moneys shall
4 3 adhere to such contract provisions and provide periodic
4 4 assurances as the state shall require that the jobs are filled
4 5 solely by citizens of the United States who reside within the
4 6 United States or any person authorized to work in the United
4 7 States pursuant to federal law, including legal resident
4 8 aliens in the United States.

4 9 d. From the moneys appropriated in this subsection, the
4 10 department may provide financial assistance in the form of a
4 11 grant to a community economic development entity for
4 12 conducting a local workforce recruitment effort designed to
4 13 recruit former citizens of the state and former students at
4 14 colleges and universities in the state to meet the needs of
4 15 local employers.

4 16 e. From the moneys appropriated in this subsection, the
4 17 department may provide financial assistance to early-stage
4 18 industry companies being established by women entrepreneurs.

4 19 f. From the moneys appropriated in this subsection, the
4 20 department may provide financial assistance in the form of
4 21 grants, loans, or forgivable loans for advanced research and
4 22 commercialization projects involving value-added agriculture,
4 23 advanced technology, or biotechnology.

4 24 g. Notwithstanding section 8.33, moneys appropriated in
4 25 this subsection that remain unencumbered or unobligated at the
4 26 close of the fiscal year shall not revert but shall remain
4 27 available for expenditure for the purposes designated until
4 28 the close of the succeeding fiscal year.

4 29 3. COMMUNITY DEVELOPMENT DIVISION

4 30 a. Community development programs

4 31 For salaries, support, maintenance, miscellaneous purposes,
4 32 community economic development programs, tourism operations,
4 33 community assistance, plans for Iowa green corps and summer
4 34 youth programs, the mainstreet and rural mainstreet programs,
4 35 the school-to-career program, the community development block



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5 1 grant, and housing and shelter-related programs:
5 2 \$ 5,958,379
5 3 b. The department shall encourage development of
5 4 communities and quality of life to foster economic growth.
5 5 The department shall prepare communities for future growth and
5 6 development through development, expansion, and modernization
5 7 of infrastructure.
5 8 c. The department shall develop public-private
5 9 partnerships with Iowa businesses in the tourism industry,
5 10 Iowa tour groups, Iowa tourism organizations, and political
5 11 subdivisions in this state to assist in the development of
5 12 advertising efforts. The department shall, to the fullest
5 13 extent possible, develop cooperative efforts for advertising
5 14 with contributions from other sources.
5 15 d. Notwithstanding section 8.33, moneys appropriated in
5 16 this subsection that remain unencumbered or unobligated at the
5 17 close of the fiscal year shall not revert to any fund but
5 18 shall remain available for expenditure for the designated
5 19 purposes during the succeeding fiscal year.
5 20 4. For use as matching funds for the United States
5 21 department of housing and urban development's main street
5 22 challenge grants for historic building preservation:
5 23 \$ 184,195
5 24 5. For allocation to the Iowa commission on volunteer
5 25 service for the Iowa's promise and mentoring partnership
5 26 program:
5 27 \$ 125,000
5 28 Notwithstanding section 8.33, moneys appropriated in this
5 29 subsection that remain unencumbered or unobligated at the
5 30 close of the fiscal year shall not revert but shall remain
5 31 available for expenditure for the purposes designated until
5 32 the close of the succeeding fiscal year.
5 33 Sec. 4. INSURANCE ECONOMIC DEVELOPMENT. From the moneys
5 34 collected by the division of insurance in excess of the
5 35 anticipated gross revenues under section 505.7, subsection 3,



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6 1 during the fiscal year beginning July 1, 2009, \$100,000 shall
6 2 be transferred to the department of economic development for
6 3 insurance economic development and international insurance
6 4 economic development.

6 5 Sec. 5. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
6 6 section 15E.120, subsection 5, there is appropriated from the
6 7 Iowa community development loan fund all the moneys available
6 8 during the fiscal year beginning July 1, 2009, and ending June
6 9 30, 2010, to the department of economic development for the
6 10 community development program to be used by the department for
6 11 the purposes of the program.

6 12 Sec. 6. WORKFORCE DEVELOPMENT FUND. There is appropriated
6 13 from the workforce development fund account created in section
6 14 15.342A to the workforce development fund created in section
6 15 15.343 for the fiscal year beginning July 1, 2009, and ending
6 16 June 30, 2010, the following amount, for the purposes of the
6 17 workforce development fund:

6 18 \$ 4,000,000

6 19 Sec. 7. WORKFORCE DEVELOPMENT ADMINISTRATION. From funds
6 20 appropriated or transferred to or receipts credited to the
6 21 workforce development fund created in section 15.343, up to
6 22 \$400,000 for the fiscal year beginning July 1, 2009, and
6 23 ending June 30, 2010, may be used for the administration of
6 24 workforce development activities including salaries, support,
6 25 maintenance, and miscellaneous purposes.

6 26 Sec. 8. JOB TRAINING FUND. Notwithstanding section
6 27 15.251, all remaining moneys in the job training fund on July
6 28 1, 2009, and any moneys appropriated or credited to the fund
6 29 during the fiscal year beginning July 1, 2009, shall be
6 30 transferred to the workforce development fund established
6 31 pursuant to section 15.343.

6 32 Sec. 9. IOWA STATE UNIVERSITY.

6 33 1. There is appropriated from the general fund of the
6 34 state to Iowa state university of science and technology for
6 35 the fiscal year beginning July 1, 2009, and ending June 30,



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7 1 2010, the following amount, or so much thereof as is
 7 2 necessary, to be used for small business development centers,
 7 3 the science and technology research park, and the institute
 7 4 for physical research and technology:
 7 5 \$ 2,780,834
 7 6 2. Of the moneys appropriated in subsection 1, Iowa state
 7 7 university of science and technology shall allocate at least
 7 8 \$976,234 for purposes of funding small business development
 7 9 centers. Iowa state university of science and technology may
 7 10 allocate moneys appropriated in subsection 1 to the various
 7 11 small business development centers in any manner necessary to
 7 12 achieve the purposes of this subsection.
 7 13 3. Iowa state university of science and technology shall
 7 14 do all of the following:
 7 15 a. Direct expenditures for research toward projects that
 7 16 will provide economic stimulus for Iowa.
 7 17 b. Provide emphasis to providing services to Iowa-based
 7 18 companies.
 7 19 4. It is the intent of the general assembly that the
 7 20 industrial incentive program focus on Iowa industrial sectors
 7 21 and seek contributions and in-kind donations from businesses,
 7 22 industrial foundations, and trade associations, and that
 7 23 moneys for the institute for physical research and technology
 7 24 industrial incentive program shall be allocated only for
 7 25 projects which are matched by private sector moneys for
 7 26 directed contract research or for nondirected research. The
 7 27 match required of small businesses as defined in section
 7 28 15.102, subsection 4, for directed contract research or for
 7 29 nondirected research shall be \$1 for each \$3 of state funds.
 7 30 The match required for other businesses for directed contract
 7 31 research or for nondirected research shall be \$1 for each \$1
 7 32 of state funds. The match required of industrial foundations
 7 33 or trade associations shall be \$1 for each \$1 of state funds.
 7 34 Iowa state university of science and technology shall
 7 35 report annually to the joint appropriations subcommittee on



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8 1 economic development and the legislative services agency the
8 2 total amount of private contributions, the proportion of
8 3 contributions from small businesses and other businesses, and
8 4 the proportion for directed contract research and nondirected
8 5 research of benefit to Iowa businesses and industrial sectors.
8 6 Notwithstanding section 8.33, moneys appropriated in this
8 7 section that remain unencumbered or unobligated at the close
8 8 of the fiscal year shall not revert but shall remain available
8 9 for expenditure for the purposes designated until the close of
8 10 the succeeding fiscal year.

8 11 Sec. 10. UNIVERSITY OF IOWA.

8 12 1. There is appropriated from the general fund of the
8 13 state to the state university of Iowa for the fiscal year
8 14 beginning July 1, 2009, and ending June 30, 2010, the
8 15 following amount, or so much thereof as is necessary, to be
8 16 used for the state university of Iowa research park and for
8 17 the advanced drug development program at the Oakdale research
8 18 park, including salaries, support, maintenance, equipment, and
8 19 miscellaneous purposes:

8 20 \$ 249,751

8 21 2. The state university of Iowa shall do all of the
8 22 following:

8 23 a. Direct expenditures for research toward projects that
8 24 will provide economic stimulus for Iowa.

8 25 b. Provide emphasis to providing services to Iowa-based
8 26 companies.

8 27 3. Notwithstanding section 8.33, moneys appropriated in
8 28 this section that remain unencumbered or unobligated at the
8 29 close of the fiscal year shall not revert but shall remain
8 30 available for expenditure for the purposes designated until
8 31 the close of the succeeding fiscal year.

8 32 Sec. 11. UNIVERSITY OF NORTHERN IOWA.

8 33 1. There is appropriated from the general fund of the
8 34 state to the university of northern Iowa for the fiscal year
8 35 beginning July 1, 2009, and ending June 30, 2010, the



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9 1 following amount, or so much thereof as is necessary, to be
 9 2 used for the metal casting institute, for the MyEntreNet
 9 3 internet application, and for the institute of decision
 9 4 making, including salaries, support, maintenance, and
 9 5 miscellaneous purposes:
 9 6 \$ 545,472

9 7 From the moneys appropriated under this subsection, the
 9 8 university of northern Iowa shall use at least \$184,195 for
 9 9 purposes of expanding the service area of the myentrenet
 9 10 internet application.

9 11 2. The university of northern Iowa shall do all of the
 9 12 following:

9 13 a. Direct expenditures for research toward projects that
 9 14 will provide economic stimulus for Iowa.

9 15 b. Provide emphasis to providing services to Iowa-based
 9 16 companies.

9 17 3. Notwithstanding section 8.33, moneys appropriated in
 9 18 this section that remain unencumbered or unobligated at the
 9 19 close of the fiscal year shall not revert but shall remain
 9 20 available for expenditure for the purposes designated until
 9 21 the close of the succeeding fiscal year.

9 22 Sec. 12. BOARD OF REGENTS REPORT. The state board of
 9 23 regents shall submit a report on the progress of regents
 9 24 institutions in meeting the strategic plan for technology
 9 25 transfer and economic development to the secretary of the
 9 26 senate, the chief clerk of the house of representatives, and
 9 27 the legislative services agency by January 15, 2010.

9 28 Sec. 13. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is
 9 29 appropriated from the general fund of the state to the
 9 30 department of workforce development for the fiscal year
 9 31 beginning July 1, 2009, and ending June 30, 2010, the
 9 32 following amounts, or so much thereof as is necessary, for the
 9 33 purposes designated:

9 34 1. DIVISION OF LABOR SERVICES

9 35 For the division of labor services, including salaries,



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10 1 support, maintenance, and miscellaneous purposes:
 10 2 \$ 3,851,643
 10 3 From the contractor registration fees, the division of
 10 4 labor services shall reimburse the department of inspections
 10 5 and appeals for all costs associated with hearings under
 10 6 chapter 91C, relating to contractor registration.
 10 7 2. DIVISION OF WORKERS' COMPENSATION
 10 8 For the division of workers' compensation, including
 10 9 salaries, support, maintenance, and miscellaneous purposes:
 10 10 \$ 2,884,187
 10 11 The division of workers' compensation shall continue
 10 12 charging a \$65 filing fee for workers' compensation cases.
 10 13 The filing fee shall be paid by the petitioner of a claim.
 10 14 However, the fee can be taxed as a cost and paid by the losing
 10 15 party, except in cases where it would impose an undue hardship
 10 16 or be unjust under the circumstances. The moneys generated by
 10 17 the filing fee allowed under this subsection are appropriated
 10 18 to the department of workforce development to be used for
 10 19 purposes of administering the division of workers'
 10 20 compensation.
 10 21 3. WORKFORCE DEVELOPMENT OPERATIONS
 10 22 For the operation of field offices, the workforce
 10 23 development board, and new Iowans centers:
 10 24 \$ 12,370,209
 10 25 Of the moneys appropriated in this subsection, the
 10 26 department shall allocate \$12,193,031 for the operation of
 10 27 field offices. The department shall not reduce the number of
 10 28 field offices below the number of field offices being operated
 10 29 as of January 1, 2009.
 10 30 The department of workforce development shall maintain new
 10 31 Iowans centers that offer one-stop services to deal with the
 10 32 multiple issues related to immigration and employment. The
 10 33 centers shall be designed to support workers, businesses, and
 10 34 communities with information, referrals, job placement
 10 35 assistance, translation, language training, and resettlement,



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11 1 as well as technical and legal assistance on such issues as
 11 2 forms and documentation. Through the coordination of local,
 11 3 state, and federal service providers, and through the
 11 4 development of partnerships with public, private, and
 11 5 nonprofit entities with established records of international
 11 6 service, these centers shall seek to provide a seamless
 11 7 service delivery system for new Iowans.

11 8 4. INTEGRATED BASIC EDUCATION AND SKILLS TRAINING
 11 9 For purposes of conducting integrated basic education and
 11 10 skills training demonstration projects with eligible community
 11 11 colleges to bring English as a second language and adult basic
 11 12 education instructors together with professional=technical
 11 13 instructors in the same classroom to provide students with
 11 14 contextualized remediation and English language services and
 11 15 occupational training at the same time, including salaries,
 11 16 support, maintenance, and miscellaneous purposes:
 11 17 \$ 970,074

11 18 5. OFFENDER REENTRY PROGRAM
 11 19 For the development and administration of an offender
 11 20 reentry program to provide offenders with employment skills:
 11 21 \$ 367,447

11 22 The department shall partner with the department of
 11 23 corrections to provide staff within the correctional
 11 24 facilities to improve offenders' abilities to find and retain
 11 25 productive employment.

11 26 6. For purposes of administration of a security employee
 11 27 pilot project training program:
 11 28 \$ 15,000

11 29 7. For purposes of enhancing efforts to investigate
 11 30 employers that misclassify workers:
 11 31 \$ 771,153

11 32 8. NONREVERSION OF MONEYS
 11 33 Notwithstanding section 8.33, moneys appropriated in this
 11 34 section that remain unencumbered or unobligated at the close
 11 35 of the fiscal year shall not revert but shall remain available



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12 1 for expenditure for the purposes designated until the close of
12 2 the succeeding fiscal year.

12 3 Sec. 14. ACCOUNTABILITY == AUDIT.

12 4 1. By January 15, 2010, the department of workforce
12 5 development shall submit a written report to the chairpersons
12 6 and ranking members of the joint appropriations subcommittee
12 7 on economic development which shall include a list of
12 8 contracts held by the department and accountability measures
12 9 in effect for each contract.

12 10 2. The auditor of state shall annually conduct an audit of
12 11 the department of workforce development and shall report the
12 12 findings of such annual audit, including the accountability of
12 13 programs of the department, to the chairpersons and ranking
12 14 members of the joint appropriations subcommittee on economic
12 15 development. The department shall pay for the costs
12 16 associated with the audit.

12 17 3. The legislative services agency shall conduct an annual
12 18 review of salaries paid to employees of entities organized
12 19 under chapter 28E and salaries paid under a contract with the
12 20 department of workforce development. The legislative services
12 21 agency shall report its findings to the chairpersons and
12 22 ranking members of the joint appropriations subcommittee on
12 23 economic development.

12 24 4. The department of management shall work with the
12 25 department of workforce development to accurately reflect the
12 26 number of employees within the department of workforce
12 27 development funded by state and federal sources. The
12 28 department of management shall issue a report to the joint
12 29 appropriations subcommittee on economic development regarding
12 30 such employees and identifying the relative sources of funding
12 31 by January 15, 2010.

12 32 Sec. 15. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
12 33 appropriated from the special employment security contingency
12 34 fund to the department of workforce development for the fiscal
12 35 year beginning July 1, 2009, and ending June 30, 2010, the



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13 1 following amounts, or so much thereof as is necessary, for the
13 2 purposes designated:

13 3 For the division of workers' compensation, salaries,
13 4 support, maintenance, and miscellaneous purposes:
13 5 \$ 471,000

13 6 Any remaining additional penalty and interest revenue may
13 7 be allocated and used to accomplish the mission of the
13 8 department.

13 9 Sec. 16. UNEMPLOYMENT COMPENSATION RESERVE FUND.

13 10 Notwithstanding section 96.9, subsection 8, paragraph "e",
13 11 there is appropriated from interest earned on the unemployment
13 12 compensation reserve fund to the department of workforce
13 13 development for the fiscal year beginning July 1, 2009, and
13 14 ending June 30, 2010, the following amount for the operation
13 15 of field offices:

13 16 \$ 6,500,000

13 17 Sec. 17. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
13 18 appropriated from the general fund of the state to the public
13 19 employment relations board for the fiscal year beginning July
13 20 1, 2009, and ending June 30, 2010, the following amount, or so
13 21 much thereof as is necessary, for the purposes designated:

13 22 For salaries, support, maintenance, and miscellaneous
13 23 purposes:
13 24 \$ 1,147,363

13 25 Sec. 18. VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES
13 26 FINANCIAL ASSISTANCE FUND MONEYS. For the fiscal year
13 27 beginning July 1, 2009, and ending June 30, 2010, the office
13 28 of renewable fuels and coproducts may apply to the department
13 29 of economic development for moneys in the value-added
13 30 agricultural products and processes financial assistance fund
13 31 for deposit in the renewable fuels and coproducts fund created
13 32 in section 159A.7.

13 33 Sec. 19. IOWA FINANCE AUTHORITY AUDIT. The auditor of
13 34 state is requested to review the audit of the Iowa finance
13 35 authority performed by the auditor hired by the authority.



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15 1 state economy, increase the wealth of Iowans, and increase the
15 2 population of the state.

15 3 The bill transfers moneys collected by the division of
15 4 insurance in excess of the anticipated gross revenues to the
15 5 department of economic development for purposes of insurance
15 6 economic development and international insurance economic
15 7 development.

15 8 The bill appropriates moneys from the Iowa community
15 9 development loan fund to the department of economic
15 10 development for purposes of the community development program.

15 11 The bill appropriates moneys from the workforce development
15 12 fund account to the workforce development fund.

15 13 The bill provides that moneys appropriated or transferred
15 14 to or receipts credited to the workforce development fund may
15 15 be used for administration of workforce development
15 16 activities.

15 17 The bill provides that all moneys remaining in the job
15 18 training fund on July 1, 2009, and any moneys appropriated or
15 19 credited to the fund during the fiscal year beginning July 1,
15 20 2009, shall be transferred to the workforce development fund.

15 21 The bill requires the state board of regents to submit a
15 22 report on the progress of regents institutions in meeting the
15 23 strategic plan for technology transfer and economic
15 24 development.

15 25 The bill requires the department of workforce development
15 26 to submit a report to the joint appropriations subcommittee
15 27 regarding contracts held by the department and related
15 28 accountability measures. The bill requires the auditor of
15 29 state to conduct an audit of the department of workforce
15 30 development. The bill requires the legislative services
15 31 agency to conduct a review of salaries paid under a contract
15 32 with the department of workforce development and of salaries
15 33 paid to employees of certain entities organized under Code
15 34 chapter 28E. The bill requires the department of workforce
15 35 development and the department of management to work together



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16 1 to accurately reflect the number of employees within the
16 2 department of workforce development funded by state and
16 3 federal sources.

16 4 The bill appropriates moneys from the special employment
16 5 security contingency fund to the department of workforce
16 6 development for the division of workers' compensation.

16 7 The bill appropriates interest earned on the unemployment
16 8 compensation reserve fund for the fiscal year beginning July
16 9 1, 2009, to the department of workforce development for the
16 10 operation of field offices.

16 11 The bill allows the office of renewable fuels and
16 12 coproducts for the fiscal year beginning July 1, 2009, to
16 13 apply to the department of economic development for moneys in
16 14 the value-added agricultural products and processes financial
16 15 assistance fund for deposit in the renewable fuels and
16 16 coproducts fund.

16 17 The bill requests the auditor of state to review the audit
16 18 of the Iowa finance authority performed by the auditor hired
16 19 by the authority.

16 20 The bill provides that, for the fiscal year beginning July
16 21 1, 2009, any entity that was specifically identified in 2001
16 22 Iowa Acts, chapter 188, to receive funding from the department
16 23 of economic development, excluding any entity identified to
16 24 receive a direct appropriation beginning July 1, 2009, may
16 25 apply to the department for assistance through the appropriate
16 26 program.

16 27 The bill provides that, in providing moneys from the
16 28 shelter assistance fund to homeless shelter programs, the
16 29 department of economic development shall explore the potential
16 30 of allocating moneys to programs based in part on their
16 31 ability to move their clients toward self-sufficiency.

16 32 The bill appropriates moneys from moneys credited to the
16 33 state by the secretary of the treasury of the United States
16 34 pursuant to the Social Security Act to the department of
16 35 workforce development for the administration of the



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17 1 unemployment compensation program only.
17 2 LSB 1011XG 83
17 3 tw/tm:jp/5.2



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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to department of transportation administrative
- 2 procedures by establishing a procedure to remove a conviction
- 3 relating to the operation of a motor vehicle from a driving
- 4 record based on identity theft and requiring verification of
- 5 status in regards to the driver's license of a foreign
- 6 national.
- 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 8 TLBSB 1388DP 83
- 9 jm/nh/5



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1 1 Section 1. Section 321.196, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. Except as otherwise provided, a driver's license, other
1 4 than an instruction permit, chauffeur's instruction permit, or
1 5 commercial driver's instruction permit issued under section
1 6 321.180, expires five years from the licensee's birthday
1 7 anniversary occurring in the year of issuance if the licensee
1 8 is between the ages of seventeen years eleven months and
1 9 seventy years on the date of issuance of the license. If the
1 10 licensee is under the age of seventeen years eleven months or
1 11 age seventy or over, the license is effective for a period of
1 12 two years from the licensee's birthday anniversary occurring
1 13 in the year of issuance. A licensee whose license is
1 14 restricted due to vision or other physical deficiencies may be
1 15 required to renew the license every two years. If a licensee
1 16 is a foreign national who is temporarily present in this
1 17 state, the license shall be issued only for the length of time
1 18 the foreign national is authorized to be present as ~~determined~~
1 19 verified by the department, not to exceed two years.
1 20 Sec. 2. NEW SECTION. 321.200A APPLICATION FOR REMOVAL OF
1 21 RECORD == IDENTITY THEFT == POSTCONVICTION RELIEF.
1 22 1. As used in this section, "identify theft" means the
1 23 same as provided in section 715A.8.
1 24 2. If a record of conviction for a violation of this
1 25 chapter or other law regulating the operation of a vehicle on
1 26 the highways of this state is entered against a person as the
1 27 result of identity theft committed against the person, the
1 28 person may make a written application to the department to
1 29 have the record of conviction removed from the records of the
1 30 department. Prior to issuing a ruling the department may
1 31 investigate the application. The department may deny or
1 32 approve the application at the discretion of the department.
1 33 If the department issues an approval of the application, the
1 34 person may commence postconviction proceedings pursuant to
1 35 section 822.3A. If the department denies approval of the



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2 1 application the person may not proceed under section 822.3A.
2 2 The department shall not remove the record from the
2 3 department's records until the department receives an order
2 4 granting relief under chapter 822.

2 5 3. Upon receiving an order granting relief under chapter
2 6 822, the department shall rescind any administrative sanction
2 7 imposed upon the person as a result of the conviction, unless
2 8 the person would be subject to the sanction despite the
2 9 removal of the record of conviction. The department may
2 10 impose a new sanction if removal of the record of conviction
2 11 would result in a lesser or different sanction.

2 12 4. This section does not preclude a person from seeking
2 13 postconviction relief in other matters permitted by law.

2 14 5. The approval or denial of an application is not subject
2 15 to contested case proceedings or further review as provided in
2 16 chapter 17A.

2 17 6. The department may adopt rules pursuant to chapter 17A
2 18 to implement this section.

2 19 Sec. 3. Section 822.3, Code 2009, is amended to read as
2 20 follows:

2 21 822.3 HOW TO COMMENCE PROCEEDING == LIMITATION.

2 22 A Except for proceedings commenced under section 822.3A, a
2 23 proceeding is commenced by filing an application verified by
2 24 the applicant with the clerk of the district court in which
2 25 the conviction or sentence took place. However, if the
2 26 applicant is seeking relief under section 822.2, subsection 1,
2 27 paragraph "f", the application shall be filed with the clerk
2 28 of the district court of the county in which the applicant is
2 29 being confined within ninety days from the date the
2 30 disciplinary decision is final. All other applications must
2 31 be filed within three years from the date the conviction or
2 32 decision is final or, in the event of an appeal, from the date
2 33 the writ of procedendo is issued. However, this limitation
2 34 does not apply to a ground of fact or law that could not have
2 35 been raised within the applicable time period. Facts within



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3 1 the personal knowledge of the applicant and the authenticity
3 2 of all documents and exhibits included in or attached to the
3 3 application must be sworn to affirmatively as true and
3 4 correct. The supreme court may prescribe the form of the
3 5 application and verification. The clerk shall docket the
3 6 application upon its receipt and promptly bring it to the
3 7 attention of the court and deliver a copy to the county
3 8 attorney and the attorney general.

3 9 Sec. 4. NEW SECTION. 822.3A PROCEEDINGS INVOLVING
3 10 IDENTITY THEFT == DEPARTMENT OF TRANSPORTATION APPROVAL.

3 11 1. If the department of transportation issues an approval
3 12 of an application to remove a record pursuant to section
3 13 321.200A, a proceeding is commenced by filing an application
3 14 verified by the applicant with the clerk of the district court
3 15 in the county where the conviction occurred, or with the clerk
3 16 of the district court where the applicant resides. The
3 17 application filed with the clerk must include a copy of the
3 18 application for removal submitted pursuant to section 321.200A
3 19 and a certified copy of the approval issued by the department
3 20 of transportation.

3 21 2. The application must be filed with the clerk of the
3 22 district court within one year from the date the department of
3 23 transportation issued the approval pursuant to section
3 24 321.200A.

3 25 3. Facts within the personal knowledge of the applicant
3 26 and the authenticity of all documents and exhibits included in
3 27 or attached to the application must be sworn to affirmatively
3 28 as true and correct.

3 29 4. The clerk of the district court shall deliver a copy of
3 30 the application to the department of transportation, the
3 31 attorney general, the clerk of the district court and county
3 32 attorney where each conviction approved for removal occurred,
3 33 and the clerk of the district court where the applicant
3 34 resides.

3 35 5. The clerk of the district court shall also provide a



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4 1 copy of any order entered pursuant to section 822.6 or section
4 2 822.7 to the department of transportation, the attorney
4 3 general, and any clerk and county attorney entitled to receive
4 4 a copy of the application under subsection 4.

4 5 6. The supreme court may prescribe the form of the
4 6 application and verification.

4 7 Sec. 5. Section 822.6, Code 2009, is amended to read as
4 8 follows:

4 9 822.6 DETERMINATION OF RELIEF.

4 10 1. Within thirty days after the docketing of the
4 11 application, or within any further time the court may fix, the
4 12 state shall respond by answer or by motion which may be
4 13 supported by affidavits. At any time prior to entry of
4 14 judgment the court may grant leave to withdraw the
4 15 application. The court may make appropriate orders for
4 16 amendment of the application or any pleading or motion, for
4 17 pleading over, for filing further pleadings or motions, or for
4 18 extending the time of the filing of any pleading. In
4 19 considering the application the court shall take account of
4 20 substance regardless of defects of form. If the application
4 21 is not accompanied by the record of the proceedings challenged
4 22 therein, the respondent shall file with its answer the record
4 23 or portions thereof that are material to the questions raised
4 24 in the application.

4 25 2. When a court is satisfied, on the basis of the
4 26 application, the answer or motion, and the record, that the
4 27 applicant is not entitled to postconviction relief and no
4 28 purpose would be served by any further proceedings, it may
4 29 indicate to the parties its intention to dismiss the
4 30 application and its reasons for dismissal. The applicant
4 31 shall be given an opportunity to reply to the proposed
4 32 dismissal. In light of the reply, or on default thereof, the
4 33 court may order the application dismissed or grant leave to
4 34 file an amended application or direct that the proceedings
4 35 otherwise continue. Disposition on the pleadings and record



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5 1 is not proper if a material issue of fact exists.

5 2 3. The Except as provided in subsection 4, the court may
5 3 grant a motion by either party for summary disposition of the
5 4 application, when it appears from the pleadings, depositions,
5 5 answers to interrogatories, and admissions and agreements of
5 6 fact, together with any affidavits submitted, that there is no
5 7 genuine issue of material fact and the moving party is
5 8 entitled to judgment as a matter of law.

5 9 4. In proceedings commenced under section 822.3A, the
5 10 court may grant a motion by the applicant for summary
5 11 disposition of the application for any conviction if the
5 12 respective county attorney in the county where the conviction
5 13 approved for removal occurred, affirmatively indicates the
5 14 state has no resistance to the application.

5 15 EXPLANATION

5 16 This bill establishes a procedure to remove a conviction
5 17 relating to the operation of a motor vehicle from a driving
5 18 record which was entered due to identity theft and requires
5 19 verification of status in regards to the driver's license of a
5 20 foreign national.

5 21 The bill specifies that the department of transportation is
5 22 authorized to issue a driver's license to a foreign national
5 23 only for the length of time the foreign national is authorized
5 24 to be present in the United States as verified by the
5 25 department, not to exceed two years. Current law specifies
5 26 the department is to determine the length of time a foreign
5 27 national is authorized to be present in the United States.

5 28 Under the bill, if a record of conviction for a violation
5 29 of Code chapter 321 or other law regulating the operation of a
5 30 vehicle on the highways of this state is entered against a
5 31 person as the result of identity theft, the person may make a
5 32 written application to the department of transportation to
5 33 have the record of conviction removed from the records of the
5 34 department.

5 35 The bill provides that the department of transportation may



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6 1 deny or approve the application at the discretion of the
6 2 department. If the department approves the application the
6 3 applicant may commence postconviction proceedings pursuant to
6 4 new Code section 822.3A created in the bill. The approval or
6 5 denial of an application is not subject to contested case
6 6 proceedings or further review as provided in Code chapter 17A.

6 7 Under the bill, if the department of transportation issues
6 8 an approval to remove a record, a postconviction proceeding is
6 9 commenced by filing an application verified by the applicant
6 10 with the clerk of the district court in the county where the
6 11 conviction occurred, or with the clerk of the district court
6 12 where the applicant resides. The application for
6 13 postconviction relief must be filed with the clerk of the
6 14 district court within one year from the date the department of
6 15 transportation issued the approval. The bill provides that
6 16 the clerk of the district court shall deliver a copy of the
6 17 application for postconviction relief to the department of
6 18 transportation; the attorney general; the clerk of the
6 19 district court and the county attorney where each conviction
6 20 approved for removal occurred; and the clerk of the district
6 21 court where the applicant resides.

6 22 In the postconviction proceedings the court may grant a
6 23 motion by the applicant for summary disposition of the
6 24 application for any conviction if the respective county
6 25 attorney in the county where the conviction approved for
6 26 removal occurred, affirmatively indicates the state has no
6 27 resistance to the application.

6 28 If postconviction relief is granted under the bill, the
6 29 department of transportation shall rescind any administrative
6 30 sanction entered against the person as a result of the
6 31 conviction, unless the person would be subject to the sanction
6 32 despite the removal of the record of conviction. The
6 33 department may impose a new sanction if removal of the record
6 34 of conviction would result in a lesser or different sanction.
6 35 LSB 1388DP 83



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