



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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# House Amendment 1113

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. By striking page 2, line 24, through page 3,  
1 10 line 13.  
1 11 #3. Page 4, line 23, by striking the word  
1 12 <section> and inserting the following: <sections>.  
1 13 #4. Page 4, by striking line 24 and inserting the  
1 14 following: <providing for school district compulsory  
1 15 attendance support reviews and for a compulsory  
1 16 attendance working group take>.  
1 17  
1 18  
1 19  
1 20 WINCKLER of Scott  
1 21 HF 259.503 83  
1 22 kh/nh/21725  
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House Amendment 1114

PAG LIN

1 1 Amend House File 520 as follows:  
1 2 #1. Page 1, by striking lines 12 through 19 and  
1 3 inserting the following:  
1 4 <b. Is admitted to the community college, is  
1 5 domiciled in the state during their course of study,  
1 6 and is the spouse or dependent child of a person who  
1 7 served on active duty in the military service of the  
1 8 United States after September 10, 2001, and was  
1 9 discharged under honorable conditions, or is currently  
1 10 serving on active duty in the military service of the  
1 11 United States.>  
1 12 #2. By striking page 1, line 32, through page 2,  
1 13 line 5, and inserting the following:  
1 14 <b. Is admitted to an institution of higher  
1 15 learning under the control of the board, is domiciled  
1 16 in the state during their course of study, and is the  
1 17 spouse or dependent child of a person who served on  
1 18 active duty in the military service of the United  
1 19 States after September 10, 2001, and was discharged  
1 20 under honorable conditions, or is currently serving on  
1 21 active duty in the military service of the United  
1 22 States.>  
1 23  
1 24  
1 25  
1 26 MASCHER of Johnson  
1 27 HF 520.501 83  
1 28 kh/nh/21724  
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# House Amendment 1115

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1 1 Amend the amendment, H=1022, to House File 257, as  
1 2 follows:  
1 3 #1. By striking page 1, line 4, through page 2,  
1 4 line 4.  
1 5  
1 6  
1 7  
1 8 T. OLSON of Linn  
1 9 HF 257.201 83  
1 10 jm/rj/22372  
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House Amendment 1116

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1 1 Amend House File 552 as follows:  
 1 2 #1. Page 1, line 9, by inserting after the word  
 1 3 <county> the following: <in this state>.  
 1 4 #2. Page 1, line 9, by inserting after the word  
 1 5 <airport.> the following: <At least two of the  
 1 6 members of a three-member commission and at least  
 1 7 three of the members of a five-member commission shall  
 1 8 be residents of the city or county establishing the  
 1 9 commission.>  
 1 10 #3. Page 1, line 21, by inserting after the word  
 1 11 <clerk> the following: <of the city,>.  
 1 12 #4. Page 1, line 22, by inserting after the word  
 1 13 <auditor> the following: <of the county, establishing  
 1 14 the commission>.  
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 1 17  
 1 18 WENTHE of Fayette  
 1 19  
 1 20  
 1 21  
 1 22 MAY of Dickinson  
 1 23 HF 552.201 83  
 1 24 dea/sc/22152  
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## House Amendment 1117

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1 1 Amend House File 561 as follows:

1 2 #1. Page 4, line 29, by inserting after the word

1 3 <section.> the following: <Notwithstanding section

1 4 12C.7, subsection 2, interest or earnings on moneys

1 5 deposited in the fund shall be credited to the fund.>

---

1 6 #2. Page 5, by striking lines 23 and 24 and

1 7 inserting the following:

1 8 <Sec. \_\_\_\_ . Section 327J.2, Code 2009, is amended

1 9 to read as follows:

1 10 327J.2 PASSENGER RAIL SERVICE REVOLVING FUND.

1 11 1. FUND CREATED. The passenger rail service

1 12 revolving fund is established as a separate fund in

1 13 the state treasury under the control of the

1 14 department. Moneys deposited in the fund shall be

1 15 administered by the director and shall be used to pay

1 16 the costs associated with the initiation, operation,

1 17 and maintenance of ~~rail~~ passenger rail service.>

1 18 #3. Page 5, by inserting after line 33 the

1 19 following:

1 20 <3. NO REVERSION. Notwithstanding section 8.33,

1 21 any balance in the fund on June 30 of any fiscal year

1 22 shall not revert to the general fund of the state.

1 23 Notwithstanding section 12C.7, subsection 2, interest

1 24 or earnings on moneys deposited in the fund shall be

1 25 credited to the fund.>

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1 26 #4. By renumbering as necessary.

1 27

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1 29

1 30 BELL of Jasper

1 31 HF 561.201 83

1 32 dea/dea/12495

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# House Concurrent Resolution 7 - Introduced

PAG LIN

H.C.R. \_\_\_\_\_ S.C.R. \_\_\_\_\_

1 1                   HOUSE CONCURRENT RESOLUTION 7  
1 2                   By McCarthy and Paulsen  
1 3       A Concurrent Resolution relating to Pioneer Lawmakers.  
1 4       WHEREAS, The Eighty-third General Assembly is advised of a  
1 5 meeting of the Pioneer Lawmakers Association to be held  
1 6 Wednesday, April 1, 2009, and  
1 7       WHEREAS, The Pioneer Lawmakers request the opportunity to meet  
1 8 formally with the General Assembly; NOW THEREFORE,  
1 9       BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE  
1 10 CONCURRENCE, That the General Assembly meet in joint session in  
1 11 the House Chamber on Wednesday, April 1, 2009, at 2:00 p.m. and  
1 12 that the Pioneer Lawmakers be invited to attend and present a  
1 13 program on that occasion, and that the Speaker of the House of  
1 14 Representatives and the President of the Senate be designated to  
1 15 deliver the invitation to them.  
1 16 HCR 7  
1 17 dt/cm/25



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House File 573 - Introduced

HOUSE FILE  
BY COWNIE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act authorizing the county board of supervisors to decrease
- 2 compensation paid to supervisors.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2365YH 83
- 5 md/sc/14



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House File 573 - Introduced continued

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1 1 Section 1. Section 331.435, Code 2009, is amended to read  
1 2 as follows:

1 3 331.435 BUDGET AMENDMENT.

1 4 1. a. The board may amend the adopted county budget,  
1 5 subject to sections 331.423 through 331.426 and other  
1 6 applicable state law, to permit increases in any class of  
1 7 proposed expenditures contained in the budget summary  
1 8 published under section 331.434, subsection 3, or to permit a  
1 9 decrease in compensation paid to supervisors pursuant to  
1 10 subsection 2.

1 11 b. The board shall prepare and adopt a budget amendment in  
1 12 the same manner as the original budget, as provided in section  
1 13 331.434, and the amendment is subject to protest as provided  
1 14 in section 331.436, except that the director of the department  
1 15 of management may by rule provide that amendments of certain  
1 16 types or up to certain amounts may be made without public  
1 17 hearing and without being subject to protest. A county budget  
1 18 for the ensuing fiscal year shall be amended by May 31 to  
1 19 allow time for a protest hearing to be held and a decision  
1 20 rendered before June 30. An amendment of a budget after May  
1 21 31 which is properly appealed but without adequate time for  
1 22 hearing and decision before June 30 is void.

1 23 2. Notwithstanding the public hearing and protest  
1 24 requirements under subsection 1, paragraph "b", and the notice  
1 25 and hearing requirements of section 331.434, subsection 6, the  
1 26 board may, by resolution, amend the adopted county budget to  
1 27 decrease the compensation paid to supervisors during the  
1 28 current fiscal year. The amount of the decrease in  
1 29 compensation may be appropriated for use in any class of  
1 30 proposed expenditures contained in the budget summary  
1 31 published under section 331.434, subsection 3, or any other  
1 32 purpose authorized by statute.

1 33 Sec. 2. Section 331.907, subsection 2, Code 2009, is  
1 34 amended to read as follows:

1 35 2. At the public hearing held on the county budget as



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House File 573 - Introduced continued

2 1 provided in section 331.434, the county compensation board  
2 2 shall submit its recommended compensation schedule for the  
2 3 next fiscal year to the board of supervisors for inclusion in  
2 4 the county budget. The board of supervisors shall review the  
2 5 recommended compensation schedule for the elected county  
2 6 officers and determine the final compensation schedule which  
2 7 shall not exceed the compensation schedule recommended by the  
2 8 county compensation board. In determining the final  
2 9 compensation schedule if the board of supervisors wishes to  
2 10 reduce the amount of the recommended compensation schedule,  
2 11 the amount of salary increase proposed for each elected county  
2 12 officer, except as provided in subsection 2A, shall be reduced  
2 13 an equal percentage. A copy of the final compensation  
2 14 schedule shall be filed with the county budget at the office  
2 15 of the director of the department of management. The final  
2 16 compensation schedule takes effect on July 1 following its  
2 17 adoption by the board of supervisors.

2 18 Sec. 3. Section 331.907, Code 2009, is amended by adding  
2 19 the following new subsection:

2 20 NEW SUBSECTION. 2A. The board of supervisors may adopt a  
2 21 decrease in compensation paid to supervisors irrespective of  
2 22 the county compensation board's recommended compensation  
2 23 schedule or other approved changes in compensation paid to  
2 24 other elected county officers. A decrease in compensation  
2 25 paid to supervisors shall be adopted by the board of  
2 26 supervisors no less than thirty days before the county budget  
2 27 is certified under section 24.17.

2 28 EXPLANATION

2 29 This bill authorizes a county board of supervisors to  
2 30 decrease the compensation paid to county supervisors during  
2 31 the fiscal year by resolution of the board. The bill provides  
2 32 that certain requirements for notice and protest of budget  
2 33 amendments shall not apply to such a decrease in supervisors'  
2 34 salaries. The bill provides that the amount of the decrease  
2 35 in compensation may be appropriated by the board for use in



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3 1 any class of proposed expenditures contained in the budget  
3 2 summary or any other purpose authorized by statute.  
3 3 The bill also allows a board of supervisors to adopt a  
3 4 decrease in compensation paid to supervisors irrespective of  
3 5 the county compensation board's recommended compensation  
3 6 schedule or other approved changes in compensation paid to  
3 7 other elected county officers. The bill provides that such a  
3 8 decrease in compensation paid to supervisors shall be adopted  
3 9 no less than 30 days before the county budget is certified.  
3 10 LSB 2365YH 83  
3 11 md/sc/14



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House File 574 - Introduced

HOUSE FILE  
BY MAREK and MERTZ

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

**A BILL FOR**

- 1 An Act regulating animal feeding operations, making penalties
- 2 applicable, and providing for penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2393HT 83
- 5 da/rj/8



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1 1 DIVISION I  
1 2 APPLICATION OF LIQUID MANURE ON FROZEN  
1 3 GROUND AND SNOW COVERED GROUND  
1 4 Section 1. Section 459.102, Code 2009, is amended by  
1 5 adding the following new subsections:  
1 6 NEW SUBSECTION. 28A. "Frozen ground" means soil that is  
1 7 impenetrable due to frozen soil moisture but does not include  
1 8 soil that is only frozen to a depth of two inches or less.  
1 9 NEW SUBSECTION. 44A. "Snow covered ground" means soil  
1 10 covered by one inch or more of snow or soil covered by one  
1 11 half inch or more of ice.  
1 12 Sec. 2. NEW SECTION. 459.313A WHEN A PERSON MAY APPLY  
1 13 MANURE ON LAND == FROZEN GROUND AND SNOW COVERED GROUND.  
1 14 1. A person may apply liquid manure originating from a  
1 15 confinement feeding operation on frozen ground or snow covered  
1 16 ground except as provided in this section or except as  
1 17 otherwise provided in this chapter. During the period  
1 18 beginning on February 1 and ending on April 1, a person may  
1 19 apply the liquid manure on frozen ground or snow covered  
1 20 ground only if the need for the application becomes urgent.  
1 21 The need for the application becomes urgent when there is an  
1 22 immediate need to comply with section 459.311, subsection 1.  
1 23 The immediate need must be caused by unforeseen circumstances  
1 24 beyond the control of the owner or operator of the confinement  
1 25 feeding operation, including but not limited to natural  
1 26 disaster, unusual weather conditions, or equipment failure.  
1 27 An owner or operator applying liquid manure pursuant to this  
1 28 paragraph shall notify the department before beginning the  
1 29 land application.  
1 30 2. The authorization to apply liquid manure in subsection  
1 31 1 does not apply to any of the following:  
1 32 a. If the immediate need to comply with section 459.311,  
1 33 subsection 1, is caused by the improper design or management  
1 34 of a manure storage structure, including but not limited to a  
1 35 failure to properly account for the volume of the manure to be



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- 2 1 stored.
- 2 2 b. If the application of liquid manure consists of manure
- 2 3 originating from a small animal feeding operation.
- 2 4 c. If the liquid manure that is applied is injected into
- 2 5 the soil or incorporated within the soil on the same date.
- 2 6 Sec. 3. DEPARTMENTAL REPORT. The department of natural
- 2 7 resources shall prepare and submit a report to the general
- 2 8 assembly on or before July 1, 2010. The report shall provide
- 2 9 recommendations regarding all of the following:
- 2 10 1. The need for improved manure storage structures
- 2 11 associated with small animal feeding operations to improve
- 2 12 water quality.
- 2 13 2. The application of dry manure on frozen ground or snow
- 2 14 covered ground.
- 2 15 DIVISION II
- 2 16 DRY BEDDED CONFINEMENT FEEDING OPERATIONS
- 2 17 SUBCHAPTER I
- 2 18 GENERAL PROVISIONS
- 2 19 Sec. 4. NEW SECTION. 459B.101 TITLE.
- 2 20 This chapter shall be known and may be cited as the "Animal
- 2 21 Agriculture Compliance Act for Dry Bedded Confinement Feeding
- 2 22 Operations".
- 2 23 Sec. 5. NEW SECTION. 459B.102 DEFINITIONS.
- 2 24 As used in this chapter, unless the context otherwise
- 2 25 requires:
- 2 26 1. "Alluvial aquifer area" means an area underlaid by sand
- 2 27 or gravel aquifers situated beneath floodplains along stream
- 2 28 valleys and includes alluvial deposits associated with stream
- 2 29 terraces and benches, contiguous wind-blown sand deposits, and
- 2 30 glacial outwash deposits.
- 2 31 2. "Animal" means cattle or swine.
- 2 32 3. "Animal unit capacity" means the maximum number of
- 2 33 animal units which the owner or operator confines in a dry
- 2 34 bedded confinement feeding operation at any one time.
- 2 35 4. "Bedding" means crop, vegetation, or forage residue or



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3 1 similar materials placed in a dry bedded confinement building  
3 2 for the care of animals.  
3 3 5. "Commercial enterprise" means the same as defined in  
3 4 section 459.102.  
3 5 6. "Confinement feeding operation" means the same as  
3 6 defined in section 459.102.  
3 7 7. "Department" means the department of natural resources.  
3 8 8. "Designated area" means the same as defined in section  
3 9 459A.102.  
3 10 9. "Designated wetland" means the same as defined in  
3 11 section 459.102.  
3 12 10. "Dry bedded confinement feeding operation" means a  
3 13 confinement feeding operation in which animals are confined to  
3 14 areas which are totally roofed and in which all manure is  
3 15 stored as dry bedded manure.  
3 16 11. "Dry bedded confinement feeding operation structure"  
3 17 means a dry bedded confinement feeding operation building or a  
3 18 dry bedded manure storage structure.  
3 19 12. "Dry bedded manure" means manure from animals that  
3 20 meets all of the following requirements:  
3 21 a. The manure does not flow perceptibly under pressure.  
3 22 b. The manure is not capable of being transported through  
3 23 a mechanical pumping device designed to move a liquid.  
3 24 c. The manure contains bedding.  
3 25 13. "Dry bedded manure confinement feeding operation  
3 26 building" or "building" means a building used in conjunction  
3 27 with a confinement feeding operation to house animals and in  
3 28 which any manure from the animals is stored as dry bedded  
3 29 manure.  
3 30 14. "Dry bedded manure storage structure" means a covered  
3 31 or uncovered structure, other than a building used to store  
3 32 dry bedded manure originating from a confinement feeding  
3 33 operation.  
3 34 15. "Educational institution" means the same as defined in  
3 35 section 459.102.



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- 4 1 16. "Grassed waterway" means the same as defined in  
4 2 section 459A.102.
- 4 3 17. "High-quality water resource" means the same as  
4 4 defined in section 459.102.
- 4 5 18. "Karst terrain" means the same as defined in section  
4 6 459.102.
- 4 7 19. "Major water source" means the same as defined in  
4 8 section 459.102.
- 4 9 20. "Manure" means the same as defined in section 459.102.
- 4 10 21. "One hundred year floodplain" means the same as  
4 11 defined in section 459.102.
- 4 12 22. "Public use area" means the same as defined in section  
4 13 459.102.
- 4 14 23. "Stockpile" means to store dry bedded manure outside  
4 15 of a dry bedded manure confinement feeding operation building  
4 16 or a dry bedded manure storage structure.
- 4 17 24. "Water source" means the same as defined in section  
4 18 459.102.
- 4 19 Sec. 6. NEW SECTION. 459B.103 SPECIAL TERMS.
- 4 20 For purposes of this chapter, all of the following shall  
4 21 apply:
- 4 22 1. Two or more dry bedded confinement feeding operations  
4 23 under common ownership or common management are deemed to be a  
4 24 single dry bedded confinement feeding operation if they are  
4 25 adjacent or utilize a common area or system for dry bedded  
4 26 manure disposal.
- 4 27 2. For purposes of determining whether two or more dry  
4 28 bedded confinement feeding operations are adjacent, all of the  
4 29 following shall apply:
- 4 30 a. At least one dry bedded confinement feeding operation  
4 31 structure must be constructed on or after March 21, 1996.
- 4 32 b. A dry bedded confinement feeding operation structure  
4 33 which is part of one dry bedded confinement feeding operation  
4 34 is separated by less than one thousand two hundred fifty feet  
4 35 from a dry bedded confinement feeding operation structure



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5 1 which is part of the other dry bedded confinement feeding  
5 2 operation.  
5 3 3. a. For purposes of determining whether two or more dry  
5 4 bedded confinement feeding operations are under common  
5 5 ownership, a person must hold an interest in each of the dry  
5 6 bedded confinement feeding operations as any of the following:  
5 7 (1) A sole proprietor.  
5 8 (2) A joint tenant or tenant in common.  
5 9 (3) A holder of a majority equity interest in a business  
5 10 association as defined in section 202B.102, including but not  
5 11 limited to as a shareholder, partner, member, or beneficiary.  
5 12 b. An interest in the dry bedded confinement feeding  
5 13 operation under paragraph "a", subparagraph (1) or (2) which  
5 14 is held directly or indirectly by the person's spouse or  
5 15 dependent child shall be attributed to the person.  
5 16 4. For purposes of determining whether two or more dry  
5 17 bedded confinement feeding operations are under common  
5 18 management, a person must have significant control of the  
5 19 management of the day-to-day operations of each of the dry  
5 20 bedded confinement feeding operations. Common management does  
5 21 not include control over a contract livestock facility by a  
5 22 contractor, as defined in section 202.1.  
5 23 5. In calculating the animal unit capacity of a dry bedded  
5 24 confinement feeding operation, the animal unit capacity shall  
5 25 include the animal unit capacity of all dry bedded confinement  
5 26 feeding operation buildings that are used to house animals in  
5 27 the dry bedded confinement feeding operation.  
5 28 Sec. 7. NEW SECTION. 459B.104 GENERAL AUTHORITY ==  
5 29 COMMISSION AND DEPARTMENT == PURPOSE == COMPLIANCE.  
5 30 1. The environmental protection commission shall establish  
5 31 by rule adopted pursuant to chapter 17A, requirements relating  
5 32 to the construction, including expansion, or operation of dry  
5 33 bedded confinement feeding operations, including related dry  
5 34 bedded manure confinement feeding operation buildings and  
5 35 stockpiles.



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6 1 2. Any provision referring generally to compliance with  
6 2 the requirements of this chapter as applied to dry bedded  
6 3 confinement feeding operations also includes compliance with  
6 4 requirements in rules adopted by the environmental protection  
6 5 commission pursuant to this section, orders issued by the  
6 6 department as authorized under this chapter, and the terms and  
6 7 conditions applicable to manure management plans required  
6 8 under this chapter.

6 9 3. The purpose of this chapter is to provide requirements  
6 10 relating to the construction, including the expansion, and  
6 11 operation of dry bedded confinement feeding operations, and  
6 12 the control of dry bedded manure which shall be construed to  
6 13 supplement applicable provisions of chapter 459. If there is  
6 14 a conflict between the provisions of this chapter and chapter  
6 15 459, the provisions of this chapter shall prevail.

6 16 SUBCHAPTER II

6 17 DRY BEDDED MANURE STRUCTURES ==

6 18 CONSTRUCTION REQUIREMENTS

6 19 Sec. 8. NEW SECTION. 459B.201 CONSTRUCTION DESIGN  
6 20 STANDARDS.

6 21 A person constructing a dry bedded confinement feeding  
6 22 operation structure on karst terrain or in an alluvial aquifer  
6 23 area shall comply with all of the following:

6 24 1. The person must construct the dry bedded confinement  
6 25 feeding operation structure at a location where there is a  
6 26 vertical separation distance of at least five feet between the  
6 27 bottom of the floor of the dry bedded confinement feeding  
6 28 operation structure and the underlying limestone, dolomite, or  
6 29 other soluble rock in karst terrain or the underlying sand and  
6 30 gravel aquifer in an alluvial aquifer area.

6 31 2. The dry bedded confinement feeding operation structure  
6 32 must have a floor consisting of reinforced concrete at least  
6 33 five inches thick.

6 34 Sec. 9. NEW SECTION. 459B.202 DISTANCE REQUIREMENTS.

6 35 1. Except as provided in subsection 3, the following shall



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- 7 1 apply:
- 7 2 a. A dry bedded confinement feeding operation structure
- 7 3 shall not be constructed closer than five hundred feet away
- 7 4 from the surface intake of an agricultural drainage well. A
- 7 5 dry bedded confinement feeding operation structure shall not
- 7 6 be constructed closer than one thousand feet from a wellhead,
- 7 7 cistern of an agricultural drainage well, or known sinkhole.
- 7 8 b. A dry bedded confinement feeding operation structure
- 7 9 shall not be constructed if the dry bedded confinement feeding
- 7 10 operation structure as constructed is closer than any of the
- 7 11 following:
- 7 12 (1) Two hundred feet away from a water source other than a
- 7 13 major water source.
- 7 14 (2) One thousand feet away from a major water source.
- 7 15 (3) Two thousand five hundred feet away from a designated
- 7 16 wetland.
- 7 17 c. (1) A water source, other than a major water source,
- 7 18 shall not be constructed, expanded, or diverted, if the water
- 7 19 source as constructed, expanded, or diverted is closer than
- 7 20 two hundred feet away from a dry bedded confinement feeding
- 7 21 operation structure.
- 7 22 (2) A major water source shall not be constructed,
- 7 23 expanded, or diverted, if the major water source as
- 7 24 constructed, expanded, or diverted is closer than one thousand
- 7 25 feet from a dry bedded confinement feeding operation
- 7 26 structure.
- 7 27 (3) A designated wetland shall not be established, if the
- 7 28 designated wetland is closer than two thousand five hundred
- 7 29 feet away from a dry bedded confinement feeding operation
- 7 30 structure.
- 7 31 2. A dry bedded confinement feeding operation structure
- 7 32 shall not be constructed on land that is part of a one hundred
- 7 33 year floodplain.
- 7 34 3. A separation distance required in subsection 1 shall
- 7 35 not apply to any of the following:



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8 1 a. A location or object and a farm pond or privately owned  
8 2 lake, as defined in section 462A.2.

8 3 b. A dry bedded confinement feeding operation structure  
8 4 constructed with a secondary containment barrier. The  
8 5 department shall adopt rules providing for the construction  
8 6 and use of a secondary containment barrier.

8 7

SUBCHAPTER III

8 8

DRY BEDDED MANURE CONTROL

8 9 Sec. 10. NEW SECTION. 459B.301 STOCKPILING == AIR  
8 10 QUALITY.

8 11 A person may stockpile dry bedded manure, subject to this  
8 12 section.

8 13 1. Except as provided in subsection 2, a person shall not  
8 14 stockpile dry bedded manure within one thousand two hundred  
8 15 fifty feet from a residence not owned by the titleholder of  
8 16 the land, a commercial enterprise, a bona fide religious  
8 17 institution, an educational institution, or a public use area.

8 18 2. A person may stockpile dry bedded manure within a  
8 19 separation distance required between the stockpiled dry bedded  
8 20 manure and an object or location for which separation is  
8 21 required under subsection 1, if any of the following apply:

8 22 a. The titleholder of the land benefiting from the  
8 23 separation distance requirement executes a written waiver with  
8 24 the titleholder of the land where the dry bedded manure is  
8 25 stockpiled.

8 26 b. The stockpiled dry bedded manure originates from a  
8 27 small animal feeding operation.

8 28 Sec. 11. NEW SECTION. 459B.302 STOCKPILING == WATER  
8 29 QUALITY.

8 30 A person may stockpile dry bedded manure, subject to all of  
8 31 the following:

8 32 1. a. The person shall not stockpile the dry bedded  
8 33 manure within the following distances to a designated area  
8 34 unless the dry manure is maintained in a manner that will not  
8 35 allow precipitation-induced runoff to drain from the dry



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9 1 bedded manure to the designated area:

9 2 (1) Four hundred feet from a designated area other than a  
9 3 high-quality water resource.

9 4 (2) Eight hundred feet from a high-quality water resource.

9 5 b. The person shall not stockpile dry bedded manure within  
9 6 two hundred feet from a terrace tile inlet or surface tile  
9 7 inlet unless the dry bedded manure is maintained in a manner  
9 8 that will not allow precipitation-induced runoff to drain from  
9 9 the dry bedded manure to the terrace tile inlet or surface  
9 10 tile inlet.

9 11 c. The person shall not stockpile dry bedded manure in a  
9 12 grassed waterway, where water pools on the soil surface, or in  
9 13 any location where surface water will enter the stockpiled dry  
9 14 bedded manure.

9 15 d. The person shall not stockpile dry bedded manure on  
9 16 land having a slope of more than three percent unless methods,  
9 17 structures, or practices are implemented to contain the  
9 18 stockpiled dry bedded manure, including but not limited to  
9 19 using hay bales, silt fences, temporary earthen berms, or  
9 20 other effective measures, and to prevent or diminish  
9 21 precipitation-induced runoff from the stockpiled dry bedded  
9 22 manure.

9 23 e. The person shall not stockpile dry bedded manure on  
9 24 karst terrain or in an alluvial aquifer area unless the person  
9 25 complies with all of the following:

9 26 (1) The person must stockpile the dry bedded manure at a  
9 27 location where there is a vertical separation distance of at  
9 28 least five feet between the bottom of the stockpiled dry  
9 29 manure and the underlying limestone, dolomite, or other  
9 30 soluble rock in karst terrain or the underlying sand and  
9 31 gravel aquifer in an alluvial aquifer area.

9 32 (2) The dry bedded manure must be stockpiled on reinforced  
9 33 concrete at least five inches thick.

9 34 2. The person shall remove the stockpiled dry bedded  
9 35 manure and apply it in accordance with the provisions of



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10 1 chapter 459, including but not limited to section 459.311,  
10 2 within six months after the dry bedded manure is stockpiled.

10 3 Sec. 12. NEW SECTION. 459B.303 MANURE MANAGEMENT PLAN  
10 4 FOR A DRY BEDDED CONFINEMENT OPERATION.

10 5 For purposes of a manure management plan for a dry bedded  
10 6 confinement operation, if the application of dry bedded manure  
10 7 is on land other than land owned or rented for crop production  
10 8 by the owner of the dry bedded confinement feeding operation,  
10 9 the plan shall include a copy of each written agreement  
10 10 executed by the owner of the dry bedded confinement feeding  
10 11 operation and the landowner or the person renting the land for  
10 12 crop production where the dry bedded manure may be applied.

10 13 SUBCHAPTER IV

10 14 ENFORCEMENT

10 15 Sec. 13. NEW SECTION. 459B.401 GENERAL.

10 16 The department and the attorney general shall enforce the  
10 17 provisions of this chapter in the same manner as provided in  
10 18 chapter 459, subchapter VI.

10 19 Sec. 14. NEW SECTION. 459B.402 VIOLATIONS == CIVIL  
10 20 PENALTY.

10 21 A person who violates section 459B.301, shall be subject to  
10 22 the same penalty as provided in section 459.602 and a person  
10 23 who violates any other provision of this chapter shall be  
10 24 subject to the same penalty as provided in section 459.603.  
10 25 Any civil penalty collected shall be deposited in the animal  
10 26 agriculture compliance fund created in section 459.401.

10 27 DIVISION III

10 28 CONFORMING CHANGES

10 29 Sec. 15. Section 455A.4, subsection 1, paragraph b, Code  
10 30 2009, is amended to read as follows:

10 31 b. Provide overall supervision, direction, and  
10 32 coordination of functions to be administered by the  
10 33 administrators under chapters 321G, 321I, 455B, 455C, 456,  
10 34 456A, 456B, 457A, 458A, 459, 459A, 459B, 461A, 462A, 462B,  
10 35 464A, 465C, 473, 481A, 481B, 483A, 484A, and 484B.



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11 1 Sec. 16. Section 455B.103, subsection 4, unnumbered  
11 2 paragraph 1, Code 2009, is amended to read as follows:  
11 3 Conduct investigations of complaints received directly or  
11 4 referred by the commission created in section 455A.6 or other  
11 5 investigations deemed necessary. While conducting an  
11 6 investigation, the director may enter at any reasonable time  
11 7 in and upon any private or public property to investigate any  
11 8 actual or possible violation of this chapter, chapter 459,  
11 9 chapter 459A, or the rules or standards adopted under this  
11 10 chapter, chapter 459, ~~or~~ chapter 459A, or chapter 459B.  
11 11 However, the owner or person in charge shall be notified.

11 12 Sec. 17. Section 455B.103A, subsection 1, unnumbered  
11 13 paragraph 1, Code 2009, is amended to read as follows:  
11 14 If a permit is required pursuant to this chapter, or  
11 15 chapter 459, or chapter 459A, or 459B for storm water  
11 16 discharge or an air contaminant source and a facility to be  
11 17 permitted is representative of a class of facilities which  
11 18 could be described and conditioned by a single permit, the  
11 19 director may issue, modify, deny, or revoke a general permit  
11 20 for all of the following conditions:

11 21 Sec. 18. Section 455B.105, subsections 3, 6, and 8, Code  
11 22 2009, are amended to read as follows:

11 23 3. Adopt, modify, or repeal rules necessary to implement  
11 24 this chapter, chapter 459, ~~and~~ chapter 459A, and chapter 459B,  
11 25 and the rules deemed necessary for the effective  
11 26 administration of the department. When the commission  
11 27 proposes or adopts rules to implement a specific federal  
11 28 environmental program and the rules impose requirements more  
11 29 restrictive than the federal program being implemented  
11 30 requires, the commission shall identify in its notice of  
11 31 intended action or adopted rule preamble each rule that is  
11 32 more restrictive than the federal program requires and shall  
11 33 state the reasons for proposing or adopting the more  
11 34 restrictive requirement. In addition, the commission shall  
11 35 include with its reasoning a financial impact statement



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12 1 detailing the general impact upon the affected parties. It is  
12 2 the intent of the general assembly that the commission  
12 3 exercise strict oversight of the operations of the department.  
12 4 The rules shall include departmental policy relating to the  
12 5 disclosure of information on a violation or alleged violation  
12 6 of the rules, standards, permits or orders issued by the  
12 7 department and keeping of confidential information obtained by  
12 8 the department in the administration and enforcement of this  
12 9 chapter, chapter 459, ~~and~~ chapter 459A, and chapter 459B.  
12 10 Rules adopted by the executive committee before January 1,  
12 11 1981, shall remain effective until modified or rescinded by  
12 12 action of the commission.

12 13 6. Approve all contracts and agreements under this  
12 14 chapter, chapter 459, ~~and~~ chapter 459A, and chapter 459B  
12 15 between the department and other public or private persons or  
12 16 agencies.

12 17 8. Hold public hearings, except when the evidence to be  
12 18 received is confidential pursuant to this chapter, chapter 22,  
12 19 chapter 459, ~~or~~ chapter 459A, or chapter 459B, necessary to  
12 20 carry out its powers and duties. The commission may issue  
12 21 subpoenas requiring the attendance of witnesses and the  
12 22 production of evidence pertinent to the hearings. A subpoena  
12 23 shall be issued and enforced in the same manner as provided in  
12 24 civil actions.

12 25 Sec. 19. Section 455B.105, subsection 11, paragraph a,  
12 26 unnumbered paragraph 1, Code 2009, is amended to read as  
12 27 follows:

12 28 Adopt, by rule, procedures and forms necessary to implement  
12 29 the provisions of this chapter, ~~chapter~~ and chapters 459, ~~and~~  
~~12 30 chapter~~ chapter 459A, and 459B relating to permits, conditional  
12 31 permits, and general permits. The commission may also adopt,  
12 32 by rule, a schedule of fees for permit and conditional permit  
12 33 applications and a schedule of fees which may be periodically  
12 34 assessed for administration of permits and conditional  
12 35 permits. In determining the fee schedules, the commission



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13 1 shall consider:

13 2 Sec. 20. Section 455B.109, subsection 5, paragraph b, Code  
13 3 2009, is amended by adding the following new subparagraph:

13 4 NEW SUBPARAGRAPH. (4) Civil penalties assessed by the  
13 5 department and interest on the civil penalties, arising out of  
13 6 violations involving dry bedded confinement feeding operations  
13 7 under chapter 459B, shall be deposited in the animal  
13 8 agriculture compliance fund as created in section 459.401.

13 9 Sec. 21. Section 455B.111, subsection 1, paragraphs a and  
13 10 b, Code 2009, is amended to read as follows:

13 11 a. A person, including the state of Iowa, for violating  
13 12 any provision of this chapter; chapter 459, subchapters I, II,  
13 13 III, IV, and VI; chapter 459A; chapter 459B; or a rule adopted  
13 14 pursuant to this chapter; chapter 459, subchapters I, II, III,  
13 15 IV, and VI; ~~or~~ chapter 459A; or chapter 459B.

13 16 b. The director, the commission, or any official or  
13 17 employee of the department where there is an alleged failure  
13 18 to perform any act or duty under this chapter; chapter 459,  
13 19 subchapters I, II, III, IV, and VI; chapter 459A; chapter  
13 20 459B; or a rule adopted pursuant to this chapter; chapter 459,  
13 21 subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A; or  
13 22 chapter 459B, which is not a discretionary act or duty.

13 23 Sec. 22. Section 455B.111, subsection 5, Code 2009, is  
13 24 amended to read as follows:

13 25 5. This section does not restrict any right under  
13 26 statutory or common law of a person or class of person to seek  
13 27 enforcement of provisions of this chapter; chapter 459,  
13 28 subchapters I, II, III, IV, and VI; chapter 459A; chapter  
13 29 459B; or a rule adopted pursuant to this chapter; chapter 459,  
13 30 subchapters I, II, III, IV, and VI; or chapter 459A; chapter  
13 31 459B; or seek other relief permitted under the law.

13 32 Sec. 23. Section 455B.112, Code 2009, is amended to read  
13 33 as follows:

13 34 455B.112 ACTIONS BY ATTORNEY GENERAL.

13 35 In addition to the duty to commence legal proceedings at



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14 1 the request of the director or commission under this chapter;  
14 2 chapter 459, subchapters I, II, III, IV, and VI; ~~or~~ chapter  
14 3 459A; or chapter 459B, the attorney general may institute  
14 4 civil or criminal proceedings, including an action for  
14 5 injunction, to enforce the provisions of this chapter; chapter  
14 6 459, subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A; or  
14 7 chapter 459B, including orders or permits issued or rules  
14 8 adopted under this chapter; chapter 459, subchapters I, II,  
14 9 III, IV, and VI; ~~or~~ chapter 459A; or chapter 459B.

14 10 Sec. 24. Section 455B.174, subsection 1, Code 2009, is  
14 11 amended to read as follows:

14 12 1. Conduct investigations of alleged water pollution or of  
14 13 alleged violations of this part of this division, ~~or~~ chapter  
14 14 459, subchapter III, chapter 459A, chapter 459B, or any rule  
14 15 adopted or any permit issued pursuant thereto upon written  
14 16 request of any state agency, political subdivision, local  
14 17 board of health, twenty-five residents of the state, as  
14 18 directed by the department, or as may be necessary to  
14 19 accomplish the purposes of this part of this division, ~~or~~  
14 20 chapter 459, subchapter III, chapter 459A, or chapter 459B.

14 21 Sec. 25. Section 455B.175, unnumbered paragraph 1, Code  
14 22 2009, is amended to read as follows:

14 23 If there is substantial evidence that any person has  
14 24 violated or is violating any provision of this part of this  
14 25 division, chapter 459, subchapter III, ~~or~~ chapter 459A, or  
14 26 chapter 459B, or of any rule or standard established or permit  
14 27 issued pursuant thereto; then:

14 28 Sec. 26. Section 455B.182, Code 2009, is amended to read  
14 29 as follows:

14 30 455B.182 FAILURE CONSTITUTES CONTEMPT.

14 31 Failure to obey any order issued by the department with  
14 32 reference to a violation of this part of this division;  
14 33 chapter 459, subchapter III; ~~or~~ chapter 459A; chapter 459B; or  
14 34 any rule promulgated or permit issued pursuant thereto shall  
14 35 constitute prima facie evidence of contempt. In such event



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15 1 the department may certify to the district court of the county  
15 2 in which such alleged disobedience occurred the fact of such  
15 3 failure. The district court after notice, as prescribed by  
15 4 the court, to the parties in interest shall then proceed to  
15 5 hear the matter and if it finds that the order was lawful and  
15 6 reasonable it shall order the party to comply with the order.  
15 7 If the person fails to comply with the court order, that  
15 8 person shall be guilty of contempt and shall be fined not to  
15 9 exceed five hundred dollars for each day that the person fails  
15 10 to comply with the court order. The penalties provided in  
15 11 this section shall be considered as additional to any penalty  
15 12 which may be imposed under the law relative to nuisances or  
15 13 any other statute relating to the pollution of any waters of  
15 14 the state or related to public water supply systems and a  
15 15 conviction under this section shall not be a bar to  
15 16 prosecution under any other penal statute.

15 17 Sec. 27. Section 455B.185, Code 2009, is amended to read  
15 18 as follows:

15 19 455B.185 DATA FROM DEPARTMENTS.

15 20 The commission and the director may request and receive  
15 21 from any department, division, board, bureau, commission,  
15 22 public body, or agency of the state, or of any political  
15 23 subdivision thereof, or from any organization, incorporated or  
15 24 unincorporated, which has for its object the control or use of  
15 25 any of the water resources of the state, such assistance and  
15 26 data as will enable the commission or the director to properly  
15 27 carry out their activities and effectuate the purposes of this  
15 28 part 1 of division III; chapter 459, subchapter III; ~~or~~  
15 29 chapter 459A; or chapter 459B. The department shall reimburse  
15 30 such agencies for special expense resulting from expenditures  
15 31 not normally a part of the operating expenses of any such  
15 32 agency.

15 33 Sec. 28. Section 459.401, subsection 2, paragraph a,  
15 34 subparagraph (5), Code 2009, is amended to read as follows:

15 35 (5) The collection of civil penalties assessed by the



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16 1 department and interest on civil penalties, arising out of  
16 2 violations involving animal feeding operations as provided in  
16 3 sections 459.602, 459.603, ~~and~~ 459A.502, and 459B.402.

16 4 EXPLANATION

16 5 DIVISION I. APPLICATION OF MANURE ON FROZEN AND SNOW  
16 6 COVERED GROUND. This bill amends the "Animal Agriculture  
16 7 Compliance Act" (Code section 459.101), by providing for  
16 8 conditions when a person may apply liquid manure during winter  
16 9 months beginning on February 1 and ending on April 1 on frozen  
16 10 ground or snow covered ground. The application must be  
16 11 "urgent", meaning that there is an immediate need to comply  
16 12 with Code section 459.311(1) that prohibits manure from being  
16 13 discharged directly into water of the state or into a tile  
16 14 line that discharges directly into a water of the state. In  
16 15 addition, the need must be unforeseen by and beyond the  
16 16 control of the owner or operator of the confinement feeding  
16 17 operation. However, the restrictions do not apply to manure  
16 18 originating from a small animal feeding operation or liquid  
16 19 manure that is injected into the soil or incorporated within  
16 20 the soil on the same date as applied to the land.

16 21 REPORT REQUIRED. The division also requires the department  
16 22 of natural resources to prepare and submit a report to the  
16 23 general assembly on or before July 1, 2010. The report must  
16 24 provide recommendations regarding (1) the need for improved  
16 25 manure storage structures associated with small animal feeding  
16 26 operations to improve water quality, and (2) the application  
16 27 of dry manure on frozen ground or snow covered ground.

16 28 PENALTIES APPLICABLE. Generally, a person who applies  
16 29 manure in violation of the new provision is subject to a civil  
16 30 penalty that may be administratively assessed by the  
16 31 department of not more than \$10,000 (Code section 455B.109) or  
16 32 judicially assessed of not more than \$5,000 per each day of  
16 33 the violation (455B.191(1)). Penalties are deposited into the  
16 34 animal agriculture compliance fund (Code section 459.401).

16 35 DIVISION II. DRY BEDDED CONFINEMENT FEEDING OPERATIONS.



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17 1 The bill creates a new Code chapter referred to as the "Animal  
17 2 Agriculture Compliance Act for Dry Bedded Confinement Feeding  
17 3 Operations" (new Code section 459B.101). The bill's  
17 4 provisions correspond closely to the "Animal Agriculture  
17 5 Compliance Act" (Code chapter 459). The bill regulates dry  
17 6 bedded confinement feeding operations for animals (cattle and  
17 7 swine). The operation includes a building housing the animals  
17 8 utilizing bedding (crop, vegetation, or forage residue or  
17 9 similar materials) and any structure used to keep the dry  
17 10 bedded manure (new Code section 459B.102).

17 11 ADJACENCY. The bill provides that two or more dry bedded  
17 12 confinement feeding operations under common ownership or  
17 13 common management are deemed to be a single dry bedded  
17 14 confinement feeding operation if they are separated by less  
17 15 than 1,250 feet or utilize a common area or system for dry  
17 16 bedded manure disposal (new Code section 459B.103 compared to  
17 17 Code section 459.201).

17 18 ADMINISTRATION. The bill authorizes the environmental  
17 19 protection commission to adopt rules necessary to regulate the  
17 20 construction or operation of dry bedded confinement feeding  
17 21 operations, and provides that the provisions of the new Code  
17 22 chapter are to supplement the applicable provisions of Code  
17 23 chapter 459 (new Code section 459B.104 compared to Code  
17 24 section 459.103).

17 25 CONSTRUCTION. The bill regulates the construction of dry  
17 26 bedded confinement feeding operation structures, and requires  
17 27 special flooring to prevent groundwater contamination (new  
17 28 Code section 459B.201). Separation distances are required  
17 29 between a dry bedded confinement feeding operation structure  
17 30 and various objects or locations, including the surface intake  
17 31 of an agricultural drainage well, wellhead, cistern of an  
17 32 agricultural drainage well, or known sinkhole, a water source  
17 33 and major water source, and designated wetland. It prohibits  
17 34 construction within a 100 year floodplain (new Code section  
17 35 459B.202 compared to Code section 459.310).



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18 1        DRY BEDDED MANURE CONTROL. The bill provides for the  
18 2 stockpiling of dry bedded manure, and includes separation  
18 3 distances based on air and water quality.  
18 4        AIR QUALITY. For air quality, separation distances are  
18 5 established for a stockpile and a residence not owned by the  
18 6 titleholder of the land, a commercial enterprise, a bona fide  
18 7 religious institution, an educational institution, or a public  
18 8 use area (new Code section 459B.301 compared to Code section  
18 9 459.204). Several exceptions apply, including when a  
18 10 titleholder executes a waiver, and the manure originates from  
18 11 a small animal feeding operation (compared with Code section  
18 12 459.205).  
18 13        WATER QUALITY. For water quality, other separation  
18 14 distance requirements apply, including for a "designated area"  
18 15 (i.e., a known sinkhole, a cistern, an abandoned well, an  
18 16 unplugged agricultural drainage well, an agricultural drainage  
18 17 well surface inlet, a drinking water well, a wetland, or a  
18 18 water source, but not a terrace tile inlet or surface tile  
18 19 inlet other than an agricultural drainage well surface tile  
18 20 inlet), a high-quality water resource, a terrace tile inlet,  
18 21 or a surface tile inlet (new Code section 459B.302). The bill  
18 22 restricts stockpiling on a grassed waterway, on certain  
18 23 slopes, and on karst terrain or in an alluvial aquifer area.  
18 24        MANURE MANAGEMENT PLAN. The bill provides that a person  
18 25 required to file a manure management plan for dry bedded  
18 26 manure confinement feeding operation may submit a copy of a  
18 27 written agreement executed between the person and the person  
18 28 renting the land for crop production (new Code section  
18 29 459B.303 compared with Code section 459.312).  
18 30        ENFORCEMENT. The department and the attorney general are  
18 31 responsible for enforcing the provisions of the new Code  
18 32 chapter (new Code section 459B.401 as compared with Code  
18 33 section 459.601).  
18 34        PENALTIES. A person who stockpiles dry bedded manure in  
18 35 violation of air quality restrictions under new Code section



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19 1 459B.301 is subject to a civil penalty for air quality  
19 2 violations as provided in Code section 455B.109, which  
19 3 authorizes the environmental protection commission to  
19 4 establish civil penalty amounts according to a schedule not to  
19 5 exceed \$10,000 (new Code section 459B.402 compared with Code  
19 6 section 459.602). A person who violates any other provision  
19 7 of the new Code chapter is subject to penalties for water  
19 8 quality violations as provided in Code section 455B.109 or  
19 9 455B.191 which includes a judicially assessed civil penalty of  
19 10 up to \$5,000 per each day of the violation (new Code section  
19 11 459B.402 compared with Code section 459.603). Moneys  
19 12 collected from civil penalties are deposited into the animal  
19 13 agriculture compliance fund (Code section 459.401).  
19 14 DIVISION III. CONFORMING CHANGES. The bill amends  
19 15 provisions in a number of Code sections which refer to Code  
19 16 chapter 459. The provisions were added after provisions in  
19 17 Code chapter 455B and other Code chapters relating to animal  
19 18 feeding operations were transferred and consolidated pursuant  
19 19 to 2002 Acts, chapter 1137, and 2002 Acts, 2nd Ex, chapter  
19 20 1003. Other provisions make changes which refer to the  
19 21 deposit of civil penalties into the animal agriculture  
19 22 compliance fund (Code section 459.401).  
19 23 LSB 2393HT 83  
19 24 da/rj/8



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HOUSE FILE  
BY TYMESON

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

**A BILL FOR**

- 1 An Act concerning eligibility for the injured veterans grant
- 2 program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2421YH 83
- 5 ec/nh/24



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1 1 Section 1. Section 35A.14, subsection 5, paragraph a, Code  
1 2 2009, is amended to read as follows:

1 3 a. Grants shall be paid in increments of two thousand five  
1 4 hundred dollars, up to a maximum of ten thousand dollars, upon  
1 5 proof that the veteran has been evacuated from the operational  
1 6 theater in which the veteran was injured to a military  
1 7 hospital or that the veteran has suffered a serious injury  
1 8 requiring lengthy hospitalization at a military hospital, for  
1 9 an injury received in the line of duty and shall continue to  
1 10 be paid, at thirty-day intervals, up to the maximum amount, so  
1 11 long as the veteran is hospitalized or receiving medical care  
1 12 or rehabilitation services authorized by the military.

1 13 EXPLANATION

1 14 This bill provides that a veteran who has suffered a  
1 15 serious injury in the line of duty requiring lengthy  
1 16 hospitalization at a military hospital but who wasn't  
1 17 evacuated from the operational theater in which the veteran  
1 18 was injured to a military hospital is eligible under the  
1 19 injured veterans grant program.

1 20 LSB 2421YH 83

1 21 ec/nh/24



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HOUSE FILE  
BY HEATON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

**A BILL FOR**

- 1 An Act relating to the criteria used for selection of school
- 2 districts for participation in the statewide preschool program
- 3 for four-year-old children and providing effective and
- 4 applicability dates.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 2536YH 83
- 7 jp/nh/8



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1 1 Section 1. Section 256C.6, subsection 3, paragraph a, Code  
1 2 2009, is amended by striking the paragraph.

1 3 Sec. 2. EFFECTIVE DATE == APPLICABILITY. This Act, being  
1 4 deemed of immediate importance, takes effect upon enactment.  
1 5 The department of education shall begin applying the change in  
1 6 the criteria for selection of school districts for  
1 7 participation in the statewide preschool program for  
1 8 four-year-old children made by this Act in the selection of  
1 9 school districts for initial participation in the program for  
1 10 the fiscal year beginning July 1, 2009.

1 11 EXPLANATION

1 12 This bill relates to the criteria used for selection of  
1 13 school districts for participation in the statewide preschool  
1 14 program for four-year-old children by eliminating the criteria  
1 15 giving priority to school districts that do not have existing  
1 16 preschool programming within the school district boundaries.

1 17 The bill takes effect upon enactment and the department of  
1 18 education is required to begin applying the change in criteria  
1 19 to selection of school districts for initial participation in  
1 20 the program for FY 2009=2010.

1 21 LSB 2536YH 83

1 22 jp/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 05, 2009

**House File 577 - Introduced**

HOUSE FILE  
BY SANDS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to certain water use permit fees.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2298YH 83
- 4 tm/sc/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 05, 2009

House File 577 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.265, subsection 6, Code 2009, is  
1 2 amended by adding the following new paragraphs:

1 3 NEW PARAGRAPH. f. A person using water pursuant to a  
1 4 permit issued under this section or section 455B.268 for  
1 5 agricultural purposes who holds more than one such permit  
1 6 shall be considered to hold one permit for purposes of  
1 7 charging a fee under this subsection.

1 8 NEW PARAGRAPH. g. A fee shall be waived for a person  
1 9 using water pursuant to a permit issued under this section or  
1 10 section 455B.268 for agricultural purposes if, during the  
1 11 preceding year, use of the water for which the permit is  
1 12 granted was prevented due to a natural disaster.

1 13 EXPLANATION

1 14 This bill relates to certain water use permit fees.

1 15 The bill provides that a person with a water use permit  
1 16 that uses the water for agricultural purposes who holds more  
1 17 than one such permit shall be considered to hold one permit  
1 18 for purposes of charging a permit fee. The bill provides that  
1 19 a permit fee shall be waived for a person with a water use  
1 20 permit that uses the water for agricultural purposes if,  
1 21 during the preceding year, use of the water for which the  
1 22 permit is granted was prevented due to a natural disaster.

1 23 LSB 2298YH 83

1 24 tm/sc/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 05, 2009

House File 578 - Introduced

HOUSE FILE  
BY ISENHART, SCHUELLER, and  
BEARD

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to denials of lease extensions for barge fleeting
- 2 areas on the public waters of the state in sites adjacent to
- 3 national monuments or registered landmarks.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2123YH 83
- 6 av/sc/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 05, 2009

House File 578 - Introduced continued

PAG LIN

1 1 Section 1. Section 461A.25, Code 2009, is amended to read  
1 2 as follows:  
1 3 461A.25 LEASES AND EASEMENTS.  
1 4 1. The commission may recommend that the executive council  
1 5 lease property under the commission's jurisdiction. All  
1 6 leases shall reserve to the public of the state the right to  
1 7 enter upon the property leased for any lawful purpose. The  
1 8 council may, if it approves the recommendation and the lease  
1 9 to be entered into is for five years or less, execute the  
1 10 lease in behalf of the state and commission. If the  
1 11 recommendation is for a lease in excess of five years, with  
1 12 the exception of agricultural lands specifically dealt with in  
1 13 Article I, section 24 of the Constitution of the State of  
1 14 Iowa, the council shall advertise for bids. If a bid is  
1 15 accepted, the lease shall be let or executed by the council in  
1 16 accordance with the most desirable bid. The lease shall not  
1 17 be executed for a term longer than fifty years. Any such  
1 18 leasehold interest, including any improvements placed on it,  
1 19 shall be listed on the tax rolls as provided in chapters 428  
1 20 and 443; assessed and valued as provided in chapter 441; taxes  
1 21 shall be levied on it as provided in chapter 444 and collected  
1 22 as provided in chapter 445; and the leasehold interest is  
1 23 subject to tax sale, redemption, and apportionment of taxes as  
1 24 provided in chapters 446, 447, and 448. The lessee shall  
1 25 discharge and pay all taxes.  
1 26 2. The commission shall adopt rules providing for granting  
1 27 easements to political subdivisions and utility companies on  
1 28 state land under the jurisdiction of the department. An  
1 29 applicant for an easement shall provide the director with  
1 30 information setting forth the need for the easement,  
1 31 availability of alternatives, and measures proposed to prevent  
1 32 or minimize adverse impacts on the affected property. An  
1 33 easement shall be executed by the director, approved as to  
1 34 form by the attorney general, and if granted for a term longer  
1 35 than five years, approved by the commission.



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House File 578 - Introduced continued

2 1 3. a. If the commission refuses to recommend the issuance  
2 2 of a lease extension to a barge fleet operator for a barge  
2 3 fleeting area on the public waters of the state in a site  
2 4 adjacent to a national monument or registered landmark, the  
2 5 barge fleet operator may petition the county board of  
2 6 supervisors of the county where the barge fleeting area is  
2 7 located, to make a determination of whether the denial will  
2 8 create an undue hardship for the barge fleet operator and the  
2 9 users of barge fleeting services in the area. The county  
2 10 board of supervisors shall make such a determination after  
2 11 public notice and hearing and transmit that determination to  
2 12 the commission.  
2 13 b. Upon receiving a determination from a county board of  
2 14 supervisors that denial of the lease extension for a barge  
2 15 fleeting area will create such an undue hardship, the  
2 16 commission shall recommend to the executive council that the  
2 17 lease be extended to the petitioning barge fleet operator for  
2 18 as long as the board of supervisors determines that the  
2 19 hardship exists but not for a term longer than fifty years as  
2 20 provided in subsection 1.  
2 21 c. The commission shall adopt rules pursuant to chapter  
2 22 17A for the administration of this subsection.  
2 23 d. For the purposes of this subsection:  
2 24 (1) "Barge fleeting area" means an area within defined  
2 25 boundaries used to provide barge mooring service and to  
2 26 accommodate ancillary harbor towing under care of a fleet  
2 27 operator and does not include momentary anchoring or tying off  
2 28 of tows in transit and under care of a line haul towboat.  
2 29 (2) "Lease" means a lease as authorized under this section  
2 30 for the purpose of authorizing a barge fleeting area.  
2 31 4. For the purposes of this section, property under the  
2 32 commission's jurisdiction does not include an area of the bed  
2 33 of a lake or river occupied by a dock or other appurtenance or  
2 34 means of access to a dock, including but not limited to boat  
2 35 hoists and boat slips, or occupied by a boat ramp, constructed



Iowa General Assembly  
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House File 578 - Introduced continued

3 1 or installed and maintained under littoral or riparian rights.

3 2 EXPLANATION

3 3 This bill amends Code section 461A.25 to provide that if  
3 4 the natural resource commission refuses to recommend that the  
3 5 executive council issue a lease extension to a barge fleet  
3 6 operator for a barge fleeting area on the public waters of the  
3 7 state in a site adjacent to a national monument or registered  
3 8 landmark, the barge fleet operator may petition the county  
3 9 board of supervisors where the barge fleeting area is located,  
3 10 to make a determination of whether the denial of the lease  
3 11 extension will create an undue hardship for the barge fleet  
3 12 operator and the users of barge fleeting services in the area.  
3 13 The determination shall be made after public notice and  
3 14 hearing and transmitted to the commission.

3 15 Upon receiving such a determination of undue hardship from  
3 16 a county board of supervisors, the commission must recommend  
3 17 to the executive council that the lease be extended to the  
3 18 petitioning barge fleet operator for as long as the board of  
3 19 supervisors determines that the hardship exists but not for a  
3 20 term longer than 50 years as provided in Code section  
3 21 461A.25(1). The commission is required to adopt rules  
3 22 pursuant to Code chapter 17A for the administration of the new  
3 23 provisions.

3 24 For the purposes of the bill, a "barge fleeting area" means  
3 25 an area within defined boundaries used to provide barge  
3 26 mooring service and to accommodate ancillary harbor towing  
3 27 under care of a fleet operator and does not include momentary  
3 28 anchoring or tying off of tows in transit and under care of a  
3 29 line haul towboat. "Lease" means a lease as authorized under  
3 30 Code section 461A.25 for the purpose of authorizing a barge  
3 31 fleeting area.

3 32 LSB 2123YH 83

3 33 av/sc/8.2



Iowa General Assembly  
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March 05, 2009

House File 579 - Introduced

HOUSE FILE  
BY D. OLSON

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

**A BILL FOR**

1 An Act relating to targeted jobs withholding tax credit  
2 agreements, providing for a report to the general assembly,  
3 and including an effective date provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2435YH 83  
6 tw/mg:sc/8



Iowa General Assembly  
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House File 579 - Introduced continued

PAG LIN

1 1 Section 1. CESSATION OF TARGETED JOBS WITHHOLDING TAX  
1 2 CREDIT AGREEMENTS == PROGRAM REPORT.  
1 3 1. Notwithstanding section 403.19A, subsection 3,  
1 4 paragraph "c", subparagraph (2), a project city shall not  
1 5 enter into a withholding agreement during the period of time  
1 6 between the effective date of this Act and March 1, 2010.  
1 7 2. The department of economic development shall evaluate  
1 8 the effectiveness of the targeted jobs withholding tax credit  
1 9 program under section 403.19A, including the extent to which  
1 10 the program has successfully enhanced economic development in  
1 11 the state and the impact on property tax revenues in those  
1 12 cities designated as pilot project cities under the program.  
1 13 The department shall issue a report on the program on or  
1 14 before January 15, 2010, to the general assembly and the  
1 15 chairpersons and ranking members of the house and senate  
1 16 standing committees on economic growth.  
1 17 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 18 immediate importance, takes effect upon enactment.  
1 19 EXPLANATION  
1 20 This bill provides that pilot project cities under the  
1 21 targeted jobs withholding tax credit program pursuant to Code  
1 22 section 403.19A shall not enter into a withholding agreement  
1 23 between the enactment of the bill and March 1, 2010.  
1 24 The department of economic development is directed to  
1 25 evaluate the effectiveness of the program and issue a report  
1 26 to the general assembly on or before January 15, 2010.  
1 27 The bill takes effect upon enactment.  
1 28 LSB 2435YH 83  
1 29 tw/mg:sc/8



Iowa General Assembly  
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House File 580 - Introduced

HOUSE FILE  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HF 354)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to reimbursement of nonparticipating providers
- 2 for eligible services provided to IowaCare program members.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1187HV 83
- 5 pf/nh/24



Iowa General Assembly  
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House File 580 - Introduced continued

PAG LIN

1 1 Section 1. NONPARTICIPATING PROVIDER == IOWACARE ==  
1 2 REIMBURSEMENT FOR ELIGIBLE SERVICES PROVIDED TO A MEMBER.  
1 3 Beginning July 1, 2010, the department of human services shall  
1 4 include in any medical assistance program waiver relating to  
1 5 the continuation of the IowaCare program pursuant to chapter  
1 6 249J, provisions for reimbursement of eligible services  
1 7 provided to an expansion population member by a  
1 8 nonparticipating provider if the nonparticipating provider  
1 9 does all of the following:  
1 10 1. Contacts the appropriate participating provider prior  
1 11 to providing eligible services to verify consensus regarding  
1 12 one of the following courses of action:  
1 13 a. If the nonparticipating provider and the participating  
1 14 provider agree that the medical status of the expansion  
1 15 population member indicates it is medically possible to  
1 16 postpone provision of services, the nonparticipating provider  
1 17 shall direct the expansion population member to the  
1 18 appropriate participating provider for services.  
1 19 b. If the nonparticipating provider and the participating  
1 20 provider agree that the medical status of the expansion  
1 21 population member indicates it is not medically possible to  
1 22 postpone provision of services, the nonparticipating provider  
1 23 shall provide medically necessary services.  
1 24 2. Notwithstanding subsection 1, if the medical status of  
1 25 the expansion population member indicates a medical emergency  
1 26 and the nonparticipating provider is not able to contact the  
1 27 appropriate participating provider prior to providing  
1 28 medically necessary services, the nonparticipating provider  
1 29 shall document the medical emergency and inform the  
1 30 appropriate participating provider immediately after the  
1 31 member has been stabilized of any eligible services provided.

1 32 EXPLANATION

1 33 This bill requires that in any Medicaid program waiver  
1 34 relating to the continuation of the IowaCare program submitted  
1 35 on or after July 1, 2010, the department of human services



**Iowa General Assembly  
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House File 580 - Introduced continued

2 1 must include provisions for reimbursement of eligible services  
2 2 provided to an expansion population member by a  
2 3 nonparticipating provider if the nonparticipating provider  
2 4 complies with certain requirements. The requirements include  
2 5 contacting the appropriate participating provider prior to  
2 6 providing eligible services to verify consensus regarding  
2 7 which provider should provide services to the member, based  
2 8 upon the medical status of the member. If the member's  
2 9 medical status indicates that provision of services may be  
2 10 postponed, the nonparticipating provider shall direct the  
2 11 member to the appropriate participating provider for services.  
2 12 If the member's medical status indicates that it is not  
2 13 medically possible to postpone provision of services to the  
2 14 member, the nonparticipating provider shall provide medically  
2 15 necessary services. If the medical status of the member  
2 16 indicates a medical emergency and the nonparticipating  
2 17 provider is not able to contact the appropriate participating  
2 18 provider prior to providing medically necessary services, the  
2 19 nonparticipating provider shall document the medical emergency  
2 20 and inform the appropriate participating provider immediately  
2 21 after the member has been stabilized of any eligible services  
2 22 provided.  
2 23 LSB 1187HV 83  
2 24 pf/nh/24



Iowa General Assembly  
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House File 581 - Introduced

HOUSE FILE  
BY S. OLSON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

**A BILL FOR**

1 An Act relating to certain property of associations of war  
2 veterans eligible for an exemption from property taxation,  
3 providing a refund of property taxes in certain circumstances,  
4 and including effective and retroactive applicability date  
5 provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1070YH 83  
8 md/mg:sc/8



Iowa General Assembly  
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House File 581 - Introduced continued

PAG LIN

1 1 Section 1. Section 427.1, subsection 5, Code 2009, is  
1 2 amended to read as follows:  
1 3 5. PROPERTY OF ASSOCIATIONS OF WAR VETERANS.  
1 4 a. The property of any organization composed wholly of  
1 5 veterans of any war, when such property is devoted entirely to  
1 6 its own use and not held for pecuniary profit.  
1 7 b. The exemption provided under this subsection shall  
1 8 apply to property that is owned by an organization of war  
1 9 veterans and leased for use as a community center if all lease  
1 10 proceeds, in excess of expenses, are used for the legitimate  
1 11 purposes of the organization. The lessee of exempt property  
1 12 under this paragraph may sublet the property, or portions  
1 13 thereof, to any fraternal, business, or social organization  
1 14 for special events without affecting the exemption provided  
1 15 under this paragraph.  
1 16 c. The operation of bingo games on property of such  
1 17 organization shall not adversely affect the exemption of that  
1 18 property under this subsection if all proceeds, in excess of  
1 19 expenses, are used for the legitimate purposes of the  
1 20 organization.  
1 21 Sec. 2. REFUND OF PROPERTY TAXES AND APPLICATION  
1 22 DEADLINES. Notwithstanding the deadline for filing a claim  
1 23 for property tax exemption for property described in section  
1 24 427.1, subsection 5, paragraph "b", as enacted in this Act,  
1 25 and notwithstanding any other provision to the contrary, the  
1 26 board of supervisors of a county having a population of at  
1 27 least fifty thousand but not more than fifty-one thousand,  
1 28 according to the 2000 certified federal census, shall refund  
1 29 the property taxes paid, with all interest, penalties, fees,  
1 30 and costs that were due and payable in the fiscal beginning  
1 31 July 1, 2008. To receive the refund provided for in this  
1 32 section, the taxpayer shall apply to the county board of  
1 33 supervisors by October 1, 2009, and provide appropriate  
1 34 information establishing that the property for which the  
1 35 refund is sought was owned and used for appropriate purposes





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House File 581 - Introduced continued

3 1 the requirements of the bill during that fiscal year. The  
3 2 bill establishes a deadline for exemption claims on property  
3 3 taxes due and payable in FY 2009=2010.  
3 4 Code section 25B.7 does not apply to the provisions the  
3 5 bill.  
3 6 The bill takes effect upon enactment and applies  
3 7 retroactively to property taxes due and payable in fiscal  
3 8 years beginning on or after July 1, 2008.  
3 9 LSB 1070YH 83  
3 10 md/mg:sc/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 05, 2009

House File 582 - Introduced

HOUSE FILE  
BY FORD

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act requiring a minority impact statement with each bid
- 2 submitted for a contract with the department of
- 3 transportation, and providing an applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2504YH 83
- 6 ak/nh/5



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House File 582 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 307.50 CONTRACT BIDS == MINORITY  
1 2 IMPACT STATEMENTS.  
1 3 1. Each bid submitted for a contract with the department  
1 4 shall include a minority impact statement that contains the  
1 5 following information:  
1 6 a. Any disproportionate or unique impact the proposed  
1 7 contract may have on minority persons in this state.  
1 8 b. A rationale for the proposed contract having an impact  
1 9 on minority persons in this state.  
1 10 c. Evidence of consultation of representatives of minority  
1 11 persons in cases where the contract has an identifiable impact  
1 12 on minority persons in this state.  
1 13 2. For the purposes of this section, the following  
1 14 definitions shall apply:  
1 15 a. "Disability" means the same as provided in section  
1 16 15.102, subsection 7, paragraph "b", subparagraph (1).  
1 17 b. "Minority persons" includes individuals who are women,  
1 18 persons with a disability, Blacks, Latinos, Asians or Pacific  
1 19 Islanders, American Indians, and Alaskan Native Americans.  
1 20 3. The department shall create and include with notices  
1 21 for bids for a contract a minority impact statement form.  
1 22 4. The directives of this section shall be carried out to  
1 23 the extent consistent with federal law.  
1 24 5. The minority impact statement shall be used for  
1 25 informational purposes.  
1 26 Sec. 2. APPLICABILITY. This Act applies to notices for  
1 27 bids for contracts with the department posted on and after  
1 28 July 1, 2009.

1 29 EXPLANATION

1 30 This bill requires each bid submitted for a contract with  
1 31 the department of transportation to include a minority impact  
1 32 statement. The minority impact statement requires three  
1 33 informational criteria that are described in the bill. The  
1 34 terms "disability" and "minority persons" are also defined in  
1 35 the bill.



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House File 582 - Introduced continued

2 1 The bill requires the department of transportation to  
2 2 create the minority impact statement form. The minority  
2 3 impact statement form is then to be included in all notices  
2 4 for bids for contracts with the department of transportation.  
2 5 The minority impact statement is to be used in accordance with  
2 6 federal law and for informational purposes.  
2 7 The bill applies to all notices for bids for contracts  
2 8 posted on and after July 1, 2009.  
2 9 LSB 2504YH 83  
2 10 ak/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 05, 2009

House File 583 - Introduced

HOUSE FILE  
BY COHOON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to public financing of state legislative  
2 campaigns, making an appropriation, making penalties  
3 applicable, and including an effective date provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2569HH 83  
6 jr/sc/8



Iowa General Assembly  
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House File 583 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.801 RULES PROMULGATED.  
1 2 The Iowa ethics and campaign disclosure board shall  
1 3 administer the provisions of this subchapter and shall  
1 4 promulgate all necessary rules in accordance with chapter 17A.  
1 5 The delegation of rulemaking authority in this section shall  
1 6 be construed broadly to effectuate the purposes of this  
1 7 subchapter.  
1 8 Sec. 2. NEW SECTION. 68A.802 DEFINITIONS.  
1 9 For the purposes of this subchapter, unless the context  
1 10 otherwise requires:  
1 11 1. "Board" means the Iowa ethics and campaign disclosure  
1 12 board established under section 68B.32.  
1 13 2. "Excess expenditure amount" means the amount of money  
1 14 spent or obligated to be spent by a nonparticipating candidate  
1 15 in excess of the amount available to a participating candidate  
1 16 for the same office.  
1 17 3. "Natural person" means an individual. The term does  
1 18 not include a corporation, government or governmental  
1 19 subdivision or agency, political party or committee, business  
1 20 trust, estate, trust, partnership or association, labor union,  
1 21 or any other legal entity.  
1 22 4. "Nonparticipating candidate" means a candidate for the  
1 23 general assembly who has chosen not to apply for public  
1 24 financing or a candidate who is on the ballot and has applied  
1 25 for but has not satisfied the requirements for receiving  
1 26 public financing.  
1 27 5. "Participating candidate" means a candidate for the  
1 28 general assembly who has received certification pursuant to  
1 29 section 68A.805 and who has agreed to accept public financing.  
1 30 Sec. 3. NEW SECTION. 68A.803 PUBLIC FINANCING IN  
1 31 LEGISLATIVE CAMPAIGNS.  
1 32 1. A candidate for the general assembly may elect to  
1 33 receive public financing during both a primary and a general  
1 34 election period by filing a declaration with the board that  
1 35 the candidate has complied and will comply with all of the



Iowa General Assembly  
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House File 583 - Introduced continued

- 2 1 requirements of this subchapter. A candidate who elects to  
2 2 receive public financing must do both of the following:
- 2 3 a. Limit each campaign contribution to one hundred dollars  
2 4 or less, including contributions from the candidate and the  
2 5 candidate's family.
- 2 6 b. Accept contributions only from natural persons.
- 2 7 2. To receive public financing, the candidate must be  
2 8 certified as eligible to receive public financing pursuant to  
2 9 section 68A.805, thirty days prior to the primary election.
- 2 10 3. A candidate who qualifies for public financing for  
2 11 primary and general elections shall receive funding from the  
2 12 board for each election, as specified in section 68A.807.
- 2 13 This funding may be used to finance any and all campaign  
2 14 expenses during the particular campaign period for which it  
2 15 was received. Public financing funds shall not be used for  
2 16 the following:
- 2 17 a. Payments that are in violation of the law.
- 2 18 b. Payments that repay any personal, family, or business  
2 19 loans, expenditures, or debts.
- 2 20 Sec. 4. NEW SECTION. 68A.804 QUALIFYING CONTRIBUTIONS.
- 2 21 1. The candidate must meet the following qualifying  
2 22 contribution requirements:
- 2 23 a. For the Iowa senate, the candidate must collect at  
2 24 least ten thousand dollars in individual contributions from at  
2 25 least two hundred natural persons, at least half of whom  
2 26 reside within the candidate's electoral district.
- 2 27 b. For the Iowa house of representatives, the candidate  
2 28 must collect at least five thousand dollars in individual  
2 29 contributions from at least one hundred natural persons, at  
2 30 least half of whom reside within the candidate's electoral  
2 31 district.
- 2 32 2. Qualifying contributions must be:
- 2 33 a. Made in cash, check, money order, or credit or debit  
2 34 card.
- 2 35 b. Collected by the candidate personally or by volunteers



Iowa General Assembly  
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House File 583 - Introduced continued

3 1 who do not receive compensation.  
3 2 c. Acknowledged by a receipt to the contributor, with a  
3 3 copy to be retained by the candidate and a copy to be  
3 4 submitted to the board.  
3 5 3. The period for the collection of qualifying  
3 6 contributions begins one hundred eighty days before the day of  
3 7 the primary election and ends thirty days before the day of  
3 8 the primary election.  
3 9 4. Qualifying contributions do not include the cash value  
3 10 of volunteer activity.  
3 11 Sec. 5. NEW SECTION. 68A.805 CERTIFICATION.  
3 12 1. No more than five days after a candidate applies for  
3 13 public financing benefits, the board, or the board's designee,  
3 14 shall determine whether or not the candidate is eligible to be  
3 15 certified. If the board fails to act within the five-day  
3 16 period, certification is deemed denied.  
3 17 2. The candidate's request for certification shall be  
3 18 signed by the candidate and the treasurer of the candidate's  
3 19 committee, under penalty of perjury.  
3 20 3. Certification can be revoked if the candidate violates  
3 21 the requirements of this subchapter, in which case all public  
3 22 financing funds shall be repaid by the candidate.  
3 23 4. This certification shall take place no later than five  
3 24 days after the candidate has submitted the required number of  
3 25 qualifying contributions and a declaration stating that the  
3 26 candidate has complied with all other requirements for  
3 27 eligibility as a participating candidate, but no earlier than  
3 28 the beginning of the primary election campaign period.  
3 29 5. A determination made by the board pursuant to this  
3 30 section is final agency action and may be appealed to district  
3 31 court pursuant to the provisions of section 17A.19.  
3 32 Sec. 6. NEW SECTION. 68A.806 SCHEDULE OF PUBLIC  
3 33 FINANCING PAYMENTS.  
3 34 1. A participating candidate shall receive public  
3 35 financing for the primary election campaign period on the date



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4 1 on which the board, or the board's designee, certifies the  
4 2 candidate as a participating candidate.  
4 3 2. A participating candidate shall receive public  
4 4 financing for the general election campaign period within  
4 5 forty-eight hours after certification of the primary election  
4 6 results.

4 7 Sec. 7. NEW SECTION. 68A.807 DETERMINATION OF PUBLIC  
4 8 FINANCING AMOUNTS.

4 9 1. Public financing is not an entitlement. Public  
4 10 financing is limited to funds available in the public  
4 11 financing elections fund established in section 68A.810.

4 12 2. a. The maximum amount of public financing for a  
4 13 contested primary election is as follows:

4 14 (1) Twenty-five thousand dollars for a candidate for the  
4 15 Iowa senate.

4 16 (2) Fifteen thousand dollars for a candidate for the Iowa  
4 17 house of representatives.

4 18 b. The maximum amount of public financing for a candidate  
4 19 in an uncontested primary election is twenty-five percent of  
4 20 the amount provided in a contested primary election.

4 21 3. a. The maximum amount of public financing for a  
4 22 contested general election is as follows:

4 23 (1) Fifty thousand dollars for a candidate for the Iowa  
4 24 senate.

4 25 (2) Twenty-five thousand dollars for a candidate for the  
4 26 Iowa house of representatives.

4 27 b. The maximum amount of public financing for a candidate  
4 28 in an uncontested general election is ten percent of the  
4 29 amount provided in a contested general election.

4 30 Sec. 8. NEW SECTION. 68A.808 PUBLIC FINANCING AMOUNTS IN  
4 31 CERTAIN LEGISLATIVE DISTRICTS.

4 32 In a one-party dominant legislative district, candidates  
4 33 may choose to reverse the amount of the primary and general  
4 34 election public financing allocations. A one-party dominant  
4 35 legislative district is a legislative district in which the



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5 1 declared affiliations received by the political party with the  
5 2 largest number of declared affiliations exceeds by twenty  
5 3 percentage points or more the declared affiliations received  
5 4 by the political party with the next largest number of  
5 5 declared affiliations. For purposes of this section,  
5 6 "declared affiliations" means the political party affiliation,  
5 7 if any, indicated on the voter registration records of  
5 8 registered voters in the legislative district, and "political  
5 9 party" means as defined in section 43.2.

5 10 Sec. 9. NEW SECTION. 68A.809 EXCESS SPENDING BY  
5 11 NONPARTICIPATING CANDIDATES.

5 12 1. If a nonparticipating candidate's total expenditures  
5 13 exceed the amount of public financing allocated to a  
5 14 participating candidate, the nonparticipating candidate shall  
5 15 declare to the board, within forty-eight hours of the  
5 16 expenditure being made or obligated, every excess expenditure  
5 17 amount that, in the aggregate, exceeds one thousand dollars.

5 18 2. During the last twenty days before the end of the  
5 19 applicable campaign period, a nonparticipating candidate shall  
5 20 declare to the board each excess expenditure amount over five  
5 21 hundred dollars within twenty-four hours of the expenditure  
5 22 being made or obligated.

5 23 3. The board may make its own determination as to whether  
5 24 excess expenditures have been made by nonparticipating  
5 25 candidates.

5 26 4. Upon receiving an excess expenditure declaration, the  
5 27 board shall immediately release additional public financing  
5 28 funding to the participating candidate equal to the excess  
5 29 expenditure amount the nonparticipating candidate has spent or  
5 30 has obligated to spend.

5 31 5. Additional public financing provided under this section  
5 32 is limited to an amount equal to three times the amount of  
5 33 individual contributions collected by the participating  
5 34 candidate. Additional public financing is capped at three  
5 35 hundred percent of the initial funding amount.



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6 1 Sec. 10. NEW SECTION. 68A.810 PUBLIC FINANCING ELECTIONS  
6 2 FUND == NATURE AND PURPOSES.  
6 3 1. A public financing elections fund is established as a  
6 4 separate fund within the office of the state treasurer, under  
6 5 the control of the board, for the following purposes:  
6 6 a. Providing public financing for the election campaigns  
6 7 of participating candidates during primary election and  
6 8 general election campaign periods.  
6 9 b. Paying for the administrative and enforcement costs of  
6 10 the board in relation to this subchapter.  
6 11 2. Notwithstanding section 8.33, unencumbered or  
6 12 unobligated moneys and any interest earned on moneys in the  
6 13 fund on June 30 of any fiscal year shall not revert to the  
6 14 general fund of the state but shall remain in the fund and be  
6 15 available for expenditure in subsequent years.  
6 16 3. In addition to any moneys appropriated by the general  
6 17 assembly to the public financing elections fund, the following  
6 18 moneys shall be deposited in the fund:  
6 19 a. Moneys distributed to any participating candidate who  
6 20 does not remain a candidate until the primary or general  
6 21 election for which they were distributed.  
6 22 b. Civil penalties levied by the board against candidates  
6 23 for violations of this subchapter.  
6 24 c. Voluntary donations made directly to the fund.  
6 25 d. All public moneys remaining in a participating  
6 26 candidate's account at the end of the election cycle.  
6 27 e. Any other sources of revenue designated by the general  
6 28 assembly.  
6 29 Sec. 11. SEVERABILITY. The provisions of this Act are  
6 30 severable as provided in section 4.12.  
6 31 Sec. 12. EFFECTIVE DATE. This Act takes effect on January  
6 32 1, 2011.

6 33 EXPLANATION

6 34 This bill creates a voluntary program administered by the  
6 35 Iowa ethics and campaign disclosure board for public financing



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7 1 of both a primary and a general election for the general  
7 2 assembly. A candidate who elects to receive public financing  
7 3 must limit each campaign contribution to \$100 or less from all  
7 4 sources and accept contributions only from natural persons.  
7 5 There is no restriction on the total amount of contributions  
7 6 that can be received. Public financing may be used to finance  
7 7 any and all campaign expenses and is in addition to the amount  
7 8 of individual contributions raised by the candidate.  
7 9 To receive public financing, the candidate must be  
7 10 certified as eligible by the board. For the Iowa senate, the  
7 11 candidate must collect \$10,000 in individual contributions  
7 12 from at least 200 natural persons. For the Iowa house of  
7 13 representatives, the candidate must collect \$5,000 in  
7 14 individual contributions from at least 100 natural persons.  
7 15 At least half of the donors must reside within the candidate's  
7 16 electoral district.  
7 17 The amount of public financing is limited by the funds  
7 18 available in the public financing elections fund. The amount  
7 19 of public financing for a contested primary election is  
7 20 \$25,000 for a senate candidate and \$15,000 for a house of  
7 21 representatives candidate. Public financing in an uncontested  
7 22 primary election is 25 percent of the amount provided in a  
7 23 contested primary election.  
7 24 The amount of public financing funding for a contested  
7 25 general election is \$50,000 for a senate candidate and \$25,000  
7 26 for a house of representatives candidate. Public financing in  
7 27 an uncontested general election is 10 percent of the amount  
7 28 provided in a contested general election.  
7 29 In cases where a legislative district is dominated by a  
7 30 single party, eligible candidates may choose to reverse the  
7 31 amount of the primary and general election public financing  
7 32 allocations; thus providing more funding in primary contests.  
7 33 The bill imposes special reporting requirements on  
7 34 candidates who accept public funding and requires  
7 35 nonparticipating candidates to report to the board the amount



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8 1 of money spent or obligated to be spent by the candidate in  
8 2 excess of the amount available to a participating candidate  
8 3 running for the same office. When this situation occurs, the  
8 4 board is required to immediately release additional public  
8 5 financing to the participating candidate equal to the excess  
8 6 expenditure amount the nonparticipating candidate has spent or  
8 7 intends to spend. This additional public financing is limited  
8 8 to three times the amount of individual contributions  
8 9 collected by the eligible candidate and is capped at 300  
8 10 percent of the initial funding amount.

8 11 The bill establishes a separate, nonreverting public  
8 12 financing elections fund in the state treasury and provides  
8 13 sources of revenue for the fund.

8 14 As provided in Code section 68A.701, a willful violation of  
8 15 any provision of the campaign finance chapter is a serious  
8 16 misdemeanor punishable by confinement for no more than one  
8 17 year and a fine of at least \$315 but not more than \$1,875. A  
8 18 variety of civil remedies are also available in Code section  
8 19 68B.32D for a violation of Code chapter 68A or rules of the  
8 20 ethics and campaign disclosure board, ranging from a reprimand  
8 21 to a civil penalty of not more than \$2,000.

8 22 The bill provides for a January 1, 2011, effective date.

8 23 LSB 2569HH 83

8 24 jr/sc/8



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House File 584 - Introduced

HOUSE FILE  
BY D. OLSON

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

**A BILL FOR**

- 1 An Act creating a clean campaign pledge program and establishing
- 2 a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2358HH 83
- 5 jr/sc/5



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PAG LIN

1 1 Section 1. NEW SECTION. 68A.407 CLEAN CAMPAIGN PLEDGE  
1 2 PROGRAM == PENALTIES.  
1 3 1. The general assembly finds that political campaigns  
1 4 increasingly disparage or denigrate an opposing candidate for  
1 5 public office by making personal attacks and making  
1 6 inflammatory or misleading statements. The general assembly  
1 7 further finds that such campaign tactics impede a full and  
1 8 fair discussion of campaign issues and diminish the trust and  
1 9 confidence of the public in the electoral process.  
1 10 2. A clean campaign pledge program is created under the  
1 11 administration of the board. The board shall allow a  
1 12 candidate for public office to participate in the program by  
1 13 electronically signing the clean campaign pledge on the  
1 14 board's internet website. The website shall also contain a  
1 15 database, available to the public, of current candidates for  
1 16 public office who have signed the pledge.  
1 17 a. The clean campaign pledge shall be displayed on the  
1 18 website and shall provide:  
1 19 "I pledge to abide by an exemplary standard of conduct.  
1 20 During this campaign, I pledge to confine any criticism of my  
1 21 opponent to campaign issues and matters of public record and  
1 22 to avoid personal attacks. I pledge to refrain from using  
1 23 inciting or inflammatory language and from making misleading  
1 24 statements. I further pledge to promptly disavow any  
1 25 independent expenditure made on my behalf which violates the  
1 26 standards established in this pledge."  
1 27 b. When signed by the candidate the pledge is binding on  
1 28 both the candidate and the candidate's committee through the  
1 29 current election period or until specifically withdrawn by the  
1 30 candidate.  
1 31 c. The board shall develop a clean=campaign=pledge  
1 32 logogram which shall be available for use by a participating  
1 33 candidate in the candidate's campaign.  
1 34 3. a. A candidate for public office who alleges conduct  
1 35 in violation of a pledge made pursuant to this section may



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2 1 file a complaint with the board. The board shall give  
2 2 priority consideration to a complaint filed under this section  
2 3 over all other matters pending before the board.  
2 4 b. If the board determines that a violation of a pledge  
2 5 made pursuant to this section did occur, the board shall  
2 6 remove the candidate from the program, prohibit the candidate  
2 7 from any further use of the program logogram, and publicly  
2 8 reprimand the candidate for violation of a pledge made  
2 9 pursuant to this section. Other remedies set out in section  
2 10 68B.32D or section 68A.701 do not apply to such violations.  
2 11 4. The board shall adopt rules as necessary to administer  
2 12 the clean campaign pledge program.

2 13 EXPLANATION

2 14 This bill creates new Code section 68A.407 that establishes  
2 15 a clean campaign pledge program under the administration of  
2 16 the ethics and campaign disclosure board. Participating  
2 17 candidates would sign a pledge promising to avoid personal  
2 18 attacks and to avoid using inciting or inflammatory language  
2 19 or making misleading statements.

2 20 A candidate may file a complaint alleging a pledge  
2 21 violation with the ethics and campaign disclosure board. If  
2 22 the board determines that a violation of a pledge did occur,  
2 23 the board shall remove the candidate from the program,  
2 24 prohibit the candidate from any further use of the program  
2 25 logogram, and publicly reprimand the candidate for the  
2 26 violations. No other penalties may be applied.

2 27 LSB 2358HH 83

2 28 jr/sc/5



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House File 585 - Introduced

HOUSE FILE  
BY D. OLSON

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

**A BILL FOR**

- 1 An Act relating to discharges of storm water under a general
- 2 permit issued by the department of natural resources.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2399HH 83
- 5 tm/nh/5



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1 1 Section 1. Section 455B.103A, subsection 1, paragraph b,  
1 2 Code 2009, is amended to read as follows:  
1 3 b. Following the effective date of a general permit, a  
1 4 person proposing to conduct activities covered by the general  
1 5 permit shall provide a notice of intent to conduct a covered  
1 6 activity on a form provided by the department. The notice of  
1 7 intent for a storm water discharge shall include certification  
1 8 by an engineer that a pollution prevention plan has been  
1 9 completed. A person shall also provide public notice of  
1 10 intent to conduct activities covered under the general permit  
1 11 by publishing notice in two newspapers with the largest  
1 12 circulation in the area in which the facility is located.  
1 13 Notice of the discontinuation of a permitted activity shall be  
1 14 provided in the same manner.

1 15 EXPLANATION

1 16 This bill relates to discharges of storm water under a  
1 17 general permit issued by the department of natural resources.  
1 18 The bill provides that general permit holders must file, as  
1 19 part of a notice of intent to discharge storm water, a  
1 20 certification by an engineer that a pollution prevention plan  
1 21 has been completed.  
1 22 LSB 2399HH 83  
1 23 tm/nh/5



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HOUSE FILE  
BY LENSING

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to the emancipation of a minor and family in need
- 2 of assistance proceedings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2058HH 83
- 5 jm/rj/14



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PAG LIN

1 1 Section 1. Section 232.125, subsection 2, Code 2009, is  
1 2 amended to read as follows:  
1 3 2. Such a petition may be filed by the child's parent,  
1 4 guardian or custodian, ~~or~~ by the child, or on the court's own  
1 5 motion as provided in section 232C.2. The judge, county  
1 6 attorney, or juvenile court officer may authorize such parent,  
1 7 guardian, custodian, or child to file a petition with the  
1 8 clerk of the court without the payment of a filing fee.  
1 9 Sec. 2. Section 232.127, Code 2009, is amended by adding  
1 10 the following new subsection:  
1 11 NEW SUBSECTION. 11. If after hearing pursuant to this  
1 12 section, the court finds, by clear and convincing evidence,  
1 13 that no remedy is available that would result in strengthening  
1 14 or maintaining the familial relationship, the court may order  
1 15 the minor emancipated pursuant to section 232C.3, subsection  
1 16 4.  
1 17 Sec. 3. NEW SECTION. 232C.1 EMANCIPATION PETITION ==  
1 18 HEARING.  
1 19 1. A minor who desires to become emancipated may file a  
1 20 petition for an order of emancipation in juvenile court if all  
1 21 of the following apply:  
1 22 a. The minor is sixteen years of age or older.  
1 23 b. The minor is a resident of this state.  
1 24 c. The minor is not in the care, custody, or control of  
1 25 the state.  
1 26 2. A petition filed pursuant to this section shall contain  
1 27 the following:  
1 28 a. The petitioner's name, mailing address, and date of  
1 29 birth.  
1 30 b. The name, mailing address of the petitioner's parents  
1 31 or legal guardian.  
1 32 c. Specific facts to support the petition including but  
1 33 not limited to the following:  
1 34 (1) The minor has demonstrated financial self-sufficiency,  
1 35 including proof of employment or other means of support, which



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2 1 does not include assistance or subsidies from a federal,  
2 2 state, or local governmental agency.

2 3 (2) The minor has demonstrated an ability to manage the  
2 4 personal affairs of the minor.

2 5 (3) The minor has demonstrated an ability and commitment  
2 6 to obtain and maintain education, vocational training, or  
2 7 employment.

2 8 (4) Any other information considered necessary to support  
2 9 the petition.

2 10 d. Any one of the following:

2 11 (1) Documentation that the minor has been living on the  
2 12 minor's own for at least three consecutive months.

2 13 (2) A statement explaining the reasons the minor believes  
2 14 the home of the minor's parents or legal guardian is not a  
2 15 healthy or safe environment.

2 16 (3) A notarized statement that contains written consent to  
2 17 emancipation by the minor's parents or legal guardian.

2 18 3. The court shall hold a hearing on the petition within  
2 19 ninety days of the filing of the petition. Notice of the  
2 20 hearing, with a copy of the petition attached, may be sent by  
2 21 certified mail at least sixty days prior to the hearing date;  
2 22 otherwise, notice of the hearing shall be as provided by the  
2 23 rules of civil procedure for service of an original notice.

2 24 4. The minor's parents or legal guardian may file a  
2 25 written response objecting to the emancipation within thirty  
2 26 days of receiving notice of the hearing.

2 27 5. The minor may participate in the court proceedings on  
2 28 the minor's own behalf, or may be represented by the minor's  
2 29 own counsel, or the court may appoint a guardian ad litem on  
2 30 behalf of the minor.

2 31 Sec. 4. NEW SECTION. 232C.2 STAY == MEDIATION ==  
2 32 REFERRAL TO FAMILY IN NEED OF ASSISTANCE.

2 33 1. Prior to an emancipation hearing held pursuant to  
2 34 section 232C.1, the court, on its own motion, may stay the  
2 35 proceedings, and refer the parties to mediation, or request



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3 1 that the department of human services investigate any  
3 2 allegations of child abuse or neglect contained in the  
3 3 petition, and order that a written report be prepared and  
3 4 filed by the department.  
3 5 2. If a minor's parent or guardian objects to the petition  
3 6 filed pursuant to section 232C.1, the juvenile court shall  
3 7 stay the proceedings and refer the parties to mediation unless  
3 8 the juvenile court finds that mediation would not be in the  
3 9 best interests of the minor.  
3 10 3. If an agreement is reached through mediation, the  
3 11 parties shall file the signed agreement with the juvenile  
3 12 court.  
3 13 4. Notwithstanding subsections 1 through 3, the juvenile  
3 14 court, on its own motion, may discontinue emancipation  
3 15 proceedings pursuant to this chapter and interpret the  
3 16 petition as a petition to initiate family in need of  
3 17 assistance proceedings and consider the petition under  
3 18 sections 232.122 through 232.127.  
3 19 Sec. 5. NEW SECTION. 232C.3 DETERMINATION OF  
3 20 EMANCIPATION == BEST INTERESTS OF THE MINOR.  
3 21 1. The juvenile court shall determine emancipation based  
3 22 on the best interests of the minor and shall consider all  
3 23 relevant factors including the following:  
3 24 a. The potential risks and consequences of emancipation  
3 25 and whether the minor understands the risks and consequences  
3 26 of emancipation.  
3 27 b. The ability of the minor to be financially  
3 28 self-sufficient.  
3 29 c. The education level of the minor and success achieved  
3 30 in school.  
3 31 d. The criminal record of the minor.  
3 32 e. The desires of the minor.  
3 33 f. The recommendations of the parents or guardian of the  
3 34 minor.  
3 35 2. The minor has the burden of proving by clear and



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4 1 convincing evidence that the requirements for ordering  
4 2 emancipation under this section have been met.  
4 3 3. The juvenile court shall carefully consider the best  
4 4 interests of the minor and after hearing and consideration of  
4 5 the factors enumerated in this section, the juvenile court may  
4 6 order the minor emancipated or deny the petition for  
4 7 emancipation.

4 8 4. If after referral of a petition for the initiation of  
4 9 family in need of assistance proceedings pursuant to section  
4 10 232C.2, the juvenile court finds, by clear and convincing  
4 11 evidence, that no remedy is available that would result in  
4 12 strengthening or maintaining the familial relationship under  
4 13 the family in need of assistance proceedings pursuant to  
4 14 sections 232.122 through 232.127, the juvenile court may order  
4 15 the minor emancipated as provided in this section.

4 16 Sec. 6. NEW SECTION. 232C.4 EFFECT OF EMANCIPATION  
4 17 ORDER.

4 18 1. An emancipation order shall have the same effect as a  
4 19 child reaching the age of majority with respect to but not  
4 20 limited to the following:

- 4 21 a. The ability to sue or be sued in the child's own name.
- 4 22 b. The right to enter into a binding contract.
- 4 23 c. The right to establish a legal residence.
- 4 24 d. The right to incur debts.
- 4 25 e. The right to consent to medical, dental, or psychiatric  
4 26 care.

4 27 2. An emancipation order shall have the same effect as the  
4 28 child reaching the age of majority and the parents are exempt  
4 29 from the following:

- 4 30 a. Future child support obligations for the emancipated  
4 31 child.
- 4 32 b. An obligation to provide medical support for the  
4 33 emancipated child, unless deemed necessary by the court.
- 4 34 c. Tort liability for the actions of the child after  
4 35 emancipation.



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5 1 d. A right to the income or property of the emancipated  
5 2 child.

5 3 e. A responsibility for the debts of the emancipated  
5 4 child.

5 5 3. An emancipated minor shall remain subject to voting  
5 6 restrictions under chapter 48A, gambling restrictions under  
5 7 chapter 99B, 99D, 99F, 99G, or 725, alcohol restrictions under  
5 8 chapter 123, compulsory attendance requirements under chapter  
5 9 299, and cigarette tobacco restrictions under chapter 453A.

5 10 4. An emancipated child shall not be considered an adult  
5 11 for prosecution except as provided in section 232.8.

5 12 5. Notwithstanding sections 232.147 through 232.151, the  
5 13 emancipation order shall be released by the juvenile court  
5 14 subject to rules prescribed by the supreme court.

5 15 EXPLANATION

5 16 This bill relates to a petition for the emancipation of a  
5 17 minor and family in need of assistance proceedings.

5 18 The bill provides that a minor 16 years of age or older may  
5 19 file a petition for an order of emancipation in juvenile court  
5 20 provided the minor is a resident of the state, and is not in  
5 21 the care, custody, or control of a state agency.

5 22 The bill requires the petition for emancipation to include  
5 23 facts supporting the financial self-sufficiency of the minor  
5 24 which shall not include assistance or subsidies from a  
5 25 governmental agency, and shall include the ability and  
5 26 commitment of the minor to manage the personal affairs of the  
5 27 minor, the ability and commitment of the minor to obtain  
5 28 educational training or employment, and any other information  
5 29 considered relevant to support the petition.

5 30 Under the bill, the petition shall also include  
5 31 documentation of the minor living on the minor's own for at  
5 32 least three months, a statement explaining the reasons the  
5 33 minor believes the home of the minor's parents or guardian is  
5 34 not a healthy or safe environment, or a notarized statement  
5 35 that contains written consent to emancipation by the minor's



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6 1 parents or guardian.

6 2 The bill provides that the juvenile court shall hold a  
6 3 hearing on the petition within 90 days of the filing of the  
6 4 petition.

6 5 The bill provides that prior to any hearing on  
6 6 emancipation, the juvenile court may stay the proceedings, and  
6 7 refer the minor and the minor's parents or guardian to  
6 8 mediation, or request the department of human services to  
6 9 investigate any abuse or neglect allegations of the minor and  
6 10 file a report with the court.

6 11 The bill allows the court, on its own motion, to  
6 12 discontinue emancipation proceedings and interpret the  
6 13 emancipation petition as a petition to initiate family in need  
6 14 of assistance proceedings and to consider the petition under  
6 15 Code sections 232.122 through 232.127. If after referral of a  
6 16 petition for the initiation of family in need of assistance  
6 17 proceedings, the court finds, by clear and convincing  
6 18 evidence, that no remedy is available that would result in  
6 19 strengthening or maintaining the familial relationship under  
6 20 the family in need of assistance proceedings, the court may  
6 21 order the minor emancipated under the bill.

6 22 The bill requires the juvenile court to determine  
6 23 emancipation based upon the best interests of the minor.  
6 24 Under the bill, the juvenile court shall consider all relevant  
6 25 factors including the potential risks and consequences of  
6 26 emancipation, the ability of the minor to be self-sufficient,  
6 27 the education level of the minor, the minor's criminal record,  
6 28 and the desires of the minor and the minor's parents or  
6 29 guardian.

6 30 If the court orders emancipation of the child, the effect  
6 31 of the order shall be that the minor has the power to sue or  
6 32 be sued, enter into binding contracts, establish a legal  
6 33 residence, incur debts, and make medical decisions.

6 34 An emancipated minor under the bill remains subject to  
6 35 voting, alcohol, gambling, and tobacco restrictions as



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7 1 provided by law. An emancipated minor is also required to  
7 2 attend school as provided in Code chapter 299.  
7 3 If the court orders emancipation of the child, the parents  
7 4 or guardian of the child are exempt from making future child  
7 5 support payments, providing medical support, unless deemed  
7 6 necessary by the court, tort liability for actions after  
7 7 emancipation, rights to the income or property of the  
7 8 emancipated child, and from the responsibility of any debts  
7 9 incurred after emancipation.  
7 10 The bill provides that an emancipated child shall not be  
7 11 considered an adult for prosecution except as provided in  
7 12 section 232.8.  
7 13 LSB 2058HH 83  
7 14 jm/rj/14.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 05, 2009

House File 587 - Introduced

HOUSE FILE  
BY FORD

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

**A BILL FOR**

- 1 An Act relating to state agencies' procurement goals for
- 2 purchases from certain targeted small businesses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2620YH 83
- 5 tw/sc/24



Iowa General Assembly  
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House File 587 - Introduced continued

PAG LIN

1 1 Section 1. Section 73.16, subsection 2, paragraph c,  
1 2 subparagraph (3), Code 2009, is amended to read as follows:  
1 3 (3) A community college, ~~area education agency, or school~~  
~~1 4 district~~ shall establish a procurement goal from certified  
1 5 targeted small businesses, identified pursuant to section  
1 6 10A.104, subsection 8, ~~of at least ten percent of the value of~~  
~~1 7 anticipated procurements of goods and services including~~  
~~1 8 construction, but not including utility services, each fiscal~~  
~~1 9 year.~~ Such a procurement goal shall be expressed as a dollar  
1 10 amount of the certified purchases to be procured from targeted  
1 11 small businesses and shall exceed the procurement goal set in  
1 12 the prior fiscal year.

1 13 Sec. 2. Section 73.16, subsection 2, paragraph d, Code  
1 14 2009, is amended by striking the paragraph.

1 15 Sec. 3. Section 8A.311, subsection 10, paragraph a, Code  
1 16 2009, is amended to read as follows:

1 17 a. The director shall adopt rules providing that any state  
1 18 agency may, upon request, purchase directly from a vendor if  
1 19 the direct purchasing is as economical or more economical than  
1 20 purchasing through the department, or upon a showing that  
1 21 direct purchasing by the state agency would be in the best  
1 22 interests of the state due to an immediate or emergency need.  
1 23 The rules shall include a provision permitting a state agency  
1 24 to purchase directly from a vendor, on the agency's own  
1 25 authority, if the purchase is from a targeted small business  
1 26 meeting the requirements of section 15.102 or a targeted small  
1 27 business certified pursuant to section 10A.104, will not  
1 28 exceed ten thousand dollars, and the purchase will  
1 29 contribute to the agency complying with or exceeding the  
1 30 targeted small business procurement goals under sections 73.15  
1 31 through 73.21.

1 32 Sec. 4. Section 904.808, subsection 1, Code 2009, is  
1 33 amended to read as follows:

1 34 1. A product possessing the performance characteristics of  
1 35 a product listed in the price lists prepared pursuant to



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 587 - Introduced continued

2 1 section 904.807 shall not be purchased by any department or  
2 2 agency of state government from a source other than Iowa state  
2 3 industries, except under one or more of the following  
2 4 circumstances:

2 5 a. When the purchase is made under emergency  
2 6 circumstances, which shall be explained in writing by the  
2 7 public body or officer who made or authorized the purchase if  
2 8 the state director so requests; ~~or.~~

2 9 b. When the state director releases, in writing, the  
2 10 obligation of the department or agency to purchase the product  
2 11 from Iowa state industries, after determining that Iowa state  
2 12 industries is unable to meet the performance characteristics  
2 13 of the purchase request for the product, and a copy of the  
2 14 release is attached to the request to the director of the  
2 15 department of administrative services for payment for a  
2 16 similar product, or when Iowa state industries is unable to  
2 17 furnish needed products, comparable in both quality and price  
2 18 to those available from alternative sources, within a  
2 19 reasonable length of time. Any disputes arising between a  
2 20 purchasing department or agency and Iowa state industries  
2 21 regarding similarity of products, or comparability of quality  
2 22 or price, or the availability of the product, shall be  
2 23 referred to the director of the department of administrative  
2 24 services, whose decision shall be subject to appeal as  
2 25 provided in section 8A.313. However, if the purchasing  
2 26 department is the department of administrative services, any  
2 27 matter which would be referred to the director under this  
2 28 paragraph shall be referred to the executive council in the  
2 29 same manner as if the matter were to be heard by the director  
2 30 of the department of administrative services. The decision of  
2 31 the executive council is final.

2 32 c. When the purchase is from a targeted small business  
2 33 meeting the requirements of section 15.102, will not exceed  
2 34 twenty thousand dollars, and will contribute to the agency  
2 35 complying with or exceeding the targeted small business



Iowa General Assembly  
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House File 587 - Introduced continued

3 1 procurement goals under sections 73.15 through 73.21.

3 2 EXPLANATION

3 3 This bill relates to state government procurement goals for  
3 4 purchases from targeted small businesses.

3 5 Current law provides for certain procurement requirements  
3 6 by community colleges, area education agencies, and school  
3 7 districts. The bill requires community colleges, but not area  
3 8 education agencies or school districts, to set yearly  
3 9 procurement goals for the purchases from targeted small  
3 10 businesses certified by the department of inspections and  
3 11 appeals pursuant to Code section 10A.104.

3 12 Current law allows state agencies to purchase directly from  
3 13 a vendor if the purchase is less than \$10,000 and contributes  
3 14 to the agency meeting the targeted small business procurement  
3 15 goal. The bill provides that purchases may be less than  
3 16 \$20,000 if they are from a targeted small business as defined  
3 17 in Code section 15.102 or a targeted small business certified  
3 18 pursuant to Code section 10A.104.

3 19 Current law prohibits the purchase of certain products by  
3 20 state agencies from a source other than Iowa state industries  
3 21 except in a limited set of circumstances. The bill provides  
3 22 that purchases less than \$20,000 from a targeted small  
3 23 business as defined in Code section 15.102 that contribute to  
3 24 the agency's compliance with the targeted small business  
3 25 procurement goals are one of the circumstances in which a  
3 26 state agency may purchase products from Iowa state industries.

3 27 LSB 2620YH 83

3 28 tw/sc/24



Iowa General Assembly  
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House File 588 - Introduced

HOUSE FILE  
BY FORD, HUNTER, and PETERSEN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act creating an excise tax on paint, primer, and speciality
- 2 finish and directing moneys to fund the childhood lead
- 3 poisoning prevention program.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2242YH 83
- 6 ak/mg:sc/14



Iowa General Assembly  
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House File 588 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.105E PAINT EXCISE TAX.  
1 2 1. a. An excise tax of twenty-five cents is imposed on  
1 3 each container of paint, primer, and specialty finish sold.  
1 4 b. This section does not apply to stains, sealers, or  
1 5 spray paints.  
1 6 2. The excise tax as established in subsection 1 is  
1 7 imposed on paint, primer, and specialty finish sold or used in  
1 8 the state of Iowa. This excise tax shall be collected and  
1 9 paid over to the department of revenue by any retailer,  
1 10 retailer maintaining a place of business in this state, or  
1 11 user who would be responsible for collection and payment of  
1 12 the excise tax as if it were a sales or use tax imposed under  
1 13 chapter 423. A user of paint, primer, or specialty finish in  
1 14 this state is not subject to this excise tax if the paint,  
1 15 primer, or specialty finish was subject to the excise tax at  
1 16 the time of the sale of the paint, primer, or speciality  
1 17 finish and the user has paid the excise tax.  
1 18 3. a. The director of revenue shall administer the excise  
1 19 tax on the sale and use of paint, primer, and specialty finish  
1 20 as nearly as possible in conjunction with the administration  
1 21 of the state sales and use tax law, except that portion of the  
1 22 law which implements the streamlined sales and use tax  
1 23 agreement. The director shall provide appropriate forms, or  
1 24 provide on the regular state tax forms, for reporting the sale  
1 25 and use of paint, primer, and specialty finish excise tax  
1 26 liability. All moneys received and all refunds shall be  
1 27 deposited in or withdrawn from the lead paint clean-up fund as  
1 28 established in section 135.105F.  
1 29 b. The director may require all persons who are engaged in  
1 30 the business of deriving any income from the use of paint,  
1 31 primer, or specialty finish subject to tax under this section  
1 32 to register with the department. The director may also  
1 33 require a tax permit applicable only to this section for any  
1 34 retailer not collecting, or any user not paying, taxes under  
1 35 chapter 423.



Iowa General Assembly  
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House File 588 - Introduced continued

2 1 c. Section 422.25, subsection 4, sections 422.30, 422.67,  
2 2 and 422.68, section 422.69, subsection 1, sections 422.70,  
2 3 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection  
2 4 1, and sections 423.23, 423.24, 423.25, 423.31 through 423.35,  
2 5 423.37 through 423.42, 423.45, 423.46, and 423.47, consistent  
2 6 with the provisions of this section, apply with respect to the  
2 7 tax authorized under this section, in the same manner and with  
2 8 the same effect as if the excise taxes on paint, primer, or  
2 9 specialty finish sales or uses were retail sales taxes within  
2 10 the meaning of those statutes. Notwithstanding this  
2 11 paragraph, the director shall provide for quarterly filing of  
2 12 returns and for other than quarterly filing of returns both as  
2 13 prescribed in section 423.31. All taxes collected under this  
2 14 section by a retailer or any user are deemed to be held in  
2 15 trust for the state of Iowa.

2 16 Sec. 2. NEW SECTION. 135.105F LEAD PAINT CLEAN=UP FUND.

2 17 1. A lead paint clean=up fund is created in the state  
2 18 treasury under the control of the department of public health.  
2 19 The fund is composed of moneys collected pursuant to the  
2 20 excise tax in section 135.105E. Notwithstanding section  
2 21 12C.7, all interest earned on moneys in the fund shall be  
2 22 credited to and remain in the fund. Section 8.33 does not  
2 23 apply to moneys in the fund.

2 24 2. Moneys in the fund that are authorized by the  
2 25 department for expenditure are appropriated, and shall be  
2 26 used, for the following purposes:

2 27 a. The continued implementation of the childhood lead  
2 28 poisoning prevention program as established in this division.

2 29 b. The protection of children and families in this state  
2 30 from lead poisoning, and the removal of lead paint from their  
2 31 homes.

2 32 EXPLANATION

2 33 This bill creates an excise tax on the sale or use of  
2 34 paints, primers, and specialty finishes and directs the moneys  
2 35 from the tax to the department of public health to continue



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
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House File 588 - Introduced continued

3 1 funding the childhood lead poisoning prevention program.  
3 2 An excise tax of 25 cents is imposed on the sale or use of  
3 3 each container of paint, primer, or specialty finish. The tax  
3 4 does not apply to stains, sealers, or spray paints.  
3 5 The director of revenue shall administer the paint excise  
3 6 tax as nearly as possible in conjunction with the  
3 7 administration of state sales and use tax laws. The director  
3 8 shall provide forms or entries on the regular state tax forms  
3 9 for reporting excise tax liability.  
3 10 The bill creates a lead paint clean-up fund, and excise  
3 11 taxes collected on the sale or use of paint, primer, or  
3 12 specialty finish are deposited into the fund. The department  
3 13 of public health shall use the fund for the following  
3 14 purposes: to continue implementation of the childhood lead  
3 15 poisoning prevention program in Code chapter 135, division  
3 16 VIII, and to protect children and families in Iowa from lead  
3 17 poisoning and remove lead paint from their homes.  
3 18 LSB 2242YH 83  
3 19 ak/mg:sc/14



Iowa General Assembly  
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# House Resolution 24 - Introduced

PAG LIN

H.R. \_\_\_\_\_ S.R. \_\_\_\_\_

1 1 HOUSE RESOLUTION NO.  
1 2 BY FORD  
1 3 A Resolution requesting the formation of an interim  
1 4 study committee by the Legislative Council to make  
1 5 recommendations relating to the development and  
1 6 implementation of a statewide wireless broadband  
1 7 network.  
1 8 WHEREAS, the General Assembly finds that access to  
1 9 computers and the internet, and possession of the  
1 10 ability to effectively utilize these technologies, is  
1 11 becoming increasingly important for full participation  
1 12 in this country's economic, political, and social  
1 13 life; and  
1 14 WHEREAS, affordable, high-speed internet access is  
1 15 critical to attracting, growing, and retaining  
1 16 businesses in the highly competitive global  
1 17 marketplace; and  
1 18 WHEREAS, in the digital age, universal connectivity  
1 19 at an affordable price is a necessity for business  
1 20 transactions, education and training, health care, and  
1 21 government services; and  
1 22 WHEREAS, broadband service is proving valuable to  
1 23 the economic transitioning and growth of distressed  
1 24 urban and rural communities; and  
1 25 WHEREAS, while broadband access is generally  
1 26 increasing in availability, the deployment of such  
1 27 technology is lagging in rural areas of this state;  
1 28 and  
1 29 WHEREAS, access to computers and broadband access  
1 30 at home and at school enhances the learning



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House Resolution 24 - Introduced continued

2 1 environment for school-age children; and  
2 2       WHEREAS, voice, video, and data technologies are  
2 3 converging so that voice-grade telephone service can  
2 4 be delivered over the same facilities as broadband  
2 5 services; NOW THEREFORE,  
2 6       BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
2 7 That the Legislative Council shall establish an  
2 8 interim study committee to make recommendations  
2 9 relating to the development and implementation of a  
2 10 statewide wireless broadband network. The membership  
2 11 of the interim study committee shall include four  
2 12 members of the Senate and four members of the House of  
2 13 Representatives. In conducting the study, members  
2 14 shall consult with representatives from the Governor's  
2 15 office, the department of administrative services, and  
2 16 the department of education, and shall engage  
2 17 consultants and counsel with expertise in issues  
2 18 relating to the creation and operation of large  
2 19 wireless broadband networks to advise and assist the  
2 20 committee in the evaluation of information and data.  
2 21 In conducting its deliberations, the committee shall  
2 22 consider the following:  
2 23       1. Timeframes and processes for implementation of  
2 24 a statewide wireless broadband network.  
2 25       2. Evaluation of the state's broadband and  
2 26 wireless communications infrastructure including but  
2 27 not limited to federal communications commission  
2 28 licenses and wireless towers and antennas, and methods  
2 29 for leveraging this infrastructure in a statewide  
2 30 wireless broadband network.



**Iowa General Assembly  
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House Resolution 24 - Introduced continued

3 1 3. Assessment of the availability of and need for  
3 2 advanced communications services in unserved or  
3 3 underserved areas within the state.  
3 4 4. Identification of federal and other funding  
3 5 sources for broadband or wireless deployment or  
3 6 education.  
3 7 5. Establishment of public awareness and  
3 8 educational programs to encourage use of broadband  
3 9 services.  
3 10 The study committee shall report its findings and  
3 11 recommendations to the General Assembly for  
3 12 consideration during the 2010 Legislative Session.  
3 13 LSB 2544YH 83  
3 14 rn/nh/5.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House Study Bill 262

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON PETERSEN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

1 An Act concerning restrictions on the resale and use of motor  
2 vehicle operating records furnished by the department of  
3 transportation and making a penalty applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2490HC 83  
6 dea/nh/8



**Iowa General Assembly  
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House Study Bill 262 continued

PAG LIN

1 1 Section 1. Section 321A.3, subsection 8, Code 2009, is  
 1 2 amended to read as follows:  
 1 3 8. ~~A person making a request for a record or an abstract~~  
~~1 4 under this section that is subject to a fee shall only use the~~  
~~1 5 record or abstract requested one time, for one purpose, and it~~  
~~1 6 shall not supply that record to more than one other person.~~  
~~1 7 Any subsequent use of the same record or abstract shall~~  
~~1 8 require that the person make a subsequent request for the~~  
~~1 9 record or abstract and pay an additional fee for the request~~  
~~1 10 in the same manner as provided for the initial request. A~~  
1 11 person who purchases a certified abstract of the operating  
1 12 record of a person under subsection 1 shall not resell the  
1 13 certified abstract of the operating record to more than one  
1 14 person. For purposes of this subsection, affiliated persons  
1 15 are considered one person. Any retention, distribution,  
1 16 transfer, or reuse of a certified abstract of the operating  
1 17 record purchased pursuant to subsection 1 shall be consistent  
1 18 with the federal Driver's Privacy Protection Act, 18 U.S.C. }  
1 19 2721=2725. A person requesting a record or an abstract who  
1 20 purchases a certified abstract of the operating record of a  
1 21 person pursuant to ~~this section~~ subsection 1 and then resells  
1 22 that record shall keep records identifying ~~who the record or~~  
~~1 23 abstract is provided to, and the use of the record or~~  
~~1 24 abstract, the person to whom and the permitted purpose for~~  
1 25 which the certified abstract of the operating record was sold  
1 26 for a period of five years. Records maintained pursuant to  
1 27 this subsection shall be made available to the department upon  
1 28 request. A person shall not sell, retain, distribute,  
~~1 29 provide, or transfer any record or abstract information or~~  
~~1 30 portion of the record or abstract information acquired under~~  
~~1 31 this agreement except as authorized by the department and the~~  
~~1 32 federal Driver's Privacy Protection Act, 18 U.S.C. }~~  
~~1 33 2721==2725.~~

1 34 EXPLANATION  
 1 35 This bill addresses restrictions on the use of the



**Iowa General Assembly  
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House Study Bill 262 continued

2 1 certified abstract of the operating record of an individual.  
2 2 A certified abstract of the operating record is the document  
2 3 that identifies, for an individual driver's licensee, certain  
2 4 personal information, including records of motor vehicle  
2 5 violations, convictions, and sanctions, that may only be  
2 6 disclosed for permissible uses pursuant to the federal  
2 7 Driver's Privacy Protection Act. Pursuant to current law, a  
2 8 person other than a public agency that requests a certified  
2 9 abstract of the operating record from the department of  
2 10 transportation must pay a fee of \$5.50 for each abstract. The  
2 11 person may use the record one time, for one purpose, and may  
2 12 not supply the record to more than one other person. The bill  
2 13 provides that a person who purchases the certified abstract of  
2 14 the operating record shall not resell the abstract to more  
2 15 than one person, and the bill specifies that affiliated  
2 16 persons are considered one person. The bill states that the  
2 17 retention, distribution, transfer, or reuse of a certified  
2 18 abstract of the operating record purchased from the department  
2 19 shall be consistent with the federal Driver's Privacy  
2 20 Protection Act. Finally, the bill requires a person who  
2 21 purchases and then resells a certified abstract of the  
2 22 operating record to maintain records for five years  
2 23 identifying the person to whom the abstract was sold and the  
2 24 permitted purpose for which it was sold. Pursuant to current  
2 25 Code section 321A.32(4), a person who violates any of these  
2 26 provisions is guilty of a serious misdemeanor. A serious  
2 27 misdemeanor is punishable by confinement for no more than one  
2 28 year and a fine of at least \$315 but not more than \$1,875.  
2 29 LSB 2490HC 83  
2 30 dea/nh/8



Iowa General Assembly  
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Senate Amendment 3057

PAG LIN

1 1 Amend House File 414, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 18, by inserting after line 3 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. VEHICLE PURCHASES DEFERRED.  
1 6 Notwithstanding any provision to the contrary, except  
1 7 as otherwise provided by this section, other than  
1 8 motor vehicles for the state patrol, the department of  
1 9 administrative services shall defer the purchase of  
1 10 replacement motor vehicles paid for from the general  
1 11 fund of the state or from such moneys credited to the  
1 12 depreciation fund maintained pursuant to section  
1 13 8A.365. The purchase deferral is applicable to the  
1 14 remainder of the fiscal year beginning July 1, 2008,  
1 15 commencing on the effective date of this section and  
1 16 to the succeeding fiscal year. However, the executive  
1 17 council may authorize an exception to allow purchase  
1 18 of a replacement vehicle when the purchase is less  
1 19 costly than all other alternatives.>  
1 20 #2. By renumbering as necessary.  
1 21  
1 22  
1 23  
1 24 MERLIN BARTZ  
1 25  
1 26  
1 27  
1 28 STEVE KETTERING  
1 29 HF 414.510 83  
1 30 jp/jp/12088  
1 31  
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Iowa General Assembly  
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Senate Amendment 3058

PAG LIN

1 1 Amend Senate File 236 as follows:  
1 2 #1. Page 1, line 14, by striking the word <the>  
1 3 and inserting the following: <psychiatric institution  
1 4 providers may submit a projected cost report to be  
1 5 used to set a prospective rate for the rate period of  
1 6 July 1, 2009, through June 30, 2010. For that fiscal  
1 7 year, the>.  
1 8 #2. Page 1, line 23, by inserting after the figure  
1 9 <5.> the following: <The reimbursement payments made  
1 10 to psychiatric institution providers for the fiscal  
1 11 year beginning July 1, 2009, and ending June 30, 2010,  
1 12 shall be cost settled to actual cost, not to exceed  
1 13 the maximum reimbursement rate for the fiscal year.  
1 14 Any overpayment amount shall be returned within 30  
1 15 days of submission of a notice of overpayment to the  
1 16 provider.>  
1 17 #3. Page 2, line 5, by striking the figure <2011>  
1 18 and inserting the following: <2010>.  
1 19  
1 20  
1 21  
1 22 JOE BOLKCOM  
1 23 SF 236.701 83  
1 24 jp/rj/22379  
1 25  
1 26  
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Iowa General Assembly  
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Senate Amendment 3059

PAG LIN

1 1 Amend House File 414, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 17, line 2, by striking the figure  
1 4 <2,356,851> and inserting the following: <2,456,851>.  
1 5  
1 6  
1 7  
1 8 STEVE KETTERING  
1 9 HF 414.303 83  
1 10 jp/tm/12084  
1 11  
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Senate Amendment 3060

PAG LIN

1 1 Amend House File 414, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 16, line 28, by striking the figure  
1 4 <140,959,432> and inserting the following:  
1 5 <143,045,322>.  
1 6  
1 7  
1 8  
1 9 STEVE KETTERING  
1 10 HF 414.204 83  
1 11 jp/tm/22200  
1 12  
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Iowa General Assembly  
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Senate Amendment 3061

PAG LIN

1 1 Amend House File 414, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 17, line 10, by striking the figure  
1 4 <25,606,746> and inserting the following:  
1 5 <38,606,746>.  
1 6 #2. Page 17, line 17, by inserting before the word  
1 7 <The> the following: <a.>  
1 8 #3. Page 17, by inserting after line 27 the  
1 9 following:  
1 10 <b. The transfer authority shall be applied to  
1 11 produce a reduction in expenditures for office  
1 12 supplies, service contracts, and equipment purchases  
1 13 of at least \$8,000,000.  
1 14 c. The exercise of transfer authority shall be  
1 15 applied to produce at least \$5,000,000 in reductions  
1 16 through the elimination of the funding for full-time  
1 17 equivalent positions that have been vacant throughout  
1 18 the six months prior to the effective date of this  
1 19 section. Such positions do not include correctional  
1 20 officers, state patrol officers, seasonal or temporary  
1 21 positions intended to be vacant during the designated  
1 22 period, positions funded by the appropriations exempt  
1 23 from this section, and positions that are more than 25  
1 24 percent funded by sources other than the general fund  
1 25 of the state.>  
1 26  
1 27  
1 28  
1 29 STEVE KETTERING  
1 30 HF 414.507 83  
1 31 jp/tm/12079  
1 32  
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Senate Amendment 3062

PAG LIN

1 1 Amend Senate File 231 as follows:  
1 2 #1. Page 2, by striking lines 17 through 22 and  
1 3 inserting the following:  
1 4 <3. a. A nonparticipating provider reimbursement  
1 5 fund is created in the state treasury under the  
1 6 authority of the department. Moneys designated for  
1 7 deposit in the fund shall include but are not limited  
1 8 to all of the following:  
1 9 (1) Appropriations from the general fund of the  
1 10 state.  
1 11 (2) Grants.  
1 12 (3) Contributions.  
1 13 (4) The transfer, annually, of an amount equal to  
1 14 the amount of money under the jurisdiction of the  
1 15 department of human services utilized to provide  
1 16 services to illegal aliens. The department shall  
1 17 calculate the annual amount to be transferred based on  
1 18 actual services provided in the preceding fiscal  
1 19 year.>  
1 20  
1 21  
1 22  
1 23 MERLIN BARTZ  
1 24 SF 231.501 83  
1 25 pf/nh/11696  
1 26  
1 27  
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# Senate Amendment 3063

PAG LIN

1 1 Amend Senate File 289 as follows:  
1 2 #1. Page 1, by inserting after line 8 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. EFFECTIVE DATE AND RETROACTIVE  
1 5 APPLICABILITY. This Act, being deemed of immediate  
1 6 importance, takes effect upon enactment, and is  
1 7 retroactively applicable to September 1, 2008, and is  
1 8 applicable on and after that date.>  
1 9 #2. Title page, line 2, by inserting after the  
1 10 word <program> the following: <and providing  
1 11 effective and retroactive applicability dates>.  
1 12 #3. By renumbering as necessary.  
1 13  
1 14  
1 15  
1 16 ROBERT M. HOGG  
1 17 SF 289.201 83  
1 18 tm/rj/22388  
1 19  
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Iowa General Assembly  
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**Senate File 333 - Introduced**

SENATE FILE  
BY HAHN

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act enhancing the criminal penalty for committing an assault
- 2 to further the commission of a theft from a retailer.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1988SS 83
- 5 jm/rj/5



Iowa General Assembly  
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Senate File 333 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 708.2D SHOPLIFTING == ASSAULT.  
1 2 1. As used in this section:  
1 3 a. "Employee of a retailer" means an employee, contract  
1 4 employee, or agent of a retailer.  
1 5 b. "Retailer" means a person or business entity engaged in  
1 6 this state in the business of selling products on a retail  
1 7 basis.  
1 8 2. A person who commits a theft from a retailer and  
1 9 commits an assault against an employee of a retailer to  
1 10 further the commission of the theft, commits an assault that  
1 11 shall be classified and punished as an offense one degree  
1 12 higher than the underlying assault offense under section  
1 13 708.2.  
1 14 EXPLANATION  
1 15 This bill enhances the criminal penalty for committing an  
1 16 assault to further the commission of a theft from a retailer.  
1 17 The bill provides that a person who commits a theft from a  
1 18 retailer and commits an assault against an employee of a  
1 19 retailer to further the commission of the theft, commits an  
1 20 assault that shall be punished one degree higher than the  
1 21 assault penalty under Code section 708.2.  
1 22 The bill defines a "retailer" to mean a person or business  
1 23 entity engaged in this state in the business of selling  
1 24 products on a retail basis, and an "employee of a retailer"  
1 25 means an employee, contract employee, or agent of the  
1 26 retailer.  
1 27 LSB 1988SS 83  
1 28 jm/rj/5.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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**Senate File 334 - Introduced**

SENATE FILE  
BY GRONSTAL

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the legislative committees charged with
- 2 providing government oversight.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1530XS 83
- 5 jp/rj/5



Iowa General Assembly  
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Senate File 334 - Introduced continued

PAG LIN

1 1 Section 1. Section 2.45, subsection 5, Code 2009, is  
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 7C.12, subsection 2, paragraph c, Code  
1 4 2009, is amended to read as follows:

1 5 c. Shall report quarterly any reallocation of the amount  
1 6 of the state ceiling by the governor's designee in accordance  
1 7 with this chapter to the legislative general assembly's  
1 8 standing committees on government oversight ~~committee~~ and the  
1 9 auditor of state. The report shall contain, at a minimum, the  
1 10 amount of each reallocation, the date of each reallocation,  
1 11 the name of the political subdivision and a description of all  
1 12 bonds issued pursuant to a reallocation, a brief explanation  
1 13 of the reason for the reallocation, and such other information  
1 14 as may be required by ~~the committee~~ a standing committee on  
1 15 government oversight.

1 16 Sec. 3. Section 29C.20A, subsection 4, Code 2009, is  
1 17 amended to read as follows:

1 18 4. The homeland security and emergency management division  
1 19 shall submit an annual report, by January 1 of each year, to  
1 20 the legislative fiscal committee and the legislative general  
1 21 assembly's standing committees on government oversight  
1 22 ~~committee~~ concerning the activities of the grant program in  
1 23 the previous fiscal year.

1 24 Sec. 4. Section 34A.7A, subsection 3, Code 2009, is  
1 25 amended to read as follows:

1 26 3. a. The program manager shall submit an annual report  
1 27 by January 15 of each year to the legislative general  
1 28 assembly's standing committees on government oversight  
1 29 ~~committee~~ advising the general assembly of the status of E911  
1 30 implementation and operations, including both wire-line and  
1 31 wireless services, the distribution of surcharge receipts, and  
1 32 an accounting of the revenues and expenses of the E911  
1 33 program.

1 34 b. The program manager shall submit a calendar quarter  
1 35 report of the revenues and expenses of the E911 program to the



**Iowa General Assembly**  
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Senate File 334 - Introduced continued

2 1 fiscal services division of the legislative services agency.  
 2 2 c. The legislative general assembly's standing committees  
 2 3 on government oversight ~~committee~~ shall review the priorities  
 2 4 of distribution of funds under this chapter at least every two  
 2 5 years.

2 6 Sec. 5. Section 523A.801, subsection 3, Code 2009, is  
 2 7 amended to read as follows:

2 8 3. The commissioner shall submit an annual report to the  
 2 9 legislative general assembly's standing committees on  
 2 10 government oversight ~~committee~~ by October 1 of each year  
 2 11 reporting on the administration of this chapter. The report  
 2 12 shall set forth any recommendations for changes in the law  
 2 13 that the commissioner deems necessary or desirable to prevent  
 2 14 abuses or evasions of this chapter or rules implementing this  
 2 15 chapter or to rectify undesirable conditions in connection  
 2 16 with the administration of this chapter or rules implementing  
 2 17 this chapter.

2 18 Sec. 6. Section 523I.201, subsection 3, Code 2009, is  
 2 19 amended to read as follows:

2 20 3. The commissioner shall submit an annual report to the  
 2 21 legislative general assembly's standing committees on  
 2 22 government oversight ~~committee~~ by October 1 of each year  
 2 23 reporting on the administration of this chapter. The report  
 2 24 shall set forth any recommendations for changes in the law  
 2 25 that the commissioner deems necessary or desirable to prevent  
 2 26 abuses or evasions of this chapter or rules implementing this  
 2 27 chapter or to rectify undesirable conditions in connection  
 2 28 with the administration of this chapter or rules implementing  
 2 29 this chapter.

EXPLANATION

2 30  
 2 31 This bill relates to the legislative committees charged  
 2 32 with providing government oversight by eliminating the  
 2 33 legislative oversight committee as a permanent committee of  
 2 34 the legislative council and revising statutory references to  
 2 35 that committee to instead refer to the general assembly's



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Senate File 334 - Introduced continued

3 1 standing committees on government oversight.  
3 2 Code section 2.45, relating to the committees of the  
3 3 legislative council, is amended to strike the subsection  
3 4 creating the legislative oversight committee. The remainder  
3 5 of the bill consists of conforming amendments revising  
3 6 references to refer to the general assembly's standing  
3 7 committees on government oversight in the following Code  
3 8 sections: 7C.12, relating to reports concerning private  
3 9 activity bonds; 29C.20A, relating to reporting concerning the  
3 10 disaster aid individual assistance grant program; 34A.7A,  
3 11 relating to reporting concerning enhanced 911 communications  
3 12 and associated fees and charges; 523A.801, relating to the  
3 13 insurance commissioner's regulatory oversight of cemetery and  
3 14 funeral merchandise and funeral services; and 523I.201,  
3 15 relating to the insurance commissioner's regulatory oversight  
3 16 of the Iowa cemetery Act.  
3 17 LSB 1530XS 83  
3 18 jp/rj/5



Iowa General Assembly  
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**Senate File 335 - Introduced**

SENATE FILE  
BY SEYMOUR

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to permit fees for the diversion, storage, and
- 2 withdrawal of water.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2438SS 83
- 5 tm/nh/5



Iowa General Assembly  
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Senate File 335 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.265, subsection 6, paragraph a,  
1 2 Code 2009, is amended to read as follows:  
1 3 a. The amount of a fee shall be based on the department's  
1 4 reasonable cost of reviewing applications, issuing permits,  
1 5 ensuring compliance with the terms of the permits, and  
1 6 resolving water interference complaints. The commission shall  
1 7 calculate the fees to produce total revenues of not more than  
1 8 ~~five two~~ hundred fifty thousand dollars for each fiscal year,  
1 9 commencing with the fiscal year beginning July 1, 2009, and  
1 10 ending June 30, 2010. The amount of a fee shall not exceed  
1 11 twenty-five dollars.

1 12 EXPLANATION

1 13 This bill relates to permit fees for the diversion,  
1 14 storage, and withdrawal of water.

1 15 Currently, the environmental protection commission is  
1 16 required to calculate permit fees for the diversion, storage,  
1 17 and withdrawal of water to produce total revenues of not more  
1 18 than \$500,000 for each fiscal year beginning July 1, 2009.  
1 19 The bill changes the maximum revenue amount to \$250,000 and  
1 20 provides that the maximum fee shall not exceed \$25.

1 21 LSB 2438SS 83

1 22 tm/nh/5



Iowa General Assembly  
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**Senate File 336 - Introduced**

SENATE FILE  
BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 1259)

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 TL5B 2419SV 83
- 6 tw/tm:rj/8



Iowa General Assembly  
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Senate File 336 - Introduced continued

PAG LIN

1 1 Section 1. COMMUNITY ATTRACTION AND TOURISM WAIVERS.  
1 2 1. For each fiscal year of the fiscal period beginning  
1 3 July 1, 2009, and ending June 30, 2010, an applicant for  
1 4 financial assistance under the community attraction and  
1 5 tourism program or the river enhancement community attraction  
1 6 and tourism program created in chapter 15F may apply to the  
1 7 vision Iowa board for a waiver of any local or private  
1 8 matching moneys required of the applicant by the board  
1 9 pursuant to section 15F.202 if the applicant is located in an  
1 10 area declared a disaster area by the governor or by a federal  
1 11 official. The board may grant all or a portion of the  
1 12 applicant's waiver request.

1 13 2. The board shall provide a report to the general  
1 14 assembly, the governor, and the legislative services agency  
1 15 describing any waivers granted pursuant to this Act.

1 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 17 immediate importance, takes effect upon enactment.

1 18 EXPLANATION

1 19 This bill allows an applicant for financial assistance  
1 20 under the community attraction and tourism program or the  
1 21 river enhancement community attraction and tourism program to  
1 22 apply to the vision Iowa board for a waiver of the local or  
1 23 private matching moneys required by the board if that  
1 24 applicant is located in an area declared a disaster area by  
1 25 the governor or by a federal official. The board may grant  
1 26 all or a portion of the applicant's waiver request. The  
1 27 ability to apply for a waiver is available until June 30,  
1 28 2010. The board must provide a report to the general  
1 29 assembly, the governor, and the legislative services agency  
1 30 regarding any waivers granted pursuant to the bill.

1 31 The bill takes effect upon enactment.

1 32 LSB 2419SV 83

1 33 tw/tm:rj/8



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Senate File 337 - Introduced

SENATE FILE

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to public employers providing office space to
- 2 employee organizations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2567XS 83
- 5 ec/rj/5



Iowa General Assembly  
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Senate File 337 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 20.26A EMPLOYEE ORGANIZATIONS ==  
1 2 OFFICE SPACE.

1 3 A public employer shall not provide an employee  
1 4 organization with office space under the control of the public  
1 5 employer at a cost that is less than the market value of a  
1 6 lease for comparable office space.

1 7 EXPLANATION

1 8 This bill provides that a public employer shall not provide  
1 9 office space to an employee organization at a rate less than  
1 10 market value.

1 11 LSB 2567XS 83

1 12 ec/rj/5



Iowa General Assembly  
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Senate File 338 - Introduced

SENATE FILE  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO SSB 1235)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act establishing an upland game bird study advisory committee,
- 2 establishing the deer study advisory committee, and providing
- 3 an immediate effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2363SV 83
- 6 av/nh/5



Iowa General Assembly  
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Senate File 338 - Introduced continued

PAG LIN

1 1 Section 1. UPLAND GAME BIRD STUDY ADVISORY COMMITTEE. An  
1 2 upland game bird study advisory committee is established for  
1 3 the purpose of studying the best ways to restore sustainable  
1 4 and socially acceptable populations of pheasants and quail in  
1 5 the state to maximize the economic value of upland game bird  
1 6 hunting to Iowa's economy while balancing the needs of the  
1 7 agricultural industry.  
1 8 1. The advisory committee shall be composed of the  
1 9 following members:  
1 10 a. One representative from each of the following  
1 11 organizations or entities who, if possible, is involved with  
1 12 policy decisions for that organization or entity, to be  
1 13 appointed by the governor:  
1 14 (1) Iowa association of county conservation boards.  
1 15 (2) Iowa farm bureau federation.  
1 16 (3) Iowa farmers union.  
1 17 (4) Iowa conservation alliance.  
1 18 (5) Pheasants forever.  
1 19 (6) Quails forever.  
1 20 (7) Iowa hospitality association.  
1 21 (8) Izaak Walton league.  
1 22 (9) Iowa realtors association.  
1 23 (10) The department of transportation.  
1 24 (11) Iowa chapter of the sierra club.  
1 25 (12) Iowa sportsmen's federation.  
1 26 (13) Outdoor writer's association.  
1 27 (14) A person who represents a farm land management  
1 28 company.  
1 29 (15) Two persons who are farmers, one who farms in  
1 30 northern Iowa and one who farms in southern Iowa.  
1 31 (16) Two persons who hunt upland game birds, one who  
1 32 resides in northern Iowa and one who resides in southern Iowa.  
1 33 b. Two legislative staff members, one from the staff of  
1 34 United States Senator Tom Harkin and one from the staff of  
1 35 United States Senator Charles Grassley, or their designees.



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Senate File 338 - Introduced continued

- 2 1 c. The director of the department of natural resources, or  
2 2 a designee.
- 2 3 d. The secretary of agriculture, or a designee.
- 2 4 e. The director of the department of economic development,  
2 5 or a designee.
- 2 6 f. A representative of the United States fish and wildlife  
2 7 service.
- 2 8 g. The executive director of the farm service agency, or a  
2 9 designee.
- 2 10 i. A member of the state soil conservation committee, or a  
2 11 designee.
- 2 12 j. A representative of the Iowa state university fisheries  
2 13 and wildlife cooperative unit.
- 2 14 k. Two members of the senate, one of whom is appointed by  
2 15 the majority leader of the senate and one of whom is appointed  
2 16 by the minority leader of the senate.
- 2 17 l. Two members of the house of representatives, one of  
2 18 whom is appointed by the speaker of the house of  
2 19 representatives and one of whom is appointed by the minority  
2 20 leader of the house of representatives.
- 2 21 2. The director of the department of natural resources or  
2 22 the director's designee shall serve as the chairperson of the  
2 23 advisory committee.
- 2 24 3. Legislative members of the committee are eligible for  
2 25 per diem and reimbursement of actual expenses as provided in  
2 26 section 2.10.
- 2 27 4. The committee shall review, analyze, and make  
2 28 recommendations on issues relating to the state's upland game  
2 29 bird population, including but not limited to the following:
- 2 30 a. The current status of Iowa's upland game bird  
2 31 populations and harvest and habitat management programs.
- 2 32 b. Current farm programs and their impact on upland game  
2 33 bird populations.
- 2 34 c. The economic impact and value of Iowa's upland game  
2 35 bird populations to Iowa.



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Senate File 338 - Introduced continued

- 3 1 d. Upland game bird population challenges and programs in  
3 2 other midwestern states.
- 3 3 e. New and innovative ways to restore sustainable  
3 4 populations of Iowa's upland game birds.
- 3 5 f. An assessment of public opinion concerning the impact  
3 6 and value of Iowa's upland game bird populations.
- 3 7 5. The advisory committee shall complete its deliberations  
3 8 in December 2009 and submit a final report to the governor and  
3 9 the general assembly summarizing the committee's activities,  
3 10 analyzing the issues studied, and including any other  
3 11 information or recommendations that the committee deems  
3 12 relevant and necessary by January 10, 2010. Copies of the  
3 13 final report shall be sent to the national resource  
3 14 conservation service, the United States fish and wildlife  
3 15 service, and to members of Iowa's congressional delegation.
- 3 16 Sec. 2. DEER STUDY ADVISORY COMMITTEE. The deer study  
3 17 advisory committee, as enacted by 2008 Iowa Acts, chapter  
3 18 1037, section 4, shall be reestablished for the purpose of  
3 19 continuing to study the best way to maintain a sustainable,  
3 20 socially acceptable deer population in the state while  
3 21 maximizing and balancing the economic value of deer hunting to  
3 22 Iowa's economy with the needs of the agricultural industry and  
3 23 public safety concerns.
- 3 24 1. The advisory committee shall be composed of the  
3 25 following members:
- 3 26 a. One representative from each of the following  
3 27 organizations or entities, to be appointed by the governor:
- 3 28 (1) Iowa association of county conservation boards.  
3 29 (2) Iowa farm bureau federation.  
3 30 (3) Iowa farmers union.  
3 31 (4) Iowa conservation alliance.  
3 32 (5) Iowa bow hunters association.  
3 33 (6) Whitetails unlimited.  
3 34 (7) Iowa hospitality association.  
3 35 (8) Professional guides and outfitters.



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Senate File 338 - Introduced continued

- 4 1       (9) Iowa meat processors association.  
4 2       (10) Iowa league of cities.  
4 3       (11) The department of transportation.  
4 4       (12) Iowa woodland owners association.  
4 5       (13) Iowa insurance institute.  
4 6       (14) Iowa realtors association.  
4 7       (15) Iowa chapter of the sierra club.  
4 8       (16) Iowa environmental council.  
4 9       (17) Iowa nursery and landscape association.  
4 10      (18) Friends of Iowa landowners and sportsmen.  
4 11      b. The director of the department of natural resources or  
4 12 a designee.  
4 13      c. The secretary of agriculture or a designee.  
4 14      d. The director of the department of economic development  
4 15 or a designee.  
4 16      e. Two members of the senate, one of whom is appointed by  
4 17 the majority leader of the senate and one of whom is appointed  
4 18 by the minority leader of the senate.  
4 19      f. Two members of the house of representatives, one of  
4 20 whom is appointed by the speaker of the house of  
4 21 representatives and one of whom is appointed by the minority  
4 22 leader of the house of representatives.  
4 23      2. The director of the department of natural resources or  
4 24 the director's designee shall serve as the chairperson of the  
4 25 advisory committee.  
4 26      3. Legislative members of the committee are eligible for  
4 27 per diem and reimbursement of actual expenses as provided in  
4 28 section 2.10.  
4 29      4. The committee shall review, analyze, and make  
4 30 recommendations on issues relating to the state's deer  
4 31 population and will determine which, if any, of the  
4 32 recommendations contained in the January 10, 2009, final  
4 33 report of the committee require further consideration.  
4 34      5. The advisory committee shall complete its deliberations  
4 35 in December 2009 and submit a final report to the governor and



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Senate File 338 - Introduced continued

5 1 the general assembly summarizing the committee's activities,  
5 2 analyzing the issues studied, and including any other  
5 3 information or recommendations that the committee deems  
5 4 relevant and necessary by January 10, 2010.

5 5 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
5 6 immediate importance, takes effect upon enactment.

5 7 EXPLANATION

5 8 This bill establishes an upland game bird study advisory  
5 9 committee for the purpose of studying the best ways to restore  
5 10 a sustainable and socially acceptable population of pheasants  
5 11 and quail in the state to maximize the economic value of  
5 12 upland game bird hunting to Iowa's economy while balancing the  
5 13 needs of the agricultural industry.

5 14 The committee is composed of members representing specified  
5 15 organizations, entities, and interests appointed by the  
5 16 governor, as well as the director of the department of natural  
5 17 resources, the secretary of agriculture, and the director of  
5 18 the department of economic development, or their designees.  
5 19 The committee membership also includes legislative staff  
5 20 members of United States Senators Harkin and Grassley or their  
5 21 designees, and four members of the general assembly.

5 22 The committee is directed to review, analyze, and make  
5 23 recommendations on issues relating to the state's upland game  
5 24 bird population, complete its deliberations in December 2009,  
5 25 and submit a final report to the governor and the general  
5 26 assembly by January 10, 2010. Copies of the final report are  
5 27 to be sent to the national resource conservation service, the  
5 28 United States fish and wildlife service, and to members of  
5 29 Iowa's congressional delegation.

5 30 The bill also reestablishes the deer study advisory  
5 31 committee, as enacted in 2008, for the purpose of continuing  
5 32 to study the best way to maintain a sustainable, socially  
5 33 acceptable deer population in the state while maximizing and  
5 34 balancing the economic value of deer hunting to Iowa's economy  
5 35 with the needs of the agricultural industry and public safety



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6 1 concerns. The committee is composed of the same members  
6 2 representing specified organizations, entities, and interests  
6 3 appointed that were on the council in 2008 except that the  
6 4 Iowa restaurant association is no longer represented and  
6 5 representatives of professional guides and outfitters and  
6 6 friends of Iowa landowners and sportsmen are now included.  
6 7 The deer study advisory committee is charged with  
6 8 reviewing, analyzing, and making recommendations on issues  
6 9 relating to the state's deer population and determining which,  
6 10 if any, of the recommendations contained in the January 10,  
6 11 2009, final report of the committee require further  
6 12 consideration. The committee shall complete its deliberations  
6 13 in December 2009 and submit a final report to the governor and  
6 14 the general assembly by January 10, 2010.  
6 15 The bill takes effect upon enactment.  
6 16 LSB 2363SV 83  
6 17 av/nh/5



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**Senate File 339 - Introduced**

SENATE FILE  
BY COMMITTEE ON ENVIRONMENT  
AND ENERGY INDEPENDENCE

(SUCCESSOR TO SSB 1234)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to wastewater treatment.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1736SV 83
- 4 tm/nh/8



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PAG LIN

1 1 DIVISION I  
1 2 WASTEWATER TREATMENT FINANCIAL ASSISTANCE PROGRAM  
1 3 Section 1. Section 16.134, Code 2009, is amended to read  
1 4 as follows:  
1 5 16.134 WASTEWATER TREATMENT FINANCIAL ASSISTANCE PROGRAM.  
1 6 1. The Iowa finance authority shall establish and  
1 7 administer a wastewater treatment financial assistance  
1 8 program. The purpose of the program shall be to provide  
1 9 grants financial assistance to enhance water quality and to  
~~1 10 assist communities to comply with water quality standards~~  
~~1 11 adopted by the department of natural resources.~~ The program  
1 12 shall be administered in accordance with rules adopted by the  
1 13 authority pursuant to chapter 17A.  
1 14 2. A wastewater treatment financial assistance fund is  
1 15 created under the authority of the Iowa finance authority.  
1 16 The fund shall consist of appropriations made to the fund and  
1 17 transfers of interest, earnings, and moneys from other funds  
1 18 as provided by law. Moneys in the fund are not subject to  
1 19 section 8.33. Notwithstanding section 12C.7, subsection 2,  
1 20 interest or earnings on moneys in the fund shall be credited  
1 21 to the fund.  
1 22 3. Financial assistance under the program shall be used to  
1 23 install or upgrade wastewater treatment facilities and  
1 24 systems, and for engineering or technical assistance for  
1 25 facility planning and design.  
1 26 4. The authority shall distribute financial assistance in  
1 27 the fund in accordance with the following:  
1 28 0a. The goal of the program shall be to base awards on the  
1 29 impact of the grant combined with other sources of financing  
1 30 to ensure that sewer rates increase by no more than one and  
1 31 one-half percent of a community's median household income.  
1 32 a. Communities shall be eligible for financial assistance  
1 33 by qualifying as a disadvantaged community and seeking  
1 34 financial assistance for the installation or upgrade of  
1 35 wastewater treatment facilities due to regulatory activity ~~in~~



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~~2 1 response to water quality standards adopted by the department  
2 2 of natural resources in calendar year 2006. For purposes of  
2 3 this section, the term "disadvantaged community" means the  
2 4 same as defined by the department of natural resources for the  
2 5 drinking water facilities revolving loan fund established in  
2 6 section 455B.295. Communities with a population of three  
~~2 7 thousand or more do not qualify for financial assistance under~~  
~~2 8 the program.~~~~

2 9 b. Priority shall be given to projects in which the  
2 10 financial assistance is used to obtain financing under the  
2 11 Iowa water pollution control works and drinking water  
2 12 facilities financing program pursuant to section 16.131 or  
2 13 other federal or state financing.

2 14 c. Priority shall also be given to projects whose  
2 15 completion will provide significant improvement to water  
2 16 quality in the relevant watershed.

2 17 d. Priority shall also be given to communities that employ  
2 18 an alternative wastewater treatment technology pursuant to  
2 19 section 455B.199C.

2 20 e. Priority shall be also given to those communities where  
2 21 sewer rates are the highest as a percentage of that  
2 22 community's median household income.

2 23 d. ~~A community meeting the criteria of paragraph "a" shall~~  
~~2 24 be required to provide matching moneys in accordance with the~~  
~~2 25 following:~~

2 26 (1) ~~Unsewered incorporated communities with a population~~  
~~2 27 of less than five hundred and communities with a population of~~  
~~2 28 less than five hundred shall be required to provide a five~~  
~~2 29 percent match.~~

2 30 (2) ~~Communities with a population of five hundred or more~~  
~~2 31 but less than one thousand shall be required to provide a ten~~  
~~2 32 percent match.~~

2 33 (3) ~~Communities with a population of one thousand or more~~  
~~2 34 but less than one thousand five hundred shall be required to~~  
~~2 35 provide a twenty percent match.~~



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3 1 ~~(4) Communities with a population of one thousand five~~  
~~3 2 hundred or more but less than two thousand shall be required~~  
~~3 3 to provide a thirty percent match.~~

3 4 ~~(5) Communities with a population of two thousand or more~~  
~~3 5 but less than three thousand shall be required to provide a~~  
~~3 6 forty percent match.~~

3 7 ~~e. f. Financial assistance in the form of grants shall be~~  
3 8 issued on a ~~quarterly~~ annual basis.

3 9 ~~g. An applicant shall not receive a grant that exceeds~~  
3 10 five hundred thousand dollars.

3 11 5. The authority in cooperation with the department of  
3 12 natural resources shall share information and resources when  
3 13 determining the qualifications of a community for financial  
3 14 assistance from the fund.

3 15 6. The authority may use an amount of not more than four  
3 16 percent of any moneys appropriated for deposit in the fund for  
3 17 administration purposes.

3 18 ~~7. It is the intent of the general assembly that for the~~  
~~3 19 fiscal period beginning July 1, 2007, and ending June 30,~~  
~~3 20 2016, a minimum of four million dollars shall be appropriated~~  
~~3 21 each fiscal year to the authority for deposit in the~~  
~~3 22 wastewater treatment financial assistance fund.~~

3 23 Sec. 2. NEW SECTION. 16.135 WASTEWATER VIABILITY  
3 24 ASSESSMENT.

3 25 1. The authority, in cooperation with the department of  
3 26 natural resources, shall require the use of a wastewater  
3 27 viability assessment for any wastewater treatment facility  
3 28 seeking a grant under the wastewater treatment financial  
3 29 assistance program or a grant funded by federal community  
3 30 development block grant moneys. A wastewater viability  
3 31 assessment shall determine the long-term operational and  
3 32 financial capacity of the facility and its ratepayers. The  
3 33 authority shall develop minimum criteria for eligibility based  
3 34 on the viability assessment.

3 35 2. The authority, in cooperation with the department of



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- 4 1 natural resources, shall develop a wastewater viability  
4 2 assessment. The assessment shall include as part of the  
4 3 assessment all of the following factors:  
4 4 a. The ability of the applicant to provide property  
4 5 oversight and management through a certified operator.  
4 6 b. The financial ability of the users to support the  
4 7 existing system, improvements to the system, and the long-term  
4 8 maintenance of the system.  
4 9 c. The financial position of the system including existing  
4 10 debt load, rates, and reserve funds.  
4 11 d. Completion of a facilities plan.  
4 12 e. Completion of a management plan.  
4 13 f. Completion of a financial management plan.

4 14 DIVISION II

4 15 SPONSORED PROJECTS

4 16 Sec. 3. Section 384.80, subsection 12, Code 2009, is  
4 17 amended to read as follows:

4 18 12. "Project" means the acquisition, construction,  
4 19 reconstruction, extending, remodeling, improving, repairing,  
4 20 and equipping of all or part of a city utility, combined  
4 21 utility system, city enterprise, or combined city enterprise,  
4 22 or a water resource restoration project within or without the  
4 23 corporate limits of the city.

4 24 Sec. 4. Section 384.80, Code 2009, is amended by adding  
4 25 the following new subsection:

4 26 NEW SUBSECTION. 15. "Water resource restoration project"  
4 27 means the acquisition of real property or improvements or  
4 28 other activity or undertaking that will assist in improving  
4 29 the quality of the water in the watershed where a city water  
4 30 or wastewater utility is located.

4 31 Sec. 5. Section 384.82, subsection 1, unnumbered paragraph  
4 32 1, Code 2009, is amended to read as follows:

4 33 A city may carry out projects, borrow money, and issue  
4 34 revenue bonds and pledge orders to pay all or part of the cost  
4 35 of projects, which may include a qualified water resource



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5 1 restoration project, such revenue bonds and pledge orders to  
5 2 be payable solely and only out of the net revenues of the city  
5 3 utility, combined utility system, city enterprise, or combined  
5 4 city enterprise involved in the project. The cost of a  
5 5 project includes the construction contracts, interest upon the  
5 6 revenue bonds and pledge orders during the period or estimated  
5 7 period of construction and for twelve months thereafter, or  
5 8 for twelve months after the acquisition date, such reserve  
5 9 funds as the governing body may deem advisable in connection  
5 10 with the project and the issuance of revenue bonds and pledge  
5 11 orders, and the costs of engineering, architectural, technical  
5 12 and legal services, preliminary reports, surveys, property  
5 13 valuations, estimates, plans, specifications, notices,  
5 14 acquisition of real and personal property, consequential  
5 15 damages or costs, easements, rights-of-way, supervision,  
5 16 inspection, testing, publications, printing and sale of bonds  
5 17 and provisions for contingencies. A city may sell revenue  
5 18 bonds or pledge orders at public or private sale in the manner  
5 19 prescribed by chapter 75 and may deliver revenue bonds and  
5 20 pledge orders to the contractors, sellers, and other persons  
5 21 furnishing materials and services constituting a part of the  
5 22 cost of the project in payment therefor.

5 23 Sec. 6. Section 384.84, Code 2009, is amended by adding  
5 24 the following new subsection:

5 25 NEW SUBSECTION. 1A. The governing body of a city water or  
5 26 wastewater utility may enter into an agreement with a  
5 27 qualified entity to use proceeds from revenue bonds for a  
5 28 water resource restoration project if the rate imposed is no  
5 29 greater than if there was not a water resource restoration  
5 30 project agreement. For purposes of this subsection,  
5 31 "qualified entity" is an entity created pursuant to chapter  
5 32 28E or two entities that have entered into an agreement  
5 33 pursuant to chapter 28E, whose purpose is to undertake a  
5 34 watershed project that has been approved for water quality  
5 35 improvements in the watershed.



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6 1 Sec. 7. NEW SECTION. 455B.199 WATER RESOURCE RESTORATION  
6 2 SPONSOR PROGRAM.  
6 3 1. The department shall establish and administer a water  
6 4 resource restoration sponsor program to assist in enhancing  
6 5 water quality in the state through the provision of financial  
6 6 assistance to communities for a variety of impairment-based,  
6 7 locally directed watershed projects.  
6 8 2. For purposes of this section, unless the context  
6 9 otherwise requires:  
6 10 a. "Qualified entity" means the same as defined in section  
6 11 384.84.  
6 12 b. "Sponsor project" means a water resource restoration  
6 13 project as defined in section 384.80.  
6 14 3. Moneys in the water pollution control works revolving  
6 15 loan fund created in section 455B.295, and the drinking water  
6 16 facilities revolving loan fund created in section 455B.295,  
6 17 shall be used for the water resource restoration sponsor  
6 18 program. The department shall establish on an annual basis  
6 19 the percentage of moneys available for the sponsor program  
6 20 from the funds.  
6 21 4. The interest rate on the loan under the program for  
6 22 communities participating in a sponsor project shall be set at  
6 23 a level that requires the community to pay not more than the  
6 24 amount the community would have paid if they did not  
6 25 participate in a sponsor project.  
6 26 5. Not more than ninety percent of the projected interest  
6 27 payments on bonds issued under section 384.84 or the total  
6 28 cost of the sponsor project shall be advanced to the  
6 29 community, whichever is lower.  
6 30 6. A proposed sponsor project must be compatible with the  
6 31 goals of the water resource restoration sponsor program, shall  
6 32 include the application of best management practices for the  
6 33 primary purpose of water quality protection and improvement,  
6 34 and may include but not be limited to any of the following:  
6 35 a. Riparian buffer acquisition, enhancement, expansion, or



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- 7 1 restoration.
- 7 2     b. Conservation easements.
- 7 3     c. Riparian zone or wetland buffer extension or
- 7 4 restoration.
- 7 5     d. Wetland restoration in conjunction with an adjoining
- 7 6 high-quality water resource.
- 7 7     e. Stream bank stabilization and natural channel design
- 7 8 techniques.
- 7 9     f. In-stream habitat enhancements and dam removals.
- 7 10    7. A proposed sponsor project shall not include any of the
- 7 11 following:
- 7 12     a. Passive recreation activities and trails including bike
- 7 13 trails, playgrounds, soccer fields, picnic tables, and picnic
- 7 14 grounds.
- 7 15     b. Parking lots.
- 7 16     c. Diverse habitat creation contrary to the botanical
- 7 17 history of the area.
- 7 18     d. Planting of nonnative plant species.
- 7 19     e. Dredging.
- 7 20     f. Supplemental environmental projects required as a part
- 7 21 of a consent decree.
- 7 22    8. A sponsor project must be approved by the department
- 7 23 prior to participating in the water resource restoration
- 7 24 sponsor program.
- 7 25    9. A resolution by the city council must be approved and
- 7 26 included as part of an application for the water resource
- 7 27 restoration sponsor program. After approval of the project,
- 7 28 the city council shall enter into an agreement pursuant to
- 7 29 chapter 28E with the qualified entity who shall implement the
- 7 30 project.
- 7 31    10. Any conservation easements purchased with moneys
- 7 32 received under the program must be in perpetuity and must be
- 7 33 subject to use restrictions that permanently restrict the
- 7 34 future uses of the land.
- 7 35    11. The commission shall adopt rules pursuant to chapter



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8 1 17A necessary for the administration of this section.  
8 2 Sec. 8. Section 455B.295, subsection 2, Code 2009, is  
8 3 amended to read as follows:  
8 4 2. Each of the revolving loan funds shall include sums  
8 5 appropriated to the revolving loan funds by the general  
8 6 assembly, sums transferred by action of the governor under  
8 7 section 455B.296, subsection 3, sums allocated to the state  
8 8 expressly for the purposes of establishing each of the  
8 9 revolving loan funds under the Clean Water Act and the Safe  
8 10 Drinking Water Act, all receipts by the revolving loan funds,  
8 11 and any other sums designated for deposit to the revolving  
8 12 loan funds from any public or private source. All moneys  
8 13 appropriated to and deposited in the revolving loan funds are  
8 14 appropriated and shall be used for the sole purpose of making  
8 15 loans to eligible entities to finance all or part of the cost  
8 16 of projects, including sponsor projects under the water  
8 17 resource restoration sponsor program established in section  
8 18 455B.199. The moneys appropriated to and deposited in the  
8 19 water pollution control works revolving loan fund shall not be  
8 20 used to pay the nonfederal share of the cost of projects  
8 21 receiving grants under the Clean Water Act. The moneys in the  
8 22 revolving loan funds are not considered part of the general  
8 23 fund of the state, are not subject to appropriation for any  
8 24 other purpose by the general assembly, and in determining a  
8 25 general fund balance shall not be included in the general fund  
8 26 of the state but shall remain in the revolving loan funds to  
8 27 be used for their respective purposes. The revolving loan  
8 28 funds are separate dedicated funds under the administration  
8 29 and control of the authority and subject to section 16.31.  
8 30 Moneys on deposit in the revolving loan funds shall be  
8 31 invested by the treasurer of state in cooperation with the  
8 32 authority, and the income from the investments shall be  
8 33 credited to and deposited in the appropriate revolving loan  
8 34 funds.

8 35

DIVISION III



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9 1 PERMITTING == VARIANCES == ALTERNATIVE  
9 2 WASTEWATER TREATMENT TECHNOLOGIES  
9 3 Sec. 9. NEW SECTION. 455B.199A PRIORITIZATION OF  
9 4 MUNICIPAL WATER QUALITY IMPROVEMENT PROJECTS.  
9 5 1. The department may allow schedules of compliance to be  
9 6 included in permits whenever authorized by federal law or  
9 7 regulations. Such schedules shall be established to maximize  
9 8 benefits and minimize local financial impact, where such  
9 9 opportunities arise. If information is provided showing that  
9 10 the anticipated costs of compliance with a schedule have no  
9 11 reasonable relationship to environmental or public health  
9 12 needs or benefits, or may result in other detrimental  
9 13 environmental impacts, such as significant greenhouse gas  
9 14 emissions, the projects may be deferred, in whole or in part  
9 15 as determined appropriate by the department, and a variance  
9 16 granted, as consistent with applicable federal law or  
9 17 regulations.  
9 18 2. Unless otherwise restricted by federal law or  
9 19 regulations, the department may allow compliance schedules of  
9 20 up to forty years in national pollutant discharge elimination  
9 21 system permits, particularly where the costs of compliance  
9 22 with federal program mandates will adversely impact the  
9 23 construction of other necessary local capital improvement  
9 24 projects. If the department determines an existing condition  
9 25 constitutes a significant public health or environmental  
9 26 threat, the schedule of compliance shall be based on the  
9 27 shortest practicable time frame for remedying the condition.  
9 28 Sec. 10. NEW SECTION. 455B.199B DISADVANTAGED  
9 29 COMMUNITIES VARIANCE.  
9 30 1. The department may provide for a variance of  
9 31 regulations pursuant to this part when it determines that  
9 32 regulations adopted pursuant to this part affect a  
9 33 disadvantaged community. Such a variance shall be consistent  
9 34 with federal rules and regulations. In considering an  
9 35 application for a variance, the department shall consider the



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10 1 substantial and widespread economic and social impact to the  
10 2 ratepayers and the affected community that may occur as a  
10 3 result of compliance with a federal regulation, a rule adopted  
10 4 by the department, or an order of the department pursuant to  
10 5 this part. In considering an application for a variance, the  
10 6 department shall take into account the rules adopted pursuant  
10 7 to this part with which a regulated entity and the  
10 8 commensurate affected community are required to comply.

10 9 2. The department shall find that a regulated entity and  
10 10 the affected community are a disadvantaged community under any  
10 11 of the following circumstances:

10 12 a. A financial analysis of the regulated entity shows that  
10 13 the capital, operating, and maintenance costs of pollution  
10 14 control will have a substantial impact on the other municipal  
10 15 operations of the regulated entity, impact the general  
10 16 economic health of that community, or that the regulated  
10 17 entity has a limited ability to obtain financing.

10 18 b. (1) The financial impact for households in the  
10 19 community resulting from compliance or predating compliance  
10 20 include all of the following:

10 21 (a) The per capita cost of the regulatory compliance  
10 22 results in sewer rates that equal at least two percent of  
10 23 median household income.

10 24 (b) Over fifty percent of the residences in the affected  
10 25 community have a residential home property tax valuation of  
10 26 fifty thousand dollars or less.

10 27 (c) Over fifty percent of the households in the affected  
10 28 community have an annual gross income of less than thirty-five  
10 29 thousand dollars.

10 30 (d) Over ten percent of the households in the affected  
10 31 community are receiving food assistance from the department of  
10 32 human services.

10 33 (2) (a) If a community demonstrates the factor in  
10 34 paragraph "b", subparagraph (1), subparagraph division (a),  
10 35 exists or will exist as a result of mandated state and federal



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11 1 requirements, the community shall be considered to have  
11 2 demonstrated substantial and widespread economic and social  
11 3 impact under applicable federal law.

11 4 (b) If a community demonstrates that any two factors in  
11 5 paragraph "b", subparagraph (1), exist or the factors in  
11 6 paragraph "b", subparagraph (1), subparagraph divisions (b)  
11 7 through (d) all exist in the community and the projected costs  
11 8 of compliance will exceed one and one-half percent of median  
11 9 income, the community shall be considered to have demonstrated  
11 10 substantial and widespread economic impact under applicable  
11 11 federal law.

11 12 3. The department may grant a regulated entity a variance  
11 13 from complying with a rule adopted pursuant to this part or as  
11 14 otherwise allowed by federal law, if the department determines  
11 15 that the regulated entity or the affected community will  
11 16 suffer substantial and widespread economic and social impact.  
11 17 The department shall ensure the conditions of any variance  
11 18 represent reasonable progress toward complying with rules  
11 19 adopted pursuant to this part, but do not result in  
11 20 substantial and widespread economic and social impact.

11 21 4. The department shall develop disadvantaged community  
11 22 criteria for the revolving loan funds created in sections  
11 23 455B.291 through 455B.299 and incorporate the criteria into an  
11 24 intended use plan. The disadvantaged community designation  
11 25 shall allow a community to receive extended loan repayment  
11 26 terms, or reduced interest rates for loans awarded from the  
11 27 revolving loan funds.

11 28 Sec. 11. NEW SECTION. 455B.199C ALTERNATIVE WASTEWATER  
11 29 TREATMENT TECHNOLOGIES == LEGISLATIVE INTENT AND PURPOSE.

11 30 1. The intent of the general assembly is to address the  
11 31 rising costs of water and wastewater treatment compliance for  
11 32 regulated entities and affected communities by authorizing the  
11 33 use of alternative treatment technologies. The purpose of  
11 34 this section is to eliminate regulatory barriers that limit or  
11 35 prevent the use of new or innovative technologies.



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12 1       2. The department shall produce and publish design  
12 2 guidance documents for alternative wastewater treatment  
12 3 technologies. The guidance documents shall be intended to  
12 4 encourage regulated entities to use such technologies and to  
12 5 assist design engineers with the submission of projects  
12 6 employing alternative wastewater treatment technologies that  
12 7 can be readily approved by the department.  
12 8       3. Systems which employ alternative treatment technologies  
12 9 shall be eligible for wastewater treatment financial  
12 10 assistance pursuant to section 16.134.  
12 11       4. In writing design guidance documents for alternative  
12 12 wastewater treatment technologies the department shall review  
12 13 all of the following:  
12 14       a. Curriculum materials published by the consortium of  
12 15 institutes for decentralized wastewater treatment.  
12 16       b. The on-site sewage design and reference manual  
12 17 published by the department of natural resources.  
12 18       c. The guidance manual for the management of on-site and  
12 19 decentralized wastewater systems published by the United  
12 20 States environmental protection agency.  
12 21       d. The most recent edition of a textbook on wastewater  
12 22 engineering compiled by Metcalf and Eddy, incorporated.  
12 23       e. Other credible sources of information on the design,  
12 24 operation, and performance of alternative wastewater treatment  
12 25 technologies.  
12 26       5. The department shall waive setback requirements if a  
12 27 treatment process does not result in exposed wastewater.  
12 28       6. Communities that employ treatments that do not affect  
12 29 surface water such as soil infiltration systems shall be  
12 30 subject to reduced monitoring requirements.  
12 31       7. The department shall revise wastewater treatment  
12 32 criteria to reflect treatment performance rather than  
12 33 prescriptive criteria.  
12 34       Sec. 12. Section 455B.176A, subsection 7, 8, and 9, Code  
12 35 2009, are amended by striking the subsections.



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13 1 EXPLANATION  
13 2 This bill relates to:  
13 3 DIVISION I. This division of the bill amends the  
13 4 wastewater treatment financial assistance program administered  
13 5 by the Iowa finance authority. The division provides that one  
13 6 of the goals of the program shall be to base awards on the  
13 7 impact of the grant combined with other sources of financing  
13 8 to ensure that sewer rates increase by not more than 1 and 1/2  
13 9 percent of a community's median household income. The  
13 10 division eliminates a restriction that communities with a  
13 11 population of 3,000 or more do not qualify for financial  
13 12 assistance under the program. The division provides that  
13 13 priority under the program shall be given to communities that  
13 14 employ an alternative wastewater treatment technology and to  
13 15 communities where sewer rates are the highest as a percentage  
13 16 of that community's household income. The division eliminates  
13 17 local match requirements. The division provides that grants  
13 18 shall be provided on an annual basis. The division limits  
13 19 grants to not more than \$500,000 per applicant.  
13 20 The division creates a new wastewater viability assessment  
13 21 process. The division requires the authority, in cooperation  
13 22 with the department of natural resources, to require the use  
13 23 of a wastewater viability assessment for any wastewater  
13 24 treatment facility seeking a grant under the wastewater  
13 25 treatment financial assistance program or a grant funded by  
13 26 federal community development block grant moneys. A  
13 27 wastewater viability assessment shall determine the long-term  
13 28 operational and financial capacity of the facility and its  
13 29 ratepayers. The division requires the authority to develop  
13 30 minimum criteria for eligibility based on the viability  
13 31 assessment. The division requires the authority, in  
13 32 cooperation with the department, to develop the wastewater  
13 33 viability assessment.  
13 34 DIVISION II. This division of the bill adds qualified  
13 35 water resource restoration projects to the types of projects



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14 1 that a city may carry out, borrow money, and issue revenue  
14 2 bonds for. A qualified water resource restoration project is  
14 3 the acquisition of real property or improvements or other  
14 4 activity or undertaking that will assist in improving the  
14 5 quality of the water in the watershed where a city water or  
14 6 wastewater utility is located. The division allows the  
14 7 governing body of a city water or wastewater utility to enter  
14 8 into an agreement with a qualified entity to use proceeds from  
14 9 revenue bonds for a water resource restoration project if  
14 10 certain criteria are met.

14 11 The division creates a water resource restoration sponsor  
14 12 program to be administered by the department of natural  
14 13 resources for purposes of assisting in enhancing water quality  
14 14 in the state through the provision of financial assistance to  
14 15 communities for a variety of impairment-based, locally  
14 16 directed watershed projects. The division provides that  
14 17 moneys in the water pollution control works revolving loan  
14 18 fund and the drinking water facilities revolving loan fund  
14 19 shall be used for the water resource restoration sponsor  
14 20 program. The division provides that a project must be  
14 21 compatible with the goals of the program, must include  
14 22 application of best management practices for the primary  
14 23 purpose of the water quality protection and improvement, and  
14 24 may include certain types of projects. The division requires  
14 25 a sponsor project to be approved by the department and a  
14 26 resolution by the city council must be approved and included  
14 27 as part of the application. The division requires that any  
14 28 conservation easements purchased with moneys under the program  
14 29 must be in perpetuity.

14 30 DIVISION III. This division of the bill relates to  
14 31 permitting, variances, and alternative wastewater treatment  
14 32 technologies.

14 33 The division provides that the department of natural  
14 34 resources may allow schedules of compliance to be included in  
14 35 permits whenever authorized by federal law. The schedules



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15 1 shall be established to maximize benefits and minimize local  
15 2 financial impact, where such opportunities arise. Unless  
15 3 otherwise restricted, the department may allow compliance  
15 4 schedules of up to 40 years in national pollutant discharge  
15 5 elimination system permits, particularly where costs of  
15 6 compliance with federal program mandates will adversely impact  
15 7 the construction of other necessary local capital improvement  
15 8 projects.

15 9 The division provides that the department may provide for a  
15 10 variance of water quality regulations when it determines that  
15 11 such regulations affect a disadvantaged community. The  
15 12 division provides circumstances under which the department  
15 13 must find that a regulated entity and the affected community  
15 14 are a disadvantaged community. The division requires the  
15 15 department to develop disadvantaged community criteria for  
15 16 certain revolving loan funds and incorporate the criteria into  
15 17 an intended use plan.

15 18 The division requires the department to produce and publish  
15 19 design guidance documents for alternative wastewater treatment  
15 20 technologies. The guidance documents shall be intended to  
15 21 encourage regulated entities to use such technologies and to  
15 22 assist design engineers with the submission of projects  
15 23 employing alternative wastewater treatment technologies that  
15 24 can be readily approved by the department. The division  
15 25 provides that communities that employ treatments that do not  
15 26 affect surface water shall be subject to reduced monitoring  
15 27 requirements. The division requires the department to revise  
15 28 wastewater treatment criteria to reflect treatment performance  
15 29 rather than prescriptive criteria.

15 30 From Code section 455B.176A relating to water quality  
15 31 standards, the division eliminates provisions relating to the  
15 32 use of alternative technology systems to meet water quality  
15 33 standards and provisions relating to consideration of  
15 34 substantial and widespread economic and social impacts of a  
15 35 water use designation.



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16 1 LSB 1736SV 83  
16 2 tm/nh/8



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**Senate File 340 - Introduced**

SENATE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1287)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the federal Adam Walsh Child Protection and
- 2 Safety Act.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2665SV 83
- 5 jm/rj/5



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1 1 Section 1. ADAM WALSH ACT. It is the intent of the  
1 2 general assembly to enact legislation relating to the federal  
1 3 Adam Walsh Child Protection and Safety Act.

1 4 EXPLANATION

1 5 This bill provides that it is the intent of the general  
1 6 assembly to enact legislation relating to the federal Adam  
1 7 Walsh Child Protection and Safety Act.

1 8 LSB 2665SV 83

1 9 jm/rj/5



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**Senate File 341 - Introduced**

SENATE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SF 247)

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 2192SV 83  
7 ak/nh/14



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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 2192SV 83

1 20 ak/nh/14



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**Senate File 342 - Introduced**

SENATE FILE  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 235)

(COMPANION TO HF 472 BY MAREK)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act providing for the powers and duties of the Iowa soybean
- 2 association's board of directors.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2315SV 83
- 5 da/rj/5



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1 1 Section 1. Section 185.13, subsection 2, Code 2009, is  
1 2 amended to read as follows:  
1 3 2. Acquire and establish offices, issue negotiable  
1 4 instruments, incur expenses, and enter into any contracts or  
1 5 agreements necessary to carry out the purposes of this  
1 6 chapter.

1 7 EXPLANATION  
1 8 This bill provides that the board of directors of the Iowa  
1 9 soybean association may issue negotiable instruments as part  
1 10 of its powers and duties under Code section 185.13. A  
1 11 negotiable instrument is a specialized type of agreement for  
1 12 the payment of money which may include interest, and is  
1 13 payable on demand or at a definite time (Code section  
1 14 554.3104).  
1 15 LSB 2315SV 83  
1 16 da/rj/5



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**Senate File 343 - Introduced**

SENATE FILE  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO SSB 1213)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to local regulation of certain lawn applications.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2146SV 83
- 4 tm/sc/5



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1 1 Section 1. Section 200.22, subsection 2, Code 2009, is  
1 2 amended to read as follows:  
1 3 2. The Except as provided in subsection 2A, the provisions  
1 4 of this chapter and rules adopted by the department pursuant  
1 5 to this chapter shall preempt local legislation adopted by a  
1 6 local governmental entity relating to the use, sale,  
1 7 distribution, storage, transportation, disposal, formulation,  
1 8 labeling, registration, or manufacture of a fertilizer or soil  
1 9 conditioner. A local governmental entity shall not adopt or  
1 10 continue in effect local legislation relating to the use,  
1 11 sale, distribution, storage, transportation, disposal,  
1 12 formulation, labeling, registration, or manufacture of a  
1 13 fertilizer or soil conditioner, regardless of whether a  
1 14 statute or rule adopted by the department applies to preempt  
1 15 the local legislation. Local legislation in violation of this  
1 16 section is void and unenforceable. However, local legislation  
1 17 adopted pursuant to subsection 2A is not considered to be in  
1 18 violation of this section.

1 19 Sec. 2. Section 200.22, Code 2009, is amended by adding  
1 20 the following new subsection:  
1 21 NEW SUBSECTION. 2A. A city may adopt local ordinances  
1 22 regulating the use of lawn applications containing phosphorus  
1 23 on property zoned for residential use and property zoned for  
1 24 commercial use which is used for residential purposes provided  
1 25 the adopted local ordinances are not less stringent than  
1 26 applicable state law or rules adopted by the department. A  
1 27 city may adopt such an ordinance only upon finding that the  
1 28 use of lawn applications containing phosphorus presents a  
1 29 significant potential risk to the water quality of a water of  
1 30 the state, as that term is defined in section 455B.171. This  
1 31 subsection shall not apply to property zoned for commercial or  
1 32 residential use if the property is used for agricultural  
1 33 purposes.

1 34 EXPLANATION  
1 35 This bill relates to local regulation of certain lawn



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2 1 applications.  
2 2 The bill allows cities to adopt local ordinances regulating  
2 3 the use of lawn applications containing phosphorus on  
2 4 residentially zoned property and commercially zoned property  
2 5 used for residential purposes provided the adopted local  
2 6 ordinances are not less stringent than applicable state law or  
2 7 rule. Such ordinances shall not apply to property zoned for  
2 8 residential or commercial use if the property is used for  
2 9 agricultural purposes. The bill provides that a city may  
2 10 adopt such an ordinance only upon finding that the use of lawn  
2 11 applications containing phosphorus presents a significant  
2 12 potential risk to the water quality of a water of the state.  
2 13 LSB 2146SV 83  
2 14 tm/sc/5



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Senate File 344 - Introduced

SENATE FILE  
BY COMMITTEE ON ECONOMIC  
GROWTH

(SUCCESSOR TO SSB 1241)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the requirements of certain financial  
2 assistance programs administered by the department of economic  
3 development including a reorganization of the grow Iowa values  
4 fund and creating a grow Iowa values financial assistance  
5 program.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1441SV 83  
8 tw/rj/14



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1 1 DIVISION I  
1 2 GROW IOWA VALUES FUND REORGANIZATION  
1 3 Section 1. NEW SECTION. 15G.108A DEFINITIONS.  
1 4 For purposes of this chapter, unless the context otherwise  
1 5 requires:  
1 6 1. "Base employment level" means the number of full-time  
1 7 equivalent positions at a business, as established by the  
1 8 department and a business using the business's payroll  
1 9 records, as of the date a business applies for financial  
1 10 assistance under the program.  
1 11 2. "Benefit" means nonwage compensation provided to an  
1 12 employee. Benefits typically include medical and dental  
1 13 insurance plans, pension, retirement, and profit-sharing  
1 14 plans, child care services, life insurance coverage, vision  
1 15 insurance coverage, disability insurance coverage, and any  
1 16 other nonwage compensation as determined by the board.  
1 17 3. "Board" means the Iowa economic development board.  
1 18 4. "County wage" means the county wage calculation  
1 19 performed by the department pursuant to section 15G.112,  
1 20 subsection 3.  
1 21 5. "Created job" means a new, permanent, full-time  
1 22 equivalent position added to a business's payroll in excess of  
1 23 the business's base employment level.  
1 24 6. "Department" means the department of economic  
1 25 development.  
1 26 7. "Financial assistance" means assistance provided only  
1 27 from the funds, rights, and assets legally available to the  
1 28 department pursuant to this chapter and includes but is not  
1 29 limited to assistance in the form of grants, loans, forgivable  
1 30 loans, and royalty payments.  
1 31 8. "Fiscal impact ratio" means the ratio of the amount of  
1 32 all taxes to be received from a business by the state and its  
1 33 political subdivisions divided by the total cost to the state  
1 34 and its political subdivisions of providing certain financial  
1 35 incentives to the business.



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2 1 9. "Full-time equivalent position" means a non-part-time  
2 2 position for the number of hours or days per week considered  
2 3 to be full-time work for the kind of service or work performed  
2 4 for an employer. Typically, a full-time equivalent position  
2 5 requires two thousand eighty hours of work in a calendar year,  
2 6 including all paid holidays, vacations, sick time, and other  
2 7 paid leave.

2 8 10. "Fund" means the grow Iowa values fund created in  
2 9 section 15G.111.

2 10 11. "Maintenance period" means the period of time between  
2 11 the project completion date and maintenance period completion  
2 12 date.

2 13 12. "Maintenance period completion date" means the date on  
2 14 which the maintenance period ends.

2 15 13. "Project completion date" means the date by which a  
2 16 recipient of financial assistance has agreed to meet all the  
2 17 terms and obligations contained in an agreement with the  
2 18 department as described in section 15G.112, subsection 1,  
2 19 paragraph "d".

2 20 14. "Project completion period" means the period of time  
2 21 between the date financial assistance is awarded and the  
2 22 project completion date.

2 23 15. "Qualifying wage threshold" means the county wage or  
2 24 the regional wage, as calculated by the department pursuant to  
2 25 section 15G.112, subsection 3, whichever is lower.

2 26 16. "Regional wage" means the regional wage calculation  
2 27 performed by the department pursuant to section 15G.112,  
2 28 subsection 3.

2 29 17. "Retained job" means a full-time equivalent position,  
2 30 in existence at the time an employer applies for financial  
2 31 assistance which remains continuously filled or authorized to  
2 32 be filled as soon as possible and which is at risk of  
2 33 elimination if the project for which the employer is seeking  
2 34 assistance does not proceed.

2 35 Sec. 2. Section 15G.111, Code 2009, is amended to read as



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3 1 follows:

3 2 15G.111 APPROPRIATIONS GROW IOWA VALUES FUND ==

3 3 APPROPRIATION == ALLOCATION OF FUND MONEYS.

3 4 1. a. For the fiscal period beginning July 1, 2007, and  
3 5 ending June 30, 2015, there is appropriated each fiscal year  
3 6 from the grow Iowa values fund created in section 15G.108, the  
3 7 following amounts for the purposes designated:

3 8 (1) For each fiscal year of the fiscal period beginning  
3 9 July 1, 2007, and ending June 30, 2009, to the department of  
3 10 economic development thirty million dollars for the following  
3 11 programs administered by the department:

3 12 (a) The targeted small business financial assistance  
3 13 program established pursuant to section 15.247.

3 14 (b) The community economic betterment program established  
3 15 pursuant to section 15.317.

3 16 (c) The entrepreneurial ventures assistance program  
3 17 established pursuant to section 15.339.

3 18 (d) The value-added agricultural products and processes  
3 19 financial assistance program established pursuant to section  
3 20 15E.111.

3 21 (e) The physical infrastructure financial assistance  
3 22 program established pursuant to section 15E.175.

3 23 (f) The loan and credit guarantee program established  
3 24 pursuant to section 15E.224.

3 25 (2) For each fiscal year of the fiscal period beginning  
3 26 July 1, 2009, and ending June 30, 2015, to the department of  
3 27 economic development thirty-two million dollars for the  
3 28 following programs administered by the department:

3 29 (a) The targeted small business financial assistance  
3 30 program established pursuant to section 15.247.

3 31 (b) The community economic betterment program established  
3 32 pursuant to section 15.317.

3 33 (c) The entrepreneurial ventures assistance program  
3 34 established pursuant to section 15.339.

3 35 (d) The value-added agricultural products and processes



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~~4 1 financial assistance program established pursuant to section~~  
~~4 2 15E.111.~~  
4 3 (e) ~~The physical infrastructure financial assistance~~  
~~4 4 program established pursuant to section 15E.175.~~  
4 5 (f) ~~The loan and credit guarantee program established~~  
~~4 6 pursuant to section 15E.224.~~  
4 7 b. ~~Each year that moneys are appropriated under this~~  
~~4 8 subsection, the department shall allocate a percentage of the~~  
~~4 9 moneys for each of the following types of activities:~~  
4 10 (1) ~~Business start-ups.~~  
4 11 (2) ~~Business expansion.~~  
4 12 (3) ~~Business modernization.~~  
4 13 (4) ~~Business attraction.~~  
4 14 (5) ~~Business retention.~~  
4 15 (6) ~~Marketing.~~  
4 16 (7) ~~Research and development.~~  
4 17 e. ~~The department shall require an applicant for moneys~~  
~~4 18 appropriated under this subsection to include in the~~  
~~4 19 application a statement regarding the intended return on~~  
~~4 20 investment. A recipient of moneys appropriated under this~~  
~~4 21 subsection shall annually submit a statement to the department~~  
~~4 22 regarding the progress achieved on the intended return on~~  
~~4 23 investment stated in the application. A recipient of moneys~~  
~~4 24 appropriated under this subsection shall also annually submit~~  
~~4 25 a statement to the department regarding the type and amount of~~  
~~4 26 funds spent on any major maintenance, repair, or renovation of~~  
~~4 27 any new or existing building. The department, in cooperation~~  
~~4 28 with the department of revenue, shall develop a method of~~  
~~4 29 identifying and tracking each new job created and the~~  
~~4 30 leveraging of moneys through financial assistance from moneys~~  
~~4 31 appropriated under this subsection. The department of~~  
~~4 32 economic development shall identify research and development~~  
~~4 33 activities funded through financial assistance from not more~~  
~~4 34 than ten percent of the moneys appropriated under this~~  
~~4 35 subsection, and, instead of determining return on investment~~



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~~5 1 and job creation for the identified funding, determine the~~  
~~5 2 potential impact on the state's economy. The department's~~  
~~5 3 annual project status report satisfies the reporting~~  
~~5 4 requirement contained in this section.~~  
5 5 d. The department may use moneys appropriated under this  
~~5 6 subsection to procure technical assistance from either the~~  
~~5 7 public or private sector, for information technology purposes,~~  
~~5 8 for a statewide labor shed study, and for rail, air, or river~~  
~~5 9 port transportation-related purposes. The use of moneys~~  
~~5 10 appropriated for rail, air, or river port~~  
~~5 11 transportation-related purposes must be directly related to an~~  
~~5 12 economic development project and the moneys must be used to~~  
~~5 13 leverage other financial assistance moneys.~~  
5 14 e. Of the moneys appropriated under this subsection, the  
~~5 15 department may use up to one and one-half percent for~~  
~~5 16 administrative purposes.~~  
5 17 f. The Iowa economic development board shall approve or  
~~5 18 deny applications for financial assistance provided with~~  
~~5 19 moneys appropriated under this subsection. In providing such~~  
~~5 20 financial assistance, the board shall, whenever possible,~~  
~~5 21 coordinate the assistance with other programs administered by~~  
~~5 22 the department of economic development, including the~~  
~~5 23 community economic betterment program established in section~~  
~~5 24 15.317 and the value-added agricultural products and processes~~  
~~5 25 financial assistance program established in section 15E.111.~~  
5 26 g. It is the policy of this state to expand and stimulate  
~~5 27 the state economy by advancing, promoting, and expanding~~  
~~5 28 biotechnology industries in this state. To implement this~~  
~~5 29 policy, the Iowa economic development board shall consider~~  
~~5 30 providing assistance to projects that increase value-added~~  
~~5 31 income to individuals or organizations involved in~~  
~~5 32 agricultural business or biotechnology projects. Such a~~  
~~5 33 project need not create jobs specific to the project site;~~  
~~5 34 however, such a project must foster the knowledge and~~  
~~5 35 creativity necessary to promote the state's agricultural~~



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~~6 1 economy and to increase employment in urban and rural areas as~~  
~~6 2 a result.~~

~~6 3 2. a. For the fiscal period beginning July 1, 2005, and~~  
~~6 4 ending June 30, 2015, there is appropriated each fiscal year~~  
~~6 5 from the grow Iowa values fund created in section 15G.108 to~~  
~~6 6 the department of economic development~~

~~6 7 1. FUND CREATED. A grow Iowa values fund is created in~~  
~~6 8 the state treasury under the control of the department of~~  
~~6 9 economic development consisting of the following:~~

~~6 10 a. The moneys appropriated to the department pursuant to~~  
~~6 11 section 15G.110.~~

~~6 12 b. Payments of interest, repayments of moneys loaned, and~~  
~~6 13 recaptures of grants and loans made pursuant to this chapter.~~

~~6 14 c. All moneys accruing to the department, including~~  
~~6 15 payments of interest, repayments of moneys loaned, royalty~~  
~~6 16 payments received, and recaptures of grants, loans, or other~~  
~~6 17 forms of financial assistance provided to recipients, from the~~  
~~6 18 department's administration of the following preexisting~~  
~~6 19 programs:~~

~~6 20 (1) The community economic betterment program established~~  
~~6 21 pursuant to section 15.317, Code 2009.~~

~~6 22 (2) The entrepreneurial ventures assistance program~~  
~~6 23 established pursuant to section 15.339, Code 2009.~~

~~6 24 (3) The value-added agricultural products and processes~~  
~~6 25 financial assistance program established pursuant to section~~  
~~6 26 15E.111, Code 2009.~~

~~6 27 (4) The physical infrastructure assistance program~~  
~~6 28 established pursuant to section 15E.175, Code 2009.~~

~~6 29 (5) The loan and credit guarantee program established~~  
~~6 30 pursuant to section 15E.224, Code 2009.~~

~~6 31 2. FUND ADMINISTRATION.~~

~~6 32 a. The department shall administer the fund consistent~~  
~~6 33 with the provisions of this chapter and with other pertinent~~  
~~6 34 Acts of the general assembly, including providing financial~~  
~~6 35 assistance awards pursuant to section 15G.112.~~



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7 1 b. In awarding financial assistance in a fiscal year from  
7 2 moneys appropriated to the fund pursuant to section 15G.110,  
7 3 the department shall commit, obligate, or promise not more  
7 4 than fifty percent of the moneys appropriated from the fund  
7 5 and allocated pursuant to subsection 4, for use during the  
7 6 first fiscal year following the fiscal year in which the  
7 7 financial assistance is awarded and not more than twenty-five  
7 8 percent of the moneys appropriated from the fund and allocated  
7 9 pursuant to subsection 4, for use during the second fiscal  
7 10 year following the fiscal year in which the financial  
7 11 assistance is awarded.

7 12 c. Moneys credited to the fund are not subject to section  
7 13 8.33. Notwithstanding section 12C.7, interest or earnings on  
7 14 moneys in the fund shall be credited to the fund.

7 15 d. Of the moneys accruing to the fund pursuant to  
7 16 subsection 1, paragraph "c", the department, with the approval  
7 17 of the board, may allocate an amount necessary to fund  
7 18 administrative and operations costs. An allocation pursuant  
7 19 to this section may be made in addition to any allocations  
7 20 made pursuant to subsection 4, paragraph "a".

7 21 3. APPROPRIATION. For each fiscal year of the fiscal  
7 22 period beginning July 1, 2009, and ending June 30, 2015, there  
7 23 is appropriated from the fund to the department of economic  
7 24 development for purposes of making expenditures pursuant to  
7 25 this chapter fifty million dollars.

7 26 4. DEPARTMENTAL PURPOSES. Of the moneys appropriated to  
7 27 the department pursuant to subsection 3, the department shall  
7 28 allocate thirty-two million dollars each fiscal year as  
7 29 follows:

7 30 a. For administrative costs, an amount not more than two  
7 31 and one-half percent of the moneys subject to allocation under  
7 32 this subsection.

7 33 b. For awards of financial assistance pursuant to section  
7 34 15G.112, an amount approved by the board.

7 35 c. For marketing proposals pursuant to section 15G.109, an



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8 1 amount approved by the board.

8 2 d. For a statewide labor shed study conducted in  
8 3 coordination with the department of workforce development, an  
8 4 amount approved by the board.

8 5 e. For responding to opportunities and threats, as  
8 6 described in section 15G.113, an amount approved by the board.

8 7 f. For procuring technical assistance from either the  
8 8 public or private sector and for information technology  
8 9 purposes, an amount approved by the board.

8 10 g. For covering existing guarantees made under the loan  
8 11 and credit guarantee program established pursuant to section  
8 12 15E.224, Code 2009, an amount approved by the board.

8 13 h. During the fiscal year beginning July 1, 2009, and  
8 14 ending June 30, 2010, for deposit in the renewable fuel  
8 15 infrastructure fund as provided in section 15G.205, two  
8 16 million dollars. This paragraph is repealed on July 1, 2010.

8 17 5. BOARD OF REGENTS INSTITUTIONS. Of the moneys  
8 18 appropriated to the department pursuant to subsection 3, the  
8 19 department shall allocate five million dollars each fiscal  
8 20 year for financial assistance to institutions of higher  
8 21 learning under the control of the state board of regents.

8 22 a. The financial assistance allocated pursuant to this  
8 23 subsection is for capacity building infrastructure in areas  
8 24 related to technology commercialization, for marketing and  
8 25 business development efforts in areas related to technology  
8 26 commercialization, entrepreneurship, and business growth, and  
8 27 for infrastructure projects and programs needed to assist in  
8 28 the implementation of activities under chapter 262B.

8 29 b. In allocating moneys to institutions under the control  
8 30 of the state board of regents, the board shall require the  
8 31 institutions to provide a one-to-one match of additional  
8 32 moneys for the activities funded with moneys appropriated  
8 33 under this subsection.

8 34 c. The state board of regents shall annually prepare a  
8 35 report for submission to the governor, the general assembly,



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9 1 the department, and the legislative services agency regarding  
9 2 the activities, projects, and programs funded with moneys  
9 3 ~~appropriated~~ allocated under this subsection.

9 4 ~~b.~~ d. The state board of regents may ~~allocate~~ disburse  
9 5 any moneys ~~appropriated~~ allocated under this subsection and  
9 6 received from the department for financial assistance to a  
9 7 single biosciences development organization determined by the  
9 8 department to possess expertise in promoting the area of  
9 9 bioscience entrepreneurship. The organization must be  
9 10 composed of representatives of both the public and the private  
9 11 sector and shall be composed of subunits or subcommittees in  
9 12 the areas of existing identified biosciences platforms,  
9 13 education and workforce development, commercialization,  
9 14 communication, policy and governance, and finance. Such  
9 15 financial assistance shall be used for purposes of activities  
9 16 related to biosciences and bioeconomy development under  
9 17 chapter 262B, and to accredited private universities in this  
9 18 state.

9 19 ~~3. For the fiscal period beginning July 1, 2005, and~~  
~~9 20 ending June 30, 2015, there is appropriated each fiscal year~~  
~~9 21 from the grow Iowa values fund created in section 15G.108 to~~  
~~9 22 the department of economic development~~

9 23 6. STATE PARKS. Of the moneys appropriated to the  
9 24 department pursuant to subsection 3, the department shall  
9 25 allocate one million dollars each fiscal year for purposes of  
9 26 providing financial assistance for projects in targeted state  
9 27 parks, state banner parks, and destination parks.

9 28 a. The department of natural resources shall submit a plan  
9 29 to the ~~department of economic development~~ board for the  
9 30 proposed expenditure of moneys ~~appropriated under~~ received  
9 31 from the department pursuant to this subsection. The plan  
9 32 shall focus on improving state parks, state banner parks, and  
9 33 destination parks for economic development purposes. The  
9 34 board shall approve, deny, modify, or defer proposed  
9 35 expenditures under the plan. Based on the ~~report~~ plan



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10 1 submitted and the action of the board in regard to the plan,  
10 2 the department of economic development shall provide financial  
10 3 assistance to the department of natural resources for support  
10 4 of state parks, state banner parks, and destination parks.  
10 5 b. For purposes of this subsection, "state banner park"  
10 6 means a park with multiple uses and which focuses on the  
10 7 economic development benefits of a community or area of the  
10 8 state.  
10 9 ~~4. For the fiscal period beginning July 1, 2005, and~~  
~~10 10 ending June 30, 2015, there is appropriated each fiscal year~~  
~~10 11 from the grow Iowa values fund created in section 15G.108 to~~  
~~10 12 the office of the treasurer of state~~  
10 13 7. CULTURAL TRUST FUND. Of the moneys appropriated to the  
10 14 department pursuant to subsection 3, the department shall  
10 15 allocate one million dollars each fiscal year for deposit in  
10 16 the Iowa cultural trust fund created in section 303A.4.  
10 17 ~~5. For the fiscal period beginning July 1, 2005, and~~  
~~10 18 ending June 30, 2015, there is appropriated each fiscal year~~  
~~10 19 from the grow Iowa values fund created in section 15G.108 to~~  
~~10 20 the department of economic development~~  
10 21 8. COMMUNITY COLLEGES. Of the moneys appropriated to the  
10 22 department pursuant to subsection 3, the department shall  
10 23 allocate seven million dollars each fiscal year for deposit  
10 24 into the workforce training and economic development funds of  
10 25 the community colleges created pursuant to section 260C.18A.  
10 26 ~~6. a. For the fiscal period beginning July 1, 2005, and~~  
~~10 27 ending June 30, 2015, there is appropriated each fiscal year~~  
~~10 28 from the grow Iowa values fund created in section 15G.108 to~~  
~~10 29 the department of economic development~~  
10 30 9. REGIONAL FINANCIAL ASSISTANCE. Of the moneys  
10 31 appropriated to the department pursuant to subsection 3, the  
10 32 department shall allocate one million dollars each fiscal year  
10 33 for providing economic development region financial assistance  
10 34 under section 15E.232, subsections 3, 5, 6, 7, and 8, and  
10 35 under section 15E.233, and for providing financial assistance



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11 1 for business accelerators pursuant to section 15E.351.  
11 2 ~~b.~~ a. Of the moneys ~~appropriated~~ allocated in this  
11 3 subsection, the department shall transfer three hundred fifty  
11 4 thousand dollars each fiscal year for the fiscal period  
11 5 beginning July 1, ~~2005~~ 2009, and ending June 30, 2015, to Iowa  
11 6 state university of science and technology, for purposes of  
11 7 providing financial assistance to establish small business  
11 8 development centers in areas of the state previously served by  
11 9 a small business development center, to develop business  
11 10 succession plans, and to maintain existing small business  
11 11 development centers. Of the three hundred fifty thousand  
11 12 dollars transferred each fiscal year pursuant to this  
11 13 paragraph, not more than one hundred thousand dollars shall be  
11 14 used for business succession activities. Financial assistance  
11 15 for a small business development center shall not exceed fifty  
11 16 thousand dollars per fiscal year and shall not be awarded  
11 17 unless the city or county where the center is located or  
11 18 scheduled to be located demonstrates the ability to obtain  
11 19 local matching moneys on a dollar=for=dollar basis for at  
11 20 least twenty=five percent of the cost of the center.  
11 21 ~~e.~~ b. Of the moneys ~~appropriated~~ allocated under this  
11 22 subsection, the department may use up to fifty thousand  
11 23 dollars each fiscal year during the fiscal period beginning  
11 24 July 1, ~~2005~~ 2009, and ending June 30, 2015, for purposes of  
11 25 providing training, materials, and assistance to Iowa business  
11 26 resource centers.  
11 27 ~~7. a. For the fiscal period beginning July 1, 2006, and~~  
11 28 ~~ending June 30, 2009, there is appropriated for each fiscal~~  
11 29 ~~year from the grow Iowa values fund created in section 15G.108~~  
11 30 ~~two million dollars for deposit in the renewable fuel~~  
11 31 ~~infrastructure fund as provided in section 15G.205.~~  
11 32 ~~b. This subsection is repealed on July 1, 2009.~~  
11 33 ~~8. For the fiscal period beginning July 1, 2007, and~~  
11 34 ~~ending June 30, 2015, there is appropriated for each fiscal~~  
11 35 ~~year from the grow Iowa values fund created in section 15G.108~~



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~~12 1 to the department of economic development~~  
12 2 10. COMMERCIALIZATION SERVICES. Of the moneys  
12 3 appropriated to the department pursuant to subsection 3, the  
12 4 department shall allocate three million dollars for the  
12 5 purpose of providing the commercialization services described  
12 6 in section 15.411, subsections 2 and 3.  
12 7 ~~9. For the fiscal period beginning July 1, 2008, and~~  
12 8 ~~ending June 30, 2015, from the moneys appropriated each fiscal~~  
12 9 ~~year from the grow Iowa values fund created in section~~  
12 10 ~~15G.108, to the department for program administration pursuant~~  
12 11 ~~to subsection 1, paragraph "a", the department may allocate up~~  
12 12 ~~to five million dollars to projects qualifying for assistance~~  
12 13 ~~under the physical infrastructure financial assistance program~~  
12 14 ~~established pursuant to section 15E.175 which, notwithstanding~~  
12 15 ~~section 15G.112, shall not be subject to job or wage~~  
12 16 ~~requirements. The department may allocate moneys from the~~  
12 17 ~~grow Iowa values fund above five million dollars each year to~~  
12 18 ~~projects qualifying for assistance under the physical~~  
12 19 ~~infrastructure financial assistance program but such projects~~  
12 20 ~~shall be subject to the job and wage requirements of section~~  
12 21 ~~15G.112.~~  
12 22 ~~10. Notwithstanding section 8.33, moneys that remain~~  
12 23 ~~unexpended at the end of a fiscal year shall not revert to any~~  
12 24 ~~fund but shall remain available for expenditure for the~~  
12 25 ~~designated purposes during the succeeding fiscal year.~~  
12 26 ~~Sec. 3. Section 15G.112, Code 2009, is amended by striking~~  
12 27 ~~the section and inserting in lieu thereof the following:~~  
12 28 ~~15G.112 GROW IOWA VALUES FINANCIAL ASSISTANCE PROGRAM.~~  
12 29 ~~1. PROGRAM ESTABLISHED.~~  
12 30 ~~a. The department shall establish and administer a grow~~  
12 31 ~~Iowa values financial assistance program for purposes of~~  
12 32 ~~providing financial assistance from the fund to applicants.~~  
12 33 ~~The financial assistance shall be provided from moneys~~  
12 34 ~~credited to the grow Iowa values fund and not otherwise~~  
12 35 ~~obligated or allocated pursuant to section 15G.111.~~



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13 1       b. The program shall consist of the components described  
13 2 in subsections 4 through 9. Each fiscal year, the department,  
13 3 with the approval of the board, shall allocate an amount of  
13 4 financial assistance from the fund that may be awarded under  
13 5 each component of the program to qualifying applicants.

13 6       c. In making awards of financial assistance pursuant to  
13 7 subsections 4 and 5, the department shall calculate the fiscal  
13 8 impact ratio, and in reviewing each application to determine  
13 9 the amount of financial assistance to award, the board shall  
13 10 ensure that the amount of each award is appropriate to the  
13 11 fiscal impact ratio of the project.

13 12       d. For each award of financial assistance under the  
13 13 program, the department and the recipient of the financial  
13 14 assistance shall enter into an agreement describing the terms  
13 15 and obligations under which the financial assistance is being  
13 16 provided. The department may negotiate, subject to approval  
13 17 by the board, the terms and obligations of the agreement. An  
13 18 agreement shall contain but need not be limited to all of the  
13 19 following terms and obligations:

13 20       (1) A project completion date.

13 21       (2) A maintenance period completion date.

13 22       (3) The number of jobs to be created or retained.

13 23       (4) The amount of financial assistance to be provided  
13 24 under the program.

13 25       (5) An amount of matching funds from a city or county.  
13 26 The department shall adopt by rule a formula for determining  
13 27 the amount of matching funds required.

13 28       e. The department may enforce the terms and obligations of  
13 29 agreements described in paragraph "d".

13 30       f. A recipient of financial assistance shall meet all  
13 31 terms and obligations in an agreement by the project  
13 32 completion date, but the board may for good cause extend the  
13 33 project completion date.

13 34       g. During the maintenance period, a recipient of financial  
13 35 assistance shall continue to comply with the terms and



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14 1 obligations of an agreement entered into pursuant to paragraph  
14 2 "d".

14 3     h. If a business that is approved to receive financial  
14 4 assistance experiences a layoff within this state or closes  
14 5 any of its facilities within this state, the board has the  
14 6 discretion to reduce or eliminate some or all of the amount of  
14 7 financial assistance to be received. If a business has  
14 8 received financial assistance under this part and experiences  
14 9 a layoff within this state or closes any of its facilities  
14 10 within this state, the business may be subject to repayment of  
14 11 all or a portion of the incentives that the business has  
14 12 received.

14 13     2. STANDARD PROGRAM REQUIREMENTS. In addition to the  
14 14 eligibility requirements of the individual program components  
14 15 applicable to the financial assistance sought, a business  
14 16 shall be subject to all of the following requirements:

14 17     a. The business shall submit to the department with its  
14 18 application for financial assistance a report describing all  
14 19 violations of environmental law or worker safety law within  
14 20 the last five years. If, upon review of the application, the  
14 21 board finds that a business has a record of violations of the  
14 22 law, statutes, rules, or regulations that tends to show a  
14 23 consistent pattern, the board shall not make an award of  
14 24 financial assistance to the business unless the board finds  
14 25 either that the violations did not seriously affect public  
14 26 health, public safety, or the environment, or, if such  
14 27 violations did seriously affect public health, public safety,  
14 28 or the environment, that mitigating circumstances were  
14 29 present.

14 30     b. The business shall not have closed, or substantially  
14 31 reduced, operations in one area of this state and relocated  
14 32 substantially the same operations in a community in another  
14 33 area of this state. However, this paragraph shall not be  
14 34 construed to prohibit a business from expanding its operation  
14 35 in a community if existing operations of a similar nature in



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15 1 this state are not closed or substantially reduced.  
15 2 c. The proposed project shall not negatively impact other  
15 3 businesses in competition with the business being considered  
15 4 for assistance. The department shall make a good faith effort  
15 5 to identify existing Iowa businesses within an industry in  
15 6 competition with the business being considered for financial  
15 7 assistance. The department shall make a good faith effort to  
15 8 determine the probability that the proposed financial  
15 9 assistance will displace employees of the existing businesses.  
15 10 In determining the impact on businesses in competition with  
15 11 the business being considered for financial assistance, jobs  
15 12 created or retained as a result of other jobs being displaced  
15 13 elsewhere in the state shall not be considered direct jobs  
15 14 created or retained.

15 15 3. COUNTY AND REGIONAL WAGE CALCULATIONS.

15 16 a. In administering the financial assistance program, the  
15 17 department shall annually calculate a county wage and a  
15 18 regional wage for each county for purposes of determining the  
15 19 eligibility of applicants for financial assistance under the  
15 20 program.

15 21 (1) The county wage and the regional wage shall be an  
15 22 hourly wage rate based on data from the most recent four  
15 23 quarters of wage and employment information from the quarterly  
15 24 covered wage and employment data report issued by the  
15 25 department of workforce development.

15 26 (2) The department shall not include the value of benefits  
15 27 when calculating the county wage or the regional wage.

15 28 b. The county wage shall be the average of the wages paid  
15 29 for jobs performed in the county by employers in all  
15 30 employment categories except the employment categories of  
15 31 government, agriculture, and mining.

15 32 c. The regional wage shall be calculated as follows:

15 33 (1) Multiplying by four the county wage of a county.

15 34 (2) Adding together the county wage of each of the  
15 35 counties adjacent to the county.



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16 1       (3) Adding the result obtained in subparagraph (1) to the  
16 2 result obtained in subparagraph (2).

16 3       (4) Dividing the result obtained in subparagraph (3) by  
16 4 the sum of the number of counties adjacent to the county plus  
16 5 four.

16 6       4. ONE HUNDRED THIRTY PERCENT WAGE COMPONENT.

16 7       a. In order to qualify for financial assistance under this  
16 8 component of the program, a business shall meet all of the  
16 9 following requirements:

16 10       (1) The business shall create or retain jobs as part of a  
16 11 project, and the jobs created or retained shall meet one of  
16 12 the following requirements:

16 13       (a) If the business is creating jobs, the business shall  
16 14 demonstrate that the jobs will pay at least one hundred  
16 15 percent of the qualifying wage threshold at the start of the  
16 16 project completion period, at least one hundred thirty percent  
16 17 of the qualifying wage threshold by the project completion  
16 18 date, and at least one hundred thirty percent of the  
16 19 qualifying wage threshold until the maintenance period  
16 20 completion date.

16 21       (b) If the business is retaining jobs, the business shall  
16 22 demonstrate that the jobs retained will pay at least one  
16 23 hundred thirty percent of the qualifying wage threshold  
16 24 throughout both the project completion period and the  
16 25 maintenance period.

16 26       (2) The business shall provide a sufficient package of  
16 27 benefits to each employee holding a created or retained job.  
16 28 The board, at the recommendation of the department, shall  
16 29 adopt rules determining what constitutes a sufficient package  
16 30 of benefits.

16 31       (3) The business shall demonstrate that the jobs created  
16 32 or retained will have a sufficient impact on state and local  
16 33 government revenues as determined by the department after  
16 34 calculating the fiscal impact ratio of the project.

16 35       (4) The business shall not be a retail business or a



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17 1 business where entrance is limited by a cover charge or  
17 2 membership requirement.

17 3     b. A business providing a sufficient package of benefits  
17 4 to each employee holding a created or retained job shall  
17 5 qualify for a credit against any of the one hundred thirty  
17 6 percent qualifying wage threshold requirements described in  
17 7 paragraph "a", subparagraph (1). The credit shall be  
17 8 calculated and applied as follows:

17 9       (1) By multiplying the qualifying wage threshold of the  
17 10 county in which the business is located by one and  
17 11 three-tenths.

17 12       (2) By multiplying the result of subparagraph (1) by  
17 13 one-tenth.

17 14       (3) The amount of the result of subparagraph (2) shall be  
17 15 credited against the amount of the one hundred thirty percent  
17 16 qualifying wage threshold requirement that the business is  
17 17 required to meet under paragraph "a", subparagraph (1).

17 18       (4) The credit shall not be applied against the one  
17 19 hundred percent of qualifying wage threshold requirement  
17 20 described in paragraph "a", subparagraph (1).

17 21     c. Notwithstanding the qualifying wage threshold  
17 22 requirements described in paragraph "a", subparagraph (1), if  
17 23 a business is also the recipient of financial assistance under  
17 24 another program administered by the department, and the other  
17 25 program requires the payment of higher wages than the wages  
17 26 required under this subsection, the business shall be required  
17 27 to pay the higher wages.

17 28     d. An applicant may apply to the board for a waiver of the  
17 29 qualifying wage threshold requirements of this subsection.

17 30     5. ONE HUNDRED PERCENT WAGE COMPONENT. In order to  
17 31 qualify for financial assistance under this component of the  
17 32 program, a business shall meet all of the following  
17 33 requirements:

17 34       a. The business shall create or retain jobs as part of a  
17 35 project, and the jobs created or retained shall meet one of



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18 1 the following qualifying wage thresholds:

18 2       (1) If the business is creating jobs, the business shall  
18 3 demonstrate that the jobs pay at least one hundred percent of  
18 4 the qualifying wage threshold at the start of the project  
18 5 completion period, by the project completion date, and until  
18 6 the maintenance period completion date.

18 7       (2) If the business is retaining jobs, the business shall  
18 8 demonstrate that the jobs retained will pay at least one  
18 9 hundred percent of the qualifying wage threshold throughout  
18 10 both the project completion period and the maintenance period.

18 11       b. The business shall provide a sufficient package of  
18 12 benefits to each employee holding a created or retained job.  
18 13 The board, at the recommendation of the department, shall  
18 14 adopt rules determining what constitutes a sufficient package  
18 15 of benefits.

18 16       c. The business shall demonstrate that the jobs created or  
18 17 retained will have a sufficient impact on state and local  
18 18 government revenues as determined by the department after  
18 19 calculating the fiscal impact ratio of the project.

18 20       d. The business shall not be a retail business or a  
18 21 business where entrance is limited by a cover charge or  
18 22 membership requirement.

18 23       6. ENTREPRENEURIAL COMPONENT.

18 24       a. In order to qualify for financial assistance under the  
18 25 entrepreneurial component of the program, a business shall  
18 26 meet all of the following requirements:

18 27       (1) The business shall be an early-stage business. For  
18 28 purposes of this subparagraph, "early-stage business" means a  
18 29 business that has been competing in a particular industry for  
18 30 three years or less.

18 31       (2) The business shall have consulted with and obtained a  
18 32 letter of endorsement from either a business accelerator  
18 33 approved by the department or from an entrepreneurial  
18 34 development organization recognized by the department.

18 35       b. Notwithstanding subsection 1, paragraph "d",



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19 1 subparagraph (5), a business applying for financial assistance  
19 2 under the entrepreneurial component is eligible for financial  
19 3 assistance regardless of whether the business has received  
19 4 matching funds from a city or county.

19 5 c. In awarding financial assistance under the  
19 6 entrepreneurial component of the program, the department and  
19 7 the board shall give priority to businesses in those sectors  
19 8 of the Iowa economy with the greatest potential for growth and  
19 9 expansion. Sectors having such potential include but are not  
19 10 limited to biotechnology, recyclable materials, software  
19 11 development, computer-related products, advanced materials,  
19 12 advanced manufacturing, and medical and surgical instruments.

19 13 7. INFRASTRUCTURE COMPONENT. In order to qualify for  
19 14 financial assistance under the infrastructure component of the  
19 15 program, a business or community shall be engaged in a  
19 16 physical infrastructure project. For purposes of this  
19 17 subsection, "physical infrastructure project" means a project  
19 18 that creates necessary infrastructure for economic success  
19 19 throughout Iowa, provides the foundation for the creation of  
19 20 jobs, and that involves the investment of a substantial amount  
19 21 of capital. Physical infrastructure projects include but are  
19 22 not limited to projects involving any mode of transportation;  
19 23 public works and utilities such as sewer, water, power, or  
19 24 telecommunications; physical improvements that mitigate,  
19 25 prevent, or eliminate environmental contamination; and other  
19 26 similar projects deemed to be physical infrastructure by the  
19 27 department.

19 28 8. VALUE-ADDED AGRICULTURE COMPONENT.

19 29 a. In order to qualify for financial assistance under the  
19 30 value-added agriculture component of the program, a business  
19 31 shall be a production facility engaged in the process of  
19 32 adding value to agricultural products. Projects considered  
19 33 eligible under this subsection include but are not limited to  
19 34 innovative agricultural products and processes, innovative and  
19 35 new renewable fuels, agricultural biotechnology, biomass and



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20 1 alternative energy production, and organic products and  
20 2 emerging markets. Financial assistance is available for  
20 3 project development as well as project creation.  
20 4     b. The board and the department shall not award financial  
20 5 assistance under the value-added agriculture component in an  
20 6 amount exceeding fifty percent of the total capital investment  
20 7 in a project.  
20 8     c. Notwithstanding subsection 1, paragraph "d",  
20 9 subparagraph (5), a business applying for financial assistance  
20 10 under the value-added agriculture component is eligible for  
20 11 financial assistance regardless of whether the business has  
20 12 received matching funds from a city or county.  
20 13     9. DISASTER RECOVERY COMPONENT. In order to qualify for  
20 14 financial assistance under the disaster recovery component of  
20 15 the program, a business shall meet all of the following  
20 16 conditions:  
20 17     a. The business is located in an area declared a disaster  
20 18 area by a federal official.  
20 19     b. The business has sustained substantial physical damage  
20 20 and has closed as the result of a natural disaster.  
20 21     c. The business has a plan for reopening that includes  
20 22 employing a sufficient number of the employees the business  
20 23 employed before the natural disaster occurred. The department  
20 24 shall adopt rules governing the number of employees that is  
20 25 sufficient under this paragraph.  
20 26     d. The business will pay wages at the same level after  
20 27 reopening as the business paid before the natural disaster  
20 28 occurred.  
20 29     Sec. 4. NEW SECTION. 15G.113 OPPORTUNITIES AND THREATS.  
20 30     1. The department, with the approval of the board, may  
20 31 award financial assistance from the fund to a business, an  
20 32 individual, a development corporation, a nonprofit  
20 33 organization, an organization established in section 28H.1, or  
20 34 a political subdivision of this state if, in the opinion of  
20 35 the department, a project presents a unique opportunity for



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21 1 economic development in this state, or if the project  
21 2 addresses a situation constituting a threat to the continued  
21 3 economic prosperity of this state.  
21 4     2. The board shall adopt rules governing the eligibility  
21 5 of projects for financial assistance pursuant to this section.  
21 6     Sec. 5. NEW SECTION. 15G.114 RULES.  
21 7     1. The board, upon the recommendation of the department,  
21 8 shall adopt rules for the administration of this chapter in  
21 9 accordance with chapter 17A.  
21 10     2. To the extent necessary, the rules shall provide for  
21 11 the inclusion of uniform terms and obligations in agreements  
21 12 between the department and the recipients of financial  
21 13 assistance under the grow Iowa values financial assistance  
21 14 program, the high quality jobs program, and the enterprise  
21 15 zone program. For purposes of this section, "terms and  
21 16 obligations" includes but is not limited to the created or  
21 17 retained jobs, qualifying wage thresholds, project completion  
21 18 dates, project completion periods, maintenance periods, and  
21 19 maintenance period completion dates that are applicable to the  
21 20 grow Iowa values financial assistance program, the high  
21 21 quality job creation program, and the enterprise zone program.  
21 22     Sec. 6. NEW SECTION. 15G.115 APPLICATIONS == ADVISORY  
21 23 BODY RECOMMENDATIONS == FINAL BOARD ACTIONS.  
21 24     1. The department shall accept and process applications  
21 25 for financial assistance under the grow Iowa values financial  
21 26 assistance program. After processing the applications, the  
21 27 department shall prepare them for review by advisory  
21 28 committees and for final action by the board as described in  
21 29 this section.  
21 30     2. a. Each application from a business for financial  
21 31 assistance under the grow Iowa values financial assistance  
21 32 program shall be reviewed by the due diligence committee  
21 33 established by the board pursuant to section 15.103,  
21 34 subsection 6. The due diligence committee shall make a  
21 35 recommendation on each application to the board.



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22 1 b. Each application from a business for financial  
22 2 assistance under the value-added agriculture component of the  
22 3 grow Iowa values financial assistance program shall be  
22 4 reviewed by the agricultural products advisory council  
22 5 established in section 15.203, which shall make a  
22 6 recommendation on each application to the board.

22 7 3. In overseeing the administration of the grow Iowa  
22 8 values fund and grow Iowa values financial assistance program  
22 9 pursuant to this chapter, the board shall do all of the  
22 10 following:

22 11 a. At the first scheduled meeting of the board after the  
22 12 start of a new fiscal year, take final action on all of the  
22 13 following:

22 14 (1) The department's recommendations for the annual fiscal  
22 15 year allocation of moneys in the fund, as provided in section  
22 16 15G.111, subsection 4. The board may adjust the allocation of  
22 17 moneys during the fiscal year as necessary.

22 18 (2) The department's recommendations for the allocation of  
22 19 moneys among the program components referred to in section  
22 20 15G.112, subsection 1, paragraph "b". The board may adjust  
22 21 the allocation of moneys during the fiscal year as necessary.

22 22 b. Consider the recommendation of the due diligence  
22 23 committee and the agricultural products advisory council on  
22 24 each application for financial assistance, as described in  
22 25 subsection 2, and take final action on each application.

22 26 c. Take final action on the required plans for proposed  
22 27 expenditures submitted by the entities receiving moneys  
22 28 allocated under section 15G.111, subsections 5 through 8.

22 29 d. Take final action on any rules recommended by the  
22 30 department for the implementation of the provisions of this  
22 31 chapter.

22 32 Sec. 7. Section 260G.6, Code 2009, is amended to read as  
22 33 follows:

22 34 260G.6 ~~PROGRAM CAPITAL FUNDS ALLOCATION~~ FUND ESTABLISHED  
22 35 == ALLOCATION OF MONEYS.



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23 1 1. An accelerated career education fund is established in  
23 2 the state treasury under the control of the department of  
23 3 economic development consisting of moneys appropriated to the  
23 4 department for purposes of funding the cost of accelerated  
23 5 career education program capital projects.

23 6 2. Projects funded pursuant to this section shall be for  
23 7 vertical infrastructure as defined in section 8.57, subsection  
23 8 6, paragraph "c".

23 9 3. If moneys are appropriated by the general assembly to  
23 10 support program capital costs, the moneys shall be allocated  
23 11 according to rules adopted by the department of economic  
23 12 development pursuant to chapter 17A.

23 13 4. In order to receive ~~such~~ moneys pursuant to this  
23 14 section, a program agreement approved by the community college  
23 15 board of directors ~~must~~ shall be in place, program capital  
23 16 cost requests shall be approved by the Iowa economic  
23 17 development board created in section 15.103, program capital  
23 18 cost requests shall be approved or denied not later than sixty  
23 19 days following receipt of the request by the department of  
23 20 economic development, and employer contributions toward  
23 21 program capital costs shall be certified and agreed to in the  
23 22 agreement.

23 23 Sec. 8. Sections 15.315 through 15.325, 15.338, 15.339,  
23 24 15E.111, 15E.112, 15E.175, 15E.221 through 15E.227, and  
23 25 15G.108, Code 2009, are repealed.

23 26 Sec. 9. FUND AND ACCOUNT BALANCE TRANSFERS.

23 27 1. Notwithstanding any provision of law to the contrary,  
23 28 effective July 1, 2009, the unencumbered or unobligated  
23 29 balance remaining in any of the funds or accounts associated  
23 30 with the following programs on June 30, 2009, shall be  
23 31 transferred to the grow Iowa values fund established in  
23 32 section 15G.112:

23 33 a. The community economic betterment program established  
23 34 pursuant to section 15.317.

23 35 b. The entrepreneurial ventures assistance program



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24 1 established pursuant to section 15.339.  
24 2 c. The value-added agricultural products and processes  
24 3 financial assistance program established pursuant to section  
24 4 15E.111.  
24 5 d. The physical infrastructure financial assistance  
24 6 program established pursuant to section 15E.175.  
24 7 e. The loan and credit guarantee program established  
24 8 pursuant to section 15E.224.  
24 9 2. If any moneys in the loan and credit guarantee fund  
24 10 established pursuant to section 15E.227 are obligated or  
24 11 encumbered at the close of the fiscal year ending June 30,  
24 12 2009, but subsequently become unencumbered or otherwise cease  
24 13 to be obligated, such moneys shall be transferred to the grow  
24 14 Iowa values fund established in section 15G.112 as soon as  
24 15 practicable.  
24 16 3. Effective July 1, 2009, all unencumbered and  
24 17 unobligated moneys appropriated to the department of economic  
24 18 development pursuant to 2008 Iowa Acts, chapter 1179, section  
24 19 1, subsection 5, and 2008 Iowa Acts, chapter 1179, section 9,  
24 20 subsection 2, shall be transferred to the accelerated career  
24 21 education fund established in section 260G.6, subsection 1.  
24 22 DIVISION II  
24 23 HIGH QUALITY JOBS PROGRAM  
24 24 Sec. 10. Section 15.326, Code 2009, is amended to read as  
24 25 follows:  
24 26 15.326 SHORT TITLE.  
24 27 This part shall be known and may be cited as the "High  
24 28 Quality ~~Job Creation Act~~ Jobs Program".  
24 29 Sec. 11. Section 15.327, Code 2009, is amended to read as  
24 30 follows:  
24 31 15.327 DEFINITIONS.  
24 32 As used in this part, unless the context otherwise  
24 33 requires:  
24 34 1. "Benefit" has the same meaning as defined in section  
24 35 15G.108A.



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25 1 ~~1.~~ 2. "Community" means a city, county, or entity  
25 2 established pursuant to chapter 28E.  
25 3 ~~2.~~ 3. "Contractor or subcontractor" means a person who  
25 4 contracts with the eligible business or subcontracts with a  
25 5 contractor for the provision of property, materials, or  
25 6 services for the construction or equipping of a facility of  
25 7 the eligible business.  
25 8 4. "Created job" has the same meaning as defined in  
25 9 section 15G.108A.  
25 10 ~~3.~~ 5. "Department" means the Iowa department of economic  
25 11 development.  
25 12 ~~4.~~ 6. "Eligible business" means a business meeting the  
25 13 conditions of section 15.329.  
25 14 7. "Fiscal impact ratio" has the same meaning as defined  
25 15 in section 15G.108A.  
25 16 8. "Maintenance period completion date" has the same  
25 17 meaning as defined in section 15G.108A.  
25 18 ~~5.~~ 9. "Program" means the high quality ~~job creation jobs~~  
25 19 program.  
25 20 ~~6.~~ 10. "Project completion" means ~~the first date upon~~  
~~25 21 which the average annualized production of finished product~~  
~~25 22 for the preceding ninety-day period at the manufacturing~~  
~~25 23 facility operated by the eligible business is at least fifty~~  
~~25 24 percent of the initial design capacity of the facility. The~~  
~~25 25 eligible business shall inform the department of revenue in~~  
~~25 26 writing within two weeks of project completion date" has the~~  
25 27 same meaning as defined in section 15G.108A.  
25 28 ~~7.~~ 11. "Qualifying investment" means a capital investment  
25 29 in real property including the purchase price of land and  
25 30 existing buildings and structures, site preparation,  
25 31 improvements to the real property, building construction, and  
25 32 long-term lease costs. "Qualifying investment" also means a  
25 33 capital investment in depreciable assets.  
25 34 12. "Qualifying wage threshold" has the same meaning as  
25 35 defined in section 15G.108A.



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26 1 13. "Retained job" has the same meaning as defined in  
26 2 section 15G.108A.  
26 3 Sec. 12. Section 15.329, subsections 1, 2, and 5, Code  
26 4 2009, are amended to read as follows:  
26 5 1. To be eligible to receive incentives under this part, a  
26 6 business shall meet all of the following requirements:  
26 7 a. If the qualifying investment is ten million dollars or  
26 8 more, the community has approved by ordinance or resolution  
26 9 the start-up, location, or expansion of the business for the  
26 10 purpose of receiving the benefits of this part.  
26 11 b. The business has not closed or substantially reduced  
26 12 ~~its operation~~ operations in one area of ~~the~~ this state and  
26 13 relocated substantially the same operation ~~operations in the a~~  
26 14 community in another area of this state. ~~This subsection does~~  
26 15 paragraph shall not be construed to prohibit a business from  
26 16 expanding its operation in ~~the~~ a community if existing  
26 17 operations of a similar nature in ~~the~~ this state are not  
26 18 closed or substantially reduced.  
26 19 ~~e. The business is not a retail or service business.~~  
26 20 ~~2. In addition to the requirements of subsection 1, a~~  
26 21 ~~business shall do at least four of the following in order to~~  
26 22 ~~be eligible for incentives under the program:~~  
26 23 ~~a. Offer a pension or profit-sharing plan to full-time~~  
26 24 ~~employees.~~  
26 25 ~~b. (1) Produce or manufacture high value-added goods or~~  
26 26 ~~services or be engaged in one of the following industries:~~  
26 27 ~~(a) Value-added agricultural products.~~  
26 28 ~~(b) Insurance and financial services.~~  
26 29 ~~(c) Plastics.~~  
26 30 ~~(d) Metals.~~  
26 31 ~~(e) Printing paper or packaging products.~~  
26 32 ~~(f) Drugs and pharmaceuticals.~~  
26 33 ~~(g) Software development.~~  
26 34 ~~(h) Instruments and measuring devices and medical~~  
26 35 ~~instruments.~~



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27 1     ~~(i) Recycling and waste management.~~  
27 2     ~~(j) Telecommunications.~~  
27 3     ~~(k) Trucking and warehousing.~~  
27 4     ~~(2) Retail and service businesses shall not be eligible~~  
~~27 5 for benefits under this part.~~  
27 6     ~~e. Provide and pay at least eighty percent of the cost of~~  
~~27 7 a standard medical and dental insurance plan for all full-time~~  
~~27 8 employees working at the facility in which the new investment~~  
~~27 9 occurred.~~  
27 10    ~~d. Make child care services available to its employees.~~  
27 11    ~~e. Invest annually no less than one percent of pretax~~  
~~27 12 profits, from the facility located to Iowa or expanded under~~  
~~27 13 the program, in research and development in Iowa.~~  
27 14    ~~f. Invest annually no less than one percent of pretax~~  
~~27 15 profits, from the facility located to Iowa or expanded under~~  
~~27 16 the program, in worker training and skills enhancement.~~  
27 17    ~~g. Have an active productivity and safety improvement~~  
~~27 18 program involving management and worker participation and~~  
~~27 19 cooperation with benchmarks for gauging compliance.~~  
27 20    ~~h. Occupy an existing facility, at least one of the~~  
~~27 21 buildings of which shall be vacant and shall contain at least~~  
~~27 22 twenty thousand square feet.~~  
27 23    c. The business shall create or retain jobs as part of a  
27 24 project, and the jobs created or retained shall meet one of  
27 25 the following qualifying wage thresholds:  
27 26      (1) If the business is creating jobs, the business shall  
27 27 demonstrate that the jobs will pay at least one hundred  
27 28 percent of the qualifying wage threshold at the start of the  
27 29 project completion period, at least one hundred thirty percent  
27 30 of the qualifying wage threshold by the project completion  
27 31 date, and at least one hundred thirty percent of the  
27 32 qualifying wage threshold until the maintenance period  
27 33 completion date.  
27 34      (2) If the business is retaining jobs, the business shall  
27 35 demonstrate that the jobs retained will pay at least one



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28 1 hundred thirty percent of the qualifying wage threshold  
28 2 throughout both the project completion period and the  
28 3 maintenance period.

28 4 d. The business shall provide a sufficient package of  
28 5 benefits to each employee holding a created or retained job.  
28 6 The board, at the recommendation of the department, shall  
28 7 adopt rules determining what constitutes a sufficient package  
28 8 of benefits.

28 9 e. The business shall demonstrate that the jobs created or  
28 10 retained will have a sufficient impact on state and local  
28 11 government revenues as determined by the department after  
28 12 calculating the fiscal impact ratio of the project.

28 13 f. The business shall not be a retail business or a  
28 14 business where entrance is limited by a cover charge or  
28 15 membership requirement.

28 16 g. Notwithstanding the qualifying wage threshold  
28 17 requirements in paragraph "c", if a business is also the  
28 18 recipient of financial assistance under another program  
28 19 administered by the department, and the other program requires  
28 20 the payment of higher wages than the wages required under this  
28 21 subsection, the business shall be required to pay the higher  
28 22 wages.

28 23 2. A business providing a sufficient package of benefits  
28 24 to each employee holding a created or retained job shall  
28 25 qualify for a credit against the qualifying wage threshold  
28 26 requirements described in subsection 1, paragraph "c". The  
28 27 credit shall be calculated in the manner described in section  
28 28 15G.112, subsection 4, paragraph "b".

28 29 5. The department shall also consider a variety of  
28 30 factors, including but not limited to the following in  
28 31 determining the eligibility of a business to participate in  
28 32 the program:

28 33 a. The quality of the jobs to be created or retained. In  
28 34 rating the quality of the jobs, the department shall place  
28 35 greater emphasis on those jobs that have a higher wage scale,



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29 1 have a lower turnover rate, are full-time or career-type  
29 2 positions, provide comprehensive health benefits, or have  
29 3 other related factors which could be considered to be higher  
29 4 in quality, than to other jobs. Businesses that have wage  
29 5 scales substantially below that of existing Iowa businesses in  
29 6 that area should be rated as providing the lowest quality of  
29 7 jobs and should therefore be given the lowest ranking for  
29 8 providing such assistance.

29 9 b. The impact of the proposed project on other businesses  
29 10 in competition with the business being considered for  
29 11 assistance. The department shall make a good faith effort to  
29 12 identify existing Iowa businesses within an industry in  
29 13 competition with the business being considered for assistance.  
29 14 The department shall make a good faith effort to determine the  
29 15 probability that the proposed financial assistance will  
29 16 displace employees of the existing businesses. In determining  
29 17 the impact on businesses in competition with the business  
29 18 being considered for assistance, jobs created or retained as a  
29 19 result of other jobs being displaced elsewhere in the state  
29 20 shall not be considered direct jobs created or retained.

29 21 c. The economic impact to ~~the~~ this state of the proposed  
29 22 project. In measuring the economic impact, the department  
29 23 shall place greater emphasis on projects which ~~have greater~~  
~~29 24 consistency with the state strategic plan than other projects.~~  
~~29 25 Greater consistency may include any or all of~~ demonstrate the  
29 26 following:

29 27 (1) A business with a greater percentage of sales  
29 28 out-of-state or of import substitution.

29 29 (2) A business with a higher proportion of in-state  
29 30 suppliers.

29 31 (3) A project which would provide greater diversification  
29 32 of the state economy.

29 33 (4) A business with fewer in-state competitors.

29 34 (5) A potential for future job growth.

29 35 (6) A project which is not a retail operation.



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30 1 ~~d. If a business has, within three years of application~~  
30 2 ~~for assistance, acquired or merged with an Iowa corporation or~~  
30 3 ~~company and the business has made a good faith effort to hire~~  
30 4 ~~the workers of the acquired or merged company.~~

30 5 ~~e. Whether a business provides for a preference for hiring~~  
30 6 ~~residents of the state, except for out-of-state employees~~  
30 7 ~~offered a transfer to Iowa.~~

30 8 ~~f. Whether all known required environmental permits have~~  
30 9 ~~been issued and regulations met before moneys are released.~~

30 10 Sec. 13. Section 15.330, subsection 4, Code 2009, is  
30 11 amended to read as follows:

30 12 ~~4. A business creating fifteen or fewer new high quality~~  
30 13 ~~jobs shall have up to three years to complete a project and~~  
30 14 ~~shall be required to maintain the jobs for an additional two~~  
30 15 ~~years. A business creating sixteen or more new high quality~~  
30 16 ~~jobs shall have up to five years to complete a project and~~  
30 17 ~~shall be required to maintain the jobs for an additional two~~  
30 18 ~~years. A project completion date, a maintenance period~~  
30 19 completion date, the number of jobs to be created or retained,  
30 20 or certain other terms and obligations described in section  
30 21 15G.112, subsection 1, paragraph "d", as the department deems  
30 22 necessary in order to make the requirements in project  
30 23 agreements uniform. The department, with the approval of the  
30 24 board, may adopt rules as necessary for making such  
30 25 requirements uniform. Such rules shall be in compliance with  
30 26 the provisions of this part and with the provisions of chapter  
30 27 15G.

30 28 Sec. 14. Section 15.331A, subsection 2, Code 2009, is  
30 29 amended by adding the following new paragraph:

30 30 NEW PARAGRAPH. c. The eligible business shall inform the  
30 31 department of revenue in writing within two weeks of project  
30 32 completion. For purposes of this section, "project  
30 33 completion" means the first date upon which the average  
30 34 annualized production of finished product for the preceding  
30 35 ninety-day period at the manufacturing facility operated by



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31 1 the eligible business is at least fifty percent of the initial  
31 2 design capacity of the facility.

31 3 Sec. 15. Section 15.333, subsection 1, unnumbered  
31 4 paragraph 1, Code 2009, is amended to read as follows:

31 5 An eligible business may claim a tax credit equal to a  
31 6 percentage of the new investment directly related to new jobs  
31 7 created or retained by the location or expansion of an  
31 8 eligible business under the program. The tax credit shall be  
31 9 amortized equally over five calendar years. The tax credit  
31 10 shall be allowed against taxes imposed under chapter 422,  
31 11 division II, III, or V, and against the moneys and credits tax  
31 12 imposed in section 533.329. If the business is a partnership,  
31 13 S corporation, limited liability company, cooperative  
31 14 organized under chapter 501 and filing as a partnership for  
31 15 federal tax purposes, or estate or trust electing to have the  
31 16 income taxed directly to the individual, an individual may  
31 17 claim the tax credit allowed. The amount claimed by the  
31 18 individual shall be based upon the pro rata share of the  
31 19 individual's earnings of the partnership, S corporation,  
31 20 limited liability company, cooperative organized under chapter  
31 21 501 and filing as a partnership for federal tax purposes, or  
31 22 estate or trust. The percentage shall be determined as  
31 23 provided in section 15.335A. Any tax credit in excess of the  
31 24 tax liability for the tax year may be credited to the tax  
31 25 liability for the following seven years or until depleted,  
31 26 whichever occurs first.

31 27 Sec. 16. Section 15.335A, Code 2009, is amended to read as  
31 28 follows:

31 29 15.335A TAX INCENTIVES.

31 30 1. Tax incentives are available to eligible businesses as  
31 31 provided in this section. The incentives are based upon the  
31 32 number of ~~new high quality~~ jobs created or retained that pay  
31 33 at least one hundred thirty percent of the qualifying wage  
31 34 threshold as computed pursuant to section 15G.112, subsection  
31 35 4, and the amount of the qualifying investment made according



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32 1 to the following schedule:

~~32 2 a. The number of new high quality jobs created with an~~  
~~32 3 annual wage, including benefits, equal to or greater than one~~  
~~32 4 hundred thirty percent of the average county wage is one of~~  
~~32 5 the following:~~

32 6 ~~(1)~~ a. The number of jobs is zero and economic activity  
32 7 is furthered by the qualifying investment and the amount of  
32 8 the qualifying investment is one of the following:

32 9 ~~(a)~~ (1) Less than one hundred thousand dollars, then the  
32 10 tax incentive is the investment tax credit of up to one  
32 11 percent.

32 12 ~~(b)~~ (2) At least one hundred thousand dollars but less  
32 13 than five hundred thousand dollars, then the tax incentives  
32 14 are the investment tax credit of up to one percent and the  
32 15 sales tax refund.

32 16 ~~(c)~~ (3) At least five hundred thousand dollars, then the  
32 17 tax incentives are the investment tax credit of up to one  
32 18 percent, the sales tax refund, and the additional research and  
32 19 development tax credit.

32 20 ~~(2)~~ b. The number of jobs is one but not more than five  
32 21 and the amount of the qualifying investment is one of the  
32 22 following:

32 23 ~~(a)~~ (1) Less than one hundred thousand dollars, then the  
32 24 tax incentive is the investment tax credit of up to two  
32 25 percent.

32 26 ~~(b)~~ (2) At least one hundred thousand dollars but less  
32 27 than five hundred thousand dollars, then the tax incentives  
32 28 are the investment tax credit of up to two percent and the  
32 29 sales tax refund.

32 30 ~~(c)~~ (3) At least five hundred thousand dollars, then the  
32 31 tax incentives are the investment tax credit of up to two  
32 32 percent, the sales tax refund, and the additional research and  
32 33 development tax credit.

32 34 ~~(3)~~ c. The number of jobs is six but not more than ten  
32 35 and the amount of the qualifying investment is one of the



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33 1 following:

33 2 ~~(a)~~ (1) Less than one hundred thousand dollars, then the  
33 3 tax incentive is the investment tax credit of up to three  
33 4 percent.

33 5 ~~(b)~~ (2) At least one hundred thousand dollars but less  
33 6 than five hundred thousand dollars, then the tax incentives  
33 7 are the investment tax credit of up to three percent and the  
33 8 sales tax refund.

33 9 ~~(c)~~ (3) At least five hundred thousand dollars, then the  
33 10 tax incentives are the investment tax credit of up to three  
33 11 percent, the sales tax refund, and the additional research and  
33 12 development tax credit.

33 13 ~~(4)~~ d. The number of jobs is eleven but not more than  
33 14 fifteen and the amount of the qualifying investment is one of  
33 15 the following:

33 16 ~~(a)~~ (1) Less than one hundred thousand dollars, then the  
33 17 tax incentive is the investment tax credit of up to four  
33 18 percent.

33 19 ~~(b)~~ (2) At least one hundred thousand dollars but less  
33 20 than five hundred thousand dollars, then the tax incentives  
33 21 are the investment tax credit of up to four percent and the  
33 22 sales tax refund.

33 23 ~~(c)~~ (3) At least five hundred thousand dollars, then the  
33 24 tax incentives are the investment tax credit of up to four  
33 25 percent, the sales tax refund, and the additional research and  
33 26 development tax credit.

33 27 ~~(5)~~ e. The number of jobs is sixteen ~~or~~ but not more than  
33 28 thirty and the amount of the qualifying investment is one of  
33 29 the following:

33 30 ~~(a)~~ (1) Less than one hundred thousand dollars, then the  
33 31 tax incentive is the investment tax credit of up to five  
33 32 percent.

33 33 ~~(b)~~ (2) At least one hundred thousand dollars but less  
33 34 than five hundred thousand dollars, then the tax incentives  
33 35 are the investment tax credit of up to five percent and the



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34 1 sales tax refund.

34 2 ~~(e)~~ (3) At least five hundred thousand dollars, then the  
34 3 tax incentives are the investment tax credit of up to five  
34 4 percent, the sales tax refund, and the additional research and  
34 5 development tax credit.

34 6 ~~b. In lieu of paragraph "a", the number of new high  
34 7 quality jobs created with an annual wage, including benefits,  
34 8 equal to or greater than one hundred sixty percent of the  
34 9 average county wage is one of the following:~~

34 10 ~~(1)~~ f. The number of jobs is ~~twenty-one~~ thirty-one but  
34 11 not more than ~~thirty~~ forty and the amount of the qualifying  
34 12 investment is at least ten million dollars, then the tax  
34 13 incentives are the local property tax exemption, the  
34 14 investment tax credit of up to six percent, the sales tax  
34 15 refund, and the additional research and development tax  
34 16 credit.

34 17 ~~(2)~~ g. The number of jobs is ~~thirty-one~~ forty-one but not  
34 18 more than ~~forty~~ sixty and the amount of the qualifying  
34 19 investment is at least ten million dollars, then the tax  
34 20 incentives are the local property tax exemption, the  
34 21 investment tax credit of up to seven percent, the sales tax  
34 22 refund, and the additional research and development tax  
34 23 credit.

34 24 ~~(3)~~ h. The number of jobs is ~~forty-one~~ sixty-one but not  
34 25 more than ~~fifty~~ eighty and the amount of the qualifying  
34 26 investment is at least ten million dollars, then the tax  
34 27 incentives are the local property tax exemption, the  
34 28 investment tax credit of up to eight percent, the sales tax  
34 29 refund, and the additional research and development tax  
34 30 credit.

34 31 ~~(4)~~ i. The number of jobs is ~~fifty-one~~ eighty-one but not  
34 32 more than ~~sixty~~ one hundred and the amount of the qualifying  
34 33 investment is at least ten million dollars, then the tax  
34 34 incentives are the local property tax exemption, the  
34 35 investment tax credit of up to nine percent, the sales tax



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35 1 refund, and the additional research and development tax

35 2 credit.

35 3 ~~(5)~~ j. The number of jobs is at least ~~sixty-one~~ one

35 4 hundred one and the amount of the qualifying investment is at

35 5 least ten million dollars, then the tax incentives are the

35 6 local property tax exemption, the investment tax credit of up

35 7 to ten percent, the sales tax refund, and the additional

35 8 research and development tax credit.

35 9 2. For purposes of this section:

35 10 a. "Additional research and development tax credit" means

35 11 the research activities credit as provided under section

35 12 15.335.

35 13 ~~b. "Average county wage" means the annualized, average~~

~~35 14 hourly wage based on wage information compiled by the~~

~~35 15 department of workforce development.~~

35 16 e. "Benefits" means all of the following:

35 17 ~~(1) Medical and dental insurance plans. If an employer~~

~~35 18 offers medical insurance under both single and family coverage~~

~~35 19 plans, the employer shall be given credit for providing~~

~~35 20 medical insurance under family coverage plans to all new~~

~~35 21 employees.~~

35 22 ~~(2) Pension and profit-sharing plans.~~

35 23 ~~(3) Child care services.~~

35 24 ~~(4) Life insurance coverage.~~

35 25 ~~(5) Other benefits identified by rule of the department of~~

~~35 26 revenue.~~

35 27 b. "Benefits" means the same as defined in section

35 28 15G.108A.

35 29 c. "County wage" means the same as defined in section

35 30 15G.108A.

35 31 d. "Investment tax credit" means the investment tax credit

35 32 or the insurance premium tax credit as provided under section

35 33 15.333 or 15.333A, respectively.

35 34 e. "Local property tax exemption" means the property tax

35 35 exemption as provided under section 15.332.



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36 1 f. "Qualifying wage threshold" means the same as defined  
36 2 in section 15G.108A.  
36 3 g. "Regional wage" means the same as defined in section  
36 4 15G.108A.  
36 5 ~~f.~~ h. "Sales tax refund" means the sales and use tax  
36 6 refund as provided under section 15.331A or the corporate tax  
36 7 credit for certain sales taxes paid by third-party developers  
36 8 as provided under section 15.331C.  
36 9 3. A community may apply to the Iowa economic development  
36 10 board for a project-specific waiver from the ~~average county~~  
~~36 11 wage calculations~~ qualifying wage threshold requirement  
36 12 provided in subsection 1 in order for an eligible business to  
~~36 13 receive to seek tax incentives for an eligible business.~~ The  
36 14 board may grant a project-specific waiver from the ~~average~~  
~~36 15 county wage calculations~~ qualifying wage threshold requirement  
36 16 in subsection 1 for the remainder of the a calendar year,  
36 17 based on average county wage or regional wage calculations  
36 18 brought forth by the applicant county including, but not  
36 19 limited to, any of the following:  
36 20 a. The ~~average~~ county wage calculated without wage data  
36 21 from the business in the county employing the greatest number  
36 22 of full-time employees.  
36 23 b. The ~~average~~ regional wage calculated without wage data  
36 24 from up to two adjacent counties.  
36 25 c. The ~~average~~ county wage calculated without wage data  
36 26 from the largest city in the county.  
36 27 d. A qualifying wage guideline for a specific project  
36 28 based upon unusual economic circumstances present in the city  
36 29 or county.  
36 30 e. The annualized, average hourly wage paid by all  
36 31 businesses in the county located outside the largest city of  
36 32 the county.  
36 33 f. The annualized, average hourly wage paid by all  
36 34 businesses other than the largest employer in the entire  
36 35 county.



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37 1 ~~4. Average wage calculations made under this section shall~~  
~~37 2 be calculated quarterly using wage data submitted to the~~  
~~37 3 department of workforce development during the previous four~~  
~~37 4 quarters.~~

37 5 ~~5.~~ 4. Each calendar year, the department shall not  
37 6 approve more than three million six hundred thousand dollars  
37 7 worth of investment tax credits for projects with qualifying  
37 8 investments of less than one million dollars.

37 9 ~~6.~~ 5. The department shall negotiate the amount of tax  
37 10 incentives provided to an applicant under the program in  
37 11 accordance with this section and section 15G.112, as  
37 12 applicable.

37 13 DIVISION III  
37 14 ENTERPRISE ZONES

37 15 Sec. 17. Section 15E.193, subsections 1 and 2, Code 2009,  
37 16 are amended to read as follows:

37 17 1. A business which is or will be located, in whole or in  
37 18 part, in an enterprise zone is eligible to receive incentives  
37 19 and assistance under this division if the business has not  
37 20 closed or reduced its operation in one area of the state and  
37 21 relocated substantially the same operation into the enterprise  
37 22 zone and if the business meets all of the following  
37 23 requirements:

37 24 a. Is not a retail business or a business where entrance  
37 25 is limited by a cover charge or membership requirement.

37 26 ~~b. Provides all full-time employees with the option of~~  
~~37 27 choosing one of the following:~~

37 28 ~~(1) The business pays eighty percent of both of the~~  
~~37 29 following:~~

37 30 ~~(a) The cost of a standard medical insurance plan.~~

37 31 ~~(b) The cost of a standard dental insurance plan or an~~  
~~37 32 equivalent plan.~~

37 33 ~~(2) The business provides the employee with a monetarily~~  
~~37 34 equivalent plan to the plan provided for in subparagraph (1).~~

37 35 ~~c. Pays an average wage that is at or greater than ninety~~



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~~38 1 percent of the lesser of the average county wage or average  
38 2 regional wage, as determined by the department. However, the  
38 3 wage paid by the business shall not be less than seven dollars  
38 4 and fifty cents per hour.~~

~~38 5 b. (1) The business shall provide a sufficient package of  
38 6 benefits to each employee holding a created or retained job.  
38 7 For purposes of this paragraph, "created job" and "retained  
38 8 job" have the same meaning as defined in section 15G.108A.~~

~~38 9 (2) The board, upon the recommendation of the department,  
38 10 shall adopt rules determining what constitutes a sufficient  
38 11 package of benefits.~~

~~38 12 c. The business shall pay a wage that is at least ninety  
38 13 percent of the qualifying wage threshold. For purposes of  
38 14 this paragraph, "qualifying wage threshold" has the same  
38 15 meaning as defined in section 15G.108A.~~

~~38 16 d. Creates or retains at least ten full-time equivalent  
38 17 positions and maintains them for at least ten years. For an  
38 18 existing business in counties with a population of ten  
38 19 thousand or less or in cities with a population of two  
38 20 thousand or less, the commission may adopt a provision that  
38 21 allows the business to create at least five initial jobs with  
38 22 the additional jobs to be added in five years. The business  
38 23 shall include in its strategic plan the timeline for job  
38 24 creation. If the existing business fails to meet the ten-job  
38 25 creation requirement within the five-year period, all  
38 26 incentives or assistance will cease immediately until the  
38 27 maintenance period completion date. For purposes of this  
38 28 paragraph, "maintenance period completion date" and "full-time  
38 29 equivalent position" have the same meanings as defined in  
38 30 section 15G.108A.~~

~~38 31 e. Makes a capital investment of at least five hundred  
38 32 thousand dollars. If the business will be occupying a vacant  
38 33 building suitable for industrial use, the fair market value of  
38 34 the building and land, not to exceed two hundred fifty  
38 35 thousand dollars, shall be counted toward the capital~~



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~~39 1 investment requirement. An existing business that has been  
39 2 operating in the enterprise zone for at least five years is  
39 3 exempt from the capital investment requirement of this  
39 4 paragraph of up to two hundred fifty thousand dollars of the  
39 5 fair market value, as established by an appraisal, of the  
39 6 building and land.~~

39 7 f. If the business is only partially located in an  
39 8 enterprise zone, the business must be located on contiguous  
39 9 parcels of land.

39 10 2. In addition to meeting the requirements under  
39 11 subsection 1, an eligible business shall provide the  
39 12 enterprise zone commission with all of the following:

39 13 a. The long-term strategic plan for the business which  
39 14 shall include labor and infrastructure needs.

39 15 b. Information dealing with the benefits the business will  
39 16 bring to the area.

39 17 c. Examples of why the business should be considered or  
39 18 would be considered a good business enterprise.

39 19 d. The impact the business will have on other businesses  
39 20 in competition with it. The enterprise zone commission shall

39 21 make a good faith effort to identify existing Iowa businesses

39 22 within an industry in competition with the business being

39 23 considered for assistance. The enterprise zone commission

39 24 shall make a good faith effort to determine the probability

39 25 that the proposed financial assistance will displace employees

39 26 of the existing businesses. In determining the impact on

39 27 businesses in competition with the business being considered

39 28 for assistance, jobs created or retained as a result of other

39 29 jobs being displaced elsewhere in the state shall not be

39 30 considered direct jobs created or retained.

39 31 e. ~~An affidavit that it has not, within the last five~~

~~39 32 years, violated state or federal environmental and worker~~

~~39 33 safety statutes, rules, and regulations or if such violation~~

~~39 34 has occurred that there were mitigating circumstances or such~~

~~39 35 violations did not seriously affect public health or safety or~~



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~~40 1 the environment.~~

40 2 e. A report describing all violations of environmental law  
40 3 or worker safety law within the last five years. If, upon  
40 4 review of the application, the enterprise zone commission  
40 5 finds that a business has a record of violations of the law,  
40 6 statutes, rules, or regulations that tends to show a  
40 7 consistent pattern, the enterprise zone commission shall not  
40 8 make an award of financial assistance to the business unless  
40 9 the board finds either that the violations did not seriously  
40 10 affect public health, public safety, or the environment, or,  
40 11 if such violations did seriously affect public health, public  
40 12 safety, or the environment, that mitigating circumstances were  
40 13 present.

40 14

DIVISION IV

40 15

CONFORMING AMENDMENTS

40 16 Sec. 18. Section 15.103, subsection 6, Code 2009, is  
40 17 amended to read as follows:

40 18 6. As part of the organizational structure of the  
40 19 department, the board shall establish a due diligence  
40 20 committee and a loan and credit guarantee committee composed  
40 21 of members of the board. The committees shall serve in an  
40 22 advisory capacity to the board and shall carry out any duties  
40 23 assigned by the board in relation to programs administered by  
40 24 the department. The loan and credit guarantee committee shall  
40 25 advise the board on the winding up of loan guarantees made  
40 26 under the loan and credit guarantee program established  
40 27 pursuant to section 15E.224, Code 2009, and on the proper  
40 28 amount of the allocation described in section 15G.111,  
40 29 subsection 4, paragraph "g".

40 30 Sec. 19. Section 15.104, Code 2009, is amended by adding  
40 31 the following new subsection:

40 32 NEW SUBSECTION. 1. Perform duties related to the  
40 33 administration of the grow Iowa values fund and grow Iowa  
40 34 values financial assistance program as described in chapter  
40 35 15G.



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41 1 Sec. 20. Section 15.104, subsection 9, paragraphs a and b,  
41 2 Code 2009, are amended to read as follows:  
41 3 a. ~~FINANCIAL ASSISTANCE PROGRAMS.~~ Data on all assistance  
41 4 provided to ~~business finance projects under the community~~  
~~41 5 economic betterment program established in section 15.317,~~  
41 6 ~~eligible businesses under the high quality job creation jobs~~  
41 7 ~~program described in section 15.326, and eligible facilities~~  
~~41 8 under the value-added agricultural products and processes~~  
~~41 9 financial assistance program established in section 15E.111.~~  
41 10 b. ~~PROJECTS FUNDED THROUGH THE GROW IOWA VALUES FUND~~  
41 11 FINANCIAL ASSISTANCE PROGRAM ESTABLISHED IN SECTION 15G.112.  
41 12 For each job creation or retention business finance project  
41 13 receiving moneys from the grow Iowa values fund ~~created in~~  
~~41 14 section 15C.108~~, the following information:  
41 15 (1) The net number of new jobs created as of June 30 of  
41 16 the prior year. For the purposes of this subparagraph, "net  
41 17 number of new jobs" is the number of new or retained jobs as  
41 18 identified in the contract.  
41 19 (2) The number of jobs created, as of June 30 of the prior  
41 20 year, that are at or above the qualifying wage threshold for  
41 21 the project. For the purposes of this subparagraph,  
41 22 "qualifying wage threshold" ~~means the wage that meets the~~  
~~41 23 required percentage of the average county or average regional~~  
~~41 24 wage for the programs or funding sources involved with the~~  
~~41 25 project has the same meaning as defined in section 15G.108A.~~  
41 26 (3) The number of retained jobs, as of June 30 of the  
41 27 prior year. For the purposes of this subparagraph, "retained  
41 28 jobs" means the number of retained jobs as identified in the  
41 29 contract.  
41 30 (4) The total amount expended by a business, as of June 30  
41 31 of the prior year, toward the total project cost as identified  
41 32 in the contract.  
41 33 (5) The project's location.  
41 34 (6) The amount, if any, of private and local matching  
41 35 funds, as of June 30 of the prior year.



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42 1 (7) The amount spent on research and development  
42 2 activities, as of June 30 of the prior year.  
42 3 Sec. 21. Section 15.104, subsection 9, paragraphs i and j,  
42 4 Code 2009, are amended to read as follows:  
42 5 i. GROW IOWA VALUES FUND EXPENDITURES. Detailed financial  
42 6 data that delineate expenditures made under each component of  
42 7 the grow Iowa values fund created in section ~~15G.108~~ 15G.111.  
42 8 j. RENEWABLE FUEL PROGRAMS. A detailed accounting of  
42 9 expenditures in support of renewable fuel infrastructure  
42 10 programs, as provided in sections 15G.203 and 15G.204. The  
42 11 renewable fuel infrastructure board established in section  
42 12 15G.202 shall approve that portion of the department's annual  
42 13 report regarding projects supported from the grow Iowa values  
42 14 fund created in section ~~15G.108~~ 15G.111. This paragraph is  
42 15 repealed on July 1, 2012.  
42 16 Sec. 22. Section 15.116, Code 2009, is amended to read as  
42 17 follows:  
42 18 15.116 TECHNOLOGY COMMERCIALIZATION COMMITTEE.  
42 19 To evaluate and approve funding for the projects and  
42 20 programs ~~under~~ referred to in section 15G.111, subsection ~~2~~  
42 21 10, the economic development board shall create a technology  
42 22 commercialization committee composed of members with expertise  
42 23 in the areas of biosciences, engineering, manufacturing,  
42 24 pharmaceuticals, materials, information solutions, software,  
42 25 and energy. At least one member of the technology  
42 26 commercialization committee shall be a member of the economic  
42 27 development board. An organization designated by the  
42 28 department, composed of members from both the public and  
42 29 private sectors and composed of subunits or subcommittees in  
42 30 the areas of already identified bioscience platforms,  
42 31 education and workforce development, commercialization,  
42 32 communication, policy and governance, and finance, shall  
42 33 provide funding recommendations to the technology  
42 34 commercialization committee.  
42 35 Sec. 23. Section 15.203, Code 2009, is amended by adding



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43 1 the following new subsection:

43 2 NEW SUBSECTION. 5. The agricultural products advisory  
43 3 council shall review applications for financial assistance  
43 4 under the value-added agriculture component of the grow Iowa  
43 5 values financial assistance program established in section  
43 6 15G.112.

43 7 Sec. 24. Section 15.313, subsection 1, Code 2009, is  
43 8 amended to read as follows:

43 9 1. a. An Iowa strategic investment fund is created as a  
43 10 revolving fund consisting of any money appropriated by the  
43 11 general assembly for that purpose and any other moneys  
43 12 available to and obtained or accepted by the department from  
43 13 the federal government or private sources for placement in the  
43 14 fund. ~~The fund shall also include all of the following:~~

43 15 ~~(1) All unencumbered and unobligated funds from the  
43 16 special community economic betterment program fund created  
43 17 under 1990 Iowa Acts, chapter 1262, section 1, subsection 18,  
43 18 remaining on June 30, 1992, all repayments of loans or other  
43 19 awards made under the community economic betterment account or  
43 20 under the community economic betterment program during any  
43 21 fiscal year beginning on or after July 1, 1985, and recaptures  
43 22 of awards.~~

43 23 ~~(2) All unencumbered and unobligated funds from the  
43 24 targeted small business financial assistance program, the  
43 25 financing rural economic development or successor loan  
43 26 program, and the value-added agricultural products and  
43 27 processes financial assistance fund remaining on June 30,  
43 28 1992, and all repayments of loans or other awards or  
43 29 recaptures of awards made under these programs.~~

43 30 b. Notwithstanding section 8.33, moneys in the strategic  
43 31 investment fund at the end of each fiscal year shall not  
43 32 revert to any other fund but shall remain in the strategic  
43 33 investment fund for expenditure for subsequent fiscal years.

43 34 Sec. 25. Section 15A.7, subsection 3, Code 2009, is  
43 35 amended to read as follows:



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44 1 3. That the employer shall agree to pay wages for the jobs  
44 2 for which the credit is taken of at least the ~~average~~ county  
44 3 wage or ~~average~~ the regional wage, as calculated by the  
44 4 ~~department pursuant to section 15G.112, subsection 3,~~  
44 5 ~~whichever is lower, as compiled annually by the department of~~  
44 6 ~~economic development for the community economic betterment~~  
44 7 ~~program. For the purposes of this section, the average~~  
44 8 ~~regional wage shall be compiled based upon the service~~  
44 9 ~~delivery areas in section 84B.2.~~ Eligibility for the  
44 10 supplemental credit shall be based on a one-time determination  
44 11 of starting wages by the community college.  
44 12 Sec. 26. Section 15E.120, subsection 5, Code 2009, is  
44 13 amended to read as follows:  
44 14 5. Loan repayments received by the Iowa department of  
44 15 economic development shall be deposited into a special account  
44 16 to be used at its discretion as matching funds to attract  
44 17 financial assistance from and to participate in programs with  
44 18 national rural development and finance corporations. Funds in  
44 19 this special account shall not revert to the state general  
44 20 fund at the end of any fiscal year. If the programs for which  
44 21 the funds in the special account are to be used are terminated  
44 22 or expire, the funds in the special account and funds that  
44 23 would be repaid, if any, to the special account shall be  
44 24 transferred or repaid to ~~the community economic betterment~~  
44 25 ~~account of the strategic investment fund established in~~  
44 26 ~~section 15.313.~~  
44 27 Sec. 27. Section 15E.231, subsection 1, unnumbered  
44 28 paragraph 1, Code 2009, is amended to read as follows:  
44 29 In order for an economic development region to receive  
44 30 moneys ~~from~~ under the grow Iowa values ~~fund created~~ financial  
44 31 assistance program established in section 15G.108 15G.112, an  
44 32 economic development region's regional development plan must  
44 33 be approved by the department. An economic development region  
44 34 shall consist of not less than three counties, unless two  
44 35 contiguous counties have a combined population of at least



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45 1 three hundred thousand based on the most recent federal  
45 2 decennial census. An economic development region shall  
45 3 establish a focused economic development effort that shall  
45 4 include a regional development plan relating to one or more of  
45 5 the following areas:

45 6 Sec. 28. Section 15E.351, subsection 1, Code 2009, is  
45 7 amended to read as follows:

45 8 1. The department shall establish and administer a  
45 9 business accelerator program to provide financial assistance  
45 10 for the establishment and operation of a business accelerator  
45 11 for technology-based, value-added agricultural, information  
45 12 solutions, alternative and renewable energy including the  
45 13 alternative and renewable energy sectors listed in section  
45 14 476.42, subsection 1, paragraph "a", or advanced manufacturing  
45 15 start-up businesses or for a satellite of an existing business  
45 16 accelerator. The program shall be designed to foster the  
45 17 accelerated growth of new and existing businesses through the  
45 18 provision of technical assistance. The department ~~shall use~~  
~~45 19 moneys appropriated to the department from the grow Iowa~~  
~~45 20 values fund pursuant to section 15G.111, subsection 1, subject~~  
45 21 to the approval of the economic development board, ~~to~~ may  
45 22 provide financial assistance under this section from moneys  
45 23 allocated for regional financial assistance pursuant to  
45 24 section 15G.111, subsection 9.

45 25 Sec. 29. Section 159A.6B, unnumbered paragraph 2, Code  
45 26 2009, is amended to read as follows:

45 27 The office may execute contracts in order to provide  
45 28 technical support and outreach services for purposes of  
45 29 assisting and educating interested persons as provided in this  
45 30 section. The office may also contract with a consultant to  
45 31 provide part or all of these services. The office may require  
45 32 that a person receiving assistance pursuant to this section  
45 33 contribute up to fifty percent of the amount required to  
45 34 support the costs of contracting with the consultant to  
45 35 provide assistance to the person. The office shall assist the



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46 1 person in completing any technical information required in  
46 2 order to receive assistance by the department of economic  
46 3 development pursuant to the value-added ~~agricultural products~~  
~~46 4 and processes agriculture component of the grow Iowa values~~  
46 5 financial assistance program ~~created~~ established pursuant to  
46 6 section ~~15E.111~~ 15G.112. The office shall cooperate with the  
46 7 department of economic development, the department of natural  
46 8 resources, and regents institutions or other universities and  
46 9 colleges ~~as provided in section 15E.111~~, in order to carry out  
46 10 this section.

46 11 Sec. 30. Section 266.19, Code 2009, is amended to read as  
46 12 follows:

46 13 266.19 RENEWABLE FUEL == ASSISTANCE.

46 14 The university shall cooperate in assisting renewable fuel  
46 15 production facilities supporting livestock operations managed  
46 16 by persons receiving assistance pursuant to the value-added  
46 17 ~~agricultural products and processes agriculture component of~~  
46 18 the grow Iowa values financial assistance program established  
46 19 in section ~~15E.111~~ 15G.112.

46 20 Sec. 31. Section 455B.104, subsection 2, Code 2009, is  
46 21 amended to read as follows:

46 22 2. The department shall assist persons applying for  
46 23 assistance to establish and operate renewable fuel production  
46 24 facilities pursuant to the value-added ~~agricultural products~~  
~~46 25 and processes agriculture component of the grow Iowa values~~  
46 26 financial assistance program established in section ~~15E.111~~  
46 27 15G.112.

46 28 Sec. 32. Section 455B.433, Code 2009, is amended to read  
46 29 as follows:

46 30 455B.433 PHYSICAL INFRASTRUCTURE ASSISTANCE == FUNDING ==  
46 31 LIABILITY.

46 32 1. The department of natural resources shall work in  
46 33 conjunction with the Iowa department of economic development  
46 34 to identify environmentally contaminated sites which qualify  
46 35 for the ~~physical~~ infrastructure assistance component of the



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47 1 grow Iowa values financial assistance program ~~under~~  
47 2 established in section 15E.175 15G.112. The department shall  
47 3 provide an assessment of the site and shall provide any  
47 4 emergency response activities which the department deems  
47 5 necessary. The department may take any further action,  
47 6 including remediation of the site, that the department deems  
47 7 to be appropriate and which promotes the purposes of the  
47 8 ~~physical infrastructure assistance program component.~~

47 9 2. The department shall be reimbursed from the ~~physical~~  
47 10 ~~infrastructure assistance~~ grow Iowa values fund ~~under~~ created  
47 11 in section 15E.175 15G.111 for any costs incurred pursuant to  
47 12 this section.

47 13 3. A person shall not have standing pursuant to section  
47 14 455B.111 to commence a citizen suit which is based upon  
47 15 property that is part of the ~~physical~~ infrastructure  
47 16 ~~assistance component of the grow Iowa values financial~~  
47 17 ~~assistance program pursuant to established in section 15E.175~~  
47 18 15G.112.

47 19 Sec. 33. CONDITIONAL ENACTMENTS.

47 20 1. If 2009 Iowa Acts, Senate File 142, is enacted, the  
47 21 section of that Act amending section 15G.111 is repealed and  
47 22 section 15G.111, subsection 10, as enacted in this Act, is  
47 23 amended to read as follows:

47 24 10. COMMERCIALIZATION SERVICES. Of the moneys  
47 25 appropriated to the department pursuant to subsection 3, the  
47 26 department shall allocate three million dollars for ~~the~~  
47 27 ~~purpose of providing the commercialization services described~~  
47 28 ~~in section 15.411, subsections 2 and 3~~ deposit in the  
47 29 innovation and commercialization development fund created in  
47 30 section 15.412.

47 31 2. If 2009 Iowa Acts, Senate File 142, is enacted, section  
47 32 15.116, as amended in this Act, is amended to read as follows:

47 33 15.116 TECHNOLOGY COMMERCIALIZATION COMMITTEE.

47 34 To evaluate and ~~approve~~ make recommendations to the board  
47 35 on appropriate funding for the projects and programs ~~referred~~



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~~48 1 to in section 15G.111, subsection 10 applying for financial~~  
~~48 2 assistance from the innovation and commercialization~~  
~~48 3 development fund created in section 15.412, the economic~~  
48 4 development board shall create a technology commercialization  
48 5 committee composed of members with expertise in the areas of  
48 6 biosciences, engineering, manufacturing, pharmaceuticals,  
48 7 materials, information solutions, software, and energy. At  
48 8 least one member of the technology commercialization committee  
48 9 shall be a member of the economic development board. An  
48 10 organization designated by the department, composed of members  
48 11 from both the public and private sectors and composed of  
48 12 subunits or subcommittees in the areas of already identified  
48 13 bioscience platforms, education and workforce development,  
48 14 commercialization, communication, policy and governance, and  
48 15 finance, shall provide funding recommendations to the  
48 16 technology commercialization committee.

48 17 3. If 2009 Iowa Acts, Senate File 142, is enacted, section  
48 18 15G.115, subsection 2, as enacted in this Act, is amended by  
48 19 adding the following new paragraph:

48 20 NEW PARAGRAPH. c. Each application for financial  
48 21 assistance from funds allocated by the department for deposit  
48 22 in the innovation and commercialization development fund  
48 23 pursuant to section 15G.111, subsection 10, shall be reviewed  
48 24 by the technology commercialization committee established in  
48 25 section 15.116, which shall make a recommendation on each  
48 26 application to the board.

48 27 EXPLANATION

48 28 This bill relates to various financial assistance programs  
48 29 operated by the department of economic development. The bill  
48 30 makes organizational changes to the administration of the grow  
48 31 Iowa values fund and the programs funded with moneys  
48 32 appropriated to it. The bill also makes related changes to  
48 33 the high quality job creation program and the enterprise zone  
48 34 program.

48 35 Division I of the bill reorganizes the administration of



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49 1 the grow Iowa values fund. While the grow Iowa values fund is  
49 2 sometimes referred to as if it were a single program, under  
49 3 current law, it is actually an annual appropriation to the  
49 4 department of economic development that the department uses to  
49 5 fund a number of otherwise unrelated programs. The programs  
49 6 the department funds through the grow Iowa values fund include  
49 7 the community economic betterment program, the entrepreneurial  
49 8 ventures assistance program, the value-added agricultural  
49 9 products and processes financial assistance program, the  
49 10 physical infrastructure financial assistance program, and the  
49 11 loan and credit guarantee program. Each of these programs has  
49 12 separate eligibility requirements and financial assistance  
49 13 mechanisms, and some have funding sources other than moneys  
49 14 appropriated from the grow Iowa values fund. When moneys from  
49 15 the grow Iowa values fund are used to fund one of these  
49 16 programs, recipients of the moneys are required to pay wages  
49 17 at 130 percent of the average county wage, regardless of any  
49 18 wage requirements contained in the program itself. If,  
49 19 however, a recipient receives financial assistance under one  
49 20 of the programs that comes from a funding source other than  
49 21 the grow Iowa values fund, the recipient is only subject to  
49 22 the job and wage requirements of the program through which the  
49 23 financial assistance was received. In order to simplify and  
49 24 make uniform the job, wage, and benefit requirements and the  
49 25 funding mechanisms of these programs, division I restructures  
49 26 the appropriations within the grow Iowa values fund, creates a  
49 27 grow Iowa values financial assistance program, repeals the  
49 28 programs listed above, and creates a number of components  
49 29 within the program, some of which correspond to the repealed  
49 30 programs.

49 31 Division I establishes the grow Iowa values fund and  
49 32 specifies that the fund consists of moneys from the following  
49 33 sources: (1) the annual \$50 million appropriation pursuant to  
49 34 Code section 15G.110; (2) interest, loan repayments, and grant  
49 35 recaptures of fund moneys; (3) moneys accruing to the



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50 1 department from the repealed programs listed above; and (4)  
50 2 interest on moneys appropriated to the fund. The department,  
50 3 with the board's approval, is authorized to use a portion of  
50 4 the moneys accruing to the fund from the accounts or funds  
50 5 associated with the repealed programs for covering  
50 6 administrative costs and operations.

50 7       Currently, the grow Iowa values fund consists of multiple  
50 8 appropriations. Code section 15G.110 appropriates \$50 million  
50 9 to the department annually for deposit in the grow Iowa values  
50 10 fund, and, for each fiscal year of the fiscal period beginning  
50 11 July 1, 2009, Code section 15G.111 appropriates that \$50  
50 12 million again in smaller amounts as follows: (1) \$32 million  
50 13 to the department for financial assistance programs; (2) \$5  
50 14 million to the department for allocation to the regents  
50 15 institutions; (3) \$1 million to the department for allocation  
50 16 to the department of natural resources for assistance to  
50 17 certain state parks; (4) \$1 million to the treasurer of state  
50 18 for deposit in the cultural trust fund; (5) \$7 million to the  
50 19 department for allocation to community colleges; (6) \$1  
50 20 million to the department for financial assistance to economic  
50 21 development regions; and (7) \$3 million to the department for  
50 22 providing certain commercialization services. Division I  
50 23 restructures the multiple appropriations in Code section  
50 24 15G.111 as a single appropriation of \$50 million to the  
50 25 department, and the department is then directed to allocate  
50 26 the same amounts in substantially the same manner as they are  
50 27 appropriated under existing law.

50 28       While the allocations are substantially similar to  
50 29 appropriations under current law, division I makes the  
50 30 following changes to current law: (1) the department's \$32  
50 31 million allocation for certain departmental purposes is  
50 32 further allocated, including amounts for administrative costs,  
50 33 financial assistance to businesses under the program,  
50 34 marketing proposals, a labor shed study, responding to  
50 35 opportunities and threats, procuring technical assistance,



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51 1 covering existing loan guarantees, and \$2 million for deposit  
51 2 in the renewable fuel infrastructure fund; and (2) the current  
51 3 appropriation to the treasurer of state for deposit in the  
51 4 cultural trust fund is no longer appropriated to the treasurer  
51 5 of state but instead to the department for deposit in the  
51 6 cultural trust fund.

51 7 Division I establishes a grow Iowa values financial  
51 8 assistance program. The purpose of the program is to provide  
51 9 financial assistance from the moneys credited to the grow Iowa  
51 10 values fund which have not been specifically allocated under  
51 11 Code section 15G.111. The program consists of six components  
51 12 under which an applicant may qualify for financial assistance:  
51 13 (1) a 130 percent wage component; (2) a 100 percent wage  
51 14 component; (3) an entrepreneurial component; (4) an  
51 15 infrastructure component; (5) a value-added agriculture  
51 16 component; and (6) a disaster recovery component. The purpose  
51 17 and eligibility requirements of the program components are  
51 18 similar in many respects to those of the repealed programs,  
51 19 but the requirements of the program components are more  
51 20 uniform with each other than those of the repealed programs  
51 21 because they are reorganized and administered under a single  
51 22 program.

51 23 Division I directs the department, with the approval of the  
51 24 board, to allocate from the moneys in the fund an amount of  
51 25 financial assistance that may be awarded under each component  
51 26 of the program. This allocation among the program components  
51 27 is distinct from the \$32 million allocation from the \$50  
51 28 million annual appropriation as it encompasses all moneys in  
51 29 the fund, including those accruing to the fund from sources  
51 30 other than the annual appropriation to the department, as  
51 31 described in Code section 15G.111, subsection 1.

51 32 Division I requires the department to calculate a fiscal  
51 33 impact ratio before the board approves an award of financial  
51 34 assistance under certain components of the program. The board  
51 35 is directed to ensure that the amount of each award is



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52 1 appropriate to the fiscal impact ratio. The fiscal impact  
52 2 ratio is calculated by taking the amount of all taxes to be  
52 3 received from a business and dividing that amount by the total  
52 4 cost to the state of providing financial incentives to the  
52 5 business.

52 6 Division I provides that for each award of financial  
52 7 assistance, the department must enter into an agreement with  
52 8 the recipient that describes the terms and obligations under  
52 9 which the financial assistance is provided. Each agreement  
52 10 must contain a project completion date, a maintenance period  
52 11 completion date, the number of jobs created or retained, the  
52 12 amount of financial assistance provided, and the amount of  
52 13 matching funds from a city or county.

52 14 Division I provides for a number of standard requirements  
52 15 that every recipient of financial assistance under the program  
52 16 must meet: (1) a report on violations of law must be  
52 17 submitted; (2) the business cannot have closed or reduced  
52 18 operations in one area of the state and simply moved them to  
52 19 another area of the state; and (3) providing financial  
52 20 assistance to one business cannot have a negative impact on  
52 21 other businesses in competition with the business.

52 22 Division I provides that in administering the financial  
52 23 assistance program, the department must annually calculate a  
52 24 county wage and a regional wage for each county for purposes  
52 25 of determining eligibility for financial assistance under the  
52 26 program. Typically, applicants must meet between 100 percent  
52 27 and 130 percent of the wage calculations, depending on the  
52 28 component and the stage of the contract process. The county  
52 29 wage and the regional wage are based on data from the most  
52 30 recent four quarters of wage and employment data as reported  
52 31 by the department of workforce development. The county and  
52 32 regional wage calculations do not include the value of  
52 33 benefits.

52 34 The county wage is the average of the wages paid for jobs  
52 35 performed in the county by employers in all employment



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53 1 categories except government, agriculture, and mining. The  
53 2 regional wage is an average of certain county wages and is  
53 3 calculated as follows: (1) multiplying by four the county  
53 4 wage of a county; (2) adding together the county wage of each  
53 5 of the counties adjacent to the county; (3) adding the result  
53 6 obtained in step 1 to the result obtained in step 2; and (4)  
53 7 dividing the result obtained in step 3 by the sum of the  
53 8 number of counties adjacent to the county plus four.

53 9 Division I provides for a 130 percent wage component. In  
53 10 order to qualify for financial assistance under this  
53 11 component, a business must create or retain jobs as part of a  
53 12 project and demonstrate that the jobs meet a wage requirement.  
53 13 The precise amount and timing of the wage requirement depends  
53 14 on whether the business is creating or retaining jobs. For  
53 15 created jobs, the requirement is that the jobs pay at least  
53 16 100 percent of the qualifying wage threshold at the start of  
53 17 the project and at least 130 percent as of the project  
53 18 completion and maintenance period completion dates identified  
53 19 in the agreement with the department. For retained jobs, the  
53 20 wage requirement is that the jobs pay at least 130 percent of  
53 21 the qualifying wage threshold throughout the period covered by  
53 22 the agreement. The qualifying wage threshold is the county  
53 23 wage or the regional wage, as described above, whichever is  
53 24 lower.

53 25 In order to qualify under the 130 percent wage component, a  
53 26 business must also provide a sufficient benefits package to  
53 27 its employees. The department, with board approval, is  
53 28 directed to formulate rules determining what constitutes a  
53 29 sufficient benefits package. A business providing a  
53 30 sufficient benefits package automatically qualifies for a  
53 31 credit against the 130 percent qualifying wage threshold. The  
53 32 amount of the credit is calculated and applied as follows: (1)  
53 33 multiplying by one and three-tenths the qualifying wage  
53 34 threshold of the county in which the business is located; (2)  
53 35 multiplying the result of step 1 by one-tenth; and (3)



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54 1 crediting the amount of the result of step 2 against the  
54 2 amount represented by the 130 percent qualifying wage  
54 3 threshold requirement. The credit cannot be applied to the  
54 4 100 percent qualifying wage threshold that is applicable at  
54 5 the beginning of certain projects.

54 6 In order to qualify under the 130 percent wage component, a  
54 7 business must also demonstrate that the jobs created or  
54 8 retained will have a sufficient impact on state and local  
54 9 government revenues, as determined by the department's fiscal  
54 10 impact ratio calculation.

54 11 In order to qualify under the 130 percent wage component, a  
54 12 business cannot be a retail business or a business where  
54 13 entrance is limited by a cover charge or membership  
54 14 requirement.

54 15 If a business qualifies for financial assistance under  
54 16 another program that has higher wage requirements than the 130  
54 17 percent wage component, then the business must meet those  
54 18 requirements, regardless of the wage requirements imposed  
54 19 under the 130 percent wage component.

54 20 Division I provides for a 100 percent wage component. In  
54 21 order to qualify for financial assistance under this  
54 22 component, a business must create or retain jobs as part of a  
54 23 project and demonstrate that the jobs meet a wage requirement.  
54 24 The wage requirement depends on whether the business is  
54 25 creating or retaining jobs. The wage threshold for this  
54 26 component is 100 percent throughout each phase of the  
54 27 agreement with the department.

54 28 In order to qualify under the 100 percent wage component, a  
54 29 business must also provide a sufficient benefits package to  
54 30 its employees. The department, with board approval, is  
54 31 directed to formulate rules determining what constitutes a  
54 32 sufficient benefits package. There is no credit toward the  
54 33 qualifying wage threshold under the 100 percent wage  
54 34 component.

54 35 As with the 130 percent wage component, a business must



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55 1 show a sufficient impact on government revenues, as determined  
55 2 by the fiscal impact ratio, and cannot be a retail business or  
55 3 a business where entrance is limited by a cover charge or  
55 4 membership requirement.

55 5 Division I provides for an entrepreneurial component. This  
55 6 component is similar in purpose to the entrepreneurial  
55 7 ventures assistance program repealed in division I of the  
55 8 bill. In order to qualify under this component, a business  
55 9 must be an early-stage business. "Early-stage business" means  
55 10 a business which has been competing in a particular industry  
55 11 for three years or less. A business must also have consulted  
55 12 with and obtained a letter of endorsement from either a  
55 13 business accelerator approved by the department or from an  
55 14 entrepreneurial development organization recognized by the  
55 15 department. Businesses applying for financial assistance  
55 16 under this component are not required to have matching funds  
55 17 from a city or county. In awarding financial assistance under  
55 18 this component, the department and the board are directed to  
55 19 give priority to certain industries with the greatest  
55 20 potential for growth.

55 21 Division I provides for an infrastructure component. This  
55 22 component is similar in purpose to the physical infrastructure  
55 23 assistance component repealed in division I of the bill. In  
55 24 order to qualify for financial assistance under this  
55 25 component, a business or community must be engaged in a  
55 26 physical infrastructure project. "Physical infrastructure  
55 27 project" means a project that creates necessary infrastructure  
55 28 for economic success throughout Iowa, provides the foundation  
55 29 for the creation of jobs, and that involves the investment of  
55 30 a substantial amount of capital.

55 31 Division I provides for a value-added agriculture  
55 32 component. This component is similar in purpose to the  
55 33 value-added agricultural products and processes financial  
55 34 assistance program repealed in division I of the bill. In  
55 35 order to qualify for financial assistance under this



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56 1 component, a business must be a production facility engaged in  
56 2 the process of adding value to certain agricultural products.  
56 3 The board and the department cannot award financial assistance  
56 4 under this component in an amount exceeding 50 percent of the  
56 5 total capital investment in a project. A business applying  
56 6 for financial assistance under this component is eligible for  
56 7 financial assistance regardless of whether the business has  
56 8 received matching funds from a city or county.

56 9 Division I of the bill provides for a disaster recovery  
56 10 component. In order to qualify for financial assistance under  
56 11 this component, a business must meet all of the following  
56 12 conditions: (1) the business must be located in an area  
56 13 declared a disaster area by a federal official; (2) the  
56 14 business must have sustained substantial physical damage and  
56 15 have closed as the result of a natural disaster; (3) the  
56 16 business must have a plan for reopening that includes  
56 17 employing a sufficient number of the employees the business  
56 18 employed before the natural disaster occurred; and (4) the  
56 19 business must pay wages at the same level after reopening as  
56 20 it paid before the natural disaster occurred.

56 21 Division I provides for financial assistance under certain  
56 22 circumstances constituting either an opportunity or a threat  
56 23 to the state. The department, with the approval of the board,  
56 24 may award financial assistance to a business, an individual, a  
56 25 development corporation, a nonprofit organization, or a  
56 26 political subdivision of the state where, in the opinion of  
56 27 the department, there is a project presenting a unique  
56 28 opportunity for economic development in the state, or where  
56 29 there is a need to address a situation constituting a threat  
56 30 to the continued economic prosperity of the state. Financial  
56 31 assistance provided under these circumstances comes from the  
56 32 grow Iowa values fund, but such financial assistance is not  
56 33 subject to the standard requirements of the grow Iowa values  
56 34 financial assistance program or any of its components. The  
56 35 board is directed to adopt rules governing the eligibility of



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57 1 projects for this form of financial assistance.  
57 2 Division I directs the department, with the approval of the  
57 3 board, to adopt rules making the terms of agreements with the  
57 4 recipients of financial assistance uniform across different  
57 5 programs, to the extent possible. These programs include the  
57 6 grow Iowa values financial assistance program, the high  
57 7 quality jobs program, and the enterprise zone program.  
57 8 Division I requires the department to accept and process  
57 9 applications for financial assistance under the program before  
57 10 preparing them for the board. The due diligence committee  
57 11 established by the board pursuant to Code section 15.103 must  
57 12 review all applications and make a recommendation to the  
57 13 board. Applications for financial assistance under the  
57 14 value-added agriculture component must also be reviewed and  
57 15 recommended by the agricultural products advisory council  
57 16 established pursuant to Code section 15.203. Applications for  
57 17 financial assistance related to technology commercialization  
57 18 must be reviewed by the technology commercialization  
57 19 committee. In overseeing the administration of the grow Iowa  
57 20 values fund and financial assistance program, the board must  
57 21 take final action on the department's recommended annual  
57 22 allocations of fund moneys at the first board meeting after  
57 23 the start of a new fiscal year, consider the recommendations  
57 24 of the due diligence committee and agricultural products  
57 25 advisory council, and take final action on the plans for  
57 26 proposed expenditures submitted by the entities receiving  
57 27 moneys allocated under Code section 15G.111.  
57 28 Division I establishes an accelerated career education fund  
57 29 in the state treasury under the control of the department and  
57 30 consisting of moneys appropriated to the department for  
57 31 purposes of funding the cost of accelerated career education  
57 32 program capital projects.  
57 33 Division I provides for the transfer of the balance of  
57 34 moneys remaining in the various funds and accounts associated  
57 35 with the programs abolished in division I of the bill.



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58 1 Because there are moneys obligated as guarantees made under  
58 2 the loan and credit guarantee program which may become  
58 3 unobligated on a future date, division I provides for the  
58 4 future transfer of such moneys to the grow Iowa values fund.  
58 5 Division I also provides for the transfer to the accelerated  
58 6 career education fund of certain past appropriations made to  
58 7 the department for purposes of accelerated career education  
58 8 program capital projects.  
58 9 Division II of the bill relates to the high quality job  
58 10 creation program. Currently, the high quality job creation  
58 11 program provides financial incentives to businesses that meet  
58 12 certain job and wage requirements, but these requirements are  
58 13 independent of any similar requirements in programs funded  
58 14 through the grow Iowa values fund. Because applicants can  
58 15 apply to both programs, they are often subject to differing  
58 16 requirements on the same project. Division II applies the job  
58 17 creation requirements and the 130 percent qualifying wage  
58 18 threshold requirements, including the credit for providing a  
58 19 benefits package, of the grow Iowa values financial assistance  
58 20 program to the high quality job creation program. These  
58 21 changes include making financial assistance under the high  
58 22 quality job creation program available for projects retaining  
58 23 jobs, thus division II changes the name of the program to the  
58 24 high quality jobs program.  
58 25 Division II makes some changes to the high quality jobs  
58 26 program in addition to the changes necessary to standardize  
58 27 certain requirements with the requirements in the grow Iowa  
58 28 values financial assistance program. Under current law, the  
58 29 department must consider all of the following: (1) whether a  
58 30 business that has merged with an Iowa company within the past  
58 31 three years has made a good faith effort to hire the workers  
58 32 of the acquired company; (2) whether the business has a hiring  
58 33 preference for Iowa residents; and (3) whether all known  
58 34 environmental permits have been issued and regulations met.  
58 35 Division II eliminates these provisions.



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59 1 Division II moves the definition of "project completion"  
59 2 from the definitions in Code section 15.327 to the sales tax  
59 3 refund provision in Code section 15.331A. The provision  
59 4 defining "project completion" is only applicable to sales tax  
59 5 refunds.

59 6 Currently, the high quality job creation program contains a  
59 7 schedule of certain tax incentives available to eligible  
59 8 businesses under the program. The schedule is graduated,  
59 9 providing increasing investment tax credits and sales tax  
59 10 refunds as the number of jobs created and the amount of the  
59 11 qualifying investment are increased. The graduated schedule  
59 12 contains two tiers: one for jobs paying 130 percent of the  
59 13 average county wage and one for jobs paying 160 percent of the  
59 14 average county wage. Division II removes the current "average  
59 15 county wage" language and replaces it with the qualifying wage  
59 16 threshold requirements described in the grow Iowa values  
59 17 financial assistance program. The 160 percent tier of  
59 18 incentives is eliminated, and the graduated scale of  
59 19 incentives is adjusted by changing the number of jobs that are  
59 20 required to be created in order to reach certain incentive  
59 21 levels.

59 22 Currently, the high quality job creation program provides  
59 23 for project-specific waivers from the wage requirements of the  
59 24 program. These waivers refer to average county or average  
59 25 regional wage calculations. Division II retains the waivers,  
59 26 but amends the language of the waiver provisions to reflect  
59 27 the county wage and regional wage calculations of the grow  
59 28 Iowa values financial assistance program.

59 29 Division III of the bill relates to enterprise zones. Like  
59 30 the high quality job creation program, there are  
59 31 benefit-related, job-related, and wage-related eligibility  
59 32 requirements under the enterprise zone program. Division III  
59 33 standardizes some of these requirements with similar  
59 34 requirements in the high quality jobs program and the grow  
59 35 Iowa values financial assistance program.



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60 1       Currently, in order to be eligible, a business must provide  
60 2 employees with a benefit plan that pays 80 percent of the cost  
60 3 of medical and dental insurance or the monetary equivalent of  
60 4 such a plan. Division III standardizes the benefit  
60 5 requirement for the enterprise zone program with the benefit  
60 6 requirements of the grow Iowa values financial assistance  
60 7 program and the high quality jobs program. Specifically, a  
60 8 business must provide a sufficient package of benefits to  
60 9 employees, but what constitutes sufficient is determined by  
60 10 rule.

60 11       Currently, an eligible business under the enterprise zone  
60 12 program must pay wages that are at least 90 percent of the  
60 13 average county wage, but not less than \$7.50 per hour.  
60 14 Division III changes the wage requirement to be 90 percent of  
60 15 the qualifying wage threshold, as defined in the grow Iowa  
60 16 values financial assistance program. The \$7.50 per hour  
60 17 requirement is eliminated.

60 18       Currently, an eligible business under the enterprise zone  
60 19 program must create at least 10 full-time positions and  
60 20 maintain them for at least 10 years. Division III requires  
60 21 instead that 10 full-time positions must be maintained until  
60 22 the maintenance period completion date, as defined in the grow  
60 23 Iowa values financial assistance program. Currently, under  
60 24 certain circumstances in low-population counties, a business  
60 25 may only be required to create five jobs initially, with the  
60 26 other five jobs to be created within five years. Division III  
60 27 eliminates the provision that allows this.

60 28       Currently, an eligible business under the enterprise zone  
60 29 program must make a capital investment of at least \$500,000,  
60 30 but is allowed to count the fair market value of the building  
60 31 and the land, up to \$250,000, toward this capital investment  
60 32 requirement if the business will be occupying a vacant  
60 33 building suitable for industrial use. Existing businesses  
60 34 operating in an enterprise zone for at least five years are  
60 35 also eligible for an exemption from the capital investment



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61 1 requirement of up to \$250,000. Division III eliminates the  
61 2 ability to count the fair market value of the building and the  
61 3 land, as well as the exemption for existing businesses.  
61 4 Currently, an enterprise zone commission must consider the  
61 5 impact an eligible business will have on competing businesses.  
61 6 Division III standardizes the language of this requirement  
61 7 with similar language in the grow Iowa values financial  
61 8 assistance program.  
61 9 Currently, an eligible business under the enterprise zone  
61 10 program must submit an affidavit on its compliance with  
61 11 federal environmental and worker safety laws. Division III  
61 12 standardizes this language with similar language in the grow  
61 13 Iowa values financial assistance program requiring a report on  
61 14 violations of law.  
61 15 Division IV of the bill makes amendments to the Code in  
61 16 conformance with the changes made in divisions I, II, and III  
61 17 of the bill. These amendments include changes to the duties  
61 18 of the economic development board's loan and credit guarantee  
61 19 committee, adding administration of the grow Iowa values  
61 20 financial assistance program to the duties of the board,  
61 21 removing references in certain reporting requirements to the  
61 22 programs abolished in division I, adding review of  
61 23 applications for financial assistance under the value-added  
61 24 agriculture component of the grow Iowa values financial  
61 25 assistance program to the duties of the agricultural products  
61 26 advisory council, removing various references throughout the  
61 27 Code to the programs abolished in division I, and changing  
61 28 certain provisions to refer to the grow Iowa values financial  
61 29 assistance program instead of the grow Iowa values fund or the  
61 30 programs abolished in division I.  
61 31 Division IV contains two conditional enactments. If House  
61 32 Study Bill 109 is enacted, division IV makes certain  
61 33 conforming amendments to harmonize sections of the Code.  
61 34 LSB 1441SV 83  
61 35 tw/rj/14



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**Senate File 345 - Introduced**

SENATE FILE  
BY SODDERS

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act providing for certain witness information in the minutes  
2 of evidence filed with a trial information or indictment and  
3 providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2458SS 83  
6 rh/rj/8



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1 1 Section 1. NEW SECTION. 813.3A TRIAL INFORMATION OR  
1 2 INDICTMENT == MINUTES OF EVIDENCE.  
1 3 A prosecuting attorney shall, at the time of filing a trial  
1 4 information or indictment, also file the minutes of evidence  
1 5 of the witnesses which shall consist of a notice in writing  
1 6 stating the name, place of employment, and occupation of each  
1 7 witness upon whose expected testimony the information is  
1 8 based, or upon whose grand jury testimony the indictment is  
1 9 based, and a full and fair statement of the witness' expected  
1 10 testimony. Such notice shall not contain the residential  
1 11 address of any witness.  
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 provides that a prosecuting attorney shall, at  
1 16 the time of filing a trial information or indictment, also  
1 17 file the minutes of evidence of the witnesses which shall  
1 18 consist of a notice in writing stating the name, place of  
1 19 employment, and occupation of each witness upon whose expected  
1 20 testimony the information is based, or upon whose grand jury  
1 21 testimony the indictment is based, and a full and fair  
1 22 statement of the witness' expected testimony. Such notice  
1 23 shall not contain the residential address of any witness.  
1 24 The bill takes effect upon enactment.  
1 25 LSB 2458SS 83  
1 26 rh/rj/8



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**Senate File 346 - Introduced**

SENATE FILE  
BY McCOY

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act providing for the sale of Iowa communications network  
2 assets, providing for related technical and substantive  
3 changes, and providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1739XS 83  
6 rn/nh/8



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1 1 Section 1. SALE OF IOWA COMMUNICATIONS NETWORK ASSETS ==  
1 2 FINDINGS AND PURPOSE AND DEFINITIONS.  
1 3 1. FINDINGS AND PURPOSE. The Iowa communications network  
1 4 is a valuable state telecommunications asset and has provided  
1 5 fair, reasonable, and predictable access to advanced  
1 6 telecommunications technology for authorized users. With  
1 7 video classrooms located statewide, authorized users are able  
1 8 to equally access state-of-the-art voice, video, data, and  
1 9 internet services at comparable prices statewide, regardless  
1 10 of location. At a time when budgets are strained and there is  
1 11 a shortage in the availability of educators, it is essential  
1 12 that the educational content carried over the Iowa  
1 13 communications network be preserved and enhanced. It is also  
1 14 vital that secure telecommunications services provided by the  
1 15 Iowa communications network to homeland security and public  
1 16 defense providers be retained. The state desires to remain a  
1 17 credible business partner to all current authorized network  
1 18 users. To ensure that the utilization of the Iowa  
1 19 communications network resource is maximized while minimizing  
1 20 further investment by the state to maintain the  
1 21 infrastructure, it is in the best interest of the citizens of  
1 22 this state to offer some of the assets of the Iowa  
1 23 communications network for sale, while retaining ample  
1 24 capacity to provide authorized users required  
1 25 telecommunications services now and in the future. Through a  
1 26 sale of most of the fiberoptic cable and optronics, or light=  
1 27 passing equipment, and retaining capacity through long-term  
1 28 indefeasible right-of-use agreements, the state would continue  
1 29 to provide telecommunications services and adequate capacity  
1 30 into the future. Selling the Iowa communications network  
1 31 assets using an intermediary professional agent specializing  
1 32 in telecommunications resources to market the assets will  
1 33 strengthen the ability of the state to receive a fair price  
1 34 for the assets while allowing an impartial third party using  
1 35 predetermined sales criteria to determine the most qualified



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2 1 buyer. By using the sales proceeds to prepay remaining  
2 2 construction debt and provide revenue for an equipment  
2 3 replacement fund, state=provided funding for network  
2 4 maintenance and upgrade will be minimized. Continued  
2 5 provision of the full array of network services will appear  
2 6 seamless to current authorized users when the sales process is  
2 7 completed.

2 8 2. DEFINITIONS. As used in sections 1 through 6 of this  
2 9 Act, unless the context otherwise requires:

2 10 a. "Advanced telecommunications services" means high=  
2 11 quality voice, data, graphics, and video telecommunications  
2 12 services using any technology with regard to transmission  
2 13 media that utilizes high=speed, switched, broadband  
2 14 telecommunications capability.

2 15 b. "Authority" means the Iowa communications network sales  
2 16 authority established to oversee the sale of backbone assets  
2 17 pursuant to this Act.

2 18 c. "Authorized user" means a private or public agency, as  
2 19 defined in section 8D.2, except for a public or private agency  
2 20 which was required pursuant to section 8D.9, subsection 1, to  
2 21 certify to the commission not later than July 1, 1994, the  
2 22 agency's intent to become a part of the network and which did  
2 23 not provide such certification. Agencies that obtained  
2 24 legislative approval to join the network after July 1, 1994,  
2 25 will be treated as a public or private agency for purposes of  
2 26 this definition and all provisions of chapter 8D.

2 27 d. "Backbone assets" means the backbone fiber comprising  
2 28 the five fiber optic rings located outside of the Des Moines  
2 29 metropolitan area and the optronic equipment associated with  
2 30 those rings.

2 31 e. "Capacity" means the information=carrying ability of a  
2 32 telecommunications facility. The measurement of capacity is  
2 33 determined by the purpose of the facility.

2 34 f. "Certificates of participation" means the two issuances  
2 35 of certificates of participation issued by the state in 1992



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3 1 and 1993 to fund the construction of the owned fiber and  
3 2 equipment for Parts I and II of the network as defined in  
3 3 chapter 8D.  
3 4 g. "Commission" means the Iowa telecommunications and  
3 5 technology commission as defined in section 8D.2.  
3 6 h. "Indefeasible right of use" means an indefeasible right  
3 7 to use fiber, including an entire cable or a portion of the  
3 8 capacity of a cable, or channels of a given bandwidth for a  
3 9 defined period of time.  
3 10 i. "Iowa communications network hub" means the  
3 11 telecommunications facility located in the joint forces  
3 12 headquarters armory, Johnston, Iowa, where the main switching  
3 13 and maintenance operations of the network take place.  
3 14 j. "Network" means the Iowa communications network.  
3 15 k. "Network operations center" means the maintenance and  
3 16 network diagnostic equipment that manages the network  
3 17 infrastructure.  
3 18 l. "Optronics" means the fiberoptic equipment that  
3 19 activates the fiber and allows light to traverse.  
3 20 m. "Professional agent" means any person having  
3 21 specialized expertise required in the process of selling the  
3 22 Iowa communications network including but not limited to  
3 23 expertise regarding brokerage, contracting, asset valuation,  
3 24 sales, or negotiation services.  
3 25 n. "Prospective purchaser" means the potential purchaser  
3 26 of the network that the professional agent recommends to the  
3 27 authority to purchase the network assets, as provided in  
3 28 section 3 of this Act.  
3 29 o. "Qualified purchaser" means a prospective purchaser  
3 30 that has been approved by the governor and qualified in  
3 31 accordance with the provisions of section 4 of this Act.  
3 32 p. "Right-of-way accommodation agreement" means a twenty=  
3 33 year agreement between the network and the department of  
3 34 transportation that includes an option to extend the agreement  
3 35 for an additional ten years, which is definitive with respect



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4 1 to the use of interstate rights-of-way and gives the  
4 2 department of transportation the sole right to approve or deny  
4 3 other users of the sheath, trench, or any of the ducts.  
4 4 q. "Telecommunications facility" means a collection of  
4 5 fibers which originates at an access point and ends at the  
4 6 fiberoptic termination connector attached to the electronic  
4 7 and optronic equipment necessary to transmit voice, video, or  
4 8 data transmissions across the fiberoptic network.  
4 9 r. "Telecommunications services" means the provision of  
4 10 any of the following services:  
4 11 (1) Local exchange telephone services.  
4 12 (2) Long distance telephone services.  
4 13 (3) Internet access services.  
4 14 (4) Cable television services.  
4 15 Sec. 2. IOWA COMMUNICATIONS NETWORK SALES AUTHORITY  
4 16 ESTABLISHED.  
4 17 1. AUTHORITY ESTABLISHED == PURPOSE == POWERS. An Iowa  
4 18 communications network sales authority is established with the  
4 19 sole authority to oversee the sales process regarding transfer  
4 20 of ownership of the network's backbone assets to a qualified  
4 21 purchaser pursuant to this Act. Subject to final approval of  
4 22 the selection of the qualified purchaser and terms of sale by  
4 23 the governor, the authority's operation shall not be subject  
4 24 to the jurisdiction or control of any other state agency, and  
4 25 the authority shall possess full and sole authority over the  
4 26 Iowa communications network backbone asset sales process.  
4 27 However, the authority is subject to the general operations  
4 28 practices and procedures which are generally applicable to  
4 29 other state agencies during the period of its operation. The  
4 30 authority shall be in existence from the effective date of  
4 31 this Act until a qualified purchaser has been approved by the  
4 32 governor, and all sales agreements necessary to complete the  
4 33 sale have been negotiated and entered into.  
4 34 2. MEMBERSHIP. Membership of the authority shall consist  
4 35 of the treasurer of state, the auditor of state, two members



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5 1 of the Iowa telecommunications and technology commission, and  
5 2 one member of the Iowa utilities board. Three members of the  
5 3 authority shall constitute a quorum, and the members shall  
5 4 elect a chairperson, vice chairperson, secretary, and other  
5 5 officers as determined necessary. Meetings of the authority  
5 6 shall be held at the call of the chairperson or when a  
5 7 majority of the members so requests. The members of the  
5 8 authority shall not receive compensation by reason of their  
5 9 membership.

5 10 Sec. 3. PROFESSIONAL AGENT RETENTION. The authority shall  
5 11 issue a request for proposals to retain a professional agent  
5 12 with telecommunications asset sales experience to market and  
5 13 coordinate the sales process of the backbone assets.

5 14 The governor, in consultation with the treasurer of state  
5 15 and the department of management, may negotiate fair and  
5 16 equitable terms of compensation for the professional agent.  
5 17 The described backbone assets shall only be available for a  
5 18 single private vendor, or a consortium acting as a single  
5 19 private vendor, to purchase and the state shall retain an  
5 20 indefeasible right of use with respect to certain amounts of  
5 21 backbone capacity in optical wavelengths for a negotiated  
5 22 period of seven to twenty-five years, and two optional renewal  
5 23 periods of ten years each. As part of the sale, the purchaser  
5 24 shall enter into indefeasible right-of-use agreements with the  
5 25 state in which the purchaser shall grant the state an  
5 26 indefeasible right of use with respect to backbone capacity  
5 27 and optical wavelengths and Part II facilities and the dark  
5 28 fiber connecting various Part III aggregation points to  
5 29 network backbone-switching points. During the term of an  
5 30 indefeasible right-of-use agreement, the state as holder of  
5 31 the indefeasible right of use will have complete and total  
5 32 ownership of the fiber or channels identified in the  
5 33 indefeasible right-of-use agreement, may use the fiber or  
5 34 channels as if they were a physically owned asset of the  
5 35 state, and the state's interest in the fiber or channels



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6 1 cannot be annulled or made void by the grantor of the  
6 2 indefeasible right of use or any other party. At the end of  
6 3 the term of an indefeasible right-of-use agreement and any  
6 4 renewal periods, title to the equipment and fiber assets and  
6 5 optical wavelength capacities covered by the agreement shall  
6 6 pass completely to the purchaser. The terms of the sale of  
6 7 the assets shall also include provisions committing the  
6 8 commission to purchase field services, including maintenance,  
6 9 provisioning, and build out, from the purchaser and committing  
6 10 the commission to pay a monthly fee for fiber maintenance and  
6 11 field services for the assets that are sold. The request for  
6 12 proposals shall be issued no later than six months from the  
6 13 date of enactment of this Act. The request for proposals may  
6 14 include:

- 6 15 1. A detailed list of the network assets for sale.
- 6 16 2. A detailed description of the unfettered and  
6 17 unrestricted use of specified capacities of optical  
6 18 wavelengths occupying a portion of the backbone assets.
- 6 19 3. A procedure to determine the compensation for the  
6 20 successful professional agent.
- 6 21 4. Parameters surrounding the sale, to be determined by  
6 22 the governor, which shall include but not be limited to the  
6 23 following:
  - 6 24 a. The amount of time the state would allow the  
6 25 professional agent to market the assets.
  - 6 26 b. A provision that the governor or the governor's  
6 27 designee shall have the ultimate discretion to accept or  
6 28 reject an offer from a prospective purchaser.
  - 6 29 c. A detailed framework for the indefeasible right-of-use  
6 30 agreement between the state and the successful purchaser as  
6 31 well as indefeasible right-of-use agreements for Part II  
6 32 facilities. The indefeasible right-of-use agreements and any  
6 33 other agreements necessary to complete the sale shall clearly  
6 34 provide that the network and the state shall be held harmless  
6 35 in the event the purchaser suffers a loss of revenue due to a



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7 1 failure of any assets sold to the purchaser or to a failure of  
7 2 any portion of the network being shared by the network.

7 3     d. A detailed process and procedures for routing capacity  
7 4 from the backbone termination points in public buildings to  
7 5 sites owned by the purchaser and sharing of alternating  
7 6 current power, direct current power, and high-voltage  
7 7 alternating current power needed to operate the purchaser's  
7 8 equipment and related expenses in the public buildings.

7 9     e. A detailed framework for the standards required  
7 10 regarding network maintenance.

7 11     f. A requirement that the purchaser offer advanced  
7 12 telecommunications services equitably across the state,  
7 13 specifically serving areas where those types of services are  
7 14 not yet available.

7 15     g. A requirement that the purchaser grant the network the  
7 16 right to participate in future upgrades of the backbone  
7 17 electronics statewide in the fiberoptic network outside the  
7 18 Des Moines metropolitan area.

7 19     h. The criteria to be used as a basis for determining the  
7 20 successful purchaser.

7 21     i. An analysis of a prospective purchaser's financial  
7 22 stability with particular attention to assessing the  
7 23 prospective purchaser's potential vulnerability to bankruptcy.

7 24     j. A requirement that during the negotiations process, the  
7 25 prospective purchaser shall offer the state reasonable surety  
7 26 of long-term economic viability. Such surety may include a  
7 27 requirement of posting bond or some other financial  
7 28 compensation to guard against the purchaser's inability to  
7 29 meet the financial terms of the agreement. The purchaser  
7 30 shall guarantee that the state's indefeasible right-of-use  
7 31 agreements shall be protected in the case of the bankruptcy of  
7 32 the purchaser.

7 33     The authority shall select the professional agent  
7 34 submitting the proposal that provides the best overall value  
7 35 to the state. The public interest requires that the



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8 1 authority's ability to enter into a contract with a  
8 2 professional agent not be delayed; therefore, the decision of  
8 3 the authority shall be final. Notwithstanding the provisions  
8 4 of chapter 17A a professional agent not selected by the  
8 5 authority shall not be entitled to a contested case hearing or  
8 6 to otherwise challenge the decision of the authority.

8 7     Sec. 4. MARKETING OF THE NETWORK ASSETS. Using the  
8 8 parameters included in the request for proposals, the selected  
8 9 professional agent shall develop a process to market and sell  
8 10 the assets designed to maximize the state's proceeds from the  
8 11 sale. During the marketing period, using the predetermined  
8 12 parameters, including meeting financial qualifications, the  
8 13 professional agent shall identify a prospective purchaser and  
8 14 submit the prospective purchaser to a qualification process  
8 15 designed to verify the purchaser's ability to adequately  
8 16 operate and maintain the backbone network. This verification  
8 17 process shall include the following:

8 18     1. Verifying that the purchaser has proven experience  
8 19 operating a telecommunications network.

8 20     2. Verifying that the purchaser has the ability to  
8 21 purchase the network outright or has the collateral to secure  
8 22 financing of a loan to purchase the network.

8 23     3. Other criteria as established by the general assembly  
8 24 or the governor.

8 25     4. Verifying that the purchaser agrees to the requirement  
8 26 that other telecommunications companies providing services  
8 27 since January 1, 2009, be allowed to enter into a buyers  
8 28 consortium and share in the purchased assets or facilities in  
8 29 proportion to terms established in the consortium agreement  
8 30 which shall guarantee or result in equal opportunity for  
8 31 access by consortium members.

8 32     5. Verifying that the purchaser is an entity that agrees  
8 33 to guarantee equal access to the purchased assets to any  
8 34 telecommunications company that has been providing services to  
8 35 Iowa customers since January 1, 2009. Such equal access means



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9 1 that the purchaser shall not do any of the following regarding  
9 2 a telecommunications company providing services to Iowa  
9 3 customers since January 1, 2009:

9 4 a. Discriminate by refusing or delaying access to the  
9 5 purchased assets.

9 6 b. Degrade the quality of access or service provided.

9 7 c. Fail to disclose in a timely manner, upon reasonable  
9 8 request and pursuant to a protective agreement concerning  
9 9 proprietary information, all information reasonably necessary  
9 10 for the design of network interface equipment, network  
9 11 interface services, or software that will meet the  
9 12 specifications of the purchaser.

9 13 d. Unreasonably refuse or delay interconnections or  
9 14 provide inferior interconnections.

9 15 e. Discriminate in favor of itself or an affiliate in the  
9 16 provision and pricing of, or extension of credit for, any  
9 17 service.

9 18 6. Any telecommunications company as described in  
9 19 subsection 5 may file a written complaint at any time with the  
9 20 utilities board established in chapter 476 requesting the  
9 21 board to determine compliance by the purchaser with the  
9 22 provisions of this section or any board rules implementing  
9 23 this section. Upon the filing of such complaint, the board  
9 24 may promptly initiate a formal complaint proceeding and give  
9 25 notice of the proceeding and the opportunity for hearing. The  
9 26 formal complaint proceeding may be initiated at any time by  
9 27 the board on its own motion. The board shall render a  
9 28 decision in the proceeding within ninety days after the date  
9 29 the written complaint was filed.

9 30 Upon verification by the professional agent of the  
9 31 purchaser's ability to adequately operate and maintain the  
9 32 backbone network, the authority shall make a recommendation  
9 33 regarding a purchaser and the terms of sale to the governor.  
9 34 The governor shall have the right of final approval of the  
9 35 purchaser and the terms of sale.



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10 1 If the professional agent is unable to identify a  
10 2 prospective purchaser able to adequately operate and maintain  
10 3 the backbone network, the professional agent shall submit a  
10 4 report to the authority explaining the reasons supporting this  
10 5 conclusion.

10 6 Sec. 5. POSTSELECTION PROCEDURES.

10 7 1. Once the governor has approved a purchaser and the  
10 8 terms of sale, the authority shall enter into a contract with  
10 9 the purchaser for sale of the assets. The authority shall  
10 10 enter into a memorandum of understanding regarding procedures  
10 11 for operation of the network until the sale is finalized with  
10 12 the proposed purchaser. The memorandum shall indicate that  
10 13 the purchaser, in good faith, intends to finalize the purchase  
10 14 and shall pay a termination penalty if the purchaser does not  
10 15 finalize the purchase.

10 16 2. Any outstanding debt or liens upon the network assets,  
10 17 including the certificates of participation, shall be  
10 18 discharged out of the state's proceeds of closing, so that the  
10 19 purchaser receives marketable title to the assets. Prepayment  
10 20 of the certificates of participation shall be made prior to  
10 21 closing the sale of assets or as part of closing the sale, and  
10 22 shall be accomplished in a way that does not jeopardize the  
10 23 tax-exempt status of the certificates of participation.

10 24 3. The state and the purchaser shall also negotiate their  
10 25 relevant interest in right-of-way accommodation agreements and  
10 26 leases and easements for uses of rights-of-way. The  
10 27 negotiations may specify that the purchaser shall have the  
10 28 option of paying the entire sale price in a single lump sum  
10 29 payment at the time that the sale is finalized, or  
10 30 alternatively may pay for the backbone assets at the time that  
10 31 the sale is finalized and make an annual payment for use of  
10 32 the rights-of-way.

10 33 4. The purchaser shall immediately establish points of  
10 34 presence near the existing network switching centers and  
10 35 establish fiber extensions and connectivity between them. The



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11 1 purchaser shall physically locate in the vicinity of the joint  
11 2 forces headquarters armory in Johnston, Iowa, and establish  
11 3 fiber connectivity between the network hub and the vendor's  
11 4 location. Duplicate racks of backbone core equipment shall be  
11 5 provided by the purchaser and installed by the network to  
11 6 carry traffic while the network backbone is transferred to the  
11 7 purchaser. The purchaser shall purchase the equipment  
11 8 required in this process for the network and pay any and all  
11 9 related expenses associated with this conversion effort.

11 10 5. The authority shall enter into infeasible right-of=  
11 11 use agreements with the purchaser in which the purchaser shall  
11 12 grant the state an infeasible right of use with respect to  
11 13 the backbone optical wavelengths and Part II facilities and  
11 14 the dark fiber connecting various Part III aggregation points  
11 15 to network backbone=switching points. The infeasible right=  
11 16 of=use agreements and any other agreements necessary to  
11 17 complete the sale shall clearly provide that the network and  
11 18 the state shall not be held liable in any manner in the event  
11 19 the purchaser suffers a loss of revenue due to a failure of  
11 20 any portion of the network being shared by the network.

11 21 6. The authority shall enter into any other agreements  
11 22 necessary to complete the sale, including agreements  
11 23 committing the commission to purchase field services,  
11 24 including maintenance provisioning, and build out, from the  
11 25 purchaser and committing the commission to pay a monthly fee  
11 26 for fiber maintenance and field services for the assets that  
11 27 are sold. The request for proposals shall be issued no later  
11 28 than six months from the date of enactment of this Act.

11 29 Sec. 6. PROGRESS REPORTS. The authority, in consultation  
11 30 with the governor, shall submit to the general assembly  
11 31 periodic progress reports at three-month intervals from the  
11 32 effective date of this Act. The reports shall indicate the  
11 33 extent of progress, during the reporting period, in issuing  
11 34 the request for proposals; retaining a professional agent;  
11 35 marketing efforts by the professional agent; identification,



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12 1 qualification, and selection of a purchaser; and the  
12 2 postselection process of finalizing the sale, entering into  
12 3 indefeasible right of use agreements, and maintaining the  
12 4 network.

12 5 Sec. 7. Section 8D.2, Code 2009, is amended by adding the  
12 6 following new subsection:

12 7 NEW SUBSECTION. 2A. "Indefeasible right of use" means an  
12 8 indefeasible right to use fiber, including an entire cable or  
12 9 a portion of the capacity of a cable, or channels of a given  
12 10 bandwidth for a defined period of time.

12 11 Sec. 8. Section 8D.3, subsection 3, paragraph i, Code  
12 12 2009, is amended to read as follows:

12 13 i. Evaluate existing and projected rates for use of the  
12 14 system and ensure that rates are sufficient to pay for the  
12 15 operation and required equipment upgrade and replacement of  
12 16 the system excluding the cost of construction and lease costs  
12 17 for Parts I, II, and III. The commission shall establish all  
12 18 hourly rates to be charged to all authorized users for the use  
12 19 of the network and shall consider all costs of the network in  
12 20 establishing the rates. A fee established by the commission  
12 21 to be charged to a hospital licensed pursuant to chapter 135B,  
12 22 a physician clinic, or the federal government shall be at an  
12 23 appropriate rate so that, at a minimum, there is no state  
12 24 subsidy related to the costs of the connection or use of the  
12 25 network related to such user.

12 26 Sec. 9. Section 8D.11, Code 2009, is amended by adding the  
12 27 following new subsection:

12 28 NEW SUBSECTION. 1A. The commission may use indefeasible  
12 29 right-of-use agreements to acquire and dispose of property,  
12 30 equipment, and services as provided in section 8D.13,  
12 31 subsection 4.

12 32 Sec. 10. Section 8D.13, subsection 2, Code 2009, is  
12 33 amended to read as follows:

12 34 2. For purposes of this section, unless the context  
12 35 otherwise requires:



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13 1 a. "Part I" means the communications connections ~~between~~  
13 2 to central switching and institutions under the control of the  
13 3 board of regents, nonprofit institutions of higher education  
13 4 eligible for tuition grants, and the regional switching  
13 5 centers for the remainder of the network.

13 6 b. "Part II" means the communications connections ~~between~~  
13 7 to the regional switching centers and the secondary switching  
13 8 centers.

13 9 c. "Part III" means the communications connection ~~between~~  
13 10 to the secondary switching centers and the agencies defined in  
13 11 section 8D.2, subsections 4 and 5, excluding state agencies,  
13 12 institutions under the control of the board of regents,  
13 13 nonprofit institutions of higher education eligible for  
13 14 tuition grants, and the judicial branch, judicial district  
13 15 departments of correctional services, hospitals and physician  
13 16 clinics, agencies of the federal government, and post offices.

13 17 Sec. 11. Section 8D.13, subsection 3, Code 2009, is  
13 18 amended to read as follows:

13 19 3. The financing for the procurement costs for the  
13 20 entirety of Part I except for the communications connections  
13 21 ~~between~~ to central switching and institutions under the  
13 22 control of the board of regents, and nonprofit institutions of  
13 23 higher education eligible for tuition grants, and for the  
13 24 video, data, and voice capacity for state agencies and for  
13 25 Part II and Part III, shall be provided by the state. The  
13 26 financing for the procurement and maintenance costs for Part  
13 27 III shall be provided by the state. ~~A local school board,~~  
13 28 ~~governing authority of a nonpublic school, or an area~~  
13 29 ~~education agency board may elect to provide one hundred~~  
13 30 ~~percent of the financing for the procurement and maintenance~~  
13 31 ~~costs for Part III to become part of the network. The basis~~  
13 32 ~~for the amount of state financing is one hundred percent of a~~  
13 33 ~~single interactive audio and interactive video connection for~~  
13 34 ~~Part III, and such data and voice capacity as is necessary.~~  
13 35 If a school board, governing authority of a nonpublic school,



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14 1 or area education agency board elects to provide one hundred  
14 2 percent of the financing for the leasing costs for Part III,  
14 3 the school district or area education agency may become part  
14 4 of the network as soon as the network can reasonably connect  
14 5 the district or agency. A local school board, governing  
14 6 authority of a nonpublic school, or an area education agency  
14 7 board may also elect not to become part of the network.  
14 8 Construction of Part III, related to a school board, governing  
14 9 authority of a nonpublic school, or area education agency  
14 10 board which provides one hundred percent of the financing for  
14 11 the leasing costs for Part III, may proceed as determined by  
14 12 the commission and consistent with the purpose of this  
14 13 chapter.

14 14 Sec. 12. Section 8D.13, Code 2009, is amended by adding  
14 15 the following new subsection:

14 16 NEW SUBSECTION. 3A. If the state sells assets of the  
14 17 network pursuant to sections 1 through 5 of this Act, and  
14 18 retains backbone capacity from another telecommunications  
14 19 provider, publicly owned facilities that house primary and  
14 20 secondary switching facilities shall provide access to that  
14 21 provider in the geographical area to the primary and secondary  
14 22 switching facilities housing the fiberoptics termination  
14 23 equipment by means of established fiber entry ducts, and to  
14 24 the building grounding system. The provider's access to the  
14 25 primary and secondary switching facilities shall be  
14 26 coordinated through the network's staff.

14 27 Sec. 13. Section 8D.13, subsection 4, Code 2009, is  
14 28 amended to read as follows:

14 29 4. The commission ~~shall develop the requests for proposals~~  
14 30 may enter into contracts and infeasible right-of-use  
14 31 agreements that are needed for the Iowa communications network  
14 32 to function with sufficient capacity to serve the video, data,  
14 33 and voice requirements of state agencies and for educational  
14 34 telecommunications applications. ~~The commission shall develop~~  
14 35 ~~a request for proposals for each of the systems that will make~~



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~~15 1 up the network. The commission may develop a request for~~  
~~15 2 proposals for each definitive component of the network or the~~  
~~15 3 commission may provide in the request for proposals for each~~  
~~15 4 such system that separate contracts may be entered into for~~  
~~15 5 each definitive component covered by the request for~~  
~~15 6 proposals. The requests for proposals contracts entered into~~  
~~15 7 by the commission may be for the purchase, lease-purchase, or~~  
~~15 8 lease of the component parts of the network consistent with~~  
~~15 9 the provisions of this chapter, may require maintenance costs~~  
~~15 10 to be identified, and the resulting contract may provide for~~  
~~15 11 maintenance for parts of the network. The master contract may~~  
~~15 12 provide for electronic classrooms, satellite equipment,~~  
~~15 13 receiving equipment, studio and production equipment, and~~  
~~15 14 other associated equipment as required. The indefeasible~~  
~~15 15 right-of-use agreements entered into by the commission may be~~  
~~15 16 long-term agreements and may retain the right to use portions~~  
~~15 17 of capacity of any fiberoptic cable that the commission sells~~  
~~15 18 to a third party. The indefeasible right-of-use agreements~~  
~~15 19 may include provisions requiring the commission to contribute~~  
~~15 20 to the cost of maintenance and upgrades of the network.~~  
~~15 21 During the term of an indefeasible right-of-use agreement, the~~  
~~15 22 state as a party to the indefeasible right-of-use agreement~~  
~~15 23 shall have complete and total ownership of the fiber or~~  
~~15 24 channels identified in the indefeasible right-of-use~~  
~~15 25 agreement, may use the fiber or channels as if they were a~~  
~~15 26 physically owned asset of the state, and the state's interest~~  
~~15 27 in the fiber or channels cannot be annulled or made void by~~  
~~15 28 the grantor of the indefeasible right of use or any other~~  
~~15 29 party. At the end of the term of an indefeasible right-of-use~~  
~~15 30 agreement and any renewal periods, title to the equipment and~~  
~~15 31 fiber assets and optical wavelength capacities covered by the~~  
~~15 32 agreement shall pass completely to the purchaser.~~

15 33 Sec. 14. Section 8D.13, subsection 5, unnumbered paragraph  
15 34 1, Code 2009, is amended to read as follows:

15 35 The state shall lease all fiberoptic cable facilities or



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16 1 facilities with DS=3 capacity for Part III connections for  
16 2 which state funding is provided. The state shall lease all  
16 3 fiberoptic cable facilities or facilities with DS=3 or DS=1  
16 4 capacity for the judicial branch, judicial district department  
16 5 of correctional services, and state agency connections for  
16 6 which state funding is provided. Such facilities shall be  
16 7 leased from qualified providers. The state shall not own such  
16 8 facilities, except for those facilities owned by the state as  
16 9 of January 1, 1994. Notwithstanding any other provision of  
16 10 this section, the state may negotiate the acquisition of a  
16 11 Part III connection following the termination of a lease with  
16 12 a qualified provider if offered by the vendor for such a Part  
16 13 III connection, if the commission determines it to be in the  
16 14 best interest of the network.

16 15 Sec. 15. Section 8D.13, subsection 6, Code 2009, is  
16 16 amended by striking the subsection.

16 17 Sec. 16. Section 8D.13, subsection 11, Code 2009, is  
16 18 amended to read as follows:

16 19 11. The fees charged for use of the network ~~and state~~  
~~16 20 communications~~ shall be based on the ongoing operational and  
16 21 depreciation expenses of the network and of providing state  
16 22 communications. For the services rendered to state agencies  
16 23 by the commission, the commission shall prepare a statement of  
16 24 services rendered and the agencies shall pay in a manner  
16 25 consistent with procedures established by the department of  
16 26 administrative services.

16 27 Sec. 17. Section 8D.14, subsection 1, Code 2009, is  
16 28 amended to read as follows:

16 29 1. ~~There~~ An Iowa communications network fund is created in  
16 30 the office of the treasurer of state ~~a fund to be known as the~~  
~~16 31 Iowa communications network fund~~ under the control of the Iowa  
16 32 telecommunications and technology commission. ~~There shall be~~  
~~16 33 deposited into the~~ The fund shall be comprised of Iowa  
16 34 communications network fund proceeds from bonds issued for  
16 35 purposes of projects authorized pursuant to section 8D.13,



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17 1 funds received from leases pursuant to section 8D.11, and  
17 2 other moneys by law credited to or designated by a person for  
17 3 deposit into the fund. Amounts deposited into the fund are  
17 4 appropriated to and for the use of the commission.  
17 5 Notwithstanding section 12C.7, interest earned on amounts  
17 6 deposited in the fund shall be credited to the fund, and  
17 7 interest received by the state as a result of investing the  
17 8 contents of the fund shall be credited to the fund for use by  
17 9 the commission. Notwithstanding section 8.33, moneys  
17 10 deposited into and appropriated from the fund that remain  
17 11 unencumbered or unobligated at the close of the fiscal year  
17 12 shall not revert but shall remain available for expenditure  
17 13 for the purposes designated until the close of the succeeding  
17 14 fiscal year.

17 15 Sec. 18. NEW SECTION. 8D.15 IOWA COMMUNICATIONS NETWORK  
17 16 EQUIPMENT UPGRADE AND REPLACEMENT TRUST FUND.

17 17 An Iowa communications network equipment upgrade and  
17 18 replacement trust fund is established, separate and apart from  
17 19 all other public moneys or funds of the state, under the  
17 20 control of the treasurer of state and the department of  
17 21 management. The fund shall be comprised of the proceeds from  
17 22 the sale of Iowa communications network assets, including  
17 23 certain state-owned fiberoptic cable and related equipment  
17 24 located outside the Des Moines metropolitan area, and the  
17 25 portion of the fees charged to authorized users for  
17 26 depreciation. Contents of this fund shall only be used to  
17 27 replace failed or obsolete network equipment owned by the  
17 28 state and equipment included in indefeasible right-of-use  
17 29 agreements in which the network obtains statewide transport  
17 30 capacity, and shall not be used for any other purpose. The  
17 31 treasurer of state and the department of management shall  
17 32 jointly verify an annual estimate by the commission of the  
17 33 amount needed for equipment replacement pursuant to this  
17 34 section, and releases of moneys pursuant thereto shall require  
17 35 an annual appropriation by the general assembly to the



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18 1 commission. The commission may solicit or accept gifts,  
18 2 including donations and bequests, to be deposited into the  
18 3 fund for use in accordance with the purposes of the fund.  
18 4 Interest received by the state as a result of investing the  
18 5 contents of the fund shall be credited to the fund for use by  
18 6 the commission.

18 7 Sec. 19. EFFECTIVE DATE. This Act, being deemed of  
18 8 immediate importance, takes effect upon enactment.

18 9 EXPLANATION

18 10 This bill provides a mechanism for the sale of Iowa  
18 11 communications network (ICN) assets with specified retained  
18 12 rights by the state, and provides for related technical and  
18 13 substantive changes to the provisions of Code chapter 8D.

18 14 FINDINGS AND PURPOSE. The bill contains a statement of  
18 15 findings and purpose section relating to legislative intent  
18 16 regarding the sale, noting that the ICN is a valuable state  
18 17 telecommunications asset, that it provides equal access to  
18 18 users of state-of-the-art voice, video, data, and internet  
18 19 services at comparable prices statewide, and that it is  
18 20 essential that the educational content it carries, and the  
18 21 public defense functions it serves, be retained. The bill  
18 22 provides that in order to ensure that ICN utilization is  
18 23 maximized while minimizing further investment by the state to  
18 24 maintain infrastructure, it is in the best interest of the  
18 25 citizens of the state to offer some ICN assets for sale, while  
18 26 retaining the capacity to provide services to users. The bill  
18 27 provides that this would be accomplished through the sale of  
18 28 most of the fiberoptic cable and optronics, or light-passing  
18 29 equipment, while retaining capacity through long-term  
18 30 indefeasible right-of-use agreements, thereby continuing to  
18 31 provide telecommunications services and adequate capacity into  
18 32 the future.

18 33 DEFINITIONS. The bill provides a definitions section.  
18 34 Included among the defined terms are definitions of  
18 35 "authority" as referring to an Iowa communications network



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19 1 sales authority established to oversee the sale of the  
19 2 backbone assets; "indefeasible right of use" (IRU) as an  
19 3 indefeasible right to use fiber, including an entire cable or  
19 4 a portion of the capacity of a cable, or channels of a given  
19 5 bandwidth for a defined period of time; a "professional agent"  
19 6 as a person having specialized expertise required in the  
19 7 process of selling the Iowa communications network including  
19 8 but not limited to expertise regarding brokerage, contracting,  
19 9 asset valuation, sales, or negotiation services; a  
19 10 "prospective purchaser" as the potential purchaser of the  
19 11 network that the professional agent recommends to the  
19 12 authority to purchase the network assets; and a "qualified  
19 13 purchaser" as a prospective purchaser that has been approved  
19 14 by the governor and qualified in accordance with provisions  
19 15 specified in the bill.

19 16       AUTHORITY ESTABLISHED. The bill provides that the Iowa  
19 17 communications network sales authority is the sole authority  
19 18 to oversee the sales process regarding transfer of ownership  
19 19 of the network's backbone assets to a qualified purchaser.  
19 20 The bill provides that subject to final approval of the  
19 21 selection of the qualified purchaser and the terms of sale by  
19 22 the governor, the authority's operation shall not be subject  
19 23 to the jurisdiction or control of any other state agency. The  
19 24 bill provides, however, that the authority is subject to the  
19 25 general operations practices applicable to other state  
19 26 agencies during the period of its operation, and that this  
19 27 period of operation shall be from the effective date of the  
19 28 bill until a qualified purchaser has been approved by the  
19 29 governor, and all sales agreements necessary to complete the  
19 30 sale have been negotiated and entered into. The bill provides  
19 31 that membership of the authority shall consist of the  
19 32 treasurer of state, the auditor of state, two members of the  
19 33 Iowa telecommunications and technology commission, and one  
19 34 member of the Iowa utilities board.

19 35       PROFESSIONAL AGENT RETENTION. The bill provides that the



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20 1 authority shall issue a request for proposals to retain a  
20 2 professional agent with telecommunications asset sales  
20 3 experience to market and coordinate the sales process of the  
20 4 backbone assets. The bill provides that the governor, in  
20 5 consultation with the treasurer of state and the department of  
20 6 management, shall be authorized to negotiate fair and  
20 7 equitable terms of compensation for the professional agent.  
20 8 The bill provides that the backbone assets shall only be  
20 9 available for a single private vendor, or a consortium acting  
20 10 as a single private vendor, to purchase and that the state  
20 11 shall retain an infeasible right of use with respect to  
20 12 certain amounts of backbone capacity in optical wavelengths  
20 13 for a negotiated period of seven to 25 years, and two optional  
20 14 renewal periods of 10 years each. The bill provides that as a  
20 15 part of the sale, the purchaser shall enter into infeasible  
20 16 right-of-use agreements with the state in which the purchaser  
20 17 shall grant the state an infeasible right of use with  
20 18 respect to backbone capacity and optical wavelengths and Part  
20 19 II facilities and the dark fiber connecting various Part III  
20 20 aggregation points to network backbone-switching points. The  
20 21 bill provides that during the term of an infeasible right-  
20 22 of-use agreement, the state as the holder will have complete  
20 23 and total ownership of the fiber or channels identified in the  
20 24 infeasible right-of-use agreement, may use the fiber or  
20 25 channels as if they were a physically owned asset of the  
20 26 state, and that the state's interest in the fiber or channels  
20 27 cannot be annulled or made void by the grantor of the  
20 28 infeasible right of use or any other party. The bill  
20 29 provides that at the end of the infeasible right-of-use  
20 30 agreement and any renewal periods, title to the equipment and  
20 31 fiber assets and optical wavelength capacities covered by the  
20 32 agreement shall pass completely to the purchaser. The bill  
20 33 provides that the terms of sale shall include provisions  
20 34 committing the commission to purchase field services,  
20 35 including maintenance, provisioning, and build out, from the



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21 1 purchaser and committing the commission to pay a monthly fee  
21 2 for fiber maintenance and field services for the assets that  
21 3 are sold. The bill provides that the request for proposals  
21 4 shall be issued no later than six months from the bill's date  
21 5 of enactment.

21 6 The bill provides a list of potential subject areas for  
21 7 incorporation into the request for proposals, including, among  
21 8 others, a procedure to determine the compensation for the  
21 9 successful professional agent. The bill provides that the  
21 10 parameters surrounding the sale, to be determined by the  
21 11 governor, shall include, but not be limited to, the amount of  
21 12 time the state would allow the professional agent to market  
21 13 the assets, a provision that the governor or the governor's  
21 14 designee shall have ultimate discretion to accept or reject an  
21 15 offer, and a detailed framework for IRU agreements between the  
21 16 state and a purchaser, including the provision that the state  
21 17 shall be held harmless in the event the purchaser suffers a  
21 18 loss of revenue due to a failure of any assets or any portion  
21 19 of the network being shared by the network. The bill provides  
21 20 that the framework shall also include a process and procedures  
21 21 for routing capacity and sharing of power currents needed to  
21 22 operate the purchaser's equipment and related expenses, a  
21 23 framework for the standards required regarding network  
21 24 maintenance, a requirement that the purchaser offer advanced  
21 25 telecommunications services equitably across the state and  
21 26 specifically serving areas where those types of services are  
21 27 not yet available, a requirement that the purchaser grant the  
21 28 network the right to participate in future upgrades, purchaser  
21 29 selection criteria, an analysis of a prospective purchaser's  
21 30 financial stability, and a requirement that during the  
21 31 negotiations process, the prospective purchaser shall offer  
21 32 the state specified reasonable surety of long-term economic  
21 33 viability and shall guarantee that the state's IRUs shall be  
21 34 protected in the case of the bankruptcy of the purchaser.

21 35 SELECTION PROCESS FOR QUALIFIED PURCHASER. The bill



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22 1 provides that the authority shall select the professional  
22 2 agent submitting the proposal that provides the best overall  
22 3 value to the state, and that using the parameters included in  
22 4 the request for proposals, the selected professional agent  
22 5 shall develop a process to market and sell the assets designed  
22 6 to maximize the state's proceeds from the sale. The bill  
22 7 provides that during the marketing period, using the  
22 8 predetermined parameters, the professional agent shall  
22 9 identify a prospective purchaser and submit the prospective  
22 10 purchaser to a qualification process designed to verify the  
22 11 purchaser's ability to adequately operate and maintain the  
22 12 backbone network. The bill provides that the verification  
22 13 process shall include verifying that the purchaser has proven  
22 14 experience operating a telecommunications network, has the  
22 15 ability to purchase the network outright collateral to secure  
22 16 financing, and additional criteria established by the general  
22 17 assembly or the governor. The bill also provides that there  
22 18 shall be verification that the purchaser agrees to the  
22 19 requirement that other telecommunications companies providing  
22 20 services since January 1, 2009, be allowed to enter into a  
22 21 buyers consortium and share in the purchased assets or  
22 22 facilities in proportion to terms established in the  
22 23 consortium agreement which shall guarantee or result in equal  
22 24 opportunity for access by a consortium member, and that the  
22 25 purchaser is an entity that agrees to guarantee equal access  
22 26 to the purchased assets to any telecommunications company that  
22 27 has been providing services to Iowa customers since January 1,  
22 28 2009. The bill provides that this equal access means that the  
22 29 purchaser shall not, with regard to a telecommunications  
22 30 company providing services to Iowa customers since January 1,  
22 31 2009, discriminate by refusing or delaying access to the  
22 32 purchased assets; degrade the quality of access or service  
22 33 provided; fail to disclose all information reasonably  
22 34 necessary for the design of network interface equipment,  
22 35 network interface services, or software that will meet the



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23 1 specifications of the purchaser; or unreasonably refuse or  
23 2 delay interconnections or provide inferior interconnections,  
23 3 discriminate in favor of itself or an affiliate in the  
23 4 provision and pricing of, or extension of credit for, any  
23 5 service. The bill provides that a telecommunications company  
23 6 entering into a consortium may file a written complaint at any  
23 7 time with the utilities board established in Code chapter 476  
23 8 requesting the board to determine compliance by the purchaser  
23 9 with these provisions.

23 10 The bill provides that after verification by the  
23 11 professional agent of the purchaser's ability to adequately  
23 12 operate and maintain the backbone network is given, the  
23 13 authority shall make a recommendation regarding a purchaser  
23 14 and the terms of sale to the governor, and that the governor  
23 15 has the right of final approval of the purchaser and the terms  
23 16 of sale. The bill provides that if the professional agent is  
23 17 unable to identify a prospective purchaser able to adequately  
23 18 operate and maintain the backbone network, the professional  
23 19 agent shall submit a report to the authority explaining the  
23 20 reasons supporting this conclusion.

23 21 NETWORK OPERATION PENDING SALE. The bill provides that the  
23 22 authority shall enter into a memorandum of understanding  
23 23 regarding procedures for operation of the network until the  
23 24 sale is finalized with the prospective purchaser, which shall  
23 25 include a provision that the purchaser in good faith intends  
23 26 to finalize the purchase and shall pay a termination penalty  
23 27 if the purchase is not finalized.

23 28 ADDITIONAL CONDITIONS OF SALE. The bill provides that any  
23 29 outstanding debt or liens upon the network assets shall be  
23 30 discharged out of the state's proceeds so that the purchaser  
23 31 receives marketable title to the assets, and that prepayment  
23 32 of certificates of participation, defined in the bill, shall  
23 33 be made prior to closing the sale of assets or as part of  
23 34 closing the sale, and accomplished in a manner not  
23 35 jeopardizing the certificate's tax-exempt status. The bill



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24 1 provides that the state and the purchaser shall negotiate  
24 2 their relevant interest in rights-of-way and leases and  
24 3 easements for uses of rights-of-way, that the purchaser shall  
24 4 have the option of paying the entire sale price in a single  
24 5 lump sum payment at the time that the sale is finalized or  
24 6 alternatively may pay for the backbone assets at the time that  
24 7 the sale is finalized and make an annual payment for use of  
24 8 the rights-of-way, and that the purchaser shall immediately  
24 9 establish points of presence near the existing network  
24 10 switching centers and establish fiber extensions and  
24 11 connectivity between them. The bill provides that the  
24 12 purchaser shall physically locate in the vicinity of the joint  
24 13 forces headquarters armory in Johnston, Iowa, and establish  
24 14 fiber connectivity between the ICN hub and the vendor's  
24 15 location, and that duplicate racks of backbone core equipment  
24 16 shall be provided by the purchaser and installed by the  
24 17 network to carry traffic while the network backbone is  
24 18 transferred to the purchaser. The bill provides that the  
24 19 purchaser shall purchase the equipment required in this  
24 20 process for the network and pay any and all related expenses  
24 21 associated with the conversion effort. The bill provides that  
24 22 the authority, in consultation with the treasurer of state and  
24 23 the governor, shall submit to the general assembly periodic  
24 24 progress reports at three-month intervals from the effective  
24 25 date of the bill indicating progress in issuing the request  
24 26 for proposals; retaining a professional agent; marketing  
24 27 efforts by the professional agent; identification,  
24 28 qualification, and selection of a purchaser; and the  
24 29 postselection process of finalizing the sale, entering into  
24 30 indefeasible right-of-use agreements, and maintaining the  
24 31 network.

24 32 CODE CHAPTER 8D AMENDMENTS. The bill provides for a  
24 33 conforming definition and references to IRUs in Code chapter  
24 34 8D and conforming terminology changes and provisions regarding  
24 35 changes in ownership of the network.



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25 1 NETWORK ACQUISITIONS, DISPOSAL, AND ACCESS. The bill adds  
25 2 a provision that the commission may use IRU agreements to  
25 3 acquire and dispose of property, equipment, and services, and  
25 4 deletes outdated language regarding a local school board,  
25 5 governing authority of a nonpublic school, or area education  
25 6 agency board election to provide financing costs for Part III  
25 7 of the network. The bill provides that if the state sells  
25 8 assets of the network pursuant to the procedure specified in  
25 9 the bill and retains backbone capacity from another  
25 10 telecommunications provider, publicly owned facilities that  
25 11 house primary and secondary switching facilities shall provide  
25 12 access to that provider in the geographic area to the primary  
25 13 and secondary switching facilities housing the fiberoptics  
25 14 termination equipment in established fiber entry ducts, and to  
25 15 the building grounding system. The bill provides that the  
25 16 provider's access to the primary and secondary switching  
25 17 facilities will be coordinated through the network's staff.  
25 18 The bill provides that the state may negotiate the acquisition  
25 19 of a Part III connection following the termination of a lease  
25 20 with a qualified provider if offered by the vendor for such a  
25 21 Part III connection if the commission determines it to be in  
25 22 the best interest of the network.

25 23 NETWORK COSTS AND BILLINGS. The bill provides for the  
25 24 inclusion of depreciation costs in the determination of rates  
25 25 for use of the system, and deletes outdated language which had  
25 26 required reports relating to the impact of changing technology  
25 27 on potential costs and capabilities of the system, and  
25 28 relating to a department of education study of new techniques  
25 29 in distant teaching.

25 30 IOWA COMMUNICATIONS NETWORK FUND INTEREST AND UPGRADE AND  
25 31 REPLACEMENT TRUST FUND. The bill further provides for the  
25 32 retention of interest received by the state from the Iowa  
25 33 communications network fund established in Code section 8D.14,  
25 34 and for the establishment of an Iowa communications network  
25 35 equipment upgrade and replacement trust fund. The bill



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26 1 provides that the new trust fund shall be separate and apart  
26 2 from all other public moneys or funds of the state, and shall  
26 3 be under the control of the treasurer of state and the  
26 4 department of management. The bill provides that the trust  
26 5 fund will be comprised of the proceeds from the sale of ICN  
26 6 assets, including certain state-owned fiberoptic cable and  
26 7 related equipment located outside the Des Moines metropolitan  
26 8 area, and the portion of the fees charged to authorized users  
26 9 for depreciation. The bill provides that contents of the fund  
26 10 shall only be used to replace failed or obsolete network  
26 11 equipment owned by the state and equipment included in IRU  
26 12 agreements in which the network obtains statewide transport  
26 13 capacity. The bill provides that the treasurer of state and  
26 14 the department of management shall jointly verify an annual  
26 15 estimate by the commission of the amount needed for equipment  
26 16 replacement pursuant to new Code section 8D.15, and that  
26 17 releases of moneys pursuant to the estimate shall require an  
26 18 annual appropriation by the general assembly to the  
26 19 commission. The bill provides that the commission may solicit  
26 20 or accept gifts, including donations and bequests, to be  
26 21 deposited into the fund for use in accordance with the  
26 22 purposes of the fund, and that interest received by the state  
26 23 as a result of investing the contents of the fund shall be  
26 24 credited to the fund for use by the commission.  
26 25 The bill takes effect upon enactment.  
26 26 LSB 1739XS 83  
26 27 rn/nh/8.1



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**Senate File 347 - Introduced**

SENATE FILE  
BY McCOY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to specified types of business solicitations,  
2 providing an exception from applicability of certain  
3 requirements for sales conducted by mail, the telephone, or  
4 the internet.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2566XS 83  
7 rn/rj/8



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1 1 Section 1. Section 552A.1, subsection 1, Code 2009, is  
1 2 amended to read as follows:

1 3 1. "Buying club" means a corporation, partnership,  
1 4 unincorporated association, or other business enterprise which  
1 5 sells or offers for sale to the general public ~~generally~~  
1 6 memberships or certificates of membership.

1 7 Sec. 2. Section 552A.1, subsection 3, Code 2009, is  
1 8 amended to read as follows:

1 9 3. "Membership" means certificates, memberships, shares,  
1 10 bonds, contracts, stocks, or agreements of any kind or  
1 11 character issued upon any plan offered ~~generally~~ to the  
1 12 general public entitling the holder to purchase merchandise,  
1 13 materials, equipment, or service, either from the issuer or  
1 14 another person designated by the issuer, either under a  
1 15 franchise or otherwise, whether it be at a discount, at cost  
1 16 plus a percentage, at cost plus a fixed amount, at a fixed  
1 17 price, or on any other similar basis.

1 18 Sec. 3. Section 552A.3, Code 2009, is amended to read as  
1 19 follows:

1 20 552A.3 RIGHT OF CANCELLATION == REQUIREMENT OF WRITING.

1 21 The requirements of sections 555A.1 through 555A.5,  
1 22 relating to door-to-door sales, shall apply to sales of buying  
1 23 club memberships, irrespective of the place or manner of sale  
1 24 ~~or the purpose for which they are purchased, except those that~~  
1 25 are conducted and consummated entirely by mail, the telephone,  
1 26 or the internet and without any other contact between the  
1 27 buyer and the seller or its representative prior to delivery  
1 28 of the goods or performance of the service. In addition to  
1 29 the requirements of chapter 555A, a contract ~~shall not be~~  
1 30 ~~enforceable against a person acquiring~~ resulting from any such  
1 31 sale of a membership in a buying club shall not be enforceable  
1 32 against the purchaser unless the contract is in writing and  
1 33 signed by the purchaser.

1 34 Sec. 4. Section 555A.1, subsection 3, paragraph a,  
1 35 subparagraph (4), Code 2009, is amended to read as follows:



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2 1 (4) Conducted and consummated entirely by mail ~~or~~, the  
2 2 telephone, or the internet and without any other contact  
2 3 between the buyer and the seller or its representative prior  
2 4 to delivery of the goods or performance of the services.

2 5 EXPLANATION

2 6 This bill relates to sales of buying club memberships that  
2 7 are conducted by mail, by telephone, or over the internet  
2 8 rather than sold in person directly between the seller and the  
2 9 purchaser.

2 10 Code section 552A.3 currently applies the requirements of  
2 11 Code sections 555A.1 through 555A.5, dealing primarily with  
2 12 notice of cancellation rights and contract rescission in  
2 13 door-to-door sales situations, to the sale of buying club  
2 14 memberships. The bill restricts the applicability of those  
2 15 provisions to sales other than sales conducted and consummated  
2 16 entirely by mail, the telephone, or the internet and without  
2 17 any other contact between the buyer and the seller or its  
2 18 representative prior to delivery or performance. This change  
2 19 is consistent with Code section 555A.1, subsection 3,  
2 20 paragraph "a", subparagraph (4), which exempts such  
2 21 transactions from the definition of a door-to-door sale.

2 22 The bill also rephrases a provision in Code section 552A.3  
2 23 regarding lack of nonenforceability of a buying club  
2 24 membership contract unless the contract is in writing and  
2 25 signed by the purchaser, specifying that this provision  
2 26 applies to a purchaser, as opposed to a "person acquiring" a  
2 27 buying club membership contract.

2 28 The bill adds internet sales to the exemptions from the  
2 29 definition of a door-to-door sale, to promote consistency  
2 30 between the respective chapters.

2 31 LSB 2566XS 83

2 32 rn/rj/8



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**Senate File 348 - Introduced**

SENATE FILE  
BY McCOY

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act prohibiting certain liquor control, wine, or beer  
2 licensees or permittees from knowingly permitting or engaging  
3 in criminal activity in areas adjacent to the licensed  
4 premises and making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2500XS 83  
7 ec/sc/5



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1 1 Section 1. Section 123.49, subsection 2, paragraph j, Code  
1 2 2009, is amended to read as follows:  
1 3 j. Knowingly permit or engage in any criminal activity on  
1 4 the premises covered by the license or permit. For purposes  
1 5 of this paragraph "j", "premises" includes parking lots and  
1 6 areas adjacent to the licensed premises and used by patrons of  
1 7 the liquor licensee or permittee.

1 8 EXPLANATION

1 9 This bill provides that a person or club holding a liquor  
1 10 control license or retail wine or beer permit shall not  
1 11 knowingly permit or engage in criminal activity in parking  
1 12 lots and areas adjacent to the licensed premises that are used  
1 13 by patrons of the liquor licensee or permittee. Current law  
1 14 limits this prohibition to criminal activity on the licensed  
1 15 premises.

1 16 LSB 2500XS 83

1 17 ec/sc/5



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SENATE FILE  
BY McCOY

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act concerning restrictions on the resale and use of motor  
2 vehicle operating records furnished by the department of  
3 transportation and requiring the department to provide certain  
4 data in bulk form to certain persons, and making a penalty  
5 applicable.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1731SS 83  
8 dea/nh/8



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1 1 Section 1. Section 321A.1, Code 2009, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 0A. "Certified abstract of the operating  
1 4 record" means the document that identifies, for an individual  
1 5 licensee, personal information subject to the provisions of  
1 6 the federal Driver's Privacy Protection Act, 18 U.S.C. }  
1 7 2721=2725, moving violations, nonmoving violations, operating  
1 8 while intoxicated violations, license suspensions and  
1 9 revocations, all reportable accidents, child restraint law and  
1 10 seat belt law convictions, and reinstatement information for  
1 11 habitual offender revocations.

1 12 NEW SUBSECTION. 0B. "Conviction data" includes all  
1 13 information relating to violations by and convictions of  
1 14 licensees under the laws of this state or any other state or  
1 15 foreign jurisdiction that is received by the department and to  
1 16 which the department has access.

1 17 NEW SUBSECTION. 8A. "Operator data" includes, for each  
1 18 licensee in the state, basic information including but not  
1 19 limited to driver's license number, name, address, date of  
1 20 birth, license status, license class, endorsements, and  
1 21 restrictions.

1 22 NEW SUBSECTION. 15. "Suspension data" includes all  
1 23 information relating to license suspensions, revocations, and  
1 24 reinstatements received by licensees under the laws of this  
1 25 state or any other state or foreign jurisdiction that is  
1 26 received by the department and to which the department has  
1 27 access.

1 28 Sec. 2. Section 321A.3, subsection 8, Code 2009, is  
1 29 amended to read as follows:

1 30 ~~8. A person making a request for a record or an abstract~~  
~~1 31 under this section that is subject to a fee shall only use the~~  
~~1 32 record or abstract requested one time, for one purpose, and it~~  
~~1 33 shall not supply that record to more than one other person.~~  
~~1 34 Any subsequent use of the same record or abstract shall~~  
~~1 35 require that the person make a subsequent request for the~~



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~~2 1 record or abstract and pay an additional fee for the request  
2 2 in the same manner as provided for the initial request. A  
2 3 person who purchases a certified abstract of the operating  
2 4 record of a person under subsection 1 shall not resell the  
2 5 certified abstract of the operating record to more than one  
2 6 person. For purposes of this subsection, affiliated persons  
2 7 are considered one person. Any retention, distribution,  
2 8 transfer, or reuse of a certified abstract of the operating  
2 9 record purchased pursuant to subsection 1 shall be consistent  
2 10 with the federal Driver's Privacy Protection Act, 18 U.S.C. }  
2 11 2721=2725. A person requesting a record or an abstract who  
2 12 purchases a certified abstract of the operating record of a  
2 13 person pursuant to ~~this section~~ subsection 1 and then resells  
2 14 that record shall keep records identifying ~~who the record or~~  
2 15 ~~abstract is provided to, and the use of the record or~~  
2 16 ~~abstract, the person to whom and the permitted purpose for~~  
2 17 ~~which the certified abstract of the operating record was sold~~  
2 18 ~~for a period of five years. Records maintained pursuant to~~  
2 19 ~~this subsection shall be made available to the department upon~~  
2 20 ~~request. A person shall not sell, retain, distribute,~~  
2 21 ~~provide, or transfer any record or abstract information or~~  
2 22 ~~portion of the record or abstract information acquired under~~  
2 23 ~~this agreement except as authorized by the department and the~~  
2 24 ~~federal Driver's Privacy Protection Act, 18 U.S.C. }~~~~

~~2 25 2721==2725.~~

2 26 Sec. 3. NEW SECTION. 321A.3A OPERATOR, CONVICTION, AND  
2 27 SUSPENSION DATA AVAILABLE IN BULK FORM.

2 28 The department shall make conviction data, operator data,  
2 29 and suspension data available in bulk form to any person whose  
2 30 use of the data is a permissible use in accordance with 18  
2 31 U.S.C. } 2721(b)(1=14).

2 32 EXPLANATION

2 33 This bill addresses restrictions on the use of the  
2 34 certified abstract of the operating record of an individual.  
2 35 The bill defines "certified abstract of the operating record",



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3 1 which is the document that identifies, for an individual  
3 2 licensee, certain personal information, including records of  
3 3 motor vehicle violations, convictions, and sanctions, that may  
3 4 only be disclosed for permissible uses pursuant to the federal  
3 5 Driver's Privacy Protection Act. Pursuant to current law, a  
3 6 person other than a public agency that requests a certified  
3 7 abstract of the operating record from the department of  
3 8 transportation must pay a fee of \$5.50 for each abstract. The  
3 9 person may use the record one time, for one purpose, and may  
3 10 not supply the record to more than one other person. The bill  
3 11 provides that a person who purchases the certified abstract of  
3 12 the operating record shall not resell the abstract to more  
3 13 than one person, and the bill specifies that affiliated  
3 14 persons are considered one person. The bill states that the  
3 15 retention, distribution, transfer, or reuse of a certified  
3 16 abstract of the operating record purchased from the department  
3 17 shall be consistent with the federal Driver's Privacy  
3 18 Protection Act. Finally, the bill requires a person who  
3 19 purchases and then resells a certified abstract of the  
3 20 operating record to maintain records for five years  
3 21 identifying the person to whom the abstract was sold and the  
3 22 permitted purpose for which it was sold. Pursuant to current  
3 23 Code section 321A.32(4), a person who violates any of these  
3 24 provisions is guilty of a serious misdemeanor. A serious  
3 25 misdemeanor is punishable by confinement for no more than one  
3 26 year and a fine of at least \$315 but not more than \$1,875.  
3 27 The bill defines three categories of data to be maintained  
3 28 by the department of transportation: "conviction data",  
3 29 including all violations and convictions for licensees under  
3 30 the laws of this state or another jurisdiction; "operator  
3 31 data", including driver's license information for each  
3 32 licensee in this state; and "suspension data", including  
3 33 license suspensions, revocations, and reinstatements received  
3 34 by licensees under the laws of this state or any other  
3 35 jurisdiction. The bill requires the department to make the



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4 1 data available in bulk form to any person whose use of the  
4 2 data is a permissible use under the federal Driver's Privacy  
4 3 Protection Act.  
4 4 LSB 1731SS 83  
4 5 dea/nh/8



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**Senate File 350 - Introduced**

SENATE FILE  
BY DANDEKAR

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act concerning driver education instruction by a teaching
- 2 parent.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2613XS 83
- 5 dea/nh/14



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PAG LIN

1 1 Section 1. NEW SECTION. 321.179 DRIVER EDUCATION ==  
1 2 TEACHING PARENT.  
1 3 1. TEACHING PARENT. As an alternative to the driver  
1 4 education requirements under section 321.178, a teaching  
1 5 parent may instruct a student in a driver education course  
1 6 that meets the requirements of this section and provide  
1 7 evidence that the requirements under this section have been  
1 8 met.  
1 9 2. DEFINITIONS. For purposes of this section:  
1 10 a. "Approved course" means driver education curriculum  
1 11 approved by the department pursuant to rules adopted under  
1 12 chapter 17A. An approved course shall, at a minimum, meet the  
1 13 requirements of subsection 3 and be appropriate for teaching=  
1 14 parent-directed driver education and related street or highway  
1 15 instruction. Driver education materials that meet or exceed  
1 16 standards established by the department for an approved course  
1 17 in driver education for a public or private school shall be  
1 18 approved unless otherwise determined by the department. The  
1 19 list of approved courses shall be posted on the department's  
1 20 internet website.  
1 21 b. "Student" means a person between the ages of fourteen  
1 22 and twenty-one years who is within the custody and control of  
1 23 the teaching parent and who satisfies preliminary licensing  
1 24 requirements of the department.  
1 25 c. "Teaching parent" means a parent, guardian, or legal  
1 26 custodian of a student who is currently providing competent  
1 27 private instruction to the student pursuant to section 299A.2  
1 28 or 299A.3 and who provided such instruction to the student  
1 29 during the previous year; who has a valid driver's license,  
1 30 other than a motorized bicycle license or a temporary  
1 31 restricted license, that permits unaccompanied driving; and  
1 32 who has maintained a clear driving record for the previous two  
1 33 years. For purposes of this paragraph, "clear driving record"  
1 34 means the individual has not been identified as a candidate  
1 35 for suspension of a driver's license under the habitual



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2 1 offender provisions of the department's regulations; is not  
2 2 subject to a driver's license suspension, revocation, denial,  
2 3 cancellation, disqualification, or bar; and has no record of a  
2 4 conviction for a moving traffic violation determined to be the  
2 5 cause of a motor vehicle accident.

2 6 3. COURSE OF INSTRUCTION.

2 7 a. An approved course administered by a teaching parent  
2 8 shall consist of, but not be limited to, the following:

2 9 (1) Thirty clock hours of classroom instruction.

2 10 (2) Forty hours of street or highway driving including  
2 11 four hours of driving after sunset and before sunrise while  
2 12 accompanied by the teaching parent.

2 13 (3) Four hours of classroom instruction concerning  
2 14 substance abuse.

2 15 (4) A minimum of twenty minutes of instruction concerning  
2 16 railroad crossing safety.

2 17 (5) Instruction relating to becoming an organ donor under  
2 18 the revised uniform anatomical gift Act as provided in chapter  
2 19 142C.

2 20 (6) Instruction providing an awareness about sharing the  
2 21 road with bicycles and motorcycles.

2 22 b. The content of the course of instruction required under  
2 23 this subsection shall be equivalent to that required under  
2 24 section 321.178. However, reference and study materials,  
2 25 physical classroom requirements, and extra vehicle safety  
2 26 equipment required for instruction under section 321.178 shall  
2 27 not be required for the course of instruction provided under  
2 28 this section.

2 29 4. COURSE COMPLETION AND CERTIFICATION. Upon application  
2 30 by a student for an intermediate license, the teaching parent  
2 31 shall provide evidence showing the student's completion of an  
2 32 approved course and substantial compliance with the  
2 33 requirements of subsection 3 by affidavit signed by the  
2 34 teaching parent on a form to be provided by the department.  
2 35 The evidence shall include all of the following:



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- 3 1 a. Documentation that the instructor is a teaching parent  
3 2 as defined in subsection 2.
- 3 3 b. Documentation that the student is receiving competent  
3 4 private instruction under section 299A.2 or the name of the  
3 5 school district within which the student is receiving  
3 6 instruction under section 299A.3.
- 3 7 c. The name of the approved course completed by the  
3 8 student.
- 3 9 d. An affidavit attesting to satisfactory completion of  
3 10 course work and street or highway driving instruction.
- 3 11 e. Copies of written tests completed by the student.
- 3 12 f. A statement of the number of classroom hours of  
3 13 instruction.
- 3 14 g. A log of completed street or highway driving  
3 15 instruction including the dates when the lessons were  
3 16 conducted, the student's and the teaching parent's name and  
3 17 initials noted next to each entry, notes on driving activities  
3 18 including a list of driving deficiencies and improvements, and  
3 19 the duration of the driving time for each session.
- 3 20 5. INTERMEDIATE LICENSE. Any student who successfully  
3 21 completes an approved course as provided in this section,  
3 22 passes a driving test to be administered by the department,  
3 23 and is otherwise qualified under section 321.180B, subsection  
3 24 2, shall be eligible for an intermediate license pursuant to  
3 25 section 321.180B. Twenty of the forty hours of street or  
3 26 highway driving instruction required under subsection 3,  
3 27 paragraph "a", subparagraph (2), may be utilized to satisfy  
3 28 the requirement of section 321.180B, subsection 2.
- 3 29 6. FULL LICENSE. A student must comply with section  
3 30 321.180B, subsection 4, to be eligible for a full driver's  
3 31 license pursuant to section 321.180B.
- 3 32 Sec. 2. Section 321.180B, subsection 2, Code 2009, is  
3 33 amended to read as follows:
- 3 34 2. INTERMEDIATE LICENSE.
- 3 35 a. The department may issue an intermediate driver's



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4 1 license to a person sixteen or seventeen years of age who  
4 2 possesses an instruction permit issued under subsection 1 or a  
4 3 comparable instruction permit issued by another state for a  
4 4 minimum of six months immediately preceding application, and  
4 5 who presents an affidavit signed by a parent or guardian on a  
4 6 form to be provided by the department that the permittee has  
4 7 accumulated a total of twenty hours of street or highway  
4 8 driving of which two hours were conducted after sunset and  
4 9 before sunrise and the street or highway driving was with the  
4 10 permittee's parent, guardian, instructor, a person certified  
4 11 by the department, or a person at least twenty-five years of  
4 12 age who had written permission from a parent or guardian to  
4 13 accompany the permittee, and whose driving privileges have not  
4 14 been suspended, revoked, or barred under this chapter or  
4 15 chapter 321J during, and who has been accident and violation  
4 16 free continuously for, the six-month period immediately  
4 17 preceding the application for an intermediate license. An  
4 18 applicant for an intermediate license must meet the  
4 19 requirements of section 321.186, including satisfactory  
4 20 completion of driver education as required in section 321.178  
4 21 or 321.179, and payment of the required license fee before an  
4 22 intermediate license will be issued.

4 23 b. A person issued an intermediate license must limit the  
4 24 number of passengers in the motor vehicle when the  
4 25 intermediate licensee is operating the motor vehicle to the  
4 26 number of passenger safety belts.

4 27 c. Except as otherwise provided, a person issued an  
4 28 intermediate license under this subsection who is operating a  
4 29 motor vehicle between the hours of twelve-thirty a.m. and five  
4 30 a.m. must be accompanied by a person issued a driver's license  
4 31 valid for the vehicle operated who is the parent or guardian  
4 32 of the permittee, a member of the permittee's immediate family  
4 33 if the family member is at least twenty-one years of age, an  
4 34 approved driver education instructor, a prospective driver  
4 35 education instructor who is enrolled in a practitioner



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5 1 preparation program with a safety education program approved  
5 2 by the state board of education, or a person at least  
5 3 twenty=five years of age if written permission is granted by  
5 4 the parent or guardian, and who is actually occupying a seat  
5 5 beside the driver. However, a licensee may operate a vehicle  
5 6 to and from school=related extracurricular activities and work  
5 7 without an accompanying driver between the hours of  
5 8 twelve=thirty a.m. and five a.m. if such licensee possesses a  
5 9 waiver on a form to be provided by the department. An  
5 10 accompanying driver is not required between the hours of five  
5 11 a.m. and twelve=thirty a.m.

5 12 EXPLANATION

5 13 This bill allows a parent, guardian, or legal custodian who  
5 14 is providing competent private instruction to a student to  
5 15 teach the student driver education, provided the person has a  
5 16 valid driver's license that permits unaccompanied driving and  
5 17 has a clear driving record for the previous two years. The  
5 18 classroom instruction requirements for the alternative course  
5 19 of instruction are substantially the same as for an approved  
5 20 course of instruction offered by a public school district or  
5 21 private or commercial driver education school, with additional  
5 22 requirements for 40, rather than 20, hours of street or  
5 23 highway driving including night driving. The course of  
5 24 instruction must be a course approved by the department of  
5 25 transportation by rule and utilize driver education materials  
5 26 that meet or exceed standards established for driver education  
5 27 courses approved for public or private schools. A list of  
5 28 approved courses is to be posted on the transportation  
5 29 department's website.

5 30 In order for the student to qualify for an intermediate  
5 31 driver's license, the teaching parent is required to document  
5 32 substantial compliance with the driver education course  
5 33 requirements and furnish an affidavit attesting to the  
5 34 student's satisfactory completion of the course work and  
5 35 street or highway driving to the department of education.



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6 1 LSB 2613XS 83  
6 2 dea/nh/14.1



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**Senate File 351 - Introduced**

SENATE FILE  
BY DANDEKAR

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to the issuance of a one-year, nonrenewable  
2 alternative teaching license by the board of educational  
3 examiners to authorize a person to teach mathematics or  
4 science at the middle and secondary school levels.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLBS 2621XS 83  
7 kh/nh/8



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1 1 Section 1. Section 272.2, subsection 13, Code 2009, is  
 1 2 amended to read as follows:  
 1 3 13. a. Adopt rules to provide for nontraditional  
 1 4 preparation options for licensing persons who at a minimum  
 1 5 hold a bachelor's degree from an accredited ~~college or~~  
 1 6 ~~university,~~ postsecondary institution and who do not meet  
 1 7 other requirements for licensure.  
 1 8 b. Adopt rules to provide for the issuance of a one-year,  
 1 9 nonrenewable initial license authorizing a person to teach  
 1 10 mathematics, general science, physics, biology, or chemistry  
 1 11 at the middle school and secondary school levels if the person  
 1 12 meets the requirements of paragraph "a" and holds a  
 1 13 certificate issued by a national alternative teacher  
 1 14 certification organization.  
 1 15 (1) The rules adopted pursuant to this paragraph "b" shall  
 1 16 provide that the person shall be issued a license beyond the  
 1 17 initial license if the person successfully completes a  
 1 18 mentoring and induction program in accordance with section  
 1 19 272.28, subsection 1.  
 1 20 (2) The board shall review and approve for purposes of  
 1 21 this paragraph "b" a national alternative teacher  
 1 22 certification organization established with a grant from the  
 1 23 United States department of education which operates initial  
 1 24 teacher recruitment, preparation, and certification programs  
 1 25 designed for professionals who are interested in becoming  
 1 26 teachers; requires candidates to pass professional teaching  
 1 27 knowledge and subject area examinations and submit to a  
 1 28 background check; and provides candidates for certification  
 1 29 with access to workshops, an experienced advisor,  
 1 30 comprehensive subject matter refresher courses, and an  
 1 31 intensive mentoring and induction program.  
 1 32 (3) This paragraph "b" is repealed June 30, 2015.  
 1 33 EXPLANATION  
 1 34 This bill requires the board of educational examiners to  
 1 35 adopt rules to provide for the issuance of a one-year,



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2 1 nonrenewable initial license authorizing a person to teach  
2 2 mathematics or science at the middle and secondary school  
2 3 levels if the person holds, at a minimum, a bachelor's degree  
2 4 from an accredited postsecondary institution and a certificate  
2 5 issued by a national alternative teacher certification  
2 6 organization. The board is directed to issue a license beyond  
2 7 the initial license if the person successfully completes a  
2 8 mentoring and induction program approved by the state board of  
2 9 education.

2 10 The board is also directed to review and approve a national  
2 11 alternative teacher certification organization established by  
2 12 the United States department of education that operates  
2 13 initial teacher recruitment, preparation, and certification  
2 14 programs; requires candidates to pass teaching knowledge and  
2 15 subject area examinations and submit to a background check;  
2 16 and provides candidates for certification with access to  
2 17 workshops, an experienced advisor, comprehensive subject  
2 18 matter refresher courses, and an intensive mentoring and  
2 19 induction program.

2 20 The provisions established under the bill are repealed June  
2 21 30, 2015.

2 22 LSB 2621XS 83

2 23 kh/nh/8



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**Senate File 352 - Introduced**

SENATE FILE  
BY McCOY

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act enhancing the criminal penalty for an assault on a transit
- 2 employee.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2145XS 83
- 5 jm/nh/8



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1 1 Section 1. Section 708.3A, subsections 1 through 4, Code  
1 2 2009, are amended to read as follows:  
1 3 1. A person who commits an assault, as defined in section  
1 4 708.1, against a peace officer, jailer, correctional staff,  
1 5 member or employee of the board of parole, health care  
1 6 provider, employee of the department of human services,  
1 7 employee of the department of revenue, transit employee, or  
1 8 fire fighter, whether paid or volunteer, with the knowledge  
1 9 that the person against whom the assault is committed is a  
1 10 peace officer, jailer, correctional staff, member or employee  
1 11 of the board of parole, health care provider, employee of the  
1 12 department of human services, employee of the department of  
1 13 revenue, transit employee, or fire fighter and with the intent  
1 14 to inflict a serious injury upon the peace officer, jailer,  
1 15 correctional staff, member or employee of the board of parole,  
1 16 health care provider, employee of the department of human  
1 17 services, employee of the department of revenue, transit  
1 18 employee, or fire fighter, is guilty of a class "D" felony.  
1 19 2. A person who commits an assault, as defined in section  
1 20 708.1, against a peace officer, jailer, correctional staff,  
1 21 member or employee of the board of parole, health care  
1 22 provider, employee of the department of human services,  
1 23 employee of the department of revenue, transit employee, or  
1 24 fire fighter, whether paid or volunteer, who knows that the  
1 25 person against whom the assault is committed is a peace  
1 26 officer, jailer, correctional staff, member or employee of the  
1 27 board of parole, health care provider, employee of the  
1 28 department of human services, employee of the department of  
1 29 revenue, transit employee, or fire fighter and who uses or  
1 30 displays a dangerous weapon in connection with the assault, is  
1 31 guilty of a class "D" felony.  
1 32 3. A person who commits an assault, as defined in section  
1 33 708.1, against a peace officer, jailer, correctional staff,  
1 34 member or employee of the board of parole, health care  
1 35 provider, employee of the department of human services,



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2 1 employee of the department of revenue, transit employee, or  
2 2 fire fighter, whether paid or volunteer, who knows that the  
2 3 person against whom the assault is committed is a peace  
2 4 officer, jailer, correctional staff, member or employee of the  
2 5 board of parole, health care provider, employee of the  
2 6 department of human services, employee of the department of  
2 7 revenue, transit employee, or fire fighter, and who causes  
2 8 bodily injury or mental illness, is guilty of an aggravated  
2 9 misdemeanor.

2 10 4. Any other assault, as defined in section 708.1,  
2 11 committed against a peace officer, jailer, correctional staff,  
2 12 member or employee of the board of parole, health care  
2 13 provider, employee of the department of human services,  
2 14 employee of the department of revenue, transit employee, or  
2 15 fire fighter, whether paid or volunteer, by a person who knows  
2 16 that the person against whom the assault is committed is a  
2 17 peace officer, jailer, correctional staff, member or employee  
2 18 of the board of parole, health care provider, employee of the  
2 19 department of human services, employee of the department of  
2 20 revenue, transit employee, or fire fighter, is a serious  
2 21 misdemeanor.

2 22 Sec. 2. Section 708.3A, subsection 5, Code 2009, is  
2 23 amended by adding the following new paragraph:

2 24 NEW PARAGRAPH. f. "Transit employee" means a person who  
2 25 is employed by a firm, corporation, company, or municipality  
2 26 and who operates a bus, trolley car, or other vehicle  
2 27 primarily upon the streets and highways over well-defined  
2 28 routes for the transportation of passengers.

2 29 EXPLANATION

2 30 This bill enhances the criminal penalty for an assault on a  
2 31 transit employee.

2 32 The bill amends Code section 708.3A by adding a "transit  
2 33 employee" to the list of occupations covered under Code  
2 34 section 708.3A. The bill effectively increases the penalty  
2 35 for most assaults knowingly committed against a transit



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3 1 employee.

3 2 Under the bill, if a person assaults a transit employee  
3 3 with the intent to inflict serious injury or displays a  
3 4 dangerous weapon in connection with the assault, the person  
3 5 commits a class "D" felony. If a person assaults a transit  
3 6 employee and causes bodily injury or mental illness, the  
3 7 person commits an aggravated misdemeanor. If the person  
3 8 commits a simple assault on a transit employee, the person  
3 9 commits a serious misdemeanor.

3 10 The bill defines a transit employee as a person who is  
3 11 employed by a firm, corporation, company, or municipality and  
3 12 who operates a bus, trolley car, or other vehicle primarily  
3 13 upon the streets and highways over well-defined routes for the  
3 14 transportation of passengers.

3 15 LSB 2145XS 83

3 16 jm/nh/8



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**Senate File 353 - Introduced**

SENATE FILE  
BY McCOY

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act creating a religious freedom and civil marriage protection
- 2 Act, providing a repeal, and providing effective dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2249XS 83
- 5 pf/rj/5



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1 1 Section 1. NEW SECTION. 595A.1 TITLE.  
1 2 This chapter shall be known and may be cited as the  
1 3 "Religious Freedom and Civil Marriage Protection Act".  
1 4 Sec. 2. NEW SECTION. 595A.2 PURPOSE.  
1 5 The purpose of this chapter is to promote legal equality in  
1 6 the civil marriage laws and to protect the religious freedom  
1 7 of those authorized to solemnize civil marriages.  
1 8 Sec. 3. NEW SECTION. 595A.3 DEFINITIONS AND TERMS.  
1 9 1. As used in this chapter, unless the context otherwise  
1 10 requires:  
1 11 a. "Book" or "record" kept by the county auditor,  
1 12 assessor, treasurer, recorder, sheriff, or other county  
1 13 officer means the county system as defined in section 445.1.  
1 14 b. "Marriage" means civil marriage, a state-conferred  
1 15 legal status constituting a civil contract requiring the  
1 16 consent of two people capable of entering into the contract,  
1 17 unless otherwise provided under this chapter, the existence of  
1 18 which results in the bestowing of rights, benefits, and  
1 19 responsibilities incident to that state-conferred legal  
1 20 status.  
1 21 2. Gender-specific terms relating to the marital  
1 22 relationship or familial relationships, including but not  
1 23 limited to "spouse", "family", "marriage", "immediate family",  
1 24 "dependent", "next of kin", "bride", "groom", "husband",  
1 25 "wife", "widow", and "widower", which are necessary to  
1 26 implement the rights, benefits, and responsibilities of  
1 27 spouses shall be construed to be gender neutral for all  
1 28 purposes throughout the law, whether in the context of  
1 29 statute, administrative or court rule, policy, common law, or  
1 30 any other source of civil law.  
1 31 Sec. 4. NEW SECTION. 595A.4 AGE REQUIREMENTS.  
1 32 1. Two unmarried persons eighteen years of age or older  
1 33 who are not otherwise disqualified to marry under any other  
1 34 provision of this chapter may consent to and enter into a  
1 35 civil marriage.



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2 1       2. Notwithstanding the age requirement of subsection 1, if  
2 2 either party to a marriage falsely represents the party's self  
2 3 to be eighteen years of age or older at or before the time the  
2 4 marriage is solemnized, the marriage is valid unless the  
2 5 person who falsely represented the person's age chooses to  
2 6 void the marriage by making the person's true age known and  
2 7 verified by a birth certificate or other legal evidence of age  
2 8 in an annulment proceeding initiated at any time before the  
2 9 person reaches the age of eighteen. A child born of a  
2 10 marriage voided under this subsection is legitimate.

2 11       3. a. Notwithstanding the age requirement of subsection  
2 12 1, a civil marriage license may be issued to parties either or  
2 13 both of whom are sixteen or seventeen years of age if both of  
2 14 the following conditions are met:

2 15       (1) The parents of the underage party or parties certify  
2 16 in writing that the parents consent to the marriage. If one  
2 17 of the parents of any underage party to a proposed marriage is  
2 18 dead or incompetent the certificate may be executed by the  
2 19 other parent, if both parents are dead or incompetent the  
2 20 guardian of the underage party may execute the certificate,  
2 21 and if the parents are divorced the parent having legal  
2 22 custody may execute the certificate.

2 23       (2) The certificate of consent of the parents, parent, or  
2 24 guardian is approved by a judge of the district court or, if  
2 25 both parents of any underage party to a proposed marriage are  
2 26 dead, incompetent, or cannot be located and the party has no  
2 27 guardian, the proposed marriage is approved by a judge of the  
2 28 district court. A judge shall grant approval under this  
2 29 subsection only if the judge finds the underage party or  
2 30 parties capable of assuming the responsibilities of marriage  
2 31 and that the marriage will serve the best interest of the  
2 32 underage party or parties. Pregnancy alone does not establish  
2 33 that the proposed marriage is in the best interest of the  
2 34 underage party or parties. If a pregnancy is involved the  
2 35 court records which pertain to the fact of the pregnancy shall



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3 1 be sealed and available only to the parties to the marriage or  
3 2 proposed marriage or to any interested party securing an order  
3 3 of the court.

3 4 b. If a parent or guardian withholds consent, the judge  
3 5 upon application of a party to a proposed marriage shall  
3 6 determine if the consent has been unreasonably withheld. If  
3 7 the judge finds that the consent has been unreasonably  
3 8 withheld, the judge shall proceed to review the application  
3 9 under paragraph "a", subparagraph (2).

3 10 Sec. 5. NEW SECTION. 595A.5 CIVIL MARRIAGE LICENSE.

3 11 1. Before a marriage is solemnized, a civil marriage  
3 12 license for that purpose must be obtained from the county  
3 13 registrar.

3 14 2. The license shall not be granted under any of the  
3 15 following circumstances:

3 16 a. If either party is under the age necessary to  
3 17 constitute a valid marriage.

3 18 b. If either party is under eighteen years of age, unless  
3 19 the marriage is approved by a judge of the district court as  
3 20 provided by section 595A.4.

3 21 c. If either party is disqualified from entering into a  
3 22 civil contract.

3 23 d. If the parties are within the degrees of consanguinity  
3 24 or affinity in which marriages are prohibited by law.

3 25 e. If either party is a ward under a guardianship and the  
3 26 court has found that the ward lacks the capacity to contract a  
3 27 valid marriage.

3 28 Sec. 6. NEW SECTION. 595A.6 APPLICATION FOR A CIVIL  
3 29 MARRIAGE LICENSE == WAITING PERIOD AND EXCEPTION ==  
3 30 SOLEMNIZATION WITHOUT A LICENSE AND PENALTY.

3 31 1. Before the issuance of any civil marriage license, the  
3 32 parties to the marriage shall sign and file a verified  
3 33 application with the county registrar. The application may be  
3 34 mailed to the parties at their request or may be signed by  
3 35 them at the office of the county registrar in the county in



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4 1 which the license is to be issued.

4 2 2. The application form shall require each applicant to  
4 3 provide the applicant's social security number and shall  
4 4 require at least one affidavit of a competent and  
4 5 disinterested person stating the facts as to age and  
4 6 qualification of the parties.

4 7 3. Upon the filing of the application for a civil marriage  
4 8 license, the county registrar shall file the application in a  
4 9 record kept for that purpose and shall take all necessary  
4 10 steps to ensure the confidentiality of the social security  
4 11 number of each applicant.

4 12 4. All information included on an application may be  
4 13 provided as mutually agreed upon by the division of records  
4 14 and statistics and the child support recovery unit, including  
4 15 by automated exchange.

4 16 5. Upon receipt of a verified application, the county  
4 17 registrar may issue the license which shall not become valid  
4 18 until the expiration of three days after the date of issuance  
4 19 of the license. If the license has not been issued within six  
4 20 months from the date of the application, the application is  
4 21 void.

4 22 6. A civil marriage license may be validated prior to the  
4 23 expiration of three days from the date of issuance of the  
4 24 license in cases of emergency or extraordinary circumstances.

4 25 a. An order authorizing the validation of a license prior  
4 26 to the expiration of three days from the date of issuance of a  
4 27 license may be granted by a judge of the district court under  
4 28 conditions of emergency or extraordinary circumstances upon  
4 29 application of the parties filed with the county registrar.  
4 30 An order shall not be granted unless the parties have filed an  
4 31 application for a civil marriage license in a county within  
4 32 the judicial district.

4 33 b. An application for a validation order shall be  
4 34 submitted on forms furnished by the county registrar at the  
4 35 same time the parties submit an application for the civil



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5 1 marriage license.

5 2 c. After examining the application for the civil marriage  
5 3 license and issuing the license, the county registrar shall  
5 4 refer the parties to a judge of the district court for action  
5 5 on the application for a validation order.

5 6 d. The judge shall, if satisfied as to the existence of an  
5 7 emergency or extraordinary circumstances, grant authorization  
5 8 of a validation order.

5 9 e. The county registrar shall validate a civil marriage  
5 10 license upon presentation by the parties of the validation  
5 11 order.

5 12 f. A fee of five dollars shall be paid to the county  
5 13 registrar at the time the application for the validation order  
5 14 is made. Such fee is in addition to the fee prescribed by law  
5 15 for the issuance of a civil marriage license.

5 16 Sec. 7. NEW SECTION. 595A.7 ABUSE PREVENTION LANGUAGE.

5 17 In addition to any other information contained in an  
5 18 application form for a civil marriage license and a marriage  
5 19 license, the application form and license shall contain the  
5 20 following statement in bold print:

5 21 "The laws of this state affirm your right to enter into  
5 22 this marriage and at the same time to live within the marriage  
5 23 under the full protection of the laws of this state with  
5 24 regard to violence and abuse. Neither of you is the property  
5 25 of the other. Assault, sexual abuse, and willful injury of a  
5 26 spouse or other family member are violations of the laws of  
5 27 this state and are punishable by the state."

5 28 Sec. 8. NEW SECTION. 595A.8 NAME CHANGE ADOPTED.

5 29 1. A party may indicate the adoption of a name change on  
5 30 the application for a civil marriage license. The names used  
5 31 on the marriage license shall become the legal names of the  
5 32 parties to the marriage. The civil marriage license shall  
5 33 contain a statement that when a name change is requested and  
5 34 affixed to the marriage license, the new name is the legal  
5 35 name of the requesting party.



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6 1 2. An individual shall have only one legal name at any one  
6 2 time.

6 3 Sec. 9. NEW SECTION. 595A.9 FILING AND RECORD REQUIRED.

6 4 The affidavit of a competent and disinterested person or a  
6 5 certificate of consent to the marriage of a minor, in each  
6 6 case as applicable, shall be filed by the county registrar and  
6 7 constitute a part of the records of the registrar's office. A  
6 8 memorandum of the affidavit or certificate shall also be  
6 9 entered in the license book.

6 10 Sec. 10. NEW SECTION. 595A.10 PROVISION OF BLANK  
6 11 CERTIFICATE OF MARRIAGE WITH LICENSE.

6 12 When a civil marriage license is issued, the county  
6 13 registrar shall provide the applicant with a blank certificate  
6 14 of marriage and instructions relative to ensure the return of  
6 15 a complete and accurate certificate of marriage.

6 16 Sec. 11. NEW SECTION. 595A.11 SOLEMNIZATION OF CIVIL  
6 17 MARRIAGE == FREE EXERCISE OF RELIGION PROTECTED ==  
6 18 NONSTATUTORY SOLEMNIZATION.

6 19 1. A marriage may be solemnized by any of the following:

6 20 a. A judge of the supreme court, court of appeals, or  
6 21 district court, including a district associate judge,  
6 22 associate juvenile judge, or senior judge as defined in  
6 23 section 602.9202, subsection 3, or a judicial magistrate.

6 24 b. A person ordained or designated as a leader of the  
6 25 party's religious faith.

6 26 2. A person ordained or designated as a leader of a  
6 27 party's religious faith authorized to solemnize a civil  
6 28 marriage shall not be required to solemnize any marriage in  
6 29 violation of the right to free exercise of religion guaranteed  
6 30 by the Constitution of the United States or the Constitution  
6 31 of the State of Iowa.

6 32 3. a. A marriage solemnized with the consent of parties  
6 33 in any manner other than that prescribed in this chapter, is  
6 34 valid, but the parties, and all persons aiding or abetting  
6 35 them, shall pay fifty dollars each to the treasurer of state



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7 1 for deposit in the general fund of the state.  
7 2 b. Paragraph "a" shall not apply to the person solemnizing  
7 3 the marriage, if within fifteen days after the solemnization,  
7 4 the person returns the completed certificate of marriage to  
7 5 the county registrar.

7 6 Sec. 12. NEW SECTION. 595A.12 FEE AND EXPENSES.

7 7 1. a. A person authorized to solemnize a marriage under  
7 8 section 595A.11, subsection 1, paragraph "a", shall not charge  
7 9 a fee for solemnizing a marriage during regular judicial  
7 10 working hours, but may do any of the following:

7 11 (1) Charge a reasonable fee for officiating and returning  
7 12 the completed certificate of marriage for each marriage  
7 13 solemnized at a time other than regular judicial working  
7 14 hours.

7 15 (2) In addition to any fee charged pursuant to  
7 16 subparagraph (1), charge the parties to the marriage for  
7 17 expenses incurred in solemnizing the marriage.

7 18 b. The supreme court shall adopt rules prescribing the  
7 19 maximum fee and expenses that may be charged by a person under  
7 20 this subsection.

7 21 2. A person authorized to solemnize a marriage under  
7 22 section 595A.11, subsection 1, paragraph "b", may charge a  
7 23 reasonable fee for each marriage solemnization and for  
7 24 returning the completed certificate of marriage in an amount  
7 25 agreed to by the person and the parties to the marriage.

7 26 Sec. 13. NEW SECTION. 595A.13 CERTIFICATE OF MARRIAGE ==  
7 27 RETURN.

7 28 1. a. After the marriage has been solemnized, the person  
7 29 who solemnized the marriage shall attest to the marriage on  
7 30 the blank certificate of marriage provided for that purpose  
7 31 and return the completed certificate of marriage within  
7 32 fifteen days to the county registrar who issued the marriage  
7 33 license.

7 34 b. If the certificate of marriage returned to the county  
7 35 registrar is not complete as required by the forms specified



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8 1 in section 144.12, the county registrar shall require the  
8 2 person returning the certificate of marriage to supply the  
8 3 omitted information.  
8 4 2. When a marriage is entered into without the services of  
8 5 a person authorized to solemnize a marriage under section  
8 6 595A.11, the required return of the completed certificate of  
8 7 marriage may be made to the county registrar by either spouse.  
8 8 Sec. 14. NEW SECTION. 595A.14 ISSUANCE OF CERTIFIED COPY  
8 9 OF CERTIFICATE OF MARRIAGE.  
8 10 Following receipt of the completed original certificate of  
8 11 marriage pursuant to section 144.36, the county registrar  
8 12 shall issue a certified copy of the original certificate of  
8 13 marriage to the parties to the marriage.  
8 14 Sec. 15. NEW SECTION. 595A.15 EXCEPTIONS.  
8 15 The provisions of this chapter, relating to procuring a  
8 16 license and to the solemnizing of a marriage are not  
8 17 applicable to members of religious or cultural communities  
8 18 having specific marriage customs, rites, or practices if the  
8 19 marriage is solemnized in accordance with these customs,  
8 20 rites, or practices.  
8 21 Sec. 16. NEW SECTION. 598A.16 ISSUE LEGITIMIZED.  
8 22 Children born outside of a marriage become legitimate by  
8 23 the subsequent marriage of their parents. Children born of a  
8 24 marriage contracted in violation of section 595A.5 or 595A.17  
8 25 are legitimate.  
8 26 Sec. 17. NEW SECTION. 595A.17 VOID CIVIL MARRIAGES.  
8 27 1. A man shall not enter into a civil marriage involving  
8 28 any of the following persons who are related by blood:  
8 29 a. The man and his mother, grandmother, aunt, daughter,  
8 30 sister, granddaughter, niece, or female first cousin.  
8 31 b. The man and his father, grandfather, uncle, son,  
8 32 brother, grandson, nephew, or male first cousin.  
8 33 2. A woman shall not enter into a civil marriage involving  
8 34 any of the following persons who are related by blood:  
8 35 a. The woman and her father, grandfather, uncle, son,



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9 1 brother, grandson, nephew, or male first cousin.

9 2 b. The woman and her mother, grandmother, aunt, daughter,  
9 3 sister, granddaughter, niece, or female first cousin.

9 4 3. Marriages between persons either of whom has a spouse  
9 5 living are void, but, if the parties live and cohabit together  
9 6 after the death or divorce of the former spouse, the marriage  
9 7 is valid.

9 8 Sec. 18. NEW SECTION. 595A.18 FOREIGN MARRIAGES ==  
9 9 VALIDITY.

9 10 A marriage which is solemnized in any other state,  
9 11 territory, country, or any foreign jurisdiction which is valid  
9 12 in that state, territory, country, or other foreign  
9 13 jurisdiction, is valid in this state.

9 14 Sec. 19. Section 144.36, Code 2009, is amended to read as  
9 15 follows:

9 16 144.36 MARRIAGE CERTIFICATE FILED == PROHIBITED  
9 17 INFORMATION.

9 18 1. A certificate recording each marriage performed in this  
9 19 state shall be filed with the state registrar.

9 20 2. The county registrar shall prepare the certificate of  
9 21 marriage on the form furnished by the state registrar based  
9 22 upon the basis of information obtained from the parties to be  
9 23 married, who shall attest to the information by their  
9 24 signatures. ~~The county registrar in each county shall keep a~~  
~~9 25 record book for marriages. The form of marriage record books~~  
~~9 26 shall be uniform throughout the state. A properly indexed~~  
~~9 27 permanent record of marriage certificates upon microfilm,~~  
~~9 28 electronic computer, or data processing equipment may be kept~~  
~~9 29 in lieu of marriage record books.~~

9 30 ~~2.~~ 3. Every person who ~~performs~~ solemnizes a marriage  
9 31 shall certify the fact of marriage and return the certificate  
9 32 of marriage to the county registrar within fifteen days after  
9 33 the ceremony marriage is solemnized. The certificate shall be  
9 34 signed by the witnesses to the ceremony solemnization and the  
9 35 person ~~performing the ceremony~~ solemnizing the marriage.



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10 1 ~~3.~~ 4. The certificate of marriage shall not contain  
10 2 information concerning the race of the married persons,  
10 3 previous marriages of the married persons, or the educational  
10 4 level of the married persons.

10 5 5. The county registrar in each county shall keep a record  
10 6 book for marriages. The form of marriage record books shall  
10 7 be uniform throughout the state. A properly indexed permanent  
10 8 record of certificates of marriage maintained on microfilm,  
10 9 electronically, or on data processing equipment may be kept in  
10 10 lieu of marriage record books.

10 11 ~~4.~~ 6. The county registrar shall record and forward to  
10 12 the state registrar on or before the tenth day of each  
10 13 calendar month the original certificates of marriages filed  
10 14 with the county registrar during the preceding calendar month  
10 15 and the fees collected by the county registrar on behalf of  
10 16 the state for applications for a civil marriage license ~~to~~  
10 17 ~~marry~~ in accordance with section 331.605, subsection 7.

10 18 Sec. 20. Section 216.18A, Code 2009, is amended to read as  
10 19 follows:

10 20 216.18A CONSTRUCTION OF CHAPTER == MARRIAGE.

10 21 This chapter shall ~~not~~ be construed to allow support the  
10 22 civil marriage between two persons of the same sex, in  
10 23 accordance with chapter ~~595~~ 595A.

10 24 Sec. 21. Section 331.605, subsection 7, Code 2009, is  
10 25 amended to read as follows:

10 26 7. a. For filing an application for ~~the license to marry~~  
10 27 a civil marriage license, thirty-five dollars, which includes  
10 28 payment for one certified copy of the original certificate of  
10 29 marriage, to be issued following filing of the original  
10 30 certificate of marriage, four dollars of which shall be  
10 31 retained by the county pursuant to subsection 6.

10 32 b. For issuing an application for an order of the district  
10 33 court authorizing the validation of a civil marriage license  
10 34 ~~to marry~~ before the expiration of three days from the date of  
10 35 issuance of the license, five dollars. The district court



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11 1 shall authorize the early validation of a civil marriage  
11 2 license without the payment of any fees imposed in this  
11 3 subsection upon showing that the applicant is unable to pay  
11 4 the fees.  
11 5 Sec. 22. Section 331.611, subsection 2, paragraph c, Code  
11 6 2009, is amended to read as follows:  
11 7 c. Issue and maintain marriage certificates as provided in  
11 8 sections 144.36, 144.45, and 144.46, and chapter ~~595~~ 595A.  
11 9 Sec. 23. Section 602.8103, subsection 3, Code 2009, is  
11 10 amended to read as follows:  
11 11 3. After the original record is reproduced and after  
11 12 approval of a majority of the judges of the district court by  
11 13 court order, destroy the original records including, but not  
11 14 limited to, dockets, journals, scrapbooks, files, and civil  
11 15 marriage license applications. The order shall state the  
11 16 specific records which are to be destroyed. An original court  
11 17 file shall not be destroyed until after the contents have been  
11 18 reproduced. As used in this subsection and subsection 4,  
11 19 "destroy" includes the transmission of the original records  
11 20 which are of general historical interest to any recognized  
11 21 historical society or association.  
11 22 Sec. 24. Chapter 595, Code 2009, is repealed.  
11 23 Sec. 25. CIVIL MARRIAGE ADVISORY COUNCIL == NECESSARY  
11 24 CHANGES IN LAW AND PROCESS NECESSARY TO ENSURE THE RIGHTS AND  
11 25 RESPONSIBILITIES OF SPOUSES.  
11 26 1. The governor shall appoint a civil marriage advisory  
11 27 council to make recommendations to implement and administer  
11 28 provisions relating to civil marriage in this state in  
11 29 accordance with chapter 595A, as enacted in this Act. The  
11 30 advisory council shall include but is not limited to  
11 31 representatives of the legal profession, the courts, business  
11 32 and industry, labor, and citizens interested in entering into  
11 33 civil marriages in this state.  
11 34 2. The advisory council shall make recommendations to the  
11 35 governor and the general assembly by September 1, 2009,



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12 1 regarding all of the following:

12 2 a. Any conforming changes in the Code of Iowa necessitated  
12 3 by the provisions relating to civil marriages in accordance  
12 4 with chapter 595A, as enacted in this Act.

12 5 b. Any changes in state legal or other processes,  
12 6 including but not limited to property rights, access to  
12 7 courts, parentage, inheritance, health decisions, contract  
12 8 rights, workplace benefits, insurance coverage, retirement  
12 9 benefits, dissolution, and other areas as necessitated to  
12 10 ensure that the parties to a civil marriage are provided with  
12 11 all the rights and subject to all the responsibilities in  
12 12 accordance with chapter 595A, as enacted in this Act.

12 13 Sec. 26. EFFECTIVE DATES.

12 14 1. The section of this Act relating to the establishment  
12 15 of a civil marriage advisory council, being deemed of  
12 16 immediate importance, takes effect upon enactment.

12 17 2. The remaining sections of this Act take effect July 1,  
12 18 2010.

12 19 EXPLANATION

12 20 This bill creates a new Code chapter 595A, the "Religious  
12 21 Freedom and Civil Marriage Protection Act". The purpose of  
12 22 the bill is to promote legal equality in the civil marriage  
12 23 laws and to protect the religious freedom of those authorized  
12 24 to solemnize civil marriages.

12 25 The bill provides definitions for the new Code chapter.  
12 26 The bill defines "marriage" as civil marriage which is a  
12 27 state-conferred legal status constituting a civil contract  
12 28 requiring the consent of two people capable of entering into  
12 29 the contract, unless otherwise provided in the bill, the  
12 30 existence of which results in the bestowing of rights,  
12 31 benefits, and responsibilities incident to that  
12 32 state-conferred legal status.

12 33 The bill also provides that gender-specific terms relating  
12 34 to the marital relationship or familial relationships which  
12 35 are necessary to implement the rights, benefits, and



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13 1 responsibilities of spouses are to be construed to be gender  
13 2 neutral for all purposes throughout the law, whether in the  
13 3 context of statute, administrative or court rule, policy,  
13 4 common law, or any other source of civil law.

13 5 The bill retains current marriage law provisions relating  
13 6 to age requirements, application for a civil marriage license,  
13 7 the waiting period and exceptions for a civil marriage  
13 8 license, solemnization provisions, fees and expenses, and the  
13 9 certificate of marriage.

13 10 In addition with regard to solemnization, the bill provides  
13 11 that a person ordained or designated as a leader of a party's  
13 12 religious faith authorized to solemnize a civil marriage shall  
13 13 not be required to solemnize any marriage in violation of the  
13 14 right to free exercise of religion guaranteed by the  
13 15 Constitution of the United States or the Constitution of the  
13 16 State of Iowa.

13 17 With regard to specifying void marriages, the bill provides  
13 18 gender-neutral provisions relating to relationships between  
13 19 persons who are related by blood that are void.

13 20 The bill provides that a marriage that is solemnized in any  
13 21 other state, territory, country, or any foreign jurisdiction  
13 22 which is valid in that state, territory, country, or other  
13 23 foreign jurisdiction is valid in this state.

13 24 The bill makes other conforming changes throughout the  
13 25 Code.

13 26 The bill directs the governor to appoint a civil marriage  
13 27 advisory council to make recommendations by September 1, 2009,  
13 28 for necessary changes in the law and legal and other processes  
13 29 necessary to implement and administer the provisions related  
13 30 to civil marriage pursuant to the new Code chapter 595A.

13 31 The provision relating to the civil marriage advisory  
13 32 council takes effect upon enactment. The remaining provisions  
13 33 of the bill take effect July 1, 2010.

13 34 LSB 2249XS 83

13 35 pf/rj/5



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SENATE FILE  
BY McCOY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act eliminating the inheritance tax on property passing to  
2 siblings of the decedent and including an applicability date  
3 provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2309SS 83  
6 mg/rj/14



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PAG LIN

1 1 Section 1. Section 450.7, subsection 1, unnumbered  
1 2 paragraph 1, Code 2009, is amended to read as follows:

1 3 Except for the share of the estate passing to the surviving  
1 4 spouse, and parents, grandparents, great-grandparents, and  
1 5 other lineal ascendants, children including legally adopted  
1 6 children and biological children entitled to inherit under the  
1 7 laws of this state, stepchildren, and grandchildren,  
1 8 great-grandchildren, and other lineal descendants, and passing  
1 9 to brothers, sisters, stepbrothers, and stepsisters, the tax  
1 10 is a charge against and a lien upon the estate subject to tax  
1 11 under this chapter, and all property of the estate or owned by  
1 12 the decedent from the death of the decedent until paid,  
1 13 subject to the following limitation:

1 14 Sec. 2. Section 450.9, Code 2009, is amended to read as  
1 15 follows:

1 16 450.9 INDIVIDUAL EXEMPTIONS.

1 17 In computing the tax on the net estate, the entire amount  
1 18 of property, interest in property, and income passing to the  
1 19 surviving spouse, and parents, grandparents,  
1 20 great-grandparents, and other lineal ascendants, children  
1 21 including legally adopted children and biological children  
1 22 entitled to inherit under the laws of this state,  
1 23 stepchildren, and grandchildren, great-grandchildren, and  
1 24 other lineal descendants, and passing to brothers, sisters,  
1 25 stepbrothers, and stepsisters are exempt from tax.

1 26 Sec. 3. Section 450.10, subsection 1, unnumbered paragraph  
1 27 1, Code 2009, is amended to read as follows:

1 28 When the property or any interest in property, or income  
1 29 from property, taxable under the provisions of this chapter,  
1 30 passes to the ~~brother or sister~~, son-in-law, or  
1 31 daughter-in-law, the rate of tax imposed on the individual  
1 32 share so passing shall be as follows:

1 33 Sec. 4. Section 450.10, subsection 6, Code 2009, is  
1 34 amended to read as follows:

1 35 6. Property, interest in property, or income passing to



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2 1 the surviving spouse, and parents, grandparents,  
2 2 great-grandparents, and other lineal ascendants, children  
2 3 including legally adopted children and biological children  
2 4 entitled to inherit under the laws of this state,  
2 5 stepchildren, and grandchildren, great-grandchildren, and  
2 6 other lineal descendants, and passing to brothers, sisters,  
2 7 stepbrothers, and stepsisters, is not taxable under this

2 8 section.

2 9 Sec. 5. APPLICABILITY DATE. This Act applies to estates  
2 10 of decedents dying on or after the effective date.

2 11 EXPLANATION

2 12 This bill exempts from the inheritance tax property,  
2 13 interest in property, or income passing to individuals who are  
2 14 brothers, sisters, stepbrothers, and stepsisters of the  
2 15 decedent.

2 16 The bill applies to estates of decedents dying on or after  
2 17 the effective date.

2 18 LSB 2309SS 83

2 19 mg/rj/14





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Senate Resolution 15 - Introduced continued

2 1 Districts; and  
2 2       WHEREAS, Rich Eychaner is a recipient of numerous  
2 3 awards for his lifetime of public service, including  
2 4 the Friends of Iowa Civil Rights Individual Award for  
2 5 his work as a civil rights activist in Iowa; the Power  
2 6 of One Award, presented in 2007 by the PFund, a  
2 7 Minnesota lesbian, gay, bisexual, and transgender  
2 8 foundation; and Activist of the Year presented in 2003  
2 9 by Cityview, an independent newspaper in Central Iowa;  
2 10 and  
2 11       WHEREAS, Rich Eychaner was nominated by Governor  
2 12 Culver and approved by the Senate to be a member of  
2 13 the Iowa Civil Rights Commission that fights  
2 14 discrimination across Iowa; NOW THEREFORE,  
2 15       BE IT RESOLVED BY THE SENATE, That the Senate  
2 16 honors Rich Eychaner for over three decades of  
2 17 championing human rights for all persons.  
2 18 LSB 1915SS 83  
2 19 jr/rj/5



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Senate Study Bill 1288

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
RULES AND ADMINISTRATION  
BILL BY CHAIRPERSON  
GRONSTAL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

1 An Act relating to appointments by members of the general  
2 assembly to statutory boards, commissions, councils, and  
3 committees, and including effective date and applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 1045XC 83  
7 jp/rj/5



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1 1 Section 1. Section 8.65, subsection 1, paragraph b, Code  
1 2 2009, is amended to read as follows:  
1 3 b. Four nonvoting members of the general assembly shall be  
1 4 appointed for a term of two years commencing at the convening  
~~1 5 of each general assembly terms as provided in section 69.16B,~~  
1 6 one each appointed by the majority leader of the senate, the  
1 7 minority leader of the senate, the speaker of the house of  
1 8 representatives, and the minority leader of the house of  
1 9 representatives. ~~However, initial appointments of members~~  
~~1 10 under this paragraph shall be made on April 27, 2007.~~  
1 11 Sec. 2. Section 8.65, subsection 2, paragraph a, Code  
1 12 2009, is amended to read as follows:  
1 13 a. Terms of voting members and of nonvoting members  
1 14 specified in subsection 1, paragraph "c", shall begin and end  
1 15 as provided by section 69.19. However, the terms of the  
1 16 voting members appointed by a member of the general assembly  
1 17 shall begin and end as provided in section 69.16B. Any  
1 18 vacancy shall be filled in the same manner as regular  
1 19 appointments are made for the unexpired portion of the regular  
1 20 term.  
1 21 Sec. 3. Section 216A.139, subsection 2, unnumbered  
1 22 paragraph 1, Code 2009, is amended to read as follows:  
1 23 ~~Members~~ The voting members of the council shall include  
1 24 ~~members of the general assembly selected by the legislative~~  
~~1 25 council and~~ one representative of each of the following:  
1 26 Sec. 4. Section 216A.139, Code 2009, is amended by adding  
1 27 the following new subsection:  
1 28 NEW SUBSECTION. 2A. In addition to the voting members,  
1 29 the council membership shall include four members of the  
1 30 general assembly with one member designated by each of the  
1 31 following: the majority leader of the senate, the minority  
1 32 leader of the senate, the speaker of the house of  
1 33 representatives, and the minority leader of the house of  
1 34 representatives. A legislative member serves for a term as  
1 35 provided in section 69.16B in an ex officio, nonvoting



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2 1 capacity.

2 2 Sec. 5. Section 225C.5, subsection 1, unnumbered paragraph  
2 3 1, Code 2009, is amended to read as follows:

2 4 A mental health, mental retardation, developmental  
2 5 disabilities, and brain injury commission is created as the  
2 6 state policy-making body for the provision of services to  
2 7 persons with mental illness, mental retardation or other  
2 8 developmental disabilities, or brain injury. ~~The commission~~  
~~2 9 shall consist of sixteen~~ commission's voting members shall be  
2 10 appointed to three-year staggered terms by the governor and  
2 11 are subject to confirmation by the senate. Commission members  
2 12 shall be appointed on the basis of interest and experience in  
2 13 the fields of mental health, mental retardation or other  
2 14 developmental disabilities, and brain injury, in a manner so  
2 15 as to ensure adequate representation from persons with  
2 16 disabilities and individuals knowledgeable concerning  
2 17 disability services. The department shall provide staff  
2 18 support to the commission, and the commission may utilize  
2 19 staff support and other assistance provided to the commission  
2 20 by other persons. The commission shall meet at least four  
2 21 times per year. ~~Members~~ The membership of the commission  
2 22 shall ~~include~~ consist of the following persons who, at the  
2 23 time of appointment to the commission, are active members of  
2 24 the indicated groups:

2 25 Sec. 6. Section 249A.36, subsection 2, paragraph a, Code  
2 26 2009, is amended to read as follows:

2 27 a. The council shall consist of ~~seven~~ eight voting members  
2 28 who are not members of the general assembly. The voting  
2 29 members shall be appointed two each by the majority leader of  
2 30 the senate, the minority leader of the senate, the speaker of  
2 31 the house, and the minority leader of the house of  
2 32 representatives. At least one member of the council shall be  
2 33 a consumer and at least one member shall be a medical  
2 34 assistance program provider. An individual who is employed by  
2 35 a private or nonprofit organization that receives one million



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3 1 dollars or more in compensation or reimbursement from the  
3 2 department, annually, is not eligible for appointment to the  
3 3 council. The members shall serve terms ~~of two years beginning~~  
~~3 4 and ending~~ as provided in section ~~69.19~~ 69.16B, and  
3 5 appointments shall comply with sections 69.16, ~~and~~ 69.16A, and  
3 6 69.16C. Members shall receive reimbursement for actual  
3 7 expenses incurred while serving in their official capacity and  
3 8 may also be eligible to receive compensation as provided in  
3 9 section 7E.6. Vacancies shall be filled by the original  
3 10 appointing authority and in the manner of the original  
3 11 appointment. A person appointed to fill a vacancy shall serve  
3 12 only for the unexpired portion of the term.

3 13 Sec. 7. Section 280A.2, subsections 8 and 9, Code 2009,  
3 14 are amended to read as follows:

3 15 8. TERMS OF MEMBERS. The members shall be appointed to  
3 16 ~~three-year staggered terms and the terms shall commence and~~  
~~3 17 end as provided by section 69.19, except that the appointment~~  
~~3 18 and terms of legislators shall be terms as provided in section~~  
3 19 69.16B. If a vacancy occurs, a successor shall be appointed  
3 20 to serve the unexpired term. A successor shall be appointed  
3 21 in the same manner and subject to the same qualifications as  
3 22 the original appointment to serve the unexpired portion of the  
3 23 term.

3 24 9. EXPENSES. ~~Members~~ The members of the commission who  
3 25 are not legislators are entitled to receive reimbursement for  
3 26 actual expenses incurred while engaged in the performance of  
3 27 official duties from funds appropriated to the department of  
3 28 education for that purpose, ~~except that legislators'.~~  
3 29 Legislators' per diem and expenses shall be paid from funds  
3 30 appropriated by section 2.12.

3 31 Sec. 8. Section 303A.5, subsection 2, Code 2009, is  
3 32 amended to read as follows:

3 33 2. Members appointed by the general assembly shall be  
3 34 appointed to ~~two-year~~ terms as provided in section 69.16B.  
3 35 The public members appointed by the governor shall serve



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4 1 five-year staggered terms beginning and ending as provided in  
4 2 section 69.19. Vacancies on the board shall be filled for the  
4 3 unexpired portion of the term in the same manner as the  
4 4 original appointments.

4 5 Sec. 9. Section 411.36, subsection 2, Code 2009, is  
4 6 amended to read as follows:

4 7 2. Except as otherwise provided for the initial  
4 8 appointments, the voting members shall be appointed for  
4 9 four-year terms, and the nonvoting members shall be appointed  
4 10 for ~~two-year~~ terms as provided in section 69.16B. Terms of  
4 11 voting members begin on May 1 in the year of appointment and  
4 12 expire on April 30 in the year of expiration.

4 13 Sec. 10. Section 411.36, subsection 5, paragraph a, Code  
4 14 2009, is amended to read as follows:

4 15 a. ~~Members~~ The voting members of the board shall be paid  
4 16 their actual and necessary expenses incurred in the  
4 17 performance of their duties and shall receive a per diem as  
4 18 specified in section 7E.6 for each day of service. Per diem  
4 19 and expenses shall be paid to voting members from the fire and  
4 20 police retirement fund created in section 411.8.

4 21 Sec. 11. Section 455B.150, subsection 1, paragraph b, Code  
4 22 2009, is amended to read as follows:

4 23 b. Four persons appointed by the leadership of the general  
4 24 assembly.

4 25 (1) The persons, who shall not be members of the general  
4 26 assembly, shall be appointed as follows:

4 27 (a) One person by the majority leader of the senate after  
4 28 consultation with the president of the senate ~~and the minority~~  
4 29 ~~leader~~, and one person by the minority leader of the senate  
4 30 ~~after consultation with the president of the senate and the~~  
4 31 ~~majority leader.~~

4 32 (b) ~~Two persons appointed~~ One person by the speaker of the  
4 33 house of representatives after consultation with the majority  
4 34 leader ~~and minority leader~~, and one person by the minority  
4 35 leader of the house of representatives.



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5 1 (2) Each person shall be an owner of a small business  
5 2 stationary source or shall represent an owner of a small  
5 3 business stationary source.

5 4 (3) ~~The~~ Each person shall serve for a ~~two-year~~ term as  
5 5 provided in section 69.16B and may be reappointed.

~~5 6 (4) A term shall expire upon the convening of the  
5 7 following general assembly, or when the appointee's successor  
5 8 is appointed, whichever occurs later.~~

5 9 Sec. 12. EFFECTIVE DATE AND APPLICABILITY PROVISIONS.  
5 10 This Act, being deemed of immediate importance, takes effect  
5 11 upon enactment. This Act applies to appointees named by a  
5 12 member or members of the general assembly before, on, or after  
5 13 the effective date of this Act.

5 14 EXPLANATION

5 15 This bill relates to appointments by members of the general  
5 16 assembly to statutory boards, commissions, councils, and  
5 17 committees. Many of the bill's provisions provide that terms  
5 18 of legislative appointees are for the approximately two-year  
5 19 period specified in Code section 69.16B beginning in  
5 20 odd-numbered years when a new general assembly convenes and  
5 21 ending upon the convening of the subsequent general assembly,  
5 22 or when the appointee's successor is appointed, whichever is  
5 23 later.

5 24 Code section 8.65, creating the local government innovation  
5 25 commission, is amended to provide that the terms of the four  
5 26 members of the general public appointed by legislative leaders  
5 27 are the same as the two-year terms of other legislative  
5 28 appointments. Citations to Code section 69.16B are provided  
5 29 and obsolete language is deleted.

5 30 Code section 216A.139, relating to establishment of the sex  
5 31 offender research council, is amended to replace a general  
5 32 requirement for appointment of an unspecified number of  
5 33 legislators by the legislative council with a requirement for  
5 34 appointment of two legislators from each chamber, one each by  
5 35 their respective legislative leaders.



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6 1 Code section 225C.5, creating the mental health, mental  
6 2 retardation, developmental disabilities, and brain injury  
6 3 commission, is amended to eliminate a reference to a specific  
6 4 number of voting members. Current law provides a limitation  
6 5 of 16 voting members while including a listing of various  
6 6 interests amounting to 17 membership slots.

6 7 Code section 249A.36, establishing the medical assistance  
6 8 quality improvement council, is amended to replace joint  
6 9 appointment of seven members by the four legislative leaders  
6 10 with appointment of eight public members with two each  
6 11 appointed by the same four legislative leaders. The terms are  
6 12 specified to be the two-year terms for legislative  
6 13 appointments outlined in Code section 69.16B.

6 14 Code section 280A.2, creating the Iowa learning technology  
6 15 commission, is amended to change the current three-year terms  
6 16 to two-year terms as specified for legislative appointments in  
6 17 Code section 69.16B. Six of the seven voting members are  
6 18 legislative appointments and four of the five ex officio,  
6 19 nonvoting members are legislators. The bill also provides for  
6 20 payment of per diem for the legislator members of the  
6 21 commission.

6 22 Code section 303A.5, creating the board of trustees of the  
6 23 Iowa cultural trust, is amended to specify that the four  
6 24 legislative public member appointees serve two-year terms  
6 25 coinciding with the beginning and ending of each general  
6 26 assembly as provided in Code section 69.16B. The remaining  
6 27 public members appointed by the governor serve five-year terms  
6 28 beginning on May 1 and ending April 30.

6 29 Code section 411.36, creating the board of trustees for the  
6 30 statewide fire and police retirement system, is amended to  
6 31 provide that the two-year terms of the legislator members  
6 32 coincide with the beginning and ending of the general assembly  
6 33 as provided in Code section 69.16B. Current law provides for  
6 34 all board terms to begin on May 1 and end on April 30.

6 35 Code section 455B.150, creating the compliance advisory



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7 1 panel in accordance with the federal Clean Air Act Amendments  
7 2 of 1990, is amended to provide individual appointment  
7 3 authority by the four legislative leaders to conform with  
7 4 other legislative appointments. The bill specifies that the  
7 5 four legislative appointments cannot be members of the general  
7 6 assembly and the terms are for two years coinciding with the  
7 7 beginning and ending of a general assembly as provided in Code  
7 8 section 69.16B.

7 9 The bill takes effect upon enactment and applies to  
7 10 appointees named by a member or members of the general  
7 11 assembly before, on, or after the effective date.

7 12 LSB 1045XC 83

7 13 jp/rj/5



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Senate Study Bill 1289

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 relating to flooding by creating an Iowa flood center,
- 2 allocating duties between the Iowa flood center and the water
- 3 resources coordinating council, and making appropriations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2304SC 83
- 6 tm/sc/5



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1 1 Section 1. Section 466B.3, subsection 6, paragraph b,  
1 2 subparagraph (7), Code 2009, is amended by striking the  
1 3 subparagraph.

1 4 Sec. 2. Section 466B.9, Code 2009, is amended to read as  
1 5 follows:

1 6 466B.9 RULEMAKING AUTHORITY.

1 7 The department and the department of agriculture and land  
1 8 stewardship shall have the power and authority reasonably  
1 9 necessary to carry out the duties imposed by this chapter. ~~As~~  
~~1 10 to the department, this includes rulemaking authority to carry~~  
~~1 11 out the regional watershed assessment program described in~~  
~~1 12 section 466B.5. As to the department of agriculture and land~~  
~~1 13 stewardship, this includes rulemaking authority to assist in~~  
~~1 14 the implementation of community-based subwatershed improvement~~  
~~1 15 plans.~~

1 16 Sec. 3. NEW SECTION. 466C.1 DEFINITIONS.

1 17 For purposes of this chapter, unless the context otherwise  
1 18 requires:

1 19 1. "Center" means the Iowa flood center established  
1 20 pursuant to section 466C.2.

1 21 2. "Council" means the water resources coordinating  
1 22 council established in section 466B.3.

1 23 3. "Regional watershed" means the watershed of hydrologic  
1 24 unit code scale 8.

1 25 4. "Subwatershed" means a watershed of hydrologic unit  
1 26 code scale 12 or smaller.

1 27 5. "Watershed" means a geographic area in which surface  
1 28 water is drained by rivers, streams, or other bodies of water.

1 29 Sec. 4. NEW SECTION. 466C.2 IOWA FLOOD CENTER.

1 30 1. The state board of regents shall establish and maintain  
1 31 in Iowa City as a part of the state university of Iowa an Iowa  
1 32 flood center. In conducting the activities of this chapter,  
1 33 the center shall work cooperatively with the department of  
1 34 natural resources, the department of agriculture and land  
1 35 stewardship, the water resources coordinating council, and



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- 2 1 other state and federal agencies.
- 2 2 2. The Iowa flood center shall have all of the following
- 2 3 purposes:
- 2 4 a. To develop hydrologic models for physically-based flood
- 2 5 frequency estimation and real-time forecasting of floods,
- 2 6 including hydraulic models of floodplain inundation mapping.
- 2 7 b. To establish community-based programs to improve flood
- 2 8 monitoring and prediction along Iowa's major waterways and to
- 2 9 support ongoing flood research.
- 2 10 c. To share resources and expertise of the Iowa flood
- 2 11 center.
- 2 12 d. To assist in the development of a workforce in the
- 2 13 state knowledgeable regarding flood research, prediction, and
- 2 14 mitigation strategies.
- 2 15 e. To conduct the activities required by this chapter in
- 2 16 cooperation with various state and federal agencies.
- 2 17 Sec. 5. NEW SECTION. 466C.3 REGIONAL WATERSHED
- 2 18 ASSESSMENT, PLANNING, AND PRIORITIZATION.
- 2 19 1. The center shall create a regional watershed assessment
- 2 20 program. The program shall assess all the regional watersheds
- 2 21 in the state.
- 2 22 a. Under the program, a statewide assessment shall be
- 2 23 conducted at the rate of approximately one-third of the
- 2 24 watersheds in the state per year, and an initial statewide
- 2 25 assessment shall be completed within three years. Thereafter,
- 2 26 the center shall review and update the assessments on a
- 2 27 regular basis.
- 2 28 b. Each regional watershed assessment shall provide a
- 2 29 summary of the overall condition of the watershed. The
- 2 30 information provided in the summary may include land use
- 2 31 patterns, soil types, slopes, management practices, stream
- 2 32 conditions, and both point and nonpoint source impairments.
- 2 33 c. In conducting regional watershed assessments, the
- 2 34 center may identify and facilitate local data collection to
- 2 35 support the assessment process.



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3 1       2. In conducting the regional watershed assessment  
3 2 program, the center shall provide hydrologic and geologic  
3 3 information sufficient for the council to prioritize  
3 4 watersheds statewide and for the various communities in those  
3 5 watersheds to plan remedial efforts in their local communities  
3 6 and subwatersheds.

3 7       3. Upon completion of the initial statewide assessment,  
3 8 and upon subsequent assessment updates, the center shall  
3 9 report the results of the assessment, and any updates, to the  
3 10 council and the general assembly, and shall make the report  
3 11 available to the public.

3 12       Sec. 6. NEW SECTION. 466C.4 COMMUNITY=BASED SUBWATERSHED  
3 13 IMPROVEMENT PLANS.

3 14       1. After the center's completion of the initial regional  
3 15 watershed assessment, and after the council's prioritization  
3 16 of the regional watersheds, the council shall initiate the  
3 17 organization of an interagency integrated water resources  
3 18 committee to facilitate the development and implementation of  
3 19 local, community-based subwatershed improvement plans.

3 20       2. In facilitating the development of community-based  
3 21 subwatershed improvement plans, the interagency integrated  
3 22 water resources committee shall, based on the results of the  
3 23 regional watershed assessment program, identify critical  
3 24 subwatersheds within priority regional watersheds and recruit  
3 25 communities, citizen groups, local governmental entities, or  
3 26 other stakeholders to engage in the assessment, planning,  
3 27 prioritization, and implementation of a local community-based  
3 28 subwatershed improvement plan. The interagency integrated  
3 29 water resources committee may assist in the formation of a  
3 30 group of initial local community-based subwatershed  
3 31 improvement plans that can be implemented as pilot projects,  
3 32 in order to develop an effective process that can be  
3 33 replicated across the state.

3 34       Sec. 7. NEW SECTION. 466C.5 COMMUNITY=BASED SUBWATERSHED  
3 35 MONITORING.



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4 1 1. After completion of the statewide regional watershed  
4 2 assessment and prioritization, and throughout the  
4 3 implementation of local community-based subwatershed  
4 4 improvement plans, the center shall assist communities with  
4 5 the monitoring and measurement of local subwatersheds. The  
4 6 monitoring and measurement shall be designed for the  
4 7 particular needs of individual communities while considering  
4 8 statewide watershed issues.

4 9 2. Local communities in which the center conducts  
4 10 subwatershed monitoring shall use the information to support  
4 11 subwatershed planning activities, guide supplemental local  
4 12 data collection efforts, and identify priority areas needing  
4 13 additional resources. Local communities shall collect data  
4 14 over time and use the data to evaluate the impacts of their  
4 15 management efforts. Data collected, as directed by  
4 16 interagency integrated water resources committees, shall be  
4 17 integrated into a digital regional watershed framework in  
4 18 real-time, or near real-time, by the center for use in  
4 19 assessment and planning by all the communities in the  
4 20 watershed. The center shall integrate digital regional  
4 21 watershed information into a digital statewide framework for  
4 22 assessment and planning for state water resources planning.

4 23 Sec. 8. NEW SECTION. 466C.6 DEVELOPMENT OF ADVANCED  
4 24 NUMERICAL TOOLS FOR WATER RESOURCES MANAGEMENT.

4 25 1. After completion of the statewide regional watershed  
4 26 assessment and prioritization, the center shall develop and  
4 27 implement physically based hydrologic models to improve  
4 28 watershed and community scale flood prediction and mitigation  
4 29 planning.

4 30 a. Physically based hydrologic models shall be used to  
4 31 improve understanding of frequency of flood occurrence within  
4 32 the state and to guide risk-based flood mitigation planning.

4 33 b. Physically based hydrologic models shall be used in  
4 34 conjunction with hydrologic sensor networks to provide  
4 35 real-time river discharge forecasts to aid communities in



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5 1 implementing flood response plans.  
 5 2 2. The center shall produce flood inundation maps relating  
 5 3 the spatial extent of flooding to predicted stream flows.  
 5 4 a. The center shall perform hydrodynamic simulations of  
 5 5 river flow to create detailed water surface profiles for use  
 5 6 in developing high-resolution flood inundation maps. A  
 5 7 library of inundation maps including but not limited to the  
 5 8 one hundred year and five hundred year recurrence intervals  
 5 9 shall be developed and made available along all rivers and  
 5 10 streams within each watershed. In addition to the static  
 5 11 library of flood inundation maps, the center shall provide  
 5 12 real-time forecasted flood inundation maps during the threat  
 5 13 of severe flooding for imperiled communities.  
 5 14 b. Flood inundation maps shall be stored in a geospatial  
 5 15 database and publicly distributed through web-based  
 5 16 applications.  
 5 17 Sec. 9. NEW SECTION. 466C.7 COMMUNITY ENGAGEMENT AND  
 5 18 TRAINING.  
 5 19 1. The center shall implement statewide programs to  
 5 20 educate Iowans on water quality, best management practices,  
 5 21 and flood risk and mitigation.  
 5 22 2. The center shall provide technical training through  
 5 23 regional workshops and short courses to water resources  
 5 24 professionals in state agencies, city and county  
 5 25 administrators, and private companies. Training shall focus  
 5 26 on application of hydrologic and water quality monitoring and  
 5 27 forecasting technologies.  
 5 28 Sec. 10. APPROPRIATION == IOWA FLOOD CENTER. There is  
 5 29 appropriated from the general fund of the state to the state  
 5 30 university of Iowa for the designated fiscal years the  
 5 31 following amount, or so much thereof as is necessary, to be  
 5 32 used for the purposes designated:  
 5 33 For the Iowa flood center, including salaries, support,  
 5 34 maintenance, and miscellaneous purposes:  
 5 35 FY 2009=2010 ..... \$ 1,300,000



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6 1 FY 2010=2011 ..... \$ 2,300,000  
 6 2 Sec. 11. Sections 466B.5, 466B.6, and 466B.7, Code 2009,  
 6 3 are repealed.

6 4 EXPLANATION

6 5 This bill relates to flooding by creating an Iowa flood  
 6 6 center and allocating duties between the Iowa flood center and  
 6 7 the water resources coordinating council.

6 8 The bill requires the state board of regents to establish  
 6 9 and maintain in Iowa City as a part of the state university of  
 6 10 Iowa an Iowa flood center. The bill provides that the Iowa  
 6 11 flood center shall develop hydrologic models for physically  
 6 12 based flood frequency estimation and real-time forecasting of  
 6 13 floods, including hydraulic models of floodplain inundation  
 6 14 mapping, establish community-based programs to improve flood  
 6 15 monitoring and prediction along Iowa's major waterways and to  
 6 16 support ongoing flood research, share resources and expertise  
 6 17 of the Iowa flood center, and assist in the development of a  
 6 18 workforce in the state knowledgeable regarding flood research,  
 6 19 prediction, and mitigation strategies.

6 20 Currently, the department of natural resources and the  
 6 21 water resources coordinating council are responsible for  
 6 22 regional watershed assessment, planning, and prioritization;  
 6 23 community-based subwatershed improvement plans; and  
 6 24 community-based subwatershed monitoring. The bill moves many  
 6 25 of these duties to the Iowa flood center with some  
 6 26 modifications.

6 27 The bill requires the center to create a regional watershed  
 6 28 assessment program. The program shall assess all the regional  
 6 29 watersheds in the state. Under the program, a statewide  
 6 30 assessment shall be conducted at the rate of approximately  
 6 31 one-third of the watersheds per year, and shall be completed  
 6 32 within three years. The bill provides that, in conducting the  
 6 33 regional watershed assessment program, the center shall  
 6 34 provide hydrologic and geologic information sufficient for the  
 6 35 water resources coordinating council to prioritize watersheds



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7 1 statewide and for the various communities in those watersheds  
7 2 to plan remedial efforts in their local communities and  
7 3 subwatersheds. The bill requires the center to report the  
7 4 results of the assessment to the council and the general  
7 5 assembly, and to make the report available to the public.

7 6 The bill provides that, after the center's completion of  
7 7 the initial regional watershed assessment, and after the  
7 8 council's prioritization of the regional watersheds, the  
7 9 council shall initiate the organization of an interagency  
7 10 integrated water resources committee to facilitate the  
7 11 development and implementation of local, community-based  
7 12 subwatershed improvement plans. The bill provides that, in  
7 13 facilitating the development of community-based subwatershed  
7 14 improvement plans, the interagency integrated water resources  
7 15 committee shall, based on the results of the regional  
7 16 watershed assessment program, identify critical subwatersheds  
7 17 within priority regional watersheds and recruit communities,  
7 18 citizen groups, local governmental entities, or other  
7 19 stakeholders to engage in the assessment, planning,  
7 20 prioritization, and implementation of a local community-based  
7 21 subwatershed improvement plan.

7 22 The bill provides that, after completion of the statewide  
7 23 regional watershed assessment and prioritization, and  
7 24 throughout the implementation of local community-based  
7 25 subwatershed improvement plans, the center shall assist  
7 26 communities with the monitoring and measurement of local  
7 27 subwatersheds. The bill provides that local communities in  
7 28 which the center conducts subwatershed monitoring shall use  
7 29 the information to support subwatershed planning activities,  
7 30 guide supplemental local data collection efforts, and identify  
7 31 priority areas needing additional resources.

7 32 The bill provides that, after completion of the statewide  
7 33 regional watershed assessment and prioritization, the center  
7 34 shall develop and implement physically based hydrologic models  
7 35 to improve watershed and community scale flood prediction and



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8 1 mitigation planning. The bill requires the center to produce  
8 2 flood inundation maps relating the spatial extent of flooding  
8 3 to predicted stream flows.  
8 4 The bill requires the center to implement statewide  
8 5 programs to educate Iowans on water quality, best management  
8 6 practices, and flood risk and mitigation. The bill requires  
8 7 the center to provide technical training through regional  
8 8 workshops and short courses to water resources professionals  
8 9 in state agencies, city and county administrators, and private  
8 10 companies.  
8 11 The bill appropriates moneys \$1.3 million for FY 2009=2010  
8 12 and \$2.3 million for FY 2010=2011 from the general fund of the  
8 13 state to the university of Iowa for the Iowa flood center.  
8 14 LSB 2304SC 83  
8 15 tm/sc/5



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Senate Study Bill 1290

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON APPEL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act concerning limitations on employment of persons employed  
2 by a wine permittee engaged in manufacturing and wholesaling  
3 native wine.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2664XC 83  
6 ec/rj/5



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PAG LIN

1 1 Section 1. Section 123.56, Code 2009, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5A. Notwithstanding any other provision  
1 4 of this chapter, a person employed by a class "A" native wine  
1 5 permittee may be employed by a brewery with a class "A" native  
1 6 beer permit provided the person has no ownership interest in  
1 7 either licensed premises.

1 8 EXPLANATION

1 9 This bill allows a person employed by a class "A" native  
1 10 wine permittee to also be employed by a native brewery so long  
1 11 as the person does not have an ownership interest in either  
1 12 licensed premises.

1 13 LSB 2664XC 83

1 14 ec/rj/5



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**Senate Study Bill 1291**

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

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

**A BILL FOR**

1 An Act relating to disaster recovery by legalizing certain  
 2 actions taken and proceedings conducted by cities and counties  
 3 in response to a natural disaster, designating certain  
 4 activities as essential corporate purposes and essential  
 5 county purposes, authorizing counties to issue bonds for road  
 6 repair projects, amending provisions related to state and  
 7 local bonding authority and contract letting requirements,  
 8 exempting certain bond proceeds and interest from state income  
 9 taxation, and amending provisions related to city and county  
 10 lease contracts and loan agreements, modifying provisions  
 11 relating to municipal support of projects, amending provisions  
 12 related to expenditures from certain revolving loan funds, and  
 13 including effective date and retroactive applicability  
 14 provisions.  
 15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 16 TLSB 2374XL 83  
 17 md/sc/24





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2 1 NEW SUBSECTION. 10. Interest earned on the bonds or notes  
2 2 issued by the authority in connection with the single-family  
2 3 housing program or the multifamily housing program is exempt  
2 4 from state individual and corporate income tax. This  
2 5 subsection applies to bonds or notes issued on or after the  
2 6 effective date of this Act.

2 7 Sec. 5. Section 16.131, subsection 3, Code 2009, is  
2 8 amended to read as follows:

2 9 3. The authority may issue its bonds and notes for the  
2 10 purpose of funding the revolving loan funds created under  
2 11 section 455B.295 and defraying the costs of payment of the  
2 12 twenty percent state matching funds required for federal funds  
2 13 received for projects. Notwithstanding any provision of this  
2 14 chapter to the contrary, moneys deposited in the revolving  
2 15 loan funds may be used in any manner permitted or required by  
2 16 applicable federal law.

2 17 Sec. 6. NEW SECTION. 26.16 EMERGENCY REPAIRS ==  
2 18 PROCEDURE.

2 19 1. When emergency repair of a public improvement, highway,  
2 20 bridge, or culvert is necessary and the delay of advertising  
2 21 and a public letting would cause serious loss or injury to the  
2 22 governmental entity, the chief officer or official of the  
2 23 governmental entity shall make a finding of the necessity to  
2 24 institute emergency proceedings under this section and shall  
2 25 procure a certificate from a competent licensed professional  
2 26 engineer or registered architect certifying that emergency  
2 27 repairs are necessary. Upon receiving the certificate, the  
2 28 chief officer or chief official of a governmental entity may  
2 29 accept, enter into, and make payment under a contract for  
2 30 emergency repairs without satisfying the advertising and  
2 31 public hearing requirements of this chapter, and without  
2 32 obtaining a performance and payment bond as required by  
2 33 chapter 573.

2 34 2. Following execution of the contract, the chief officer  
2 35 or chief official shall provide the contract and information



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3 1 regarding the emergency repairs to the governing body of the  
3 2 governmental entity at its next meeting.

3 3 Sec. 7. Section 76.1, Code 2009, is amended to read as  
3 4 follows:

3 5 76.1 MANDATORY RETIREMENT.

3 6 1. Hereafter issues of bonds of every kind and character  
3 7 by counties, cities, and school corporations shall be  
3 8 consecutively numbered.

3 9 2. a. The annual levy shall be sufficient to pay the  
3 10 interest and approximately such portion of the principal of  
3 11 the bonds as will retire them in a period not exceeding twenty  
3 12 years from date of issue, except as provided in paragraph "b".

3 13 b. General obligation bonds issued for the purposes  
3 14 specified in section 331.441, subsection 2, paragraph "b",  
3 15 subparagraphs (18) through (20), or in section 384.24,  
3 16 subsection 3, paragraphs "w" through "z", and bonds issued to  
3 17 refund or refinance bonds issued for those purposes may mature  
3 18 and be retired in a period not exceeding thirty years from  
3 19 date of issue.

3 20 3. Each issue of bonds shall be scheduled to mature  
3 21 ~~serially~~ in the same order as numbered.

3 22 Sec. 8. Section 76.2, unnumbered paragraph 1, Code 2009,  
3 23 is amended to read as follows:

3 24 The governing authority of these political subdivisions  
3 25 before issuing bonds shall, by resolution, provide for the  
3 26 assessment of an annual levy upon all the taxable property in  
3 27 the political subdivision sufficient to pay the interest and  
3 28 principal of the bonds within a period named not exceeding  
3 29 ~~twenty years~~ the applicable period of time specified in

3 30 section 76.1. A certified copy of this resolution shall be  
3 31 filed with the county auditor or the auditors of the counties  
3 32 in which the political subdivision is located; and the filing  
3 33 shall make it a duty of the auditors to enter annually this  
3 34 levy for collection from the taxable property within the  
3 35 boundaries of the political subdivision until funds are



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4 1 realized to pay the bonds in full. The levy shall continue to  
4 2 be made against property that is severed from the political  
4 3 subdivision after the filing of the resolution until funds are  
4 4 realized to pay the bonds in full.

4 5 Sec. 9. Section 314.1, subsection 2, Code 2009, is amended  
4 6 to read as follows:

4 7 2. Notwithstanding any other provision of law to the  
4 8 contrary, a public improvement that involves the construction,  
4 9 reconstruction, or improvement of a highway, bridge, or  
4 10 culvert and that has a cost in excess of the applicable  
4 11 threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, or  
4 12 313.10, as modified by the bid threshold subcommittee pursuant  
4 13 to section 314.1B, shall be advertised and let for bid, except  
4 14 such public improvements that involve emergency work pursuant  
4 15 to section ~~26.16, 309.40A, or 313.10, or 384.103, subsection~~

~~4 16~~ 2. For a city having a population of fifty thousand or less,  
4 17 a public improvement that involves the construction,  
4 18 reconstruction, or improvement of a highway, bridge, or  
4 19 culvert that has a cost in excess of twenty-five thousand  
4 20 dollars, as modified by the bid threshold subcommittee  
4 21 pursuant to section 314.1B, shall be advertised and let for  
4 22 bid, excluding emergency work. However, a public improvement  
4 23 that has an estimated total cost to a city in excess of a  
4 24 threshold of fifty thousand dollars, as modified by the bid  
4 25 threshold subcommittee pursuant to section 314.1B, and that  
4 26 involves the construction, reconstruction, or improvement of a  
4 27 highway, bridge, or culvert that is under the jurisdiction of  
4 28 a city with a population of more than fifty thousand, shall be  
4 29 advertised and let for bid. Cities required to competitively  
4 30 bid highway, bridge, or culvert work shall do so in compliance  
4 31 with the contract letting procedures of sections 26.3 through  
4 32 26.13.

4 33 Sec. 10. Section 331.301, subsection 10, paragraph e,  
4 34 unnumbered paragraph 1, Code 2009, is amended to read as  
4 35 follows:



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5 1 The board may authorize a lease or lease-purchase contract  
5 2 which is payable from the general fund ~~and which if the~~  
5 3 contract would not cause the total of lease and lease-purchase  
5 4 ~~payments of the county~~ due from the general fund of the county  
5 5 in any single future fiscal year for all lease or  
5 6 lease-purchase contracts in force on the date of the  
5 7 authorization, excluding payments to exercise purchase options  
5 8 or to pay the expenses of operation or ownership of the  
5 9 property, to exceed ten percent of the last certified general  
5 10 fund budget amount in accordance with the following  
5 11 procedures:

5 12 Sec. 11. Section 331.341, subsection 1, Code 2009, is  
5 13 amended to read as follows:

5 14 1. When the estimated total cost of a public improvement,  
5 15 other than improvements which may be paid for from the  
5 16 secondary road fund, exceeds the competitive bid threshold in  
5 17 section 26.3, or as established in section 314.1B, the board  
5 18 shall follow the competitive bid and contract letting  
5 19 procedures for governmental entities in chapter 26 and ~~the~~  
5 20 ~~contract letting procedures in~~ section 384.103. As used in  
5 21 this section, "public improvement" means the same as defined  
5 22 in section 26.2 as modified by this subsection.

5 23 Sec. 12. Section 331.402, subsection 3, paragraph d,  
5 24 unnumbered paragraph 1, Code 2009, is amended to read as  
5 25 follows:

5 26 The board may authorize a loan agreement which is payable  
5 27 from the general fund ~~and which if the loan agreement~~ would  
5 28 not cause the total of scheduled annual payments of principal  
5 29 or interest or both principal and interest ~~of the county~~ due  
5 30 from the general fund of the county in any single future  
5 31 fiscal year with respect to all loan agreements in force on  
5 32 the date of the authorization to exceed ten percent of the  
5 33 last certified general fund budget amount in accordance with  
5 34 the following procedures:

5 35 Sec. 13. Section 331.429, subsection 2, Code 2009, is



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6 1 amended by adding the following new paragraph:

6 2 NEW PARAGRAPH. j. Payment of interest and principal on  
6 3 bonds of the county issued for repair of damaged roads under  
6 4 section 331.429A.

6 5 Sec. 14. NEW SECTION. 331.429A DISASTER SECONDARY ROAD  
6 6 BONDS.

6 7 1. A county may issue bonds or other indebtedness to  
6 8 provide funds to pay all or any part of the cost of a road  
6 9 repair project for roads that have sustained significant  
6 10 damage due to flooding or severe winter weather including but  
6 11 not limited to expenditures for gravel.

6 12 2. Before the board may institute proceedings for the  
6 13 issuance of bonds under this section, the county engineer  
6 14 shall certify to the board the amount needed to fund the road  
6 15 repair.

6 16 3. Following certification to the board by the county  
6 17 engineer, a notice of the proposed action, including a  
6 18 statement of the amount and purposes of the bonds, and the  
6 19 time and place of the meeting at which the board proposes to  
6 20 take action for the issuance of the bonds, shall be published  
6 21 as provided in section 331.305.

6 22 4. At the meeting, the board shall receive oral or written  
6 23 objections from any resident or property owner of the county.  
6 24 After all objections have been received and considered, the  
6 25 board, at that meeting or a date to which it is adjourned, may  
6 26 take additional action for the issuance of the bonds or  
6 27 abandon the proposal to issue the bonds.

6 28 5. The bonds shall be issued subject to repayment by a  
6 29 date determined by the board, not to exceed five years from  
6 30 the date of issuance, and shall be payable solely from moneys  
6 31 appropriated by the board pursuant to section 331.429,  
6 32 subsection 2, paragraph "j".

6 33 6. Any resident or property owner of the county may appeal  
6 34 the decision of the board to take additional action to the  
6 35 district court of the county, within fifteen days after the



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7 1 additional action is taken, but the additional action of the  
7 2 board is final and conclusive unless the court finds that the  
7 3 board exceeded its authority. The provisions of this section  
7 4 with respect to notice, hearing, and appeal are in lieu of any  
7 5 other law.

7 6 Sec. 15. Section 331.441, subsection 2, paragraph b, Code  
7 7 2009, is amended by adding the following new subparagraphs:

7 8 NEW SUBPARAGRAPH. (18) The remediation, restoration,  
7 9 repair, cleanup, and improvement of property located in the  
7 10 unincorporated areas of the county and all existing county  
7 11 buildings, facilities, and property owned or operated by the  
7 12 county that have been damaged by a disaster as defined in  
7 13 section 29C.2.

7 14 NEW SUBPARAGRAPH. (19) The reimbursement of the county's  
7 15 general fund or other funds of the county for expenditures  
7 16 made related to remediation, restoration, repair, and cleanup  
7 17 of damage caused by a disaster as defined in section 29C.2.

7 18 NEW SUBPARAGRAPH. (20) The administrative expenses  
7 19 incurred by a county as the result of undertaking an essential  
7 20 county purpose.

7 21 Sec. 16. Section 357A.12, unnumbered paragraph 2, Code  
7 22 2009, is amended to read as follows:

7 23 The procedures for competitive bidding and emergency  
7 24 repairs specified in chapter 26 ~~and for emergency repairs as~~  
7 25 ~~specified in section 384.103, subsection 2,~~ shall apply to  
7 26 construction carried out pursuant to this chapter.

7 27 Sec. 17. Section 364.4, subsection 4, paragraph e,  
7 28 unnumbered paragraph 1, Code 2009, is amended to read as  
7 29 follows:

7 30 The governing body may authorize a lease or lease=purchase  
7 31 contract which is payable from the general fund ~~and which if~~  
7 32 the contract would not cause the total of annual lease or  
7 33 lease=purchase payments of the city due from the general fund  
7 34 of the city in any single future fiscal year for all lease or  
7 35 lease=purchase contracts in force on the date of the



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8 1 authorization, excluding payments to exercise purchase options  
8 2 or to pay the expenses of operation or ownership of the  
8 3 property, to exceed ten percent of the last certified general  
8 4 fund budget amount in accordance with the following  
8 5 procedures:

8 6 Sec. 18. Section 384.24, subsection 3, Code 2009, is  
8 7 amended by adding the following new paragraphs:

8 8 NEW PARAGRAPH. w. The remediation, restoration, repair,  
8 9 cleanup, and improvement of property located within the  
8 10 corporate boundaries of the city and all existing buildings,  
8 11 facilities, and property owned or operated by the city that  
8 12 have been damaged by a disaster as defined in section 29C.2.

8 13 NEW PARAGRAPH. x. The reimbursement of the city's general  
8 14 fund or other funds of the city for expenditures made related  
8 15 to remediation, restoration, repair, and cleanup of damage  
8 16 caused by a disaster as defined in section 29C.2.

8 17 NEW PARAGRAPH. y. The administrative expenses incurred by  
8 18 a city as the result of undertaking an essential corporate  
8 19 purpose.

8 20 NEW PARAGRAPH. z. The acquisition, construction,  
8 21 extension, improvement, repair, and equipping of public  
8 22 buildings, and the acquisition of real estate needed for such  
8 23 purposes, if the principal amount of the bonds does not exceed  
8 24 the following limits:

8 25 (1) Four hundred thousand dollars in a city having a  
8 26 population of five thousand or less.

8 27 (2) Seven hundred thousand dollars in a city having a  
8 28 population of more than five thousand but not more than  
8 29 seventy-five thousand.

8 30 (3) One million dollars in a city having a population of  
8 31 more than seventy-five thousand.

8 32 Sec. 19. Section 384.24A, subsection 4, unnumbered  
8 33 paragraph 1, Code 2009, is amended to read as follows:

8 34 The governing body may authorize a loan agreement which is  
8 35 payable from the general fund ~~and which~~ if the loan agreement



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9 1 would not cause the total of scheduled annual payments of  
9 2 principal or interest or both principal and interest ~~of the~~  
~~9 3 city due from the general fund of the city in any single~~  
9 4 future fiscal year with respect to all loan agreements in  
9 5 force on the date of the authorization to exceed ten percent  
9 6 of the last certified general fund budget amount in accordance  
9 7 with the following procedures:

9 8 Sec. 20. Section 384.103, Code 2009, is amended to read as  
9 9 follows:

9 10 384.103 BONDS AUTHORIZED ~~== EMERGENCY REPAIRS.~~

9 11 ~~1.~~ A governing body may authorize, sell, issue, and  
9 12 deliver its bonds whether or not notice and hearing on the  
9 13 plans, specifications, form of contract, and estimated cost  
9 14 for the public improvement to be paid for in whole or in part  
9 15 from the proceeds of said bonds has been given, and whether or  
9 16 not a contract has been awarded for the construction of the  
9 17 improvement. This ~~subsection~~ section does not apply to bonds  
9 18 which are payable solely from special assessment levies  
9 19 against benefited property.

9 20 ~~2. When emergency repair of a public improvement is~~  
~~9 21 necessary and the delay of advertising and a public letting~~  
~~9 22 might cause serious loss or injury to the city, the governing~~  
~~9 23 body shall, by resolution, make a finding of the necessity to~~  
~~9 24 institute emergency proceedings under this section, and shall~~  
~~9 25 procure a certificate from a competent licensed professional~~  
~~9 26 engineer or registered architect, not in the regular employ of~~  
~~9 27 the city, certifying that emergency repairs are necessary.~~

9 28 ~~In that event the governing body may contract for emergency~~  
~~9 29 repairs without holding a public hearing and advertising for~~  
~~9 30 bids, and the provisions of chapter 26 do not apply.~~

9 31 Sec. 21. Section 390.3, unnumbered paragraph 2, Code 2009,  
9 32 is amended to read as follows:

9 33 However, in the performance of a joint agreement, the  
9 34 governing body is not subject to statutes generally applicable  
9 35 to public contracts, including hearings on plans,



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10 1 specifications, form of contracts, costs, notice and  
10 2 competitive bidding required under chapter 26 ~~and section~~  
~~10 3 384.103~~, unless all parties to the joint agreement are cities  
10 4 located within the state of Iowa.  
10 5 Sec. 22. Section 419.1, subsection 12, Code 2009, is  
10 6 amended by adding the following new paragraphs:  
10 7 NEW PARAGRAPH. c. Land, buildings, or improvements that  
10 8 are eligible for financing from midwestern disaster area bonds  
10 9 authorized under the federal Emergency Economic Stabilization  
10 10 Act of 2008, Pub. L. No. 110=185.  
10 11 NEW PARAGRAPH. d. An activity for which tax exempt  
10 12 financing is authorized by the Internal Revenue Code, together  
10 13 with any taxable financing necessary or desirable in  
10 14 connection with such activity.  
10 15 Sec. 23. Section 419.17, subsection 2, Code 2009, is  
10 16 amended by striking the subsection.  
10 17 Sec. 24. Section 422.7, Code 2009, is amended by adding  
10 18 the following new subsection:  
10 19 NEW SUBSECTION. 18. Subtract, to the extent included,  
10 20 interest earned on bonds and notes issued by the Iowa finance  
10 21 authority as provided in section 16.26, subsection 10.  
10 22 Sec. 25. Section 422.35, Code 2009, is amended by adding  
10 23 the following new subsection:  
10 24 NEW SUBSECTION. 14. Subtract, to the extent included,  
10 25 interest earned on bonds and notes issued by the Iowa finance  
10 26 authority as provided in section 16.26, subsection 10.  
10 27 Sec. 26. Section 455B.297, Code 2009, is amended by adding  
10 28 the following new unnumbered paragraph:  
10 29 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of  
10 30 this chapter to the contrary, moneys deposited in the  
10 31 revolving loan funds may be used in any manner permitted or  
10 32 required by applicable federal law.  
10 33 Sec. 27. Section 419.8, Code 2009, is repealed.  
10 34 Sec. 28. EFFECTIVE DATE. This division of this Act, being  
10 35 deemed of immediate importance, takes effect upon enactment.



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11 1

EXPLANATION

11 2 This bill relates to disaster recovery by making changes  
11 3 relating to state and local bonding and contract letting  
11 4 requirements, city and county lease contracts and loan  
11 5 agreements, municipal support of projects, the taxation of  
11 6 certain bonds, the definitions of essential corporate purpose  
11 7 and essential county purpose, by authorizing counties to issue  
11 8 disaster secondary road bonds, and by authorizing certain  
11 9 disaster-affected cities and counties to amend their budgets  
11 10 for the fiscal year ending June 30, 2008.

11 11 Division I of the bill provides that all proceedings  
11 12 conducted or actions taken by or on behalf of a city or county  
11 13 related to the emergency repair or reconstruction of public  
11 14 improvements damaged by a natural disaster during the period  
11 15 of time beginning May 1, 2008, and ending August 31, 2008, and  
11 16 related to all natural disaster-related expenditures by a city  
11 17 or county in excess of an original or previously amended city  
11 18 or county budget for the fiscal year ending June 30, 2008,  
11 19 which were conducted or taken in violation of the requirements  
11 20 of section 331.435 or 384.18, as applicable, prior to the  
11 21 effective date of this division of this Act are legalized and  
11 22 validated. Division I requires those cities or counties that  
11 23 are subject to the division to amend their budgets for the  
11 24 fiscal year ending June 30, 2008.

11 25 Division I of the bill takes effect upon enactment and  
11 26 applies retroactively to the date of any proceeding or action  
11 27 legalized and validated under division I.

11 28 Division II of the bill amends the definition of "project"  
11 29 under Code section 16.1, relating to the Iowa finance  
11 30 authority, to include projects, that in addition to the use of  
11 31 tax-exempt financing, include taxable financing necessary or  
11 32 desirable in connection with the project.

11 33 Division II amends Code section 16.26 and enacts Code  
11 34 section 422.7, subsection 18, and Code section 422.35,  
11 35 subsection 14, to provide interest earned on the bonds or



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12 1 notes issued by the Iowa finance authority in connection with  
12 2 the single-family housing program or the multifamily housing  
12 3 program is exempt from state individual and corporate income  
12 4 taxation. The amendment to Code section 16.26 applies to  
12 5 bonds and notes issued on or after the effective date of the  
12 6 bill.

12 7 Division II establishes procedures for certain emergency  
12 8 repairs under Code chapter 26 relating to public construction  
12 9 bidding and strikes similar provisions in Code section  
12 10 384.103. Division II provides that when emergency repair of a  
12 11 public improvement, highway, bridge, or culvert is necessary  
12 12 and the delay of advertising and a public letting would cause  
12 13 serious loss or injury to the governmental entity, the chief  
12 14 officer or official of the governmental entity shall make a  
12 15 finding of the necessity to institute emergency proceedings  
12 16 and shall procure a certificate from a competent licensed  
12 17 professional engineer or registered architect certifying that  
12 18 emergency repairs are necessary. Division II also provides  
12 19 that upon receiving the certificate, the chief officer or  
12 20 chief official of a governmental entity may accept, enter  
12 21 into, and make payment under a contract for emergency repairs  
12 22 without satisfying the advertising and public hearing  
12 23 requirements of Code chapter 26, and without obtaining a  
12 24 performance and payment bond as required by Code chapter 573.  
12 25 Division II further provides that following execution of the  
12 26 contract, the chief officer or chief official shall provide  
12 27 the contract and information regarding the emergency repairs  
12 28 to the governing body of the governmental entity at its next  
12 29 meeting.

12 30 Division II also amends Code section 76.1 by providing that  
12 31 general obligation bonds issued for certain essential  
12 32 corporate purposes and essential county purposes, and bonds  
12 33 issued to refund or refinance those bonds may mature and be  
12 34 retired in a period not exceeding 30 years from the date of  
12 35 issue.



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13 1 Division II creates new Code section 331.429A, which  
13 2 authorizes counties to issue bonds to fund road repair  
13 3 projects to repair roads damaged by flooding or severe winter  
13 4 weather. Bonds issued for this purpose may be issued without  
13 5 approval at election and are to be repaid with moneys in the  
13 6 county's secondary road fund within a time determined by the  
13 7 board of supervisors, not to exceed five years from the date  
13 8 of issuance of the bonds.

13 9 Division II amends the definitions of "essential corporate  
13 10 purpose" and "essential county purpose" to include the  
13 11 remediation, restoration, repair, cleanup, and improvement of  
13 12 property within the jurisdiction of the city or county, as  
13 13 applicable, and publicly owned or operated buildings,  
13 14 facilities, and property that have been damaged by a disaster;  
13 15 the reimbursement of a city or county general fund or other  
13 16 funds for expenditures made related to remediation,  
13 17 restoration, repair, and cleanup of damage caused by a  
13 18 disaster; and the administrative expenses incurred as the  
13 19 result of undertaking an essential corporate purpose or  
13 20 essential county purpose.

13 21 Division II also amends the definition of "essential  
13 22 corporate purpose" to include the acquisition, construction,  
13 23 extension, improvement, repair, and equipping of public  
13 24 buildings, subject to limitations based on population.

13 25 Division II amends city and county requirements for lease  
13 26 or lease-purchase contracts and loan agreements by specifying  
13 27 that such contracts or agreements may not be authorized if the  
13 28 contract or agreement would cause payments from the city or  
13 29 county general fund to exceed 10 percent of the last city or  
13 30 county certified general fund budget unless certain procedures  
13 31 are followed.

13 32 Division II amends the definition of "project" under Code  
13 33 section 419.1, relating to municipal funding of certain  
13 34 projects, to include projects that, in addition to the use of  
13 35 tax-exempt financing, include taxable financing necessary or



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14 1 desirable in connection with the project and to include  
14 2 projects that are eligible for financing from midwestern  
14 3 disaster area bonds under the federal Emergency Economic  
14 4 Stabilization Act of 2008. The definition of "project" in  
14 5 Code section 419.1 also applies to the Iowa finance  
14 6 authority's bond bank program under Code section 16.102.  
14 7 Division II also repeals Code section 419.8, which restricts  
14 8 the use of land owned by the municipality for a project and  
14 9 requires the entire cost of any project to be paid out of the  
14 10 proceeds from the sale of bonds issued under Code chapter 419  
14 11 and not from any other funds of the city, except for donations  
14 12 of property or money received by the city to be used as a part  
14 13 of a project.  
14 14 Division II specifies that money deposited in the revolving  
14 15 loan funds created under Code section 455B.295, relating to  
14 16 clean water projects, may be used in any manner permitted or  
14 17 required by applicable federal law.  
14 18 Division II of the bill takes effect upon enactment.  
14 19 LSB 2374XL 83  
14 20 md/sc/24.1