



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 23, 2009

# House Amendment 1236

PAG LIN

1 1 Amend the amendment, H=1189, to House File 675 as  
1 2 follows:  
1 3 #1. Page 1, line 5, by striking the word  
1 4 <<substantial>> and inserting the following:  
1 5 <<significant>>.  
1 6  
1 7  
1 8  
1 9 RANTS of Woodbury  
1 10 HF 675.503 83  
1 11 ec/nh/23148  
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**Iowa General Assembly  
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March 23, 2009**

# House Amendment 1237

PAG LIN

1 1 Amend the amendment, H=1217, to House File 722, as  
 1 2 follows:  
 1 3 #1. Page 2, by inserting after line 10 the  
 1 4 following:  
 1 5 <Sec. \_\_\_\_\_. Section 483A.36, Code 2009, is amended  
 1 6 to read as follows:  
 1 7 483A.36 MANNER OF CONVEYANCE.  
 1 8 ~~No~~ A person, except as permitted by law, shall not  
 1 9 have or carry a gun in or on a vehicle on a public  
 1 10 highway, unless the gun is taken down or totally  
 1 11 contained in a securely fastened case, and its barrels  
 1 12 and permanently attached magazines are unloaded.>  
 1 13 #2. By renumbering as necessary.  
 1 14  
 1 15  
 1 16  
 1 17 BAUDLER of Adair  
 1 18 HF 722.303 83  
 1 19 av/sc/22504  
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# House Amendment 1238

PAG LIN

1 1 Amend House File 722 as follows:  
1 2 #1. Page 26, by inserting after line 13 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 483A.36, Code 2009, is amended  
1 5 to read as follows:  
1 6 483A.36 MANNER OF CONVEYANCE.  
1 7 ~~No~~ A person, except as permitted by law, shall not  
1 8 have or carry a gun in or on a vehicle on a public  
1 9 highway, unless the gun is taken down or totally  
1 10 contained in a securely fastened case, and its barrels  
1 11 and permanently attached magazines are unloaded.>  
1 12 #2. By renumbering as necessary.  
1 13  
1 14  
1 15  
1 16 BAUDLER of Adair  
1 17 HF 722.708 83  
1 18 av/sc/22505  
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# House Amendment 1239

PAG LIN

1 1 Amend the amendment, H=1217, to House File 722 as  
1 2 follows:  
1 3 #1. Page 1, by inserting after line 44 the  
1 4 following:  
1 5 <#\_\_\_\_. Page 22, line 26, by striking the word  
1 6 <"f"> and inserting the following: <"ee">.>  
1 7  
1 8  
1 9  
1 10 BELL of Jasper  
1 11 HF 722.502 83  
1 12 av/sc/23149  
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# House Amendment 1240

PAG LIN

1 1 Amend House File 759 as follows:  
1 2 #1. Page 1, line 16, by striking the word <twenty>  
1 3 and inserting the following: <sixty>.  
1 4  
1 5  
1 6  
1 7 T. OLSON of Linn  
1 8 HF 759.701 83  
1 9 av/rj/23144  
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# House Amendment 1241

PAG LIN

1 1 Amend Senate File 424, as passed by the Senate, as  
1 2 follows:  
1 3 #1. By striking everything after the enacting  
1 4 clause and inserting the following:  
1 5 <Section 1. Section 43.4, Code 2009, is amended by  
1 6 adding the following new unnumbered paragraph:  
1 7 NEW UNNUMBERED PARAGRAPH. In addition, each state  
1 8 central committee of the political parties shall, on  
1 9 the date set for their presidential precinct caucuses,  
1 10 establish a presidential candidate preference poll  
1 11 which shall allow persons eligible to attend the  
1 12 caucus to register their presidential candidate  
1 13 preference at the location of their precinct caucus.  
1 14 The preference poll shall begin at 7:00 a.m. on the  
1 15 date of the caucus and end as of the time the  
1 16 presidential precinct caucus is scheduled to begin.>  
1 17 #2. Title page, by striking lines 1 and 2 and  
1 18 inserting the following: <An Act concerning  
1 19 presidential precinct caucuses.>  
1 20 #3. By renumbering as necessary.  
1 21  
1 22  
1 23  
1 24 RANTS of Woodbury  
1 25 SF 424.501 83  
1 26 ec/nh/23040  
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House Amendment 1242

PAG LIN

1 1 Amend Senate File 424, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, line 3, by inserting after the word  
1 4 <employee> the following: <eligible for>.  
1 5 #2. Page 1, line 30, by striking the word <severe>  
1 6 and inserting the following: <significant>.  
1 7  
1 8  
1 9  
1 10 RANTS of Woodbury  
1 11 SF 424.202 83  
1 12 ec/nh/23043  
1 13  
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House Amendment 1243

PAG LIN

1 1 Amend Senate File 424, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, line 3, by inserting after the word  
1 4 <employee> the following: <eligible for>.  
1 5 #2. Page 1, line 30, by striking the word  
1 6 <severe>.  
1 7  
1 8  
1 9  
1 10 RANTS of Woodbury  
1 11 SF 424.703 83  
1 12 ec/nh/23044  
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# House Amendment 1244

PAG LIN

1 1 Amend Senate File 424, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, lines 4 and 5, by striking the words  
1 4 <precinct caucus> and inserting the following:  
1 5 <presidential nominating event>.  
1 6 #2. Page 1, line 8, by striking the words  
1 7 <PRECINCT CAUCUSES> and inserting the following:  
1 8 <NOMINATING EVENT>.  
1 9 #3. Page 1, by inserting after line 8 the  
1 10 following:  
1 11 <0A. For purposes of this section, unless the  
1 12 context otherwise requires, "presidential nominating  
1 13 event" means a precinct caucus, county convention,  
1 14 district convention, or state convention held as part  
1 15 of the presidential nominating process.>  
1 16 #4. Page 1, line 9, by striking the words  
1 17 <precinct caucus> and inserting the following:  
1 18 <presidential nominating event>.  
1 19 #5. Page 1, line 15, by striking the words  
1 20 <precinct caucus> and inserting the following:  
1 21 <presidential nominating event>.  
1 22 #6. Page 1, line 18, by striking the words  
1 23 <precinct caucus> and inserting the following:  
1 24 <presidential nominating event>.  
1 25 #7. Page 1, line 34, by striking the words  
1 26 <precinct caucus> and inserting the following:  
1 27 <presidential nominating event>.  
1 28 #8. Page 2, line 23, by striking the words  
1 29 <precinct caucus> and inserting the following:  
1 30 <nominating event>.  
1 31 #9. Page 2, line 28, by inserting after the word  
1 32 <caucus> the following: <or convention>.  
1 33 #10. Page 2, line 30, by striking the words  
1 34 <precinct caucus> and inserting the following:  
1 35 <nominating event>.  
1 36 #11. Title page, line 2, by inserting after the  
1 37 word <caucuses> the following: <and conventions>.  
1 38  
1 39  
1 40  
1 41 RANTS of Woodbury  
1 42 SF 424.702 83  
1 43 ec/nh/23039  
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# House Amendment 1245

PAG LIN

1 1 Amend Senate File 424, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, by striking lines 19 through 22 and  
1 4 inserting the following: <is scheduled to start.>  
1 5  
1 6  
1 7  
1 8 RANTS of Woodbury  
1 9 SF 424.502 83  
1 10 ec/nh/23147  
1 11  
1 12  
1 13  
1 14  
1 15  
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# House Amendment 1246

PAG LIN

1 1 Amend Senate File 424, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 2, by striking lines 1 through 21 and  
1 4 inserting the following: <subparagraph (1).>  
1 5 #2. By renumbering, redesignating, and correcting  
1 6 internal references as necessary.  
1 7  
1 8  
1 9  
1 10 RANTS of Woodbury  
1 11 SF 424.203 83  
1 12 ec/nh/23042  
1 13  
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House Amendment 1247

PAG LIN

1 1 Amend Senate File 424, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 2, by inserting after line 21 the  
1 4 following:  
1 5 <c. An employer shall not be liable to an employee  
1 6 for a denial of an application for an absence under  
1 7 this section.>  
1 8 #2. By renumbering as necessary.  
1 9  
1 10  
1 11  
1 12 RANTS of Woodbury  
1 13 SF 424.701 83  
1 14 ec/nh/23041  
1 15  
1 16  
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# House Amendment 1248

PAG LIN

1 1 Amend the amendment, H=1232, to House File 756 as  
1 2 follows:  
1 3 #1. Page 1, by striking lines 2 through 6 and  
1 4 inserting the following:  
1 5 <#\_\_\_\_. Page 1, line 35, by inserting after the  
1 6 word <designee> the following: <, until June 30,  
1 7 2011>.  
1 8 #\_\_\_\_. Page 2, by striking lines 1 through 5.>  
1 9 #2. By renumbering as necessary.  
1 10  
1 11  
1 12  
1 13 GAYMAN of Scott  
1 14 HF 756.501 83  
1 15 da/rj/23036  
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House Amendment 1249

PAG LIN

1 1 Amend House File 675 as follows:  
1 2 #1. Page 1, by striking lines 19 through 24 and  
1 3 inserting the following: <is scheduled to start. The  
1 4 employee shall not be liable for any loss of wages or  
1 5 salary or any other penalty except for the loss of  
1 6 wages or salary for the hours of unpaid leave actually  
1 7 used.>  
1 8 #2. By striking page 1, line 34, through page 2,  
1 9 line 8, and inserting the following:  
1 10 <(2) The employer filed a written notice with the  
1 11 commissioner at least seven days prior to the date of  
1 12 the precinct caucus specifying exigent circumstances  
1 13 justifying the denial of such leave for personnel  
1 14 described in subparagraph (1) and declaring the  
1 15 minimum number of such personnel, by position, needed  
1 16 to protect public health and safety or maintain  
1 17 minimum operational capacity, as applicable. A copy  
1 18 of this written notice shall be provided to employees  
1 19 of the employer.  
1 20 (3) The number of persons employed in a position  
1 21 that did not apply for an absence is less than the  
1 22 minimum number of persons in that position needed by  
1 23 the employer to protect public health and safety or  
1 24 maintain minimum operational capacity, as applicable.  
1 25 b. If the circumstances in paragraph "a" exist as  
1 26 to a particular position of the employer, then the  
1 27 employer may deny the minimum number of employees  
1 28 applying for an absence in that position needed to  
1 29 yield the minimum staffing level for that position as  
1 30 specified in the written notice to the commissioner.  
1 31 The>  
1 32 #3. By renumbering as necessary.  
1 33  
1 34  
1 35  
1 36 GASKILL of Wapello  
1 37 HF 675.304 83  
1 38 ec/nh/23021  
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House Amendment 1250

PAG LIN

1 1 Amend House File 627 as follows:  
1 2 #1. Page 1, line 19, by inserting after the word  
1 3 <areas> the following: <; managing land under the  
1 4 federal conservation reserve program under 7 C.F.R.  
1 5 pt. 1410; and managing buffer strips, pastures, or  
1 6 field borders>.  
1 7 #2. Page 1, by striking lines 20 through 25 and  
1 8 inserting the following:  
1 9 <d. This subsection shall not apply to the burning  
1 10 of landscape waste originating on agricultural land,  
1 11 provided that the burning of trees and tree trimmings  
1 12 occurs at least one-quarter mile from any building  
1 13 inhabited by a person other than the landowner, a  
1 14 tenant, or an employee of the landowner conducting the  
1 15 burning.>  
1 16  
1 17  
1 18  
1 19 SMITH of Marshall  
1 20 HF 627.701 83  
1 21 tm/nh/23153  
1 22  
1 23  
1 24  
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# House Amendment 1251

PAG LIN

1 1 Amend Senate File 424, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, line 19, by striking the words <be  
1 4 liable for> and inserting the following: <impose>.  
1 5 #2. Page 1, by striking lines 20 through 22 and  
1 6 inserting the following: <any penalty nor shall any  
1 7 deduction be made from the person's regular salary or  
1 8 wages for participating in a precinct caucus pursuant  
1 9 to this section except for any loss of wages or salary  
1 10 for the hours of unpaid leave actually used to  
1 11 participate.>  
1 12 #3. Page 1, line 30, by striking the word <severe>  
1 13 and inserting the following: <substantial>.  
1 14 #4. Page 1, lines 32 and 33, by striking the words  
1 15 <filed a written notice with the commissioner" and  
1 16 inserting the following: <provided a written notice  
1 17 to the employee>.  
1 18 #5. Page 2, by striking lines 2 through 10 and  
1 19 inserting the following: <personnel needed during the  
1 20 four-hour period described in subsection 1.>  
1 21 #6. Page 2, lines 11 and 12, by striking the words  
1 22 <as to a particular position of the employer>.  
1 23 #7. Page 2, line 14, by striking the words <in  
1 24 that position>.  
1 25 #8. Page 2, line 15, by striking the words <for  
1 26 that position>.  
1 27 #9. Page 2, line 16, by striking the word  
1 28 <commissioner> and inserting the following:  
1 29 <employee>.  
1 30 #10. Page 2, line 17, by inserting after the word  
1 31 <denied> the following: <shall be based, if all other  
1 32 factors are equal, upon the order in which the  
1 33 employees applied to the employer for an absence and>.  
1 34 #11. By renumbering as necessary.  
1 35  
1 36  
1 37  
1 38 GASKILL of Wapello  
1 39 SF 424.301 83  
1 40 ec/nh/23050  
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## House Amendment 1252

PAG LIN

1 1 Amend House File 772 as follows:  
 1 2 #1. By striking everything after the enacting  
 1 3 clause and inserting the following:  
 1 4 <Section 1. Section 728.5, unnumbered paragraph 2,  
 1 5 Code 2009, is amended to read as follows:  
 1 6 The Except when a person allows or permits a minor  
 1 7 to participate in any act included in subsections 1  
 1 8 through 6, which is intended to arouse or satisfy the  
 1 9 sexual desires or appeal to the prurient interests of  
 1 10 patrons, the provisions of this section shall not  
 1 11 apply to a theater, concert hall, art center, museum,  
 1 12 or similar establishment which is primarily devoted to  
 1 13 the arts or theatrical performances and in which any  
 1 14 of the circumstances contained in this section were  
 1 15 permitted or allowed as part of such art exhibits or  
 1 16 performances.>  
 1 17  
 1 18  
 1 19  
 1 20 ANDERSON of Page  
 1 21 HF 772.701 83  
 1 22 jm/nh/22116  
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**House Amendment 1253**

PAG LIN

1 1 Amend House File 762 as follows:  
 1 2 #1. By striking everything after the enacting  
 1 3 clause and inserting the following:  
 1 4 <Section 1. Section 80D.3, subsections 3 and 5,  
 1 5 Code 2009, are amended to read as follows:  
 1 6 3. a. A person appointed to serve as a reserve  
 1 7 peace officer who has received basic training as a  
 1 8 peace officer and has been certified by the academy  
 1 9 pursuant to chapter 80B and rules adopted pursuant to  
 1 10 chapter 80B may be exempted from completing the  
 1 11 minimum training course at the discretion of the  
 1 12 appointing authority. However, such a person  
 1 13 appointed to serve as a reserve peace officer shall  
 1 14 meet mandatory in-service training requirements  
 1 15 established by academy rules if the person has not  
 1 16 served as an active peace officer within one hundred  
 1 17 eighty days of appointment as a reserve peace officer.  
 1 18 b. A person appointed to serve as a reserve peace  
 1 19 officer who has met the one-hundred-fifty-hour  
 1 20 training requirement obtained at a community college  
 1 21 or other facility selected by the individual and  
 1 22 approved by the law enforcement agency prior to July  
 1 23 1, 2007, shall be exempted from completing the minimum  
 1 24 training course at the discretion of the appointing  
 1 25 authority and shall continue to hold certification  
 1 26 with the appointing authority.  
 1 27 5. A person is eligible for state certification as  
 1 28 a reserve peace officer upon satisfactory completion  
 1 29 of the training and testing requirements specified by  
 1 30 academy rules. ~~A reserve peace officer enrolled in an~~  
~~1 31 academy-approved minimum course of training prior to~~  
~~1 32 July 1, 2007, shall obtain state certification by July~~  
~~1 33 1, 2012.>~~  
 1 34  
 1 35  
 1 36  
 1 37 WHITAKER of Van Buren  
 1 38 HF 762.503 83  
 1 39 rh/nh/23022  
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House Amendment 1254

PAG LIN

1 1 Amend the amendment, H=1230, to House File 722, as  
1 2 follows:  
1 3 #1. Page 1, line 24, by striking the word  
1 4 <shotgun>.  
1 5 #2. Page 2, by striking lines 12 through 17.  
1 6 #3. Page 2, by striking lines 31 through 38 and  
1 7 inserting the following: <necessarily contiguous,  
1 8 that are under the lawful control of the nonresident  
1 9 owner, are operated as a unit, and are actively  
1 10 operated for farming purposes.>  
1 11 #4. By renumbering, redesignating, and correcting  
1 12 internal references as necessary.  
1 13  
1 14  
1 15  
1 16 RAYHONS of Hancock  
1 17 HF 722.709 83  
1 18 av/nh/23160  
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# House Amendment 1255

PAG LIN

1 1 Amend House File 375 as follows:  
1 2 #1. Page 1, by striking lines 8 through 10 and  
1 3 inserting the following: <borrowers.>  
1 4  
1 5  
1 6  
1 7 SANDS of Louisa  
1 8 HF 375.201 83  
1 9 rn/nh/23161  
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# House Amendment 1256

PAG LIN

1 1 Amend Senate File 151, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, by striking line 2 and inserting the  
1 4 following: <EMINENT DOMAIN AUTHORITY AND CONDEMNATION  
1 5 PROCEDURES>.  
1 6 #2. Page 2, by inserting after line 4 the  
1 7 following:  
1 8 <Sec. \_\_\_\_\_. NEW SECTION. 6A.15 PROPERTY ON STATE  
1 9 HISTORIC REGISTRY.  
1 10 Property listed on the state register of historic  
1 11 places maintained by the historical division of the  
1 12 department of cultural affairs shall not be removed  
1 13 from the register solely for the purpose of allowing  
1 14 acquisition of the property by condemnation.>  
1 15 #3. Page 2, by inserting after line 13 the  
1 16 following:  
1 17 <Sec. \_\_\_\_\_. Section 6A.24, subsection 3, Code 2009,  
1 18 is amended to read as follows:  
1 19 3. For any action brought under this section, the  
1 20 burden of proof shall be on the acquiring agency to  
1 21 prove by a ~~preponderance of the clear and convincing~~  
1 22 evidence that the finding of public use, public  
1 23 purpose, or public improvement meets the definition of  
1 24 those terms. If a property owner or a contract  
1 25 purchaser of record or a tenant occupying the property  
1 26 under a recorded lease prevails in an action brought  
1 27 under this section, the acquiring agency shall be  
1 28 required to pay the costs, including reasonable  
1 29 attorney fees, of the adverse party.  
1 30 Sec. \_\_\_\_\_. Section 6B.2C, Code 2009, is amended to  
1 31 read as follows:  
1 32 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.  
1 33 The authority to condemn is not conferred, and the  
1 34 condemnation proceedings shall not commence, unless  
1 35 the governing body for the acquiring agency ~~approves,~~  
1 36 by resolution, declares that adequate funding for the  
1 37 public improvement has been secured, that the use of  
1 38 condemnation for the public improvement is approved,  
1 39 and that there is a reasonable expectation the  
1 40 applicant will be able to achieve its public purpose,  
1 41 comply with all applicable standards, and obtain the  
1 42 necessary permits.  
1 43 Sec. \_\_\_\_\_. NEW SECTION. 68B.9 BAN ON CERTAIN  
1 44 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL  
1 45 SUBDIVISIONS.  
1 46 A political subdivision that collects and expends  
1 47 property taxes shall not use public funds of any kind  
1 48 to pay a person, organization, or other entity to act  
1 49 as a lobbyist in relation to any legislation relating  
1 50 specifically to eminent domain authority or



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House Amendment 1256 continued

2 1 condemnation procedures.  
 2 2     Sec. \_\_\_\_\_. Section 316.4, subsection 1, Code 2009,  
 2 3 is amended to read as follows:  
 2 4     1. If a program or project undertaken by a  
 2 5 displacing agency will result in the displacement of a  
 2 6 person, the displacing agency shall make a payment to  
 2 7 the displaced person, upon proper application as  
 2 8 approved by the displacing agency, for actual  
 2 9 reasonable and necessary expenses incurred in moving  
 2 10 the person, the person's family, business, farm  
 2 11 operation, or other personal property subject to rules  
 2 12 and limits established by the department. The payment  
 2 13 may also provide for actual direct losses of tangible  
 2 14 personal property, purchase of substitute personal  
 2 15 property, business reestablishment expenses, storage  
 2 16 expenses, and expenses incurred in searching for a  
 2 17 replacement business or farm. If relocation of a  
 2 18 business or farm operation is not economically  
 2 19 feasible, the displaced person may also apply for  
 2 20 payment of the loss of existing business relationships  
 2 21 because of the inability to relocate the business or  
 2 22 farm operation to a location similar in economic  
 2 23 advantage to the location from which the business or  
 2 24 farm operation was displaced.  
 2 25     Sec. \_\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES. The  
 2 26 sections of this division of this Act enacting  
 2 27 sections 6A.15 and 68B.9, and amending sections 6A.24,  
 2 28 6B.2C, and 316.4, being deemed of immediate  
 2 29 importance, take effect upon enactment and apply to  
 2 30 projects or condemnation proceedings pending or  
 2 31 commenced on or after that date.  
 2 32                                   DIVISION  
 2 33                                   RAILWAY ASSISTANCE>.  
 2 34 #4. Title page, line 1, by inserting after the  
 2 35 word <relating> the following: <to eminent domain  
 2 36 authority and condemnation procedures and>.  
 2 37 #5. Title page, line 5, by inserting after the  
 2 38 word <fund> the following: <, and providing effective  
 2 39 and applicability dates>.  
 2 40 #6. By renumbering as necessary.  
 2 41  
 2 42  
 2 43  
 2 44 KAUFMANN of Cedar  
 2 45 SF 151.504 83  
 2 46 dea/nh/12504



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**House Amendment 1257**

PAG LIN

1 1 Amend Senate File 151, as amended, passed, and  
 1 2 reprinted by the Senate, as follows:  
 1 3 #1. Page 1, line 2, by striking the words <RAILWAY  
 1 4 ASSISTANCE> and inserting the following: <EMINENT  
 1 5 DOMAIN AUTHORITY OF STATE  
 1 6 Sec. \_\_\_\_\_. Section 6A.1, Code 2009, is amended to  
 1 7 read as follows:  
 1 8 6A.1 EXERCISE OF POWER BY STATE.  
 1 9 1. Proceedings may be instituted and maintained by  
 1 10 the state of Iowa, or for the use and benefit thereof,  
 1 11 for the condemnation of such private property as may  
 1 12 be necessary for any public improvement which the  
 1 13 general assembly has authorized to be undertaken by  
 1 14 the state, and for which an available appropriation  
 1 15 has been made. The executive council shall institute  
 1 16 and maintain such proceedings in case authority to so  
 1 17 do be not otherwise delegated.  
 1 18 2. All proceedings instituted and maintained by  
 1 19 the state of Iowa shall not commence without the  
 1 20 signed authorization of the governor.  
 1 21 3. The condemnation authority granted in this  
 1 22 section shall not extend to the department of natural  
 1 23 resources if the department is seeking to acquire real  
 1 24 property for purposes of carrying out a duty related  
 1 25 to development and maintenance of the recreation  
 1 26 resources of the state, including planning,  
 1 27 acquisition, and development of recreational projects,  
 1 28 and areas and facilities related to such projects,  
 1 29 notwithstanding any provisions to the contrary.>  
 1 30 #2. Page 2, by inserting after line 13 the  
 1 31 following:  
 1 32 <Sec. \_\_\_\_\_. Section 455A.5, Code 2009, is amended  
 1 33 by adding the following new subsection:  
 1 34 NEW SUBSECTION. 7. The authority granted the  
 1 35 commission to acquire real property for purposes of  
 1 36 carrying out a duty related to development and  
 1 37 maintenance of the recreation resources of the state,  
 1 38 including planning, acquisition, and development of  
 1 39 recreational projects, and areas and facilities  
 1 40 related to such projects, shall not extend to the  
 1 41 authority to acquire land by eminent domain.  
 1 42 Sec. \_\_\_\_\_. Section 456A.24, subsection 2,  
 1 43 unnumbered paragraph 1, Code 2009, is amended to read  
 1 44 as follows:  
 1 45 Acquire by purchase, ~~condemnation~~, lease,  
 1 46 agreement, gift, and devise lands or waters suitable  
 1 47 for the purposes hereinafter enumerated, and  
 1 48 rights-of-way thereto, and to maintain the same for  
 1 49 the following purposes, ~~to wit:~~  
 1 50 Sec. \_\_\_\_\_. Section 456A.24, Code 2009, is amended



**Iowa General Assembly  
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House Amendment 1257 continued

2 1 by adding the following new subsection:

2 2 NEW SUBSECTION. 15. The authority granted the  
2 3 department to acquire real property for any statutory  
2 4 purpose relating to development and maintenance of the  
2 5 recreation resources of the state, including planning,  
2 6 acquisition, and development of recreational projects,  
2 7 and areas and facilities related to such projects,  
2 8 shall not extend to the authority to acquire land by  
2 9 eminent domain.

2 10 Sec. \_\_\_\_\_. Section 461A.7, Code 2009, is amended to  
2 11 read as follows:

2 12 461A.7 ~~EMINENT DOMAIN~~ PURCHASE OF LANDS == PUBLIC  
2 13 PARKS.

2 14 The commission may purchase ~~or condemn~~ lands from  
2 15 willing sellers for public parks. ~~No~~ A contract for  
2 16 the purchase of such public parks shall not be made to  
2 17 an amount in excess of funds appropriated therefor by  
2 18 the general assembly.

2 19 Sec. \_\_\_\_\_. Section 461A.10, Code 2009, is amended  
2 20 to read as follows:

2 21 461A.10 TITLE TO LANDS.

2 22 The title to all lands purchased, ~~condemned,~~ or  
2 23 donated, hereunder, for park ~~or highway~~ purposes and  
2 24 the title to all lands purchased, condemned, or  
2 25 donated hereunder for highway purposes, shall be taken  
2 26 in the name of the state and if thereafter it shall be  
2 27 deemed advisable to sell any portion of the land so  
2 28 purchased or condemned, the proceeds of such sale  
2 29 shall be placed to the credit of the said public state  
2 30 parks fund to be used for such park purposes.

2 31 Sec. \_\_\_\_\_. Section 463C.8, subsection 1, paragraph  
2 32 k, Code 2009, is amended to read as follows:

2 33 k. The power to acquire, own, hold, administer,  
2 34 and dispose of property, except that such power is not  
2 35 a grant of authority to acquire property by eminent  
2 36 domain.

2 37 Sec. \_\_\_\_\_. Sections 461A.9 and 461A.75, Code 2009,  
2 38 are repealed.

2 39 Sec. \_\_\_\_\_. EFFECTIVE DATE. The sections of this  
2 40 division of this Act amending sections 6A.1, 455A.5,  
2 41 456A.24, 461A.7, 461A.10, and 463C.8, and repealing  
2 42 sections 461A.9 and 461A.75, being deemed of immediate  
2 43 importance, take effect upon enactment.

DIVISION

RAILWAY ASSISTANCE>.

2 46 #3. Title page, line 1, by inserting after the  
2 47 word <relating> the following: <to the exercise of  
2 48 eminent domain authority by the state, including by  
2 49 the department of transportation and the department of  
2 50 natural resources, and>.



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House Amendment 1257 continued

3 1 #4. Title page, line 5, by inserting after the  
3 2 word <fund> the following: <, and providing an  
3 3 effective date>.  
3 4 #5. By renumbering as necessary.  
3 5  
3 6  
3 7  
3 8 GRASSLEY of Butler  
3 9 SF 151.701 83  
3 10 dea/nh/12503



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## House Amendment 1258

PAG LIN

1 1 Amend Senate File 151, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, line 2, by inserting before the word  
1 4 <RAILWAY> the following: <CONDEMNATION PROCEEDINGS  
1 5 AND>.  
1 6 #2. Page 2, by inserting after line 13 the  
1 7 following:  
1 8 <Sec. \_\_\_\_\_. Section 6B.14, subsection 2, Code 2009,  
1 9 is amended to read as follows:  
1 10 2. Prior to the meeting of the commission, the  
1 11 commission or a commissioner shall not communicate  
1 12 with the applicant, property owner, or tenant, or  
1 13 their agents, regarding the condemnation proceedings.  
1 14 The commissioners shall meet in open session to view  
1 15 the property and to receive evidence, ~~but may and~~  
1 16 shall deliberate and vote in closed open session.  
~~1 17 When deliberating in closed session, the meeting is~~  
~~1 18 closed to all persons who are not commissioners except~~  
~~1 19 for personnel from the sheriff's office if such~~  
~~1 20 personnel is requested by the commission. After~~  
1 21 deliberations commence, the commission and each  
1 22 commissioner is prohibited from communicating with any  
1 23 party to the proceeding unless such communication  
1 24 occurs in the presence of or with the consent of the  
1 25 property owner and the other parties who appeared  
1 26 before the commission or their agents. However, if  
~~1 27 the commission is deliberating in closed session, and~~  
~~1 28 after deliberations commence the commission requires~~  
~~1 29 further information from a party or a witness, the~~  
~~1 30 commission shall notify the property owner and the~~  
~~1 31 acquiring agency that they are allowed to attend the~~  
~~1 32 meeting at which such additional information shall be~~  
~~1 33 provided but only for that period of time during which~~  
~~1 34 the additional information is being provided. The~~  
~~1 35 property owner and the acquiring agency shall be given~~  
~~1 36 a reasonable opportunity to attend the meeting. The~~  
1 37 commission shall keep minutes of all its meetings  
1 38 showing the date, time, and place, the members  
1 39 present, and the action taken at each meeting. The  
1 40 minutes shall show the results of each vote taken and  
1 41 information sufficient to indicate the vote of each  
1 42 member present. ~~The vote of each member present shall~~  
~~1 43 be made public at the open session.~~ The minutes shall  
1 44 be public records open to public inspection.>  
1 45 #3. Page 5, by inserting after line 16 the  
1 46 following:  
1 47 <Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
1 48 division of this Act amending section 6B.14, being  
1 49 deemed of immediate importance, takes effect upon  
1 50 enactment.>



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House Amendment 1258 continued

2 1 #4. Title page, line 1, by inserting after the  
2 2 word <relating> the following: <to condemnation  
2 3 proceedings under eminent domain and>.  
2 4 #5. Title page, line 5, by inserting after the  
2 5 word <fund> the following: <, and providing an  
2 6 effective date>.  
2 7 #6. By renumbering as necessary.  
2 8  
2 9  
2 10  
2 11 GRASSLEY of Butler  
2 12 SF 151.503 83  
2 13 dea/nh/12502



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# House Amendment 1259

PAG LIN

1 1 Amend the amendment, H=1217, to House File 722 as  
1 2 follows:  
1 3 #1. Page 1, by inserting after line 3 the  
1 4 following:  
1 5 <<Sec. \_\_\_\_ . Section 462A.14, subsection 1,  
1 6 paragraph b, Code 2009, is amended to read as follows:  
1 7 b. While having an alcohol concentration of ~~10~~  
1 8 .08 or more.>  
1 9  
1 10  
1 11  
1 12 MAY of Dickinson  
1 13 HF 722.304 83  
1 14 av/nh/22506  
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# House Amendment 1260

PAG LIN

1 1 Amend House File 722 as follows:  
1 2 #1. Page 4, by inserting after line 19 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 462A.14, subsection 1,  
1 5 paragraph b, Code 2009, is amended to read as follows:  
1 6 b. While having an alcohol concentration of ~~.10~~  
1 7 .08 or more.>  
1 8 #2. By renumbering as necessary.  
1 9  
1 10  
1 11  
1 12 MAY of Dickinson  
1 13 HF 722.503 83  
1 14 av/sc/22507  
1 15  
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# House Amendment 1261

PAG LIN

1 1 Amend House File 375 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. Section 535B.1, Code 2009, is amended  
1 5 by adding the following new subsection:  
1 6 NEW SUBSECTION. 6A. "Nationwide mortgage  
1 7 licensing system and registry" means a mortgage  
1 8 licensing system developed and maintained by the  
1 9 conference of state bank supervisors and the American  
1 10 association of residential mortgage regulators for the  
1 11 licensing and registration of mortgage loan  
1 12 originators.  
1 13 Sec. 2. NEW SECTION. 535B.18 PROHIBITED ACTS AND  
1 14 PRACTICES.  
1 15 It is a violation of this chapter for a licensee or  
1 16 individual registrant to engage in any of the  
1 17 following activities:  
1 18 1. Directly or indirectly employ any scheme,  
1 19 device, or artifice to defraud or mislead borrowers or  
1 20 lenders or to defraud any person.  
1 21 2. Engage in any unfair or deceptive practice  
1 22 toward any person.  
1 23 3. Obtain property by fraud or misrepresentation.  
1 24 4. Solicit or enter into a contract with a  
1 25 borrower that provides in substance that the licensee  
1 26 or individual registrant may earn a fee or commission  
1 27 through "best efforts" to obtain a loan even though no  
1 28 loan is actually obtained for the borrower.  
1 29 5. Solicit, advertise, or enter into a contract  
1 30 for specific interest rates, points, or other  
1 31 financing terms unless the terms are actually  
1 32 available at the time of soliciting, advertising, or  
1 33 contracting.  
1 34 6. Conduct any business covered by this chapter  
1 35 without holding a valid license as required under this  
1 36 chapter, or assist or aid and abet any person in the  
1 37 conduct of business under this chapter without a valid  
1 38 license or registration as required under this  
1 39 chapter.  
1 40 7. Fail to make disclosures as required by this  
1 41 chapter or any other applicable state or federal law  
1 42 including regulations thereunder.  
1 43 8. Fail to comply with this chapter or rules or  
1 44 regulations promulgated under this chapter, or fail to  
1 45 comply with any other state or federal law, including  
1 46 the rules and regulations thereunder, applicable to  
1 47 any business authorized or conducted under this  
1 48 chapter.  
1 49 9. Make, in any manner, any false or deceptive  
1 50 statement or representation.



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House Amendment 1261 continued

2 1 10. Negligently make any false statement or  
2 2 knowingly and willfully make any omission of material  
2 3 fact in connection with any information or reports  
2 4 filed with a governmental agency or the nationwide  
2 5 mortgage licensing system and registry or in  
2 6 connection with any investigation conducted by the  
2 7 superintendent of banking or another governmental  
2 8 agency.  
2 9 11. Make any payment, threat, or promise, directly  
2 10 or indirectly, to any person for the purposes of  
2 11 influencing the independent judgment of the person in  
2 12 connection with a residential mortgage loan, or make  
2 13 any payment, threat, or promise, directly or  
2 14 indirectly, to any appraiser of a property, for the  
2 15 purposes of influencing the independent judgment of  
2 16 the appraiser with respect to the value of the  
2 17 property.  
2 18 12. Collect, charge, attempt to collect or charge,  
2 19 or use or propose any agreement purporting to collect  
2 20 or charge any fee prohibited by this chapter.  
2 21 13. Cause or require a borrower to obtain property  
2 22 insurance coverage in an amount that exceeds the  
2 23 replacement cost of the improvements as established by  
2 24 the property insurer.  
2 25 14. Fail to truthfully account for moneys  
2 26 belonging to a party to a residential mortgage loan  
2 27 transaction.  
2 28 Sec. 3. NEW SECTION. 535B.19 REPORT TO  
2 29 NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY ==  
2 30 CONFIDENTIALITY.  
2 31 1. The superintendent of banking shall regularly  
2 32 report violations of this chapter, as well as  
2 33 enforcement actions and other relevant information, to  
2 34 the nationwide mortgage licensing system and registry  
2 35 subject to the confidentiality provisions of  
2 36 subsection 2.  
2 37 2. Except as otherwise provided in section 1512 of  
2 38 the federal Housing and Economic Recovery Act of 2008,  
2 39 Pub. L. No. 110=289(1512), the requirements under any  
2 40 federal law or chapter 22 or 692 regarding the privacy  
2 41 or confidentiality of any information or material  
2 42 provided to the nationwide mortgage licensing system  
2 43 and registry, and any privilege arising under federal  
2 44 or state law, including the rules of any federal or  
2 45 state court, with respect to such information or  
2 46 material, shall continue to apply to such information  
2 47 or material after the information or material has been  
2 48 disclosed to the nationwide mortgage licensing system  
2 49 and registry. Such information and material may be  
2 50 shared with any state or federal regulatory official



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House Amendment 1261 continued

3 1 with mortgage industry oversight authority without the  
3 2 loss of privilege or the loss of confidentiality  
3 3 protections provided by federal law or chapter 22 or  
3 4 692.>  
3 5 #2. Title page, by striking lines 1 and 2 and  
3 6 inserting the following: <An Act specifying  
3 7 prohibited acts and practices applicable to licensed  
3 8 mortgage brokers and individual registrants, and  
3 9 making penalties applicable.>  
3 10  
3 11  
3 12  
3 13 SANDS of Louisa  
3 14 HF 375.501 83  
3 15 rn/nh/22735



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# House Amendment 1262

PAG LIN

1 1 Amend the amendment, H=1220, to Senate File 266, as  
1 2 passed by the Senate, as follows:  
1 3 #1. Page 2, by striking lines 7 through 9 and  
1 4 inserting the following:  
1 5 <d. That the person may protest the application of  
1 6 an equalization order to the board of review by filing  
1 7 an appeal between October 16 and October 25 of the  
1 8 year the equalization order is>.  
1 9  
1 10  
1 11  
1 12 HUSER of Polk  
1 13 SF 266.702 83  
1 14 md/sc/23012  
1 15  
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# House Amendment 1263

PAG LIN

1 1 Amend the amendment, H=1220, to Senate File 266, as  
1 2 passed by the Senate, as follows:  
1 3 #1. Page 2, line 41, by striking the figure  
1 4 <441.46A> and inserting the following: <441.47A>.  
1 5 #2. Page 4, line 19, by striking the figure  
1 6 <441.46A> and inserting the following: <441.47A>.  
1 7  
1 8  
1 9  
1 10 HUSER of Polk  
1 11 SF 266.501 83  
1 12 md/sc/22896  
1 13  
1 14  
1 15  
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# House Amendment 1264

PAG LIN

1 1 Amend Senate File 377, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, by striking line 5 and inserting the  
1 4 following: <low=income Iowans and Iowans who have  
1 5 been victims of a state of disaster emergency  
1 6 proclaimed by the governor pursuant to section 29C.6  
1 7 or a public health disaster as defined in section  
1 8 135.140, subsection 6, through a prescription drug>.  
1 9  
1 10  
1 11  
1 12 HUSER of Polk  
1 13 SF 377.501 83  
1 14 pf/nh/22988  
1 15  
1 16  
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Iowa General Assembly  
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# House Amendment 1265

PAG LIN

1 1 Amend House File 801 as follows:  
1 2 #1. Page 4, line 12, by inserting after the figure  
1 3 <15G.108,> the following: <or the Iowa power fund  
1 4 created in section 469.9,>.  
1 5 #2. Page 4, by inserting after line 28 the  
1 6 following:  
1 7 <d. Any other expenditures from the grow Iowa  
1 8 values fund and the Iowa power fund since the creation  
1 9 of the funds.>  
1 10  
1 11  
1 12  
1 13 PETTENGILL of Benton  
1 14 HF 801.2 83  
1 15 mg/cm/25  
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House Amendment 1266

PAG LIN

1 1 Amend House File 801 as follows:  
1 2 #1. Page 4, by inserting after line 10 the  
1 3 following:  
1 4 <3A. In addition to the information to be provided  
1 5 pursuant to subsection 2, there shall be provided on  
1 6 the searchable website within ninety days of the  
1 7 completion of a collective bargaining agreement  
1 8 entered into pursuant to chapter 20 with an agency all  
1 9 of the following:  
1 10 a. The number of employees covered by the  
1 11 agreement.  
1 12 b. The estimated cost of implementing each wage,  
1 13 benefit, and other provision of the agreement having  
1 14 an economic impact and the estimated percentage  
1 15 increase in cost for each item compared to the prior  
1 16 agreement  
1 17 c. The estimated total cost of implementing the  
1 18 agreement for the entire term of the agreement.  
1 19 d. Any other information relating to the agreement  
1 20 deemed appropriate by the department.>  
1 21 #2. By renumbering as necessary.  
1 22  
1 23  
1 24  
1 25 WATTS of Dallas  
1 26 HF 801.1 83  
1 27 mg/cm/25  
1 28  
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House Amendment 1267

PAG LIN

1 1 Amend House File 213 as follows:  
1 2 #1. Page 4, by inserting after line 3 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 103.22, subsection 7, Code  
1 5 2009, is amended to read as follows:  
1 6 7. Prohibit an owner of property from performing  
1 7 work on the owner's principal residence, if such  
1 8 residence is an existing dwelling rather than new  
1 9 construction and is not an apartment that is attached  
1 10 to any other apartment or building, as those terms are  
1 11 defined in section 499B.2, and is not larger than a  
1 12 single-family dwelling, ~~or farm property~~, excluding  
1 13 commercial or industrial installations or  
1 14 installations in public use buildings or facilities,  
1 15 or require such owner to be licensed under this  
1 16 chapter. In order to qualify for inapplicability  
1 17 pursuant to this subsection, a residence shall qualify  
1 18 for the homestead tax exemption.  
1 19 Sec. \_\_\_\_\_. Section 103.22, Code 2009, is amended by  
1 20 adding the following new subsection:  
1 21 NEW SUBSECTION. 13. Prohibit an owner of farm  
1 22 property from performing work on that farm property.  
1 23 For purposes of this subsection, "farm property"  
1 24 includes but is not limited to existing or newly  
1 25 constructed outbuildings and livestock buildings.>  
1 26 #2. By renumbering as necessary.  
1 27  
1 28  
1 29  
1 30 SANDS of Louisa  
1 31 HF 213.302 83  
1 32 rn/rj/23173  
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House Amendment 1268

PAG LIN

1 1 Amend House File 801 as follows:  
1 2 #1. Page 4, by inserting after line 28 the  
1 3 following:  
1 4 <4A. The director shall provide information on the  
1 5 searchable website database that lists  
1 6 interdepartmental transfers of appropriations. This  
1 7 information shall be provided in a manner that will be  
1 8 easily understood by the public.>  
1 9  
1 10  
1 11  
1 12 RAECKER of Polk  
1 13 HF 801.504 83  
1 14 mg/nh/22923  
1 15  
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# House Amendment 1269

PAG LIN

1 1 Amend House File 801 as follows:  
1 2 #1. Page 2, line 35, by inserting after the word  
1 3 <budget> the following: <and for the previous five  
1 4 budget years>.  
1 5  
1 6  
1 7  
0 PETTENGILL of Benton  
1 8 HF 801.702 83  
1 9 mg/mg/12455  
1 10  
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**House Amendment 1270**

PAG LIN

1 1 Amend House File 801 as follows:  
1 2 #1. Page 2, line 32, by striking the figure <2011>  
1 3 and inserting the following: <2010>.  
1 4 #2. Page 5, line 2, by striking the figure <2011>  
1 5 and inserting the following: <2010>.  
1 6 #3. Page 5, line 5, by striking the figure <2011>  
1 7 and inserting the following: <2010>.  
1 8 #4. Page 5, line 16, by striking the figure <2012>  
1 9 and inserting the following: <2011>.  
1 10  
1 11  
1 12  
1 13 STRUYK of Pottawattamie  
1 14 HF 801.701 83  
1 15 mg/mg/12454  
1 16  
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# House Amendment 1271

PAG LIN

1 1 Amend House File 801 as follows:  
1 2 #1. Page 2, by inserting after line 27 the  
1 3 following:  
1 4 <5A. "Schedule 6 document" means the document  
1 5 referred to as schedule 6 used for the fiscal year  
1 6 beginning July 1, 2009, and previous fiscal years that  
1 7 listed for each agency the resources available or  
1 8 estimated to be available to it as well as a listing  
1 9 of the disposition or proposed disposition of those  
1 10 resources and includes the governor's recommendation,  
1 11 if any, for that fiscal year. "Schedule 6 document"  
1 12 includes any successor schedule that provides similar  
1 13 information. An electronic link to the schedule 6  
1 14 document shall be provided in a format that is a  
1 15 searchable document.>  
1 16 #2. Page 3, line 16, by inserting after the word  
1 17 <funds.> the following: <To the extent available, a  
1 18 schedule 6 document shall be provided or be available  
1 19 by means of an electronic link.>  
1 20  
1 21  
1 22  
1 23 STRUYK of Pottawattamie  
1 24 HF 801.304 83  
1 25 mg/mg/12461  
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**House Amendment 1272**

PAG LIN

1 1 Amend House File 801 as follows:  
1 2 #1. Page 4, by inserting after line 28 the  
1 3 following:  
1 4 <4A. The director shall provide information on the  
1 5 searchable website database that lists the transfers  
1 6 of appropriations made from one agency to another or  
1 7 within an agency by the governor. This information  
1 8 shall be provided in a manner that will be easily  
1 9 understood by the public.>  
1 10  
1 11  
1 12  
1 13 RAECKER of Polk  
1 14 HF 801.503 83  
1 15 mg/mg/12462  
1 16  
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**House Amendment 1273**

PAG LIN

1 1 Amend House File 801 as follows:  
 1 2 #1. By striking page 1, line 11, through page 5,  
 1 3 line 34, and inserting the following:  
 1 4 <Sec. \_\_\_\_ . NEW SECTION. 8G.1 SEARCHABLE INTERNET  
 1 5 WEBSITE.  
 1 6 1. Effective July 1, 2009, the director of the  
 1 7 department of administrative services shall make  
 1 8 available on a searchable internet website data  
 1 9 related to any state-issued warrant, or its  
 1 10 equivalent, exceeding ten thousand dollars. The  
 1 11 requirement of this section does not apply to  
 1 12 warrants, or the equivalent thereof, issued with  
 1 13 respect to a state employee's compensation or state  
 1 14 retiree's retirement or pension allowance.  
 1 15 2. The following data shall be included on the  
 1 16 searchable internet website pursuant to subsection 1:  
 1 17 a. The recipient's name.  
 1 18 b. The recipient's address.  
 1 19 c. The purpose for which the warrant or its  
 1 20 equivalent was issued.  
 1 21 3. The data to be made available on the searchable  
 1 22 internet website shall be posted within twenty-four  
 1 23 hours of the date of the issuance of the warrant or  
 1 24 its equivalent.  
 1 25 4. This section shall not be construed to require  
 1 26 the disclosure of information that is confidential  
 1 27 under state or federal law.>  
 1 28 #2. Page 7, lines 19 and 20, by striking the words  
 1 29 and figures <sections 8G.1 through 8G.7> and inserting  
 1 30 the following: <section 8G.1>  
 1 31 #3. Page 7, by inserting before line 23 the  
 1 32 following:  
 1 33 <Sec. \_\_\_\_ . EFFECTIVE DATE. This section of this  
 1 34 Act enacting section 8G.1, being deemed of immediate  
 1 35 importance, takes effect upon enactment.>  
 1 36 #4. Title page, line 5, by inserting after the  
 1 37 word <state> the following: <and including an  
 1 38 effective date provision>.  
 1 39  
 1 40  
 1 41  
 1 42 RANTS of Woodbury  
 1 43 HF 801.302 83  
 1 44 mg/mg/12457  
 1 45  
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House Amendment 1274

PAG LIN

1 1 Amend House File 213 as follows:  
 1 2 #1. Page 4, by inserting after line 3 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 103.22, Code 2009, is amended  
 1 5 by adding the following new subsections:  
 1 6 NEW SUBSECTION. 13. Apply to a person otherwise  
 1 7 licensed pursuant to this chapter who is engaged in  
 1 8 the wiring or installation of electrical wiring,  
 1 9 apparatus, or equipment while presenting a course of  
 1 10 instruction relating to home construction technology,  
 1 11 or a similar course of instruction, offered to  
 1 12 students enrolled in a community college established  
 1 13 under chapter 260C, an institution under the control  
 1 14 of the state board of regents, or a school  
 1 15 corporation. A student enrolled in such a course of  
 1 16 instruction shall not be considered an apprentice  
 1 17 electrician or unclassified person, and supervision  
 1 18 ratios as provided in section 103.15, subsection 3,  
 1 19 shall not be applicable. The board shall by rule  
 1 20 establish inspection procedures in the event that the  
 1 21 home constructed pursuant to the course is intended  
 1 22 for eventual occupation as a residence.  
 1 23 NEW SUBSECTION. 14. Prohibit a person from  
 1 24 performing work on an emergency basis as determined by  
 1 25 the board.>  
 1 26 #2. Page 4, line 15, by striking the words <can  
 1 27 by> and inserting the following: <can ~~by~~ be>.  
 1 28 #3. By renumbering as necessary.  
 1 29  
 1 30  
 1 31  
 1 32 QUIRK of Chickasaw  
 1 33 HF 213.303 83  
 1 34 rn/rj/22738  
 1 35  
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# House Amendment 1275

PAG LIN

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1 1 Amend House File 732 as follows:
1 2 #1. Page 15, by inserting after line 28 the
1 3 following:
1 4 <Sec. _____. Section 298.3, subsection 9, Code 2009,
1 5 is amended to read as follows:
1 6 9. Purchase of transportation equipment for
1 7 transporting students. For purposes of this
1 8 subsection, "transportation equipment" includes any
1 9 component of a school bus for which the cost of repair
1 10 or replacement exceeds four percent of the replacement
1 11 cost of the school bus.>
1 12 #2. By renumbering as necessary.
1 13
1 14
1 15
1 16 COHOON of Des Moines
1 17
1 18
1 19
1 20 DOLECHECK of Ringgold
1 21 HF 732.503 83
1 22 kh/nh/22062
1 23
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## House Amendment 1276

PAG LIN

1 1 Amend Senate File 437, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, line 2, by striking the word  
1 4 <paragraph> and inserting the following:  
1 5 <paragraphs>.  
1 6 #2. Page 1, by inserting after line 6 the  
1 7 following:  
1 8 <NEW PARAGRAPH. j. An advisory board, advisory  
1 9 commission, advisory committee, task force, or other  
1 10 body created by an entity organized under chapter 28E,  
1 11 or by the administrator or joint board specified in a  
1 12 chapter 28E agreement, to develop and make  
1 13 recommendations on public policy issues.  
1 14 Sec. \_\_\_\_\_. Section 21.4, subsection 1, Code 2009,  
1 15 is amended to read as follows:  
1 16 1. A governmental body, ~~except township trustees,~~  
1 17 shall give notice of the time, date, and place of each  
1 18 meeting, and its tentative agenda, in a manner  
1 19 reasonably calculated to apprise the public of that  
1 20 information. Reasonable notice shall include advising  
1 21 the news media who have filed a request for notice  
1 22 with the governmental body and posting the notice on  
1 23 a bulletin board or other prominent place which is  
1 24 easily accessible to the public and clearly designated  
1 25 for that purpose at the principal office of the body  
1 26 holding the meeting, or if no such office exists, at  
1 27 the building in which the meeting is to be held.>  
1 28 #3. Page 1, by inserting after line 23 the  
1 29 following:  
1 30 <Sec. \_\_\_\_\_. Section 359.17, subsection 2, Code  
1 31 2009, is amended to read as follows:  
1 32 2. A board of township trustees shall give prior  
1 33 notice of a meeting to discuss, deliberate, or act  
1 34 upon a matter relating to the budget or a tax levy of  
1 35 the township or relating to the trustees' duty to  
1 36 provide fire protection service and, if provided,  
1 37 emergency medical service, pursuant to section 359.42.  
1 38 The trustees shall give notice of such meeting at  
1 39 least ~~forty-eight~~ twenty-four hours preceding the  
1 40 commencement of the meeting. However, a notice is not  
1 41 required pursuant to this subsection when the trustees  
1 42 gather for ~~minor or~~ purely ministerial matters  
1 43 relating to the trustees' duty for providing such fire  
1 44 protection service or emergency medical service. The  
1 45 notice shall state the time, date, and place of the  
1 46 meeting and the proposed agenda. The notice shall be  
1 47 provided to the county auditor who shall post the  
1 48 notice in an area of the courthouse where notices to  
1 49 the public are commonly posted.>  
1 50 #4. Title page, by striking lines 1 and 2 and



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House Amendment 1276 continued

2 1 inserting the following: <An Act relating to the  
2 2 affairs of governmental entities by providing for  
2 3 public access to meetings>.  
2 4 #5. By renumbering as necessary.  
2 5  
2 6  
2 7  
2 8 HUSER of Polk  
2 9 SF 437.501 83  
2 10 da/sc/23052



**Iowa General Assembly  
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**House Amendment 1277**

PAG LIN

1 1 Amend Senate File 159 as follows:  
 1 2 #1. Page 4, by inserting after line 3 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 103.22, subsection 7, Code  
 1 5 2009, is amended to read as follows:  
 1 6 7. Prohibit an owner of property from performing  
 1 7 work on the owner's principal residence, if such  
 1 8 residence is an existing dwelling rather than new  
 1 9 construction and is not an apartment that is attached  
 1 10 to any other apartment or building, as those terms are  
 1 11 defined in section 499B.2, and is not larger than a  
 1 12 single-family dwelling, ~~or farm property,~~ excluding  
 1 13 commercial or industrial installations or  
 1 14 installations in public use buildings or facilities,  
 1 15 or require such owner to be licensed under this  
 1 16 chapter. In order to qualify for inapplicability  
 1 17 pursuant to this subsection, a residence shall qualify  
 1 18 for the homestead tax exemption.  
 1 19 Sec. \_\_\_\_\_. Section 103.22, Code 2009, is amended by  
 1 20 adding the following new subsection:  
 1 21 NEW SUBSECTION. 13. Prohibit an owner of farm  
 1 22 property from performing work on that farm property.  
 1 23 For purposes of this subsection, "farm property"  
 1 24 includes but is not limited to existing or newly  
 1 25 constructed outbuildings and livestock buildings.>  
 1 26 #2. By renumbering as necessary.  
 1 27  
 1 28  
 1 29  
 1 30 SANDS of Louisa  
 1 31 SF 159.505 83  
 1 32 rn/nh/22737  
 1 33  
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House Resolution 37 - Introduced

PAG LIN

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

1 1 HOUSE RESOLUTION NO.  
1 2 BY RAECKER, FORD, and HELLAND  
1 3 A Resolution commemorating the 100th anniversary of  
1 4 the Drake Relays.  
1 5 WHEREAS, Drake University, in the heart of Des  
1 6 Moines, Iowa, will host the centennial Drake Relays in  
1 7 April 2009; and  
1 8 WHEREAS, just five years after being held in a  
1 9 blizzard in 1910, the Drake Relays was recognized as  
1 10 the third-largest track and field event in the world;  
1 11 and  
1 12 WHEREAS, the Drake Relays is one of Iowa's premier  
1 13 events, an annual multiday festival that has expanded  
1 14 beyond the campus of Drake University to encompass  
1 15 several venues throughout the Des Moines area; and  
1 16 WHEREAS, the Relays' high school track and field  
1 17 events attract hundreds of young men and women  
1 18 athletes and their supporters and families from all  
1 19 over Iowa; and  
1 20 WHEREAS, upon entering its second century the Drake  
1 21 Relays have grown to become one of the largest and  
1 22 most important track meets in the United States,  
1 23 attracting top collegiate and professional talent; and  
1 24 WHEREAS, over the decades a host of famous athletes  
1 25 and personalities have participated in the Drake  
1 26 Relays, including: fabled Olympic sprinter Jesse  
1 27 Owens; radio announcer and future President Ronald  
1 28 Reagan; Big Eight champion high jumper and future NBA  
1 29 Hall-of-Famer Wilt Chamberlain; world-record miler Jim  
1 30 Ryun; world-record decathlete Bruce Jenner; nine-time



**Iowa General Assembly  
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House Resolution 37 - Introduced continued

2 1 Olympic gold medal winner Carl Lewis; Pan American  
2 2 Games silver medal distance runner Cindy Bremser; NCAA  
2 3 champion distance runner Steve Scott; four-time  
2 4 Olympian high jumper Amy Acuff; and Iowa athletes Lori  
2 5 "Lolo" Jones and Natasha Kaiser-Brown; and  
2 6 WHEREAS, as part of this centennial event, 10 men  
2 7 and 10 women who have competed in the Relays will be  
2 8 named as Athletes of the Century; NOW THEREFORE,  
2 9 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
2 10 That the House of Representatives honors and  
2 11 congratulates Drake University as the Drake Relays is  
2 12 poised to enter its second century of excellence,  
2 13 achievement, and excitement.  
2 14 LSB 2698HH 83  
2 15 jr/rj/5



Iowa General Assembly  
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House Resolution 38 - Introduced

PAG LIN

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

1 1 HOUSE RESOLUTION NO.  
 1 2 BY ZIRKELBACH, WHITEAD, WINDSCHITL, D. TAYLOR,  
 1 3 BAILEY, FICKEN, KEARNS, BUKTA, MASCHER,  
 1 4 ALONS, SWEENEY, WATTS, VAN ENGELENHOVEN,  
 1 5 TYMESON, THOMAS, GAYMAN, and RANTS  
 1 6 A Resolution to protect and preserve the battleship  
 1 7 USS Iowa.  
 1 8 WHEREAS, in the late 1930s grave threats emerged to  
 1 9 America's seapower, as the Nazis began construction of  
 1 10 the 50,000-ton Bismarck and the Empire of Japan began  
 1 11 construction of a 71,000-ton leviathan, the Yamato;  
 1 12 and  
 1 13 WHEREAS, America countered those threats with the  
 1 14 45,000-ton "Iowa" class of fast battleships, the  
 1 15 ultimate in the evolution of the capital ship and also  
 1 16 its last hurrah; and  
 1 17 WHEREAS, BB=61, the USS Iowa, was commissioned in  
 1 18 1943 and was tasked to transport President Franklin D.  
 1 19 Roosevelt across the Atlantic to Casablanca, a mission  
 1 20 that resulted in the USS Iowa being the only American  
 1 21 warship to be equipped with a bathtub; and  
 1 22 WHEREAS, the USS Iowa completed her World War II  
 1 23 service in the Pacific theater anchored in Tokyo Bay  
 1 24 as part of the Japanese surrender ceremonies in 1945,  
 1 25 and later served in the Korean War; and  
 1 26 WHEREAS, the USS Iowa earned nine battle stars for  
 1 27 World War II service and two for Korean War service;  
 1 28 and  
 1 29 WHEREAS, the venerable ship was decommissioned for  
 1 30 the last time in 1990 and is currently berthed with



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House Resolution 38 - Introduced continued

2 1 the National Defense Reserve Fleet at Suisun Bay, near  
2 2 San Francisco, California; and  
2 3       WHEREAS, former Governors Robert D. Ray and Terry  
2 4 E. Branstad and former Governor and current United  
2 5 States Secretary of Agriculture Thomas J. Vilsack  
2 6 serve as honorary chairpersons of efforts to preserve  
2 7 the USS Iowa as a national museum and memorial, truly  
2 8 a source of pride for all Iowans; and  
2 9       WHEREAS, those efforts include restoration of the  
2 10 USS Iowa and future service as an educational museum  
2 11 and tourist attraction, and perhaps, with her many  
2 12 facilities still intact, service as an emergency  
2 13 response center; NOW THEREFORE  
2 14       BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
2 15 That the House of Representatives supports current  
2 16 efforts to restore and preserve the USS Iowa as a  
2 17 museum ship and a living memorial to all those who  
2 18 served on her, and urges all Iowans to join in these  
2 19 efforts.  
2 20 LSB 2697HH 83  
2 21 jr/rj/5



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# House Resolution 39 - Introduced

PAG LIN

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

1 1                                   HOUSE RESOLUTION NO.

1 2           BY ALONS, JACOBY, SMITH, SCHUELLER, WENDT,

1 3           THOMAS, QUIRK, KELLEY, FICKEN, WENTHE,

1 4           PALMER, HUSER, ABDUL-SAMAD, REASONER, T. OLSON,

1 5           R. OLSON, MAREK, SWAIM, BAILEY, GAYMAN, ZIRKELBACH,

1 6           PETERSEN, D. OLSON, OLDSO, SHOMSHOR,

1 7           BUKTA, WHITAKER, WHITEAD, GASKILL, FREVERT,

1 8           MASCHER, REICHERT, COHOON, BELL, LYKAM,

1 9           THEDE, BERRY, H. MILLER, KRESSIG, HEDDENS,

1 10          T. TAYLOR, D. TAYLOR, SCHULTZ, RAYHONS,

1 11          DRAKE, TYMESON, SODERBERG, PETTENGILL,

1 12          BAUDLER, RAECKER, HAGENOW, GRASSLEY, COWNIE,

1 13          WINDSCHITL, SORENSON, HORBACH, ARNOLD,

1 14          HUSEMAN, SWEENEY, KOESTER, DE BOEF, PAULSEN,

1 15          ROBERTS, WORTHAN, HELLAND, TJEPKES, WATTS,

1 16          L. MILLER, DEYOE, FORRISTALL, RANTS, DOLECHECK,

1 17          SANDS, LUKAN, S. OLSON, SCHULTE, HEATON,

1 18          MAY, VAN ENGELENHOVEN, UPMEYER, WAGNER,

1 19                               KAUFMANN, and STRUYK

1 20       A Resolution honoring those Iowans who volunteered

1 21       their time and efforts providing aid and assistance

1 22       during the June 2008 flood.

1 23       WHEREAS, the June 2008 Iowa flood exceeded what

1 24       were considered 500-year-flood limits, with nine Iowa

1 25       rivers cresting at record levels and causing vast

1 26       amounts of damage; and

1 27       WHEREAS, as a result of the flood 83 counties were

1 28       declared disaster areas, hundreds of Iowa cities and

1 29       towns were impacted, and Iowa's agricultural economic

1 30       losses are estimated to exceed \$2 billion; and



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House Resolution 39 - Introduced continued

2 1 WHEREAS, volunteers were desperately needed to help  
2 2 restore homes, businesses, and the University of Iowa  
2 3 facilities damaged by the ravaging flood, and Iowans  
2 4 from all walks of life stepped forward to provide that  
2 5 help; and  
2 6 WHEREAS, during the summer and fall of 2008  
2 7 thousands of volunteers from Iowa and from surrounding  
2 8 states worked tirelessly, filling sandbags, shoring up  
2 9 sagging levees, and later clearing debris and  
2 10 restoring flood-damaged homes and businesses; and  
2 11 WHEREAS, the recovery effort continues to this day,  
2 12 evidenced by Governor Culver's signing of House File  
2 13 64 on February 2, 2009, which appropriated \$56 million  
2 14 for flood recovery efforts; NOW THEREFORE,  
2 15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
2 16 That the House of Representatives honors all Iowans  
2 17 who stepped forward in a time of crisis providing aid,  
2 18 comfort, and hope to their fellow Iowans following the  
2 19 flood of 2008.  
2 20 LSB 1798HH 83  
2 21 jr/nh/14.1



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House Resolution 40 - Introduced

PAG LIN

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

1 1 HOUSE RESOLUTION NO.  
 1 2 BY ALONS, ANDERSON, ARNOLD, BAUDLER, COWNIE,  
 1 3 DE BOEF, DEYOE, DOLECHECK, DRAKE, FORRISTALL,  
 1 4 GRASSLEY, HAGENOW, HEATON, HELLAND, HORBACH,  
 1 5 HUSEMAN, KAUFMANN, KOESTER, LUKAN, MAY,  
 1 6 L. MILLER, S. OLSON, PAULSEN, PETTENGILL, RAECKER,  
 1 7 RANTS, RAYHONS, ROBERTS, SANDS, SCHULTE, SCHULTZ,  
 1 8 SODERBERG, SORENSON, STRUYK, SWEENEY, TJEPKES,  
 1 9 TYMESON, UPMEYER, VAN ENGELHOFEN, WAGNER,  
 1 10 WATTS, WINDSCHITL, and WORTHAN  
 1 11 A Resolution urging Iowa's congressional delegation to  
 1 12 oppose legislation that disenfranchises workers by  
 1 13 removing their right to a private ballot union  
 1 14 election.  
 1 15 WHEREAS, the right to a private, secret ballot when  
 1 16 voting on external representation is fundamentally  
 1 17 inherent in our representative republic and shall not  
 1 18 be infringed upon; and  
 1 19 WHEREAS, passing the Employee Free Choice Act will  
 1 20 replace a federally supervised private ballot election  
 1 21 with a system that facilitates coercion and  
 1 22 intimidation, known as "card check", whereby employees  
 1 23 publicly sign cards to vote for unionization; and  
 1 24 WHEREAS, the American people generally support a  
 1 25 worker's right to a federally supervised secret ballot  
 1 26 election when deciding whether or not to join a union;  
 1 27 and  
 1 28 WHEREAS, in July 2002, before a United States House  
 1 29 of Representatives subcommittee, a union employee  
 1 30 testified that those who would not vote for a union in



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House Resolution 40 - Introduced continued

2 1 a public "card check" program were threatened with  
2 2 termination, deportation, and loss of retirement and  
2 3 other health benefits; and  
2 4 WHEREAS, the Employee Free Choice Act's mandatory  
2 5 binding arbitration provisions deny workers the right  
2 6 to participate in the collective bargaining process  
2 7 between employees and the union; NOW THEREFORE,  
2 8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
2 9 That the Iowa House of Representatives finds "card  
2 10 check" legislation such as the Employee Free Choice  
2 11 Act to be detrimental to the rights of workers and an  
2 12 offense against democratic principles; and  
2 13 BE IT FURTHER RESOLVED, That the Iowa House of  
2 14 Representatives urges Iowa's elected representatives  
2 15 in the United States Congress to support worker  
2 16 freedom by opposing the Employee Free Choice Act and  
2 17 any of its components in 2009 and in future years; and  
2 18 BE IT FURTHER RESOLVED, That copies of this  
2 19 Resolution be sent to the members of Iowa's  
2 20 congressional delegation.  
2 21 LSB 2540HH 83  
2 22 ec/rj/14



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# Senate Amendment 3125

PAG LIN

1 1 Amend Senate File 433 as follows:  
1 2 #1. Page 1, line 21, by striking the figure  
1 3 <488.302> and inserting the following: <488.301>.  
1 4  
1 5  
1 6  
1 7 WILLIAM DOTZLER  
1 8 SF 433.501 83  
1 9 jr/nh/23151  
1 10  
1 11  
1 12  
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## Senate Amendment 3126

PAG LIN

1 1 Amend Senate File 413 as follows:  
 1 2 #1. Page 3, by striking line 4 and inserting the  
 1 3 following: <miles or loads performed, the statement  
 1 4 shall>.  
 1 5 #2. Page 4, by striking line 14 and inserting the  
 1 6 following: <rebutted by evidence that such action  
 1 7 was>.  
 1 8 #3. Page 5, line 19, by inserting after the word  
 1 9 <meets> the following: <all of>.  
 1 10 #4. Page 5, by striking lines 23 and 24 and  
 1 11 inserting the following:  
 1 12 <b. The person has a controlling interest or  
 1 13 ownership in the employing entity and knowingly  
 1 14 violates provisions of this chapter.>  
 1 15 #5. Page 5, by striking lines 25 through 29 and  
 1 16 inserting the following:  
 1 17 <3. Personal liability under this section applies  
 1 18 only to those portions of a judgment based directly on  
 1 19 wages and does not apply to court costs, attorney  
 1 20 fees, civil penalties, interest, and liquidated  
 1 21 damages.>  
 1 22  
 1 23  
 1 24  
 1 25 WILLIAM DOTZLER  
 1 26 SF 413.502 83  
 1 27 ak/rj/22030

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**Senate Amendment 3127**

PAG LIN

1 1 Amend Senate File 416 as follows:  
 1 2 #1. Page 2, by inserting after line 15 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 257.11, subsection 6, paragraph  
 1 5 b, Code 2009, is amended to read as follows:  
 1 6 b. (1) Supplementary weighting pursuant to this  
 1 7 subsection shall be available to a school district for  
 1 8 a maximum of five years during the period commencing  
 1 9 with the budget year beginning July 1, 2008, through  
 1 10 the budget year beginning July 1, 2013.  
 1 11 (2) The minimum amount of additional weighting for  
 1 12 which a school district shall be eligible is an amount  
 1 13 equivalent to ten additional pupils, and the maximum  
 1 14 amount of additional weighting for which a school  
 1 15 district shall be eligible is an amount equivalent to  
 1 16 forty additional pupils.  
 1 17 (3) When noncontiguous school districts seek to  
 1 18 share operational functions, the school districts  
 1 19 shall submit to the department at least six months  
 1 20 before the next school budget year begins a report  
 1 21 documenting the expected cost savings directly  
 1 22 attributable to the anticipated shared operational  
 1 23 functions between the school districts. The  
 1 24 department shall determine whether the shared  
 1 25 operational plan between the noncontiguous districts  
 1 26 is approved.  
 1 27 (4) Receipt of supplementary weighting by a school  
 1 28 district pursuant to this subsection for more than one  
 1 29 year shall be contingent upon the annual submission of  
 1 30 information by the district to the department  
 1 31 documenting cost savings directly attributable to the  
 1 32 shared operational functions. Criteria for  
 1 33 determining the number of years for which  
 1 34 supplementary weighting shall be received pursuant to  
 1 35 this subsection, subject to the five-year maximum, and  
 1 36 for determining qualification of operational functions  
 1 37 for supplementary weighting shall be determined by the  
 1 38 department by rule, through consideration of long-term  
 1 39 savings by the school district or increased student  
 1 40 opportunities.>  
 1 41 #2. By renumbering as necessary.  
 1 42  
 1 43  
 1 44  
 1 45 BECKY SCHMITZ  
 1 46 SF 416.202 83  
 1 47 ak/sc/23145

1 48  
 1 49  
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## Senate Amendment 3128

PAG LIN

1 1 Amend Senate File 344 as follows:

1 2 #1. Page 16, line 30, by inserting after the word

1 3 <benefits.> the following: <The rules shall require

1 4 that each recipient of financial assistance under the

1 5 program provide a health insurance plan to each

1 6 employee that pays at least eighty percent of the cost

1 7 of single coverage and eighty percent of the cost of

1 8 family coverage.>

1 9 #2. Page 18, line 15, by inserting after the word

1 10 <benefits.> the following: <The rules shall require

1 11 that each recipient of financial assistance under the

1 12 program provide a health insurance plan to each

1 13 employee that pays at least eighty percent of the cost

1 14 of single coverage and eighty percent of the cost of

1 15 family coverage.>

1 16 #3. Page 28, line 8, by inserting after the word

1 17 <benefits.> the following: <The rules shall require

1 18 that each recipient of financial assistance under the

1 19 program provide a health insurance plan to each

1 20 employee that pays at least eighty percent of the cost

1 21 of single coverage and eighty percent of the cost of

1 22 family coverage.>

1 23 #4. Page 38, line 11, by inserting after the word

1 24 <benefits.> the following: <The rules shall require

1 25 that each recipient of financial assistance under the

1 26 program provide a health insurance plan to each

1 27 employee that pays at least eighty percent of the cost

1 28 of single coverage and eighty percent of the cost of

1 29 family coverage.>

1 30

1 31

1 32

1 33 DICK L. DEARDEN

1 34 SF 344.705 83

1 35 tw/rj/22885

1 36

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Senate Amendment 3129

PAG LIN

1 1 Amend House File 671, as passed by the House, as  
1 2 follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 <Section 1. Section 80.28, subsection 2, paragraph  
1 6 b, unnumbered paragraph 1, as amended by 2009 Iowa  
1 7 Acts, Senate File 108, section 1, is amended to read  
1 8 as follows:  
1 9 The following members, to be appointed by the  
1 10 governor ~~from nominees submitted by volunteer and~~  
~~1 11 professional organizations associated with the~~  
~~1 12 following:~~  
1 13 Sec. 2. Section 80.28, subsection 3, as amended by  
1 14 2009 Iowa Acts, Senate File 108, section 3, is amended  
1 15 to read as follows:  
1 16 3. The voting members of the board shall be  
1 17 appointed in compliance with sections 69.16 and  
1 18 69.16A. Members shall elect a chairperson and vice  
1 19 chairperson from the board membership, who shall serve  
1 20 two-year terms. The members appointed by the governor  
1 21 shall be appointed to three-year staggered terms and  
1 22 the terms shall commence and end as provided by  
1 23 section 69.19. The governor shall solicit and  
1 24 consider recommendations from professional or  
1 25 volunteer organizations in making appointments to the  
1 26 board. If a vacancy occurs among the voting members,  
1 27 a successor shall be appointed to serve the unexpired  
1 28 term. A successor shall be appointed in the same  
1 29 manner and subject to the same qualifications as the  
1 30 original appointment to serve the unexpired term. The  
1 31 voting members of the board are entitled to receive  
1 32 reimbursement for actual expenses incurred while  
1 33 engaged in the performance of official duties from  
1 34 funds appropriated to the department of public safety  
1 35 and the state department of transportation for that  
1 36 purpose. The departments shall enter into an  
1 37 agreement to provide administrative assistance and  
1 38 support to the board.>  
1 39 #2. Page 2, by inserting after line 19 the  
1 40 following:  
1 41 <Sec. \_\_\_\_ . EFFECTIVE DATE. The sections of this  
1 42 Act amending section 80.28, being deemed of immediate  
1 43 importance, take effect upon enactment and apply  
1 44 retroactively to March 19, 2009.>  
1 45 #3. Title page, by striking lines 1 and 2 and  
1 46 inserting the following: <An Act relating to public  
1 47 safety by providing volunteer emergency services  
1 48 providers protection from employment termination,  
1 49 providing for the membership of the public safety  
1 50 communications interoperability board, and including



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Senate Amendment 3129 continued

2 1 effective date and retroactive applicability  
2 2 provisions.>  
2 3 #4. By renumbering as necessary.  
2 4  
2 5  
2 6  
2 7 TOM HANCOCK  
2 8 HF 671.501 83  
2 9 ak/rj/23048



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## Senate Amendment 3130

PAG LIN

1 1 Amend Senate File 64 as follows:  
1 2 #1. Page 1, line 12, by inserting after the words  
1 3 <solemnize a> the following: <heterosexual>.  
1 4 #2. Page 1, line 14, by inserting after the word  
1 5 <each> the following: <heterosexual>.  
1 6 #3. Page 1, line 17, by inserting after the words  
1 7 <to the> the following: <heterosexual>.  
1 8 #4. Page 1, line 18, by inserting after the word  
1 9 <the> the following: <heterosexual>.  
1 10 #5. Page 1, line 19, by inserting after the word  
1 11 <a> the following: <heterosexual>.  
1 12 #6. Page 1, line 23, by inserting after the words  
1 13 <solemnize a> the following: <heterosexual>.  
1 14 #7. Page 1, line 25, by inserting after the word  
1 15 <each> the following: <heterosexual>.  
1 16 #8. Page 2, line 7, by inserting after the word  
1 17 <either> the following: <heterosexual>.  
1 18 #9. Page 2, by inserting after line 7 the  
1 19 following:  
1 20 <Sec. \_\_\_\_\_. Section 595.19, Code 2009, is amended  
1 21 by adding the following new subsection:  
1 22 NEW SUBSECTION. 3. Nonheterosexual marriages  
1 23 which are solemnized in this state are void.>  
1 24 #10. Page 2, by inserting before line 8 the  
1 25 following:  
1 26 <Sec. \_\_\_\_\_. NEW SECTION. 595.21 SOLEMNIZATION OF  
1 27 VOID MARRIAGE == CRIMINAL PENALTY.  
1 28 An individual who knowingly solemnizes a marriage  
1 29 which would be void pursuant to section 595.19 in this  
1 30 state is guilty of a serious misdemeanor.>  
1 31 #11. Page 2, by inserting before line 8 the  
1 32 following:  
1 33 <Sec. \_\_\_\_\_. EFFECTIVE DATE AND RETROACTIVE  
1 34 APPLICABILITY. The section of this Act amending  
1 35 section 595.19 relating to void solemnized marriages,  
1 36 being deemed of immediate importance, takes effect  
1 37 upon enactment and is retroactively applicable to  
1 38 January 1, 2007.>  
1 39 #12. Title page, line 2, by inserting after the  
1 40 word <state> the following: <and providing a  
1 41 penalty>.  
1 42 #13. Title page, line 2, by inserting after the  
1 43 word <state> the following: <and providing effective  
1 44 and retroactive applicability dates>.  
1 45 #14. By renumbering as necessary.  
1 46  
1 47  
1 48  
1 49 MERLIN BARTZ  
1 50 SF 64.701 83



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Senate Amendment 3130 continued

2 1 pf/rj/22987



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Senate Amendment 3131

PAG LIN

1 1 Amend Senate File 416 as follows:  
1 2 #1. Page 11, by inserting after line 28 the  
1 3 following:  
1 4 <Sec. \_\_\_\_ . SCHOOL DISTRICT BOUNDARIES ADVISORY  
1 5 PANEL.  
1 6 1. The department of education is directed by the  
1 7 general assembly to convene a school district  
1 8 boundaries advisory panel in order to do the  
1 9 following:  
1 10 a. Review the practicalities involved with  
1 11 separating consolidated school districts.  
1 12 b. Evaluate the possibility of Iowa school  
1 13 districts and school districts in bordering states  
1 14 developing reciprocity agreements for sharing  
1 15 services.  
1 16 2. The school district boundaries advisory panel  
1 17 shall be composed of the following members:  
1 18 a. The director of the department of education, or  
1 19 the director's designee.  
1 20 b. A representative of the Iowa association of  
1 21 school boards.  
1 22 c. A representative of the Iowa state education  
1 23 association.  
1 24 d. A representative of the professional educators  
1 25 of Iowa.  
1 26 e. A representative of the school administrators  
1 27 of Iowa.  
1 28 f. A representative of the Iowa state association  
1 29 of counties.  
1 30 g. A representative of the Iowa farm bureau.  
1 31 h. A representative of the Iowa league of cities.  
1 32 i. Four ex officio, nonvoting legislative members.  
1 33 Two members shall be members of the senate, one of  
1 34 whom shall be appointed by the majority leader of the  
1 35 senate and one of whom shall be appointed by the  
1 36 minority leader of the senate. Two members shall be  
1 37 members of the house of representatives, one of whom  
1 38 shall be appointed by the speaker of the house of  
1 39 representatives and one of whom shall be appointed by  
1 40 the minority leader of the house of representatives.  
1 41 3. The advisory panel shall submit a report to the  
1 42 general assembly and the governor no later than  
1 43 January 1, 2010.>  
1 44  
1 45  
1 46  
1 47 MERLIN BARTZ  
1 48 SF 416.201 83  
1 49 ak/sc/22897  
1 50



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Senate Amendment 3132

PAG LIN

1 1 Amend Senate File 344 as follows:  
1 2 #1. Page 14, by inserting before line 13 the  
1 3 following:  
1 4 <i. The board shall not award financial assistance  
1 5 to a business that has purchased or is leasing real  
1 6 estate acquired by a city or county pursuant to  
1 7 chapter 6A. Financial assistance awarded to a  
1 8 business that subsequently purchases or leases land  
1 9 from a city or county that has acquired the real  
1 10 estate pursuant to chapter 6A is subject to  
1 11 recapture.>  
1 12 #2. By renumbering as necessary.  
1 13  
1 14  
1 15  
1 16 BRAD ZAUN  
1 17 SF 344.301 83  
1 18 tw/rj/23162  
1 19  
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## Senate Amendment 3133

PAG LIN

1 1 Amend Senate File 344 as follows:  
1 2 #1. Page 15, by inserting before line 15 the  
1 3 following:  
1 4 <d. The business shall only employ individuals  
1 5 legally authorized to work in this state. In addition  
1 6 to any and all other applicable penalties provided by  
1 7 current law, all or a portion of the assistance  
1 8 received by a business which has received financial  
1 9 assistance under the program and is found to knowingly  
1 10 employ individuals not legally authorized to work in  
1 11 this state is subject to recapture by the department.>  
1 12 #2. By renumbering as necessary.  
1 13  
1 14  
1 15  
1 16 SHAWN HAMERLINCK  
1 17 SF 344.706 83  
1 18 tw/rj/22023  
1 19  
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Senate Amendment 3134

PAG LIN

1 1 Amend Senate File 434 as follows:  
1 2 #1. Page 1, by striking lines 6 through 11 and  
1 3 inserting the following: <617.10, if the legal  
1 4 description of the affected property is included in or  
1 5 attached to the citation.  
1 6 b. After filing the citation with the clerk of the  
1 7 district court, the city may also file the citation in  
1 8 the office of the county treasurer. Upon request of  
1 9 the city, the county treasurer shall include a  
1 10 notation of the pendency of the action in any future  
1 11 tax sale proceeding involving the property.>  
1 12 #2. Page 1, line 27, by striking the words <FILING  
1 13 NOTICE> and inserting the following: <INDEXING>.  
1 14 #3. By striking page 1, line 31, through page 2,  
1 15 line 1, and inserting the following: <617.10, if the  
1 16 legal description of the affected property is included  
1 17 in or attached to the petition.  
1 18 2. After filing the petition with the clerk of the  
1 19 district court, the governmental entity may also file  
1 20 the petition in the office of the county treasurer.  
1 21 Upon request of the governmental entity, the county  
1 22 treasurer shall include a notation of the pendency of  
1 23 the action in any future tax sale proceeding involving  
1 24 the property.>  
1 25 #4. Page 2, line 2, by striking the words <FILING  
1 26 NOTICE> and inserting the following: <INDEXING>.  
1 27 #5. Page 2, by striking lines 3 through 10 and  
1 28 inserting the following:  
1 29 <1. When a petition affecting real property is  
1 30 filed by a governmental entity under this chapter, the  
1 31 clerk of the district court shall index the petition  
1 32 pursuant to section 617.10, if the legal description  
1 33 of the affected property is included in or attached to  
1 34 the petition.  
1 35 2. After filing the petition with the clerk of the  
1 36 district court, the governmental entity may also file  
1 37 the petition in the office of the county treasurer.  
1 38 Upon request of the governmental entity, the county  
1 39 treasurer shall include a notation of the pendency of  
1 40 the action in any future tax sale proceeding involving  
1 41 the property.>  
1 42  
1 43  
1 44  
1 45 HERMAN C. QUIRMBACH  
1 46 SF 434.501 83  
1 47 md/rj/23168  
1 48  
1 49  
1 50



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Senate Amendment 3135

PAG LIN

1 1 Amend House File 45, as passed by the House, as  
1 2 follows:  
1 3 #1. By striking everything after the enacting  
1 4 clause and inserting the following:  
1 5 <Section 1. NEW SECTION. 249A.38 COMMITTED  
1 6 INDIVIDUALS == SUSPENSION OR TERMINATION OF MEDICAL  
1 7 ASSISTANCE == REAPPLICATION FOR SOCIAL SECURITY AND  
1 8 SUPPLEMENTAL SECURITY INCOME.  
1 9 1. The medical assistance benefits of an  
1 10 individual who received medical assistance immediately  
1 11 prior to commitment to a public institution by reason  
1 12 of an arrest or charge for or conviction of a crime,  
1 13 may be suspended rather than terminated for the  
1 14 initial twelve-month period of commitment if the  
1 15 individual was eligible for medical assistance by  
1 16 reason of disability or being sixty-five years of age  
1 17 or older. Following the initial twelve-month period  
1 18 of commitment, such benefits may be terminated.  
1 19 2. The entity with control of the public  
1 20 institution to which an individual specified under  
1 21 subsection 1 is committed shall work with the  
1 22 department to develop a process for all of the  
1 23 following:  
1 24 a. Notifying the department of the date an  
1 25 individual who may be eligible for suspension of  
1 26 medical assistance enters the public institution.  
1 27 b. Notifying the department of any changes that  
1 28 may affect the individual's eligibility for medical  
1 29 assistance during the time the individual is committed  
1 30 to the public institution.  
1 31 c. Assisting the department in the medical  
1 32 assistance review process as part of the individual's  
1 33 discharge planning prior to release of the individual  
1 34 in order to provide the individual with continued  
1 35 medical coverage.  
1 36 3. The entity with control of the public  
1 37 institution to which an individual specified under  
1 38 subsection 1 is committed shall work with the  
1 39 department to develop a process for the individual to  
1 40 apply or reapply for supplemental security income or  
1 41 social security as part of the individual's discharge  
1 42 planning if the entity determines that the individual  
1 43 may be eligible for such benefits.  
1 44 4. For the purposes of this section, "public  
1 45 institution" means a public institution, as defined in  
1 46 42 C.F.R. } 435.1010, to which an individual is  
1 47 committed by reason of arrest or charge for or  
1 48 conviction of a crime.  
1 49 5. This section applies to individuals as  
1 50 specified in subsection 1 on and after October 1,



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Senate Amendment 3135 continued

2 1 2009.  
2 2 Sec. 2. EMERGENCY RULES. The department of human  
2 3 services may adopt emergency rules under section  
2 4 17A.4, subsection 3, and section 17A.5, subsection 2,  
2 5 paragraph "b", to implement the provisions of this Act  
2 6 and the rules shall be effective immediately upon  
2 7 filing unless a later effective date is specified in  
2 8 the rules. Any rules adopted in accordance with this  
2 9 Act shall also be published as a notice of intended  
2 10 action as provided in section 17A.4 to implement this  
2 11 Act.>  
2 12 #2. Title page, by striking lines 1 through 3, and  
2 13 inserting the following: <An Act relating to  
2 14 suspension or termination of medical assistance for  
2 15 individuals committed to certain public institutions,  
2 16 including reapplication for social security and  
2 17 supplemental security income.>  
2 18  
2 19  
2 20  
2 21 COMMITTEE ON HUMAN RESOURCES  
2 22 AMANDA RAGAN, CHAIRPERSON  
2 23 HF 45.501 83  
2 24 pf/nh/22989



Iowa General Assembly  
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**Senate File 452 - Introduced**

SENATE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 368)  
(SUCCESSOR TO SF 172)

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

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

**A BILL FOR**

1 An Act directing the office of energy independence to establish a  
2 community grant program for energy efficiency projects, and  
3 allocating appropriated amounts for purposes of funding the  
4 program.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2290SZ 83  
7 rn/nh/8



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Senate File 452 - Introduced continued

PAG LIN

1 1 Section 1. Section 469.10, Code 2009, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4A. Of the moneys appropriated to the  
1 4 office and deposited in the fund, notwithstanding section  
1 5 469.9, subsection 4, the board shall utilize four percent of  
1 6 the amount appropriated for each fiscal year for purposes of  
1 7 awarding grants for energy efficiency projects pursuant to the  
1 8 community grant program established in section 469.11. Of the  
1 9 moneys allocated pursuant to this section for each fiscal  
1 10 year, the office may utilize up to fifty thousand dollars for  
1 11 administrative costs. Moneys allocated to the program which  
1 12 remain unawarded at the close of the fiscal year may be  
1 13 utilized by the office for any other purpose specified in and  
1 14 consistent with this subchapter.

1 15 Sec. 2. NEW SECTION. 469.11 ENERGY EFFICIENCY PROJECTS  
1 16 == COMMUNITY GRANT PROGRAM.

1 17 1. The office shall establish a community grant program  
1 18 with the objective of assisting communities and organizations  
1 19 to implement projects intended to reduce energy consumption  
1 20 and make communities in this state more sustainable and energy  
1 21 efficient.

1 22 2. a. Eligible applicants for the program shall include  
1 23 cities, counties, nonprofit organizations, organizations  
1 24 involved with energy efficiency or conservation efforts, and  
1 25 environmental organizations or groups.

1 26 b. Eligibility and approval criteria shall be established  
1 27 by the office by rule, and shall incorporate the criteria  
1 28 established in section 473.41, subsection 1, paragraphs "a"  
1 29 through "d", with regard to the energy city designation  
1 30 program.

1 31 c. Projects shall encourage partnerships between public  
1 32 and private sector groups, and develop collaboration and  
1 33 community involvement in energy efficiency efforts. Eligible  
1 34 projects may include but are not limited to the following:

1 35 (1) Projects promoting the installation of renewable



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Senate File 452 - Introduced continued

2 1 energy systems by homeowners or small businesses.  
2 2 (2) Projects for the development of community energy  
2 3 saving plans.  
2 4 (3) Programs that publicize energy savings opportunities  
2 5 in the community.  
2 6 (4) Kindergarten through grade twelve education programs  
2 7 that focus on increasing community energy efficiency efforts.  
2 8 (5) Projects for the creation of community or regional  
2 9 energy efficiency alliances.  
2 10 (6) Projects for the development of a low-cost energy  
2 11 efficiency public awareness campaign, highlighting strategies  
2 12 and success stories.  
2 13 d. To qualify for a grant pursuant to the program, an  
2 14 applicant must document the ability to provide matching funds  
2 15 of at least fifty percent of the total cost of the project,  
2 16 either in cash or in kind.  
2 17 3. The office shall establish an application and approval  
2 18 process that shall result in the awarding of an approved grant  
2 19 within a three-month period following receipt by the office of  
2 20 an application. Grants awarded pursuant to the program shall  
2 21 range from between one thousand dollars and fifty thousand  
2 22 dollars each.  
2 23 4. The office shall prepare an annual report summarizing  
2 24 the operation of the program, and shall submit the report by  
2 25 January 1 each year to the Iowa power fund board.

2 26 EXPLANATION

2 27 This bill directs the office of energy independence to  
2 28 establish a community grant program for energy efficiency  
2 29 projects. Grant awards pursuant to the program would vary  
2 30 between \$1,000 and \$50,000, and eligibility and approval  
2 31 criteria shall be established by the power fund board by rule,  
2 32 including criteria specified with reference to the energy city  
2 33 designation program in Code section 473.41. The bill provides  
2 34 a nonexclusive list of possible eligible projects, and states  
2 35 that projects subject to a grant award shall encourage



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Senate File 452 - Introduced continued

3 1 partnerships between public and private sector groups, and  
3 2 develop collaboration and community involvement in energy  
3 3 efficiency efforts. The bill provides that the office shall  
3 4 utilize 4 percent of the amount annually appropriated to the  
3 5 office during the fiscal period beginning July 1, 2009, and  
3 6 ending June 30, 2011, for purposes of funding the program, and  
3 7 out of that amount the office may utilize up to \$50,000 for  
3 8 administrative costs. These provisions are set forth in the  
3 9 bill notwithstanding Code section 469.9, subsection 4, which  
3 10 specifies due diligence activities and documentation  
3 11 requirements relating to entities conducting business,  
3 12 research, or programs in this state and receiving financial  
3 13 assistance from the fund.

3 14 The bill specifies that applicants for the program may  
3 15 include cities, counties, nonprofit organizations,  
3 16 organizations involved with energy efficiency or conservation  
3 17 efforts, and environmental organizations or groups. An  
3 18 applicant shall be required to document the ability to provide  
3 19 matching funds of at least 50 percent in either cash or kind.  
3 20 The bill provides that approved grants shall be awarded within  
3 21 three months following submission of an application.

3 22 The office is directed to prepare and submit to the Iowa  
3 23 power fund board an annual report summarizing the operation of  
3 24 the programs.

3 25 LSB 2290SZ 83

3 26 rn/nh/8



Iowa General Assembly  
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**Senate File 453 - Introduced**

SENATE FILE  
BY MCKINLEY

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

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

**A BILL FOR**

- 1 An Act providing for a creativity and innovation task force.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 2451XS 83
- 4 tw/nh/14



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Senate File 453 - Introduced continued

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1 1 Section 1. CREATIVITY AND INNOVATION TASK FORCE.  
1 2 1. ESTABLISHMENT AND PURPOSE.  
1 3 a. A creativity and innovation task force is established.  
1 4 The task force shall be initially convened by July 1, 2009,  
1 5 with staffing and administrative support provided by the  
1 6 legislative services agency.  
1 7 b. The task force shall be convened for the following  
1 8 purposes:  
1 9 (1) To foster the creation of new businesses in the state  
1 10 and to increase the creation of jobs.  
1 11 (2) To encourage and reward creativity, invention, and  
1 12 innovation by Iowa residents.  
1 13 2. MEMBERSHIP.  
1 14 a. The task force shall consist of the following members:  
1 15 (1) One member selected by the Iowa small business  
1 16 development center.  
1 17 (2) One member selected by the Iowa association of  
1 18 community college trustees.  
1 19 (3) One member selected by the John Pappajohn  
1 20 entrepreneurial center at the university of Iowa.  
1 21 (4) Two members selected by the Iowa bankers association  
1 22 representing community bankers.  
1 23 (5) Two members selected by the national federation of  
1 24 independent business.  
1 25 (6) Two members selected by the Iowa association of  
1 26 business and industry.  
1 27 (7) Two members selected by the professional developers of  
1 28 Iowa.  
1 29 b. The members shall be appointed in compliance with the  
1 30 requirements of sections 69.16, 69.16A, and 69.19, and shall  
1 31 serve for the duration of the task force.  
1 32 c. The members of the task force are entitled to receive  
1 33 reimbursement for actual expenses incurred while engaged in  
1 34 the performance of official duties.  
1 35 d. The task force shall elect a chairperson and the



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Senate File 453 - Introduced continued

2 1 recommendations of the task force shall be approved by a  
2 2 majority of the members. A majority of the task force  
2 3 constitutes a quorum and an affirmative vote of the majority  
2 4 of members is necessary to approve the recommendations of the  
2 5 task force. A vacancy in the membership does not impair the  
2 6 right of a quorum to exercise all rights and perform all  
2 7 duties of the task force.  
2 8 3. DUTIES. The task force shall do all of the following:  
2 9 a. Research and evaluate methods of encouraging and  
2 10 rewarding innovation and entrepreneurship.  
2 11 b. Create a forum and a process for listening to and  
2 12 addressing the concerns of inventors and entrepreneurs.  
2 13 c. Develop ideas for identifying innovations that have the  
2 14 potential to become successful new businesses in the state.  
2 15 d. Recommend a process for helping inventors and  
2 16 innovators commercialize inventions and innovations.  
2 17 e. Identify the barriers to business creation and  
2 18 expansion and the hurdles inhibiting the commercialization of  
2 19 research.  
2 20 4. REPORT. The task force shall submit a written report  
2 21 containing its findings and recommendations to the governor  
2 22 and the general assembly by January 1, 2010. The report shall  
2 23 include a plan for facilitating the development of programs  
2 24 that enhance the commercialization of research.  
2 25 5. DISSOLUTION. The task force shall complete its duties  
2 26 no later than January 1, 2010, but may complete its duties and  
2 27 dissolve itself prior to that date.  
2 28 EXPLANATION  
2 29 This bill establishes a creativity and innovation task  
2 30 force. The task force must be convened by July 1, 2009.  
2 31 The task force is to be convened for the following  
2 32 purposes: (1) to foster the creation of new businesses in the  
2 33 state and to increase the creation of jobs; and (2) to  
2 34 encourage and reward creativity, invention, and innovation by  
2 35 Iowa residents.



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3 1       The task force consists of one member selected by the Iowa  
3 2 small business development center, one member selected by the  
3 3 Iowa association of community college trustees, one member  
3 4 selected by the John Pappajohn entrepreneurial center, two  
3 5 members selected by the Iowa bankers association representing  
3 6 community bankers, two members selected by the national  
3 7 federation of independent business, two members selected by  
3 8 the Iowa association of business and industry, and two members  
3 9 selected by the professional developers of Iowa.

3 10       The task force has certain duties related to new ideas and  
3 11 methods for fostering job creation and encouraging creativity,  
3 12 and must file a report with the general assembly and the  
3 13 governor by January 1, 2010, when the task force is dissolved.

3 14 LSB 2451XS 83

3 15 tw/nh/14.1



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**Senate File 454 - Introduced**

SENATE FILE  
BY MCKINLEY

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

**A BILL FOR**

- 1 An Act providing for a new jobs tax credit and including an
- 2 effective and applicability date provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2452XS 83
- 5 tw/sc:mg/24



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Senate File 454 - Introduced continued

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1 1 Section 1. NEW SECTION. 422.11X NEW JOBS TAX CREDIT.  
1 2 1. a. The taxes imposed under this division, less the  
1 3 credits allowed under section 422.12, shall be reduced by a  
1 4 new jobs tax credit in an amount equal to fifty percent of the  
1 5 amount of wages paid in a tax year for each new job created.  
1 6 b. The amount of the credit that may be claimed by a  
1 7 taxpayer is computed on the greater of the following:  
1 8 (1) The first fifty jobs created by the employer.  
1 9 (2) A five percent expansion of the employer's current  
1 10 workforce.  
1 11 2. To be eligible for the tax credit, an employer shall  
1 12 not be an applicant for or a recipient of financial assistance  
1 13 from the department of economic development or a recipient of  
1 14 moneys under the federal American Recovery and Reinvestment  
1 15 Act of 2009, Pub. L. No. 111=5.  
1 16 3. A job must meet the following conditions to qualify for  
1 17 the new jobs tax credit:  
1 18 a. The job is a permanent full-time equivalent position  
1 19 that did not exist in the business within the previous six  
1 20 months in the state.  
1 21 b. The job is filled by a new employee for at least twelve  
1 22 months.  
1 23 c. The job shall be filled by a resident of the state.  
1 24 d. The job was not created as a result of a change in  
1 25 ownership or as a result of a consolidation, merger, or  
1 26 restructuring of a business entity if the job does not  
1 27 represent a new job in the state.  
1 28 e. The job shall not have been previously filled by the  
1 29 same employee in the state.  
1 30 f. The job was not relocated from another location in the  
1 31 state.  
1 32 g. The job pays at least one hundred percent of the lower  
1 33 of the average county or average regional wage, excluding  
1 34 benefits, as calculated by the department of revenue based on  
1 35 data from the wage and employment information from the



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Senate File 454 - Introduced continued

2 1 quarterly covered wage and employment data report issued by  
2 2 the department of workforce development.

2 3 h. The job is created on or after the effective date of  
2 4 this Act but before June 30, 2011.

2 5 4. a. A new jobs tax credit may only be claimed once for  
2 6 each qualifying new job.

2 7 b. A taxpayer is entitled to claim the tax credit upon the  
2 8 end of the twelfth month of the job having been filled.  
2 9 However, if the job is eliminated within twelve months from  
2 10 the date the taxpayer is entitled to claim the tax credit, the  
2 11 taxpayer is subject to repayment of the amount of the tax  
2 12 credit received.

2 13 5. An individual may claim a tax credit under this section  
2 14 of a partnership, limited liability company, S corporation,  
2 15 estate, or trust electing to have income taxed directly to the  
2 16 individual. The amount claimed by the individual shall be  
2 17 based upon the pro rata share of the individual's earnings  
2 18 from the partnership, limited liability company, S  
2 19 corporation, estate, or trust.

2 20 6. a. Any tax credit in excess of the taxpayer's  
2 21 liability for the tax year is not refundable, but the taxpayer  
2 22 may elect to have the excess credited to the tax liability for  
2 23 the following five years or until depleted, whichever is  
2 24 earlier.

2 25 b. A tax credit shall not be carried back to a tax year  
2 26 prior to the tax year in which the taxpayer first receives the  
2 27 tax credit.

2 28 7. A taxpayer eligible for the tax credit shall include  
2 29 with the taxpayer's return information relating to each new  
2 30 job created during the tax year and shall include information  
2 31 establishing the total amount of wages paid for those jobs  
2 32 during the tax year pursuant to rules of the department.

2 33 8. The tax credit authorized in this section is in lieu of  
2 34 the new jobs tax credits authorized in sections 422.11A and  
2 35 422.33, subsection 6.



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3 1 9. This section is repealed June 30, 2017. This repeal  
3 2 does not affect the ability to carry forward tax credits  
3 3 pursuant to subsection 6.  
3 4 Sec. 2. Section 422.33, Code 2009, is amended by adding  
3 5 the following new subsection:  
3 6 NEW SUBSECTION. 27. The taxes imposed under this division  
3 7 shall be reduced by a new jobs tax credit in the same manner,  
3 8 for the same amount, and under the same conditions as provided  
3 9 in section 422.11X.  
3 10 Sec. 3. Section 422.60, Code 2009, is amended by adding  
3 11 the following new subsection:  
3 12 NEW SUBSECTION. 15. The taxes imposed under this division  
3 13 shall be reduced by a new jobs tax credit in the same manner,  
3 14 for the same amount, and under the same conditions as provided  
3 15 in section 422.11X.  
3 16 Sec. 4. NEW SECTION. 432.12M NEW JOBS TAX CREDIT.  
3 17 The taxes imposed under this chapter shall be reduced by a  
3 18 new jobs tax credit in the same manner, for the same amount,  
3 19 and under the same conditions as provided in section 422.11X.  
3 20 Sec. 5. Section 533.329, subsection 2, Code 2009, is  
3 21 amended by adding the following new paragraph:  
3 22 NEW PARAGRAPH. n. The moneys and credits tax imposed  
3 23 under this section shall be reduced by a new jobs tax credit  
3 24 in the same manner, for the same amount, and under the same  
3 25 conditions as provided in section 422.11X.  
3 26 Sec. 6. EFFECTIVE AND APPLICABILITY DATE. This Act, being  
3 27 deemed of immediate importance, takes effect upon enactment  
3 28 and applies to new jobs created on or after that date.  
3 29 EXPLANATION  
3 30 This bill provides a tax credit to employers in an amount  
3 31 equal to 50 percent of the wages paid for new jobs created in  
3 32 the next two years. The amount of the tax credit is computed  
3 33 on 50 new jobs or a 5 percent expansion of the workforce,  
3 34 whichever is greater.  
3 35 To be eligible for the tax credit, an employer must not be



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Senate File 454 - Introduced continued

4 1 an applicant for or a recipient of financial assistance from  
4 2 the department of economic development or a recipient of  
4 3 moneys from the federal American Recovery and Reinvestment Act  
4 4 of 2009.

4 5 A qualifying new job:

4 6 1. Must be a full-time equivalent position that did not  
4 7 exist in the business within the previous six months in the  
4 8 state.

4 9 2. Must be filled by a new employee for at least 12 months  
4 10 before the credit can be claimed.

4 11 3. Must be filled by a resident of the state.

4 12 4. Must not be created as a result of a change in  
4 13 ownership or as a result of a consolidation, merger, or  
4 14 restructuring of a business entity if the job does not  
4 15 represent a new job in the state.

4 16 5. Must not have been previously filled by the same  
4 17 employee in the state.

4 18 6. Must not have been relocated from another location in  
4 19 the state.

4 20 7. Must pay at least 100 percent of the lower of the  
4 21 average county or average regional wage, excluding benefits.

4 22 8. Must have been created on or after the effective date  
4 23 of the bill but before June 30, 2011.

4 24 The tax credit is available against the individual and  
4 25 corporate income taxes, the franchise tax, the insurance  
4 26 companies tax, and the moneys and credits tax.

4 27 A tax credit may only be claimed once for each qualifying  
4 28 new job. A taxpayer is entitled to claim the credit upon the  
4 29 end of the twelfth month of the job having been filled.

4 30 However, if the job is eliminated within 12 months from the  
4 31 date the taxpayer is entitled to claim the credit, the  
4 32 taxpayer is subject to repayment of the amount of the tax  
4 33 credit received.

4 34 Any tax credit in excess of the taxpayer's liability for  
4 35 the tax year is not refundable, but the taxpayer may elect to



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5 1 have the excess credited to the tax liability for the  
5 2 following five years or until depleted, whichever is earlier.  
5 3 A tax credit shall not be carried back to a tax year prior to  
5 4 the tax year in which the taxpayer first receives the tax  
5 5 credit.  
5 6 The tax credit is in lieu of the existing new jobs tax  
5 7 credit allowed against the individual and corporate income  
5 8 taxes.  
5 9 The bill takes effect upon enactment and applies to new  
5 10 jobs created on or after that date.  
5 11 LSB 2452XS 83  
5 12 tw/sc:mg/24.1



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**Senate File 455 - Introduced**

SENATE FILE  
BY MCKINLEY

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

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

**A BILL FOR**

1 An Act creating a small business advocate's office and a  
2 solutions to minimize unreasonable government committee and  
3 providing for an appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2449XS 83  
6 tw/rj/8



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Senate File 455 - Introduced continued

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1 1 Section 1. Section 2.42, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 17. To appoint the small business  
1 4 advocate for a term of office ending June 30, 2015.  
1 5 Sec. 2. NEW SECTION. 2E.1 OFFICE OF THE SMALL BUSINESS  
1 6 ADVOCATE ESTABLISHED.  
1 7 The office of the small business advocate is established as  
1 8 an agency of the legislative branch under the direction and  
1 9 control of the legislative council.  
1 10 Sec. 3. NEW SECTION. 2E.2 APPOINTMENT == VACANCY AND  
1 11 REMOVAL == PROHIBITED ACTIVITIES.  
1 12 1. The small business advocate shall be appointed by the  
1 13 legislative council as provided in section 2.42. The small  
1 14 business advocate shall be a citizen of the United States and  
1 15 a resident of the state of Iowa, and shall be qualified to  
1 16 analyze problems of law, administration, public policy, and  
1 17 commerce especially as they relate to small business.  
1 18 2. The legislative council shall fill a vacancy in the  
1 19 office in the same manner as the original appointment.  
1 20 3. The small business advocate is not authorized to hire  
1 21 staff or employees.  
1 22 4. The small business advocate may be removed at any time  
1 23 by the legislative council.  
1 24 5. The small business advocate shall not do any of the  
1 25 following:  
1 26 a. Hold another public office of trust or profit under the  
1 27 laws of this state other than the office of notary public.  
1 28 b. Engage in other employment for remuneration with an  
1 29 agency or department of state government.  
1 30 c. Be actively involved in partisan affairs.  
1 31 Sec. 4. NEW SECTION. 2E.3 DUTIES.  
1 32 The small business advocate shall do all of the following:  
1 33 1. Monitor the impact of government regulation on job  
1 34 growth in the state.  
1 35 2. Collect data and compile reports on the impact of



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2 1 government regulation on job growth in the state.  
2 2 3. Recommend to the legislative council policies and laws  
2 3 that promote a regulatory environment conducive to job growth,  
2 4 and particularly to the creation of jobs in small businesses  
2 5 across the state.

2 6 4. Advise the legislative council and the general assembly  
2 7 on the impacts that proposed legislation will have on the  
2 8 ability of employers to create and retain jobs.

2 9 5. On or before January 1 of each year, submit a report to  
2 10 the legislative council, the legislative services agency, the  
2 11 administrative rules review committee, and the general  
2 12 assembly. The report shall include the small business  
2 13 advocate's recommendations for changes to law and public  
2 14 policy that will remove barriers to job growth in the state.

2 15 Sec. 5. NEW SECTION. 2E.4 INFORMATION FROM THE CITIZENS'  
2 16 AIDE.

2 17 In investigating administrative actions, to the extent the  
2 18 citizens' aide becomes aware of a pattern of regulation  
2 19 evidencing actions or subjects described in section 2C.11, the  
2 20 citizens' aide shall inform the small business advocate of the  
2 21 pattern, and the small business advocate shall develop and  
2 22 recommend to the legislative council, the legislative services  
2 23 agency, the administrative rules review committee, and the  
2 24 general assembly changes in policy or law to address the  
2 25 pattern.

2 26 Sec. 6. NEW SECTION. 2E.5 SOLUTIONS TO MINIMIZE  
2 27 UNREASONABLE GOVERNMENT COMMITTEE.

2 28 1. The solutions to minimize unreasonable government  
2 29 committee is created with staffing provided by the legislative  
2 30 services agency.

2 31 2. The purpose of the committee is to review existing and  
2 32 proposed state statutes, administrative rules, and other  
2 33 agency requirements to consider whether the statutes, rules,  
2 34 or requirements impose or would impose unnecessary barriers to  
2 35 creating or maintaining private sector jobs. The committee



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3 1 may issue reports to the general assembly at any time  
3 2 providing recommendations for revising or eliminating  
3 3 statutes, rules, or requirements as necessary to address such  
3 4 barriers.

3 5 3. The membership of the committee shall be appointed by  
3 6 the small business advocate to include the following:

3 7 a. Five voting members who represent Iowa small businesses  
3 8 from nominees provided by the Iowa office of the national  
3 9 federation of independent business.

3 10 b. Four voting members who represent a broad spectrum of  
3 11 Iowa businesses from nominees provided by the Iowa association  
3 12 of business and industry.

3 13 4. The terms of voting members, election of officers, and  
3 14 other procedural matters shall be as determined by the  
3 15 committee. Voting members are not eligible for per diem or  
3 16 expenses incurred in connection with committee work.

3 17 Sec. 7. Section 15G.110, Code 2009, is amended to read as  
3 18 follows:

3 19 15G.110 APPROPRIATION.

3 20 1. For ~~the fiscal period beginning July 1, 2005, and~~  
~~3 21 ending June 30, 2008, and for the fiscal period beginning July~~  
3 22 1, 2010, and ending June 30, 2015, there is appropriated to  
3 23 the department of economic development each fiscal year ~~fifty~~  
3 24 forty-nine million eight hundred fifty thousand dollars from  
3 25 the general fund of the state for deposit in the grow Iowa  
3 26 values fund.

3 27 2. For the fiscal ~~period year~~ beginning July 1, ~~2008~~ 2009,  
3 28 and ending June 30, 2010, there is appropriated to the  
3 29 department of economic development ~~each fiscal year fifty~~  
3 30 forty-nine million eight hundred fifty thousand dollars from  
3 31 the rebuild Iowa infrastructure fund for deposit in the grow  
3 32 Iowa values fund, notwithstanding section 8.57, subsection 6,  
3 33 paragraph "c".

3 34 Sec. 8. Section 15G.111, subsection 1, paragraph a,  
3 35 subparagraph (2), unnumbered paragraph 1, Code 2009, is



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4 1 amended to read as follows:

4 2 For each fiscal year of the fiscal period beginning July 1,  
4 3 2009, and ending June 30, 2015, to the department of economic  
4 4 development ~~thirty-two~~ thirty-one million eight hundred fifty  
4 5 thousand dollars for the following programs administered by

4 6 the department:

4 7 EXPLANATION

4 8 This bill provides for the establishment of a small  
4 9 business advocate's office and a solutions to minimize  
4 10 unreasonable government committee.

4 11 The office of the small business advocate is established as  
4 12 an agency of the legislative branch under the direction and  
4 13 control of the legislative council.

4 14 The small business advocate is not authorized to hire staff  
4 15 or employees. The small business advocate cannot hold another  
4 16 public office of trust or profit other than the office of  
4 17 notary public, engage in other employment for remuneration  
4 18 with an agency or department of state government, or be  
4 19 actively involved in partisan affairs.

4 20 The duties of the small business advocate are to:

4 21 1. Monitor the impact of government regulation on job  
4 22 growth in the state.

4 23 2. Collect data and compile reports on the impact of  
4 24 government regulation on job growth in the state.

4 25 3. Recommend to the legislative council policies and laws  
4 26 that promote a regulatory environment conducive to job growth  
4 27 and particularly to the creation of jobs in small businesses  
4 28 across the state.

4 29 4. Advise the legislative council and the general assembly  
4 30 on the impacts that proposed legislation will have on the  
4 31 ability of employers to create and retain jobs.

4 32 5. On or before January 1 of each year, submit a report to  
4 33 the legislative council, the legislative services agency, the  
4 34 administrative rules review committee, and the general  
4 35 assembly. The report shall include the small business



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5 1 advocate's recommendations for changes to law and public  
5 2 policy that will remove barriers to job growth in the state.  
5 3     The office of the citizens' aide (commonly called the  
5 4 ombudsman), has some duties that overlap with the concerns of  
5 5 the small business advocate. In investigating administrative  
5 6 actions, to the extent the citizens' aide becomes aware of a  
5 7 pattern of regulation evidencing actions or subjects described  
5 8 in Code section 2C.11, the citizens' aide must inform the  
5 9 small business advocate of the pattern, and the small business  
5 10 advocate is directed to develop and recommend to the  
5 11 legislative council, the legislative services agency, the  
5 12 administrative rules review committee, and the general  
5 13 assembly changes in policy or law to address the pattern.  
5 14     The bill creates the solutions to minimize unreasonable  
5 15 government committee in the office of the small business  
5 16 advocate in new Code section 2E.5, to be staffed by the  
5 17 legislative services agency.  
5 18     The purpose of the committee is to review existing and  
5 19 proposed state statutes, administrative rules, and other  
5 20 agency requirements to consider whether the statutes, rules,  
5 21 or requirements impose or would impose unnecessary barriers to  
5 22 creating or maintaining private sector jobs. The committee  
5 23 may issue reports to the general assembly at any time  
5 24 providing recommendations for revising or eliminating  
5 25 statutes, rules, or requirements as necessary to address such  
5 26 barriers.  
5 27     The committee consists of nine voting members appointed by  
5 28 the small business advocate from nominees provided by the Iowa  
5 29 office of the national federation of independent business and  
5 30 the Iowa association of business and industry. The committee  
5 31 is authorized to determine the terms of voting members,  
5 32 election of officers, and other procedural matters. Voting  
5 33 members are not eligible for per diem or expenses incurred in  
5 34 connection with committee work.  
5 35     The annual budget for the citizens' aide office is approved



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6 1 by the legislative council from the general assembly's  
6 2 standing appropriation from the state's general fund. In  
6 3 order to free up state general fund moneys for any additional  
6 4 costs related to the designation of a deputy citizens' aide,  
6 5 the annual appropriation to the grow Iowa values fund is  
6 6 reduced by \$150,000.  
6 7 LSB 2449XS 83  
6 8 tw/rj/8.2



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Senate Resolution 17 - Introduced

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

1 1 SENATE RESOLUTION NO.  
 1 2 BY BEALL, APPEL, BARTZ, BEHN, BLACK, BOETTGER,  
 1 3 BOLKCOM, COURTNEY, DANDEKAR, DANIELSON, DEARDEN,  
 1 4 DOTZLER, DVORSKY, FEENSTRA, FRAISE, HAHN,  
 1 5 HAMERLINCK, HANCOCK, HARTSUCH, HATCH, HECKROTH,  
 1 6 HOGG, HORN, JOCHUM, KAPUCIAN, KETTERING, KIBBIE,  
 1 7 KREIMAN, McCOY, MCKINLEY, NOBLE, OLIVE,  
 1 8 QUIRMBACH, RAGAN, REYNOLDS, RIELLY, SCHMITZ,  
 1 9 SCHOENJAHN, SENG, SEYMOUR, SODDERS, STEWART,  
 1 10 WARNSTADT, WIECK, WILHELM, and ZAUN  
 1 11 A Resolution honoring Iowa's women military veterans.  
 1 12 WHEREAS, since the Revolutionary War, over 2.5  
 1 13 million women have served in the United States Armed  
 1 14 Forces; and  
 1 15 WHEREAS, during the Civil War, Spanish-American  
 1 16 War, and World War I, while their husbands and fathers  
 1 17 were in the Army, Iowa women ran the farms and the  
 1 18 stores, sent food and medicine to wounded soldiers,  
 1 19 and cared for wounded and sick soldiers; and  
 1 20 WHEREAS, during the second World War, Fort Des  
 1 21 Moines hosted the formation and first training center  
 1 22 for the Women's Army Auxiliary Corps, later renamed  
 1 23 the Women's Army Corps, training 72,000 troops and  
 1 24 commissioning the first female officers for noncombat  
 1 25 duty between 1942 and 1945; and  
 1 26 WHEREAS, Fort Des Moines produced 118 black female  
 1 27 officers and 3,656 black enlisted women by war's end,  
 1 28 representing 4 percent of all Women's Army Corps  
 1 29 troops; and  
 1 30 WHEREAS, the women who trained at Fort Des Moines



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Senate Resolution 17 - Introduced continued

2 1 were the first women other than nurses to serve within  
2 2 the ranks of the United States Army; and  
2 3       WHEREAS, over 150,000 American women served in the  
2 4 Women's Army Corps during World War II, freeing  
2 5 250,000 male soldiers for combat duty in Europe and  
2 6 the South Pacific and helping in a large way to make  
2 7 the war effort successful; and  
2 8       WHEREAS, thousands of Iowa women were deployed  
2 9 during the Vietnam War and Operations Desert Shield  
2 10 and Desert Storm and served stateside in essential  
2 11 mission support roles; and  
2 12       WHEREAS, over 14,500 Iowa women continue to serve  
2 13 their country in ever increasing numbers; and  
2 14       WHEREAS, Iowa women have fulfilled the promise that  
2 15 began at Fort Des Moines by attaining high ranks in  
2 16 the military, including two Iowa women serving as  
2 17 Brigadier Generals, Janet Phipps and State  
2 18 Representative Jodi Tymeson; and  
2 19       WHEREAS, over 14,000 women veterans make Iowa their  
2 20 home today, and the Fort Des Moines Museum, which has  
2 21 been open for five years, preserves and tells the  
2 22 story of the women pioneers of Fort Des Moines; NOW  
2 23 THEREFORE,  
2 24       BE IT RESOLVED BY THE SENATE, That the Senate  
2 25 recognizes and honors the service and achievements of  
2 26 women veterans of Iowa, thanks them for their service  
2 27 to the United States of America and to Iowa, and  
2 28 encourages all Iowans to recognize the contributions  
2 29 of women, past and present, in the armed forces.  
2 30 LSB 2645SS 83



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Senate Resolution 17 - Introduced continued

3 1 jr/nh/5.1



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Senate Study Bill 1312

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

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

A BILL FOR

1 An Act relating to the taxation of persons who are  
2 self-generators of electricity solely for their own  
3 consumption and including a retroactive applicability date  
4 provision.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2671SC 83  
7 mg/sc/5



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Senate Study Bill 1312 continued

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1 1 Section 1. Section 437A.3, subsection 27, Code 2009, is  
 1 2 amended to read as follows:  
 1 3 27. "Self-generator" means a person, other than an  
 1 4 electric company, natural gas company, electric cooperative,  
 1 5 or municipal utility, who generates, by means of an on-site  
 1 6 facility wholly owned by or leased in its entirety to such  
 1 7 person, electricity solely for its own consumption, or for the  
 1 8 consumption of any owner, shareholder, member, beneficiary,  
 1 9 partner, or associate of such person, except for inadvertent  
 1 10 unscheduled deliveries to the electric utility furnishing  
 1 11 electric service to that self-generator. A person who  
~~1 12 generates electricity which is consumed by any other person,~~  
~~1 13 including any owner, shareholder, member, beneficiary,~~  
~~1 14 partner, or associate of the person who generates electricity,~~  
~~1 15 is not a self-generator.~~ For purposes of this subsection,  
 1 16 "on-site facility" means an electric power generating plant  
 1 17 that is wholly owned by or leased in its entirety to a person  
 1 18 and used to generate electricity solely for consumption by  
 1 19 such person or by any owner, shareholder, member, beneficiary,  
 1 20 partner, or associate of such person on the same parcel of  
 1 21 land on which such plant is located or on a contiguous parcel  
 1 22 of land. For purposes of this subsection, "parcel of land"  
 1 23 includes each separate parcel of land shown on the tax list.  
 1 24 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies  
 1 25 retroactively to January 1, 2009, for tax years beginning on  
 1 26 or after that date.

EXPLANATION

1 27  
 1 28 Under current law, a self-generator is a person, other than  
 1 29 utility companies, who generates by means of an on-site  
 1 30 facility electricity solely for its own purposes. Such a  
 1 31 person is exempt from payment of any replacement taxes under  
 1 32 Code chapter 437A and is subject to local property taxes.  
 1 33 However, if the on-site facility generates electricity that is  
 1 34 consumed by any other person, even a person related to the  
 1 35 person owning or leasing the on-site facility, then the



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Senate Study Bill 1312 continued

2 1 facility is not considered a self-generator. This means it  
2 2 would be subject to the replacement tax and not the local  
2 3 property tax.

2 4 This bill strikes the language that provides that the  
2 5 on-site facility that generates electricity to other persons  
2 6 including those related to the owner of the facility, is not a  
2 7 self-generator and includes language that expands the  
2 8 definition of self-generator to include those related to the  
2 9 owner or lessee of the facility. The result of the bill is  
2 10 that the facility that generates electricity for its own  
2 11 consumption and which is consumed by a person who is a  
2 12 shareholder, member, beneficiary, partner, or associate of the  
2 13 owner or lessee of the facility is considered a self-generator  
2 14 and is exempt from the replacement tax and subject to the  
2 15 local property tax.

2 16 The bill applies retroactively to January 1, 2009, for tax  
2 17 years beginning on or after that date.

2 18 LSB 2671SC 83

2 19 mg/sc/5



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Senate Study Bill 1313

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL  
BY CHAIRPERSON BOLKCOM)

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

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

A BILL FOR

1 An Act relating to motor fuel containing biodiesel, providing for  
2 tax credits, making penalties applicable, and including  
3 effective date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2135SC 83  
6 da/rj/14



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Senate Study Bill 1313 continued

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1 1 DIVISION I  
1 2 BIODIESEL FUEL STANDARD  
1 3 Section 1. Section 214A.2, subsection 4, paragraph b,  
1 4 subparagraph (2), Code 2009, is amended by striking the  
1 5 subparagraph.  
1 6 Sec. 2. NEW SECTION. 214A.2C STANDARD FOR DIESEL FUEL ==  
1 7 BIODIESEL REQUIRED.  
1 8 1. A retail dealer shall not advertise for sale or sell  
1 9 diesel fuel in this state, unless it is biodiesel fuel.  
1 10 2. a. Subsection 1 does not apply to any of the  
1 11 following:  
1 12 (1) Motors located at an electric generating plant  
1 13 regulated by the nuclear regulatory commission. This  
1 14 exception shall no longer apply thirty days after the nuclear  
1 15 regulatory commission approves the use of biodiesel fuel in  
1 16 motors at electric generating plants.  
1 17 (2) Railroad locomotives.  
1 18 (3) Off=road logging equipment and machinery.  
1 19 (4) Vehicles and equipment used exclusively on an aircraft  
1 20 landing field.  
1 21 b. This subsection is repealed on July 1, 2012.  
1 22 Sec. 3. NEW SECTION. 214A.2D STANDARD FOR DIESEL FUEL ==  
1 23 BIODIESEL DESIGNATIONS.  
1 24 1. A retail dealer shall not advertise or sell biodiesel  
1 25 blended fuel unless it is designated B=5 or higher as  
1 26 specified in section 214A.2.  
1 27 2. The biodiesel blended fuel designation provided in  
1 28 subsection 1 shall increase in two threshold periods as  
1 29 follows:  
1 30 a. For the first threshold period, beginning on July 1,  
1 31 2012, and ending June 30, 2015, the biodiesel blended fuel  
1 32 must be designated B=10 or higher as specified in section  
1 33 214A.2.  
1 34 b. For the second threshold period, beginning on July 1,  
1 35 2015, the biodiesel blended fuel must be designated B=20 or



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2 1 higher as specified in section 214A.2.  
2 2 3. a. Notwithstanding subsection 2, a retail dealer is  
2 3 not required to advertise for sale or sell biodiesel blended  
2 4 fuel designated as higher than B=5 during the cold weather  
2 5 months beginning November 1 and ending March 31.  
2 6 b. The department may issue a cold weather suspension  
2 7 order that suspends the application of paragraph "a" during  
2 8 some or all of a threshold period and establish one or more  
2 9 temporary biodiesel blended fuel designations applicable for  
2 10 the period so long as a biodiesel blended fuel designation is  
2 11 not less than B=5 and not more than the biodiesel blended fuel  
2 12 designation that would otherwise apply during the threshold  
2 13 period. The cold weather suspension order shall be published  
2 14 in the Iowa administrative bulletin and take effect as  
2 15 provided by the department. Prior to issuing the order, the  
2 16 department shall consult with the committee.  
2 17 4. a. The department may issue a threshold suspension  
2 18 order suspending the application of a biodiesel designation  
2 19 during a threshold period as provided in subsection 2, if the  
2 20 department determines that any of the following apply:  
2 21 (1) Less than five percent of the biodiesel blended fuel  
2 22 expected to be sold in this state during the applicable  
2 23 threshold period will be produced from a nontraditional  
2 24 feedstock which is a biological resource other than an  
2 25 agricultural resource traditionally grown or raised in the  
2 26 state, including but not limited to algae cultivated for  
2 27 biofuels production, waste oils, and tallow.  
2 28 (2) No specification established by the United States  
2 29 environmental protection agency or A.S.T.M. international  
2 30 applies to the biodiesel designation required during the  
2 31 applicable threshold period.  
2 32 b. The threshold suspension order shall apply during some  
2 33 or all of a threshold period and may establish one or more  
2 34 temporary biodiesel blended fuel designations applicable for  
2 35 the period of suspension so long as the temporary biodiesel



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3 1 blended fuel designation is not less than B=5 and not more  
3 2 than the biodiesel blended fuel designation that would  
3 3 otherwise apply during the threshold period. The threshold  
3 4 suspension order shall be published in the Iowa administrative  
3 5 bulletin and take effect as provided by the department. Prior  
3 6 to issuing the threshold suspension order, the department  
3 7 shall consult with the committee.

3 8 5. The department may issue a threshold suspension order  
3 9 suspending the application of a biodiesel designation for a  
3 10 motor under the control of the nuclear regulatory commission  
3 11 during a threshold period, if the nuclear regulatory  
3 12 commission has not approved the use of the biodiesel  
3 13 designation required during that threshold period. The  
3 14 threshold suspension order shall be published in the Iowa  
3 15 administrative bulletin and take effect as provided by the  
3 16 department. Prior to issuing the threshold suspension order,  
3 17 the department shall consult with the committee.

3 18 6. The governor may by executive order adjust the  
3 19 biodiesel blended fuel designation as provided in this  
3 20 section, if the governor determines that there exists a major  
3 21 disparity between the price of biodiesel blended fuel and  
3 22 diesel fuel, there is a significant shortage of biodiesel fuel  
3 23 supplies in this state, or a systemic market change will cause  
3 24 material economic hardship to retail dealers who advertise and  
3 25 sell biodiesel blended fuel in this state which can be  
3 26 alleviated by adjusting the biodiesel blended fuel. The  
3 27 adjusted biodiesel blended fuel designation shall not be less  
3 28 than B=5 and not more than the biodiesel blended fuel  
3 29 designation that would otherwise apply during the applicable  
3 30 threshold period. The executive order shall provide for the  
3 31 termination of the adjusted biodiesel blended fuel designation  
3 32 by a date certain. After the executive order's termination,  
3 33 the biodiesel blended fuel designation shall be restored to  
3 34 the amount required for the applicable threshold period.

3 35 Sec. 4. EMERGENCY RULES. The department of agriculture



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4 1 and land stewardship shall adopt emergency rules under section  
4 2 17A.4, subsection 3, and section 17A.5, subsection 2,  
4 3 paragraph "b", to implement the provisions of sections 214A.2C  
4 4 and 214A.2D, as enacted in this Act, and the rules shall be  
4 5 effective July 1, 2009. Any rules adopted in accordance with  
4 6 this section shall also be published as a notice of intended  
4 7 action as provided in section 17A.4.

4 8 Sec. 5. EFFECTIVE DATE. This division of this Act takes  
4 9 effect on July 1, 2009, except for the provisions authorizing  
4 10 the department of agriculture and land stewardship to adopt  
4 11 emergency rules and to publish a notice of intended action to  
4 12 implement the provisions of sections 214A.2C and 214A.2D, as  
4 13 enacted in this Act, which, being deemed of immediate  
4 14 importance, take effect upon enactment.

4 15 DIVISION II

4 16 BIODIESEL FUEL LABELING

4 17 Sec. 6. Section 214A.2, subsection 5, Code 2009, is  
4 18 amended to read as follows:

4 19 5. Ethanol blended gasoline shall be designated E=xx where  
4 20 "xx" is the volume percent of ethanol in the ethanol blended  
4 21 gasoline and biodiesel blended fuel shall be designated B=xx  
4 22 where "xx" is the volume percent of biodiesel.

4 23 Sec. 7. Section 214A.16, subsection 1, Code 2009, is  
4 24 amended to read as follows:

4 25 1. a. ~~If motor fuel containing a renewable fuel ethanol~~  
4 26 ~~blended gasoline is sold from a motor fuel pump, the pump~~  
4 27 ~~shall have affixed a decal identifying the name of the~~  
4 28 ~~renewable fuel ethanol blended gasoline. The decal shall be~~  
4 29 ~~different based on the type of renewable fuel dispensed. If~~  
4 30 the motor fuel pump dispenses ethanol blended gasoline  
4 31 classified as higher than standard ethanol blended gasoline  
4 32 pursuant to section 214A.2, the decal shall contain the  
4 33 following notice: "FOR FLEXIBLE FUEL VEHICLES ONLY".  
4 34 b. If biodiesel fuel is sold from a motor fuel pump, the  
4 35 pump shall have affixed a decal identifying the biodiesel fuel



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5 1 as provided in 16 C.F.R. pt. 306.

5 2 DIVISION III

5 3 BIODIESEL BLENDED FUEL TAX CREDIT

5 4 Sec. 8. Section 422.33, subsection 11C, Code 2009, is  
5 5 amended by striking the subsection.

5 6 Sec. 9. 2006 Iowa Acts, chapter 1142, section 49,  
5 7 subsection 5, is amended by striking the subsection.

5 8 Sec. 10. Section 422.11P, Code 2009, is repealed.

5 9 Sec. 11. APPLICABILITY. The sections of this division of  
5 10 this Act striking section 422.33, subsection 11C, striking  
5 11 2006 Iowa Acts, chapter 49, subsection 5, and repealing  
5 12 422.11P, apply to a taxpayer claiming a biodiesel tax credit  
5 13 for sales of biodiesel blended fuel sold or dispensed on or  
5 14 after the effective date of this division of this Act.

5 15 EXPLANATION

5 16 DIVISION I == BIODIESEL FUEL STANDARD. This bill applies  
5 17 to the retail sale of diesel fuel as regulated by the  
5 18 department of agriculture and land stewardship under Code  
5 19 chapter 214A, and specifically biodiesel fuel derived from  
5 20 vegetable oils or animal fats that meet departmental standards  
5 21 (Code section 214A.2). Biodiesel fuel is designated by "B=xx"  
5 22 where "xx" is the volume percent of biodiesel by volume.  
5 23 Currently, all biodiesel fuel must be at least B=1 (Code  
5 24 section 214A.2).

5 25 A retail dealer is prohibited from advertising for the sale  
5 26 or selling diesel fuel unless it is biodiesel fuel. The bill  
5 27 provides for a number of exceptions, including for motors  
5 28 located at an electric generating plant regulated by the  
5 29 nuclear regulatory commission, locomotives, off-road logging  
5 30 equipment and machinery, and vehicles and equipment used  
5 31 exclusively on an aircraft landing field.

5 32 Under the bill, the lowest designation of biodiesel blended  
5 33 fuel that can be marketed is B=5. The bill provides for two  
5 34 threshold periods which require that an increasing percentage  
5 35 of biodiesel be included in the biodiesel blended fuel. The



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6 1 first threshold period, beginning on July 1, 2012, and ending  
6 2 June 30, 2015, requires that biodiesel blended fuel must be  
6 3 B=10 or higher and the second threshold period beginning on  
6 4 July 1, 2015, requires that biodiesel blended fuel be B=20 or  
6 5 higher.

6 6 The bill also provides a number of exceptions. First, a  
6 7 retail dealer is not required to market biodiesel blended fuel  
6 8 designated as higher than B=5 during the cold weather months  
6 9 beginning November 1 and ending March 31, unless the  
6 10 department issues a cold weather suspension order for some or  
6 11 all of those months. The cold weather suspension order may  
6 12 establish a temporary biodiesel designation for the period of  
6 13 the suspension. Secondly, the department may issue a  
6 14 temporary order suspending a threshold period under two  
6 15 conditions: (1) less than 5 percent of the biodiesel blended  
6 16 fuel expected to be sold in this state during the applicable  
6 17 threshold period will be produced from a nontraditional  
6 18 feedstock, or (2) no specification established by the United  
6 19 States environmental protection agency or A.S.T.M.  
6 20 international applies to the biodiesel designation. The  
6 21 department may issue a threshold suspension order that applies  
6 22 during some or all of a threshold period and may establish one  
6 23 or more temporary biodiesel fuel designations applicable for  
6 24 the period. The bill also provides that the department may  
6 25 suspend the biodiesel fuel standard for motors under the  
6 26 control of the nuclear regulatory commission.

6 27 The bill also provides that the governor may by executive  
6 28 order adjust the biodiesel blended fuel designation under any  
6 29 of three circumstances: (1) a major disparity exists between  
6 30 the price of biodiesel blended fuel and diesel fuel; (2) there  
6 31 is a significant shortage of biodiesel fuel supplies in this  
6 32 state; or (3) a systemic market change will cause material  
6 33 economic hardship to retail dealers. The governor must  
6 34 establish an adjusted biodiesel blended fuel designation  
6 35 during the applicable threshold period.



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Senate Study Bill 1313 continued

7 1       EMERGENCY RULEMAKING AND EFFECTIVE DATE. The bill  
7 2 authorizes the department of agriculture and land stewardship  
7 3 to adopt rules by emergency and by notice of intended action  
7 4 in order to implement the biodiesel fuel requirements. The  
7 5 provision takes effect upon enactment.

7 6       DIVISION II == BIODIESEL FUEL LABELING. The bill provides  
7 7 that a retail dealer who sells biodiesel fuel must affix a  
7 8 decal to the motor fuel pump identifying the biodiesel fuel  
7 9 when it contains a certain percentage of biodiesel as provided  
7 10 by federal law, and specifically the federal trade commission.  
7 11 The bill eliminates a state requirement that provides for the  
7 12 general labeling of biodiesel fuel sold at motor fuel pumps  
7 13 that contain any biodiesel.

7 14       DIVISION III == BIODIESEL BLENDED FUEL TAX CREDIT. The  
7 15 bill eliminates provisions for a biodiesel blended fuel tax  
7 16 credit available to a retail dealer of biodiesel blended fuel.

7 17       APPLICABLE PENALTIES. A person who violates a provision of  
7 18 Code chapter 214A is guilty of a serious misdemeanor with each  
7 19 day of a continuing violation consisting of a separate  
7 20 offense. The state may also proceed against a person who  
7 21 violates the Code chapter by bringing a civil enforcement  
7 22 action as a contested case proceeding under Code chapter 17A  
7 23 in lieu of a prosecution. A serious misdemeanor is punishable  
7 24 by confinement for no more than one year and a fine of at  
7 25 least \$315 but not more than \$1,875. The civil penalty shall  
7 26 be for at least \$100 but not more than one \$1,000 for each  
7 27 violation.

7 28 LSB 2135SC 83  
7 29 da/rj/14