



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 1426

PAG LIN

1 1 Amend Senate File 432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking page 1, line 1, through page 3,
1 4 line 21.
1 5 #2. By renumbering as necessary.
1 6
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1 8
1 9 WHITAKER of Van Buren
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1 11
1 12
1 13 KUHN of Floyd
1 14 SF 432.702 83
1 15 da/da/23357
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House Amendment 1427

PAG LIN

1 1 Amend Senate File 451, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, line 8, by inserting after the word
1 4 <of> the following: <undergraduate>.
1 5 #2. Title page, line 2, by inserting before the
1 6 word <tuition> the following: <undergraduate>.
1 7
1 8
1 9
1 10 MASCHER of Johnson
1 11 SF 451.501 83
1 12 kh/kh/23598
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House Amendment 1428

PAG LIN

1 1 Amend house File 520 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 260C.14, subsection 14, Code
1 5 2009, is amended to read as follows:
1 6 14. a. In its discretion, adopt rules relating to
1 7 the classification of students enrolled in the
1 8 community college who are residents of Iowa's sister
1 9 states as residents or nonresidents for tuition and
1 10 fee purposes.
1 11 b. (1) Adopt rules to classify as residents for
1 12 purposes of tuition and mandatory fees, qualified
1 13 veterans and qualified military persons and their
1 14 spouses and dependent children who are domiciled in
1 15 this state while enrolled in a community college. A
1 16 spouse or dependent child of a military person or
1 17 veteran shall not be deemed a resident under this
1 18 paragraph "b" unless the qualified military person or
1 19 qualified veteran meets the requirements of
1 20 subparagraph (2), subparagraph division (b) or (c), as
1 21 appropriate.
1 22 (2) For purposes of this paragraph "b", unless the
1 23 context otherwise requires:
1 24 (a) "Dependent child" means a student who was
1 25 claimed by a qualified military person or qualified
1 26 veteran as a dependent on the qualified military
1 27 person's or qualified veteran's internal revenue
1 28 service tax filing for the previous tax year.
1 29 (b) "Qualified military person" means a person on
1 30 active duty in the military service of the United
1 31 States who is stationed at Rock Island arsenal. If
1 32 the qualified military person is transferred,
1 33 deployed, or restationed while the person's spouse or
1 34 child is enrolled in the community college, the spouse
1 35 or child shall continue to be classified as a resident
1 36 until the close of the fiscal year in which the spouse
1 37 or child is enrolled.
1 38 (c) "Qualified veteran" means a person who meets
1 39 the following requirements:
1 40 (i) Is eligible for benefits, or has exhausted the
1 41 benefits, under the federal Post-9/11 Veterans
1 42 Educational Assistance Act of 2008.
1 43 (ii) Is domiciled in this state.
1 44 Sec. 2. Section 262.9, subsection 16, Code 2009,
1 45 is amended to read as follows:
1 46 16. a. In its discretion, adopt rules relating to
1 47 the classification of students enrolled in
1 48 institutions of higher education under the board who
1 49 are residents of Iowa's sister states as residents or
1 50 nonresidents for fee purposes.



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2 1 b. (1) Adopt rules to classify as residents for
2 2 purposes of tuition and mandatory fees, qualified
2 3 veterans and qualified military persons and their
2 4 spouses and dependent children who are domiciled in
2 5 this state while enrolled in an institution of higher
2 6 education under the board. A spouse or dependent
2 7 child of a military person or veteran shall not be
2 8 deemed a resident under this paragraph "b" unless the
2 9 qualified military person or qualified veteran meets
2 10 the requirements of subparagraph (2), subparagraph
2 11 division (b) or (c), as appropriate.
2 12 (2) For purposes of this paragraph "b", unless the
2 13 context otherwise requires:
2 14 (a) "Dependent child" means a student who was
2 15 claimed by a qualified military person or qualified
2 16 veteran as a dependent on the qualified military
2 17 person's or qualified veteran's internal revenue
2 18 service tax filing for the previous tax year.
2 19 (b) "Qualified military person" means a person on
2 20 active duty in the military service of the United
2 21 States who is stationed at Rock Island arsenal. If
2 22 the qualified military person is transferred,
2 23 deployed, or restationed while the person's spouse or
2 24 child is enrolled in an institution of higher
2 25 education under the control of the board, the spouse
2 26 or child shall continue to be classified as a resident
2 27 until the close of the fiscal year in which the spouse
2 28 or child is enrolled.
2 29 (c) "Qualified veteran" means a person who meets
2 30 the following requirements:
2 31 (i) Is eligible for benefits, or has exhausted the
2 32 benefits, under the federal Post-9/11 Veterans
2 33 Educational Assistance Act of 2008.
2 34 (ii) Is domiciled in this state.>
2 35 #2. Title page, line 2, by inserting after the
2 36 word <veterans> the following: <, and certain
2 37 military persons, and their spouses and dependent
2 38 children>.
2 39
2 40
2 41
2 42 MASCHER of Johnson
2 43 HF 520.702 83
2 44 kh/nh/22085



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House Amendment 1429

PAG LIN

1 1 Amend Senate File 452, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by striking lines 12 through 14 and
1 4 inserting the following: <remain unawarded or
1 5 unencumbered at the close of the fiscal year shall
1 6 revert to the fund.>
1 7
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1 9
1 10 COMMITTEE ON APPROPRIATIONS
1 11 OLDSON of Polk, Chairperson
1 12 SF 452.701 83
1 13 rn/tm/23643
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House Amendment 1430

PAG LIN

1 1 Amend House File 743 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 354.4A ENTRY UPON LAND
1 5 FOR SURVEY PURPOSES.
1 6 1. a. A land surveyor may enter public or private
1 7 land or water in the state only to occupy, locate,
1 8 relocate, install, or replace survey monuments, to
1 9 locate boundaries, rights-of-way, and easements, to
1 10 determine geodetic positions, and to make surveys and
1 11 maps and may carry with them their customary equipment
1 12 and vehicles. A surveyor may not enter buildings or
1 13 other structures located on the land. Entry under the
1 14 right granted in this section shall not constitute
1 15 trespass, and land surveyors shall not be liable to
1 16 arrest or a civil action by reason of the entry.
1 17 b. For purposes of this section, "land surveyor"
1 18 means a land surveyor licensed pursuant to chapter
1 19 542B or a person under the direct supervision of a
1 20 licensed land surveyor.
1 21 c. Vehicular access to perform surveys under this
1 22 section is limited to established roads and trails,
1 23 unless approval for other vehicular access is granted
1 24 by the landowner.
1 25 2. A vehicle used for or during entry pursuant to
1 26 this section shall be identified on the exterior by a
1 27 legible sign listing the name, address, and telephone
1 28 number of the land surveyor or the firm employing the
1 29 land surveyor.
1 30 3. Land surveyors shall announce and identify
1 31 themselves and their intentions before entering upon
1 32 private property. A land surveyor shall provide
1 33 written notice to the landowner, or the person who
1 34 occupies the land as a tenant or lessee, not less than
1 35 seven days prior to the entry. The notice shall be
1 36 sent by ordinary mail, postmarked not less than seven
1 37 days prior to the entry, or delivered personally. A
1 38 mailing is deemed sufficient if the surveyor mails the
1 39 required notice to the address of the landowner as
1 40 contained in the property tax records. For civil
1 41 liability purposes receipt of this notice shall not be
1 42 considered consent. This notice is not required for a
1 43 survey along previously surveyed boundaries within a
1 44 platted subdivision accepted or recorded by the
1 45 federal government.
1 46 3A. The written notice of the pending survey shall
1 47 contain all of the following:
1 48 a. The identity of the party for whom the survey
1 49 is being performed and the purpose for which the
1 50 survey will be performed.



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2 1 b. The employer of the surveyor.
2 2 c. The identity of the surveyor.
2 3 d. The dates the land will be entered, the time,
2 4 location, and timetable for such entry, the estimated
2 5 completion date, and the estimated number of entries
2 6 that will be required.
2 7 4. This section shall not be construed as giving
2 8 authority to land surveyors to destroy, injure, or
2 9 damage anything on the lands of another without the
2 10 written permission of the landowner, and this section
2 11 shall not be construed as removing civil liability for
2 12 such destruction, injury, or damage.
2 13 5. A land surveyor who enters on private land must
2 14 comply with all biosecurity and restricted-access
2 15 protocols established by the owner or occupant of the
2 16 private land.
2 17 A landowner or occupant shall owe the same duty to
2 18 a land surveyor entering land without the consent of
2 19 the landowner or occupant as the landowner or occupant
2 20 would owe to a trespasser on that land.>
2 21
2 22
2 23
2 24 PALMER of Mahaska
2 25 HF 743.201 83
2 26 jr/sc/23444



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House Amendment 1431

PAG LIN

1 1 Amend Senate File 435, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, line 1, by inserting after the word
1 4 <government> the following: <or an official plat as
1 5 defined in section 354.2, subsection 12>.
1 6
1 7
1 8
1 9 PALMER of Mahaska
1 10 SF 435.303 83
1 11 jr/sc/23447
1 12
1 13
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House Amendment 1432

PAG LIN

1 1 Amend House File 809 as follows:
1 2 #1. Page 22, by inserting after line 33 the
1 3 following:
1 4 <DIVISION
1 5 SEARCHABLE BUDGET AND TAX RATE DATABASES
1 6 Sec. _____. Section 8.6, Code 2009, is amended by
1 7 adding the following new subsection:
1 8 NEW SUBSECTION. 9A. BUDGET AND TAX RATE
1 9 DATABASES. To develop and make available to the
1 10 public a searchable budget database website as
1 11 required under chapter 8G, division I, and to develop
1 12 and make available to the public a searchable tax rate
1 13 database website as required under chapter 8G,
1 14 division II.
1 15 DIVISION
1 16 SEARCHABLE BUDGET DATABASE FOR STATE SPENDING
1 17 Sec. _____. NEW SECTION. 8G.1 INTENT == FINDINGS.
1 18 The general assembly finds that taxpayers should be
1 19 able to easily access the details on how the state is
1 20 spending their tax dollars and the performance results
1 21 achieved for those expenditures. Therefore, it is the
1 22 intent of the general assembly to direct the
1 23 department of management to create and maintain a
1 24 searchable budget database website detailing where tax
1 25 dollars are expended, the purposes for which tax
1 26 dollars are expended, and the results achieved for all
1 27 taxpayer investments in state government.
1 28 Sec. _____. NEW SECTION. 8G.2 SHORT TITLE.
1 29 This division shall be known as and may be cited as
1 30 the "Taxpayer Transparency Act".
1 31 Sec. _____. NEW SECTION. 8G.3 DEFINITIONS.
1 32 As used in this division, unless the context
1 33 otherwise requires:
1 34 1. "Agency" means a state department, office,
1 35 board, commission, bureau, division, institution, or
1 36 public institution of higher education. "Agency"
1 37 includes individual state agencies and programs, as
1 38 well as those programs and activities that are
1 39 administered by or involve more than one agency.
1 40 "Agency" includes all elective offices in the
1 41 executive branch of government and the general
1 42 assembly.
1 43 2. "Director" means the director of the department
1 44 of management.
1 45 3. "Entity" or "recipients" means any of the
1 46 following:
1 47 a. A corporation.
1 48 b. An association.
1 49 c. An employee union.
1 50 d. A limited liability company.



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- 2 1 e. A limited liability partnership.
2 2 f. Any other legal business entity, including
2 3 nonprofit entities.
2 4 g. A grant recipient.
2 5 h. Contractors.
2 6 i. A county, city, school district, or other local
2 7 government entity.
2 8 "Entity" or "recipients" does not include an
2 9 individual recipient of state assistance.
2 10 4. "Funding action or expenditure" includes
2 11 details on the type of spending that is provided
2 12 including but not limited to grants, contracts, and
2 13 appropriations. "Funding action or expenditure"
2 14 includes tax exemptions or credits. Where possible,
2 15 an electronic link to the actual grants or contracts
2 16 shall be provided. An electronic link shall be in a
2 17 format that is a searchable document.
2 18 5. "Funding source" means the state account or
2 19 fund from which the expenditure is appropriated.
2 20 6. "Searchable website" means a website described
2 21 in section 8G.4 that allows the public at no cost to
2 22 search and compile information identified in section
2 23 8G.4 and that is in a format capable of being
2 24 downloaded.
2 25 7. "State audit or report" shall include any audit
2 26 or report issued by the auditor of state, department
2 27 of management, legislative services agency,
2 28 legislative committee, or executive body relating to
2 29 the entity or recipient of funds, the budget program
2 30 or activity, or agency.
2 31 Sec. ____ . NEW SECTION. 8G.4 SEARCHABLE BUDGET
2 32 DATABASE WEBSITE CREATED.
2 33 1. By January 1, 2011, the director shall develop
2 34 and make publicly available a database website for
2 35 searching, accessing, and processing data, including
2 36 the data required in this section, for the most recent
2 37 state budget. The website shall be developed in such
2 38 a way that the information can be provided to other
2 39 software applications, including internet software
2 40 applications, in a manner and format that allows such
2 41 software applications to access and interpret the data
2 42 using the internal programming of the software
2 43 applications.
2 44 2. The searchable website developed pursuant to
2 45 this section shall allow the public at no cost to
2 46 search and compile information for all of the
2 47 following:
2 48 a. Name and principal location or residence of the
2 49 entity or recipient of state funds.
2 50 b. Amount of state funds expended.



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- 3 1 c. Funding or expending agency.
 - 3 2 d. Funding source of the revenue expended.
 - 3 3 e. Budget program or activity of the expenditure.
 - 3 4 f. Descriptive purpose for the funding action or
 - 3 5 expenditure.
 - 3 6 g. Expected performance outcome for the funding
 - 3 7 action or expenditure.
 - 3 8 h. Past performance outcomes achieved for the
 - 3 9 funding action or expenditure.
 - 3 10 i. State audit or report relating to the entity or
 - 3 11 recipient of state funds or the budget program or
 - 3 12 activity or agency.
 - 3 13 j. Any other relevant information specified by the
 - 3 14 director.
- 3 15 Sec. _____. NEW SECTION. 8G.5 WEBSITE UPDATES.
- 3 16 1. Effective July 1, 2011, the searchable website
- 3 17 shall be updated for each fiscal year not later than
- 3 18 thirty days following the close of the fiscal year.
- 3 19 In addition, the director may update the searchable
- 3 20 website as new data becomes available. All agencies
- 3 21 shall provide to the director data that is required to
- 3 22 be included in the searchable website not later than
- 3 23 thirty days after the data becomes available to the
- 3 24 agency. The director shall provide guidance to agency
- 3 25 heads or the governing body of an agency to ensure
- 3 26 compliance with this section.
- 3 27 2. By January 1, 2012, the director shall add data
- 3 28 for the previous budgets to the searchable website.
- 3 29 Data for previous fiscal years may be added as it
- 3 30 becomes available and as time permits. The director
- 3 31 shall ensure that all data added to the searchable
- 3 32 website remain accessible to the public for a minimum
- 3 33 of ten years.
- 3 34 Sec. _____. NEW SECTION. 8G.6 NONCOMPLIANCE.
- 3 35 The director shall not be considered in compliance
- 3 36 with this division if the data required for the
- 3 37 searchable website is not available in a searchable
- 3 38 manner and capable of being compiled or the public is
- 3 39 redirected to other government websites unless each of
- 3 40 those sites has information from all agencies and each
- 3 41 category of information required can be searched
- 3 42 electronically by field in a single search.
- 3 43 SEARCHABLE TAX RATE DATABASE
- 3 44 Sec. _____. NEW SECTION. 8G.10 INTENT == FINDINGS.
- 3 45 The general assembly finds that increasing the ease
- 3 46 of public access to state and local tax rates,
- 3 47 particularly where the rates are currently available
- 3 48 from disparate government sources but are difficult
- 3 49 for the public to collect and efficiently aggregate,
- 3 50 significantly contributes to governmental



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4 1 accountability, public participation, and the
4 2 understanding of the cost of government services.
4 3 Therefore, it is the intent of the general assembly to
4 4 direct the department of management, in consultation
4 5 with the department of revenue, to create and maintain
4 6 a searchable database website of each tax rate for all
4 7 taxing districts in the state to make citizen access
4 8 to state and local tax rates as open, transparent, and
4 9 publicly accessible as is feasible.
4 10 Sec. _____. NEW SECTION. 8G.11 SHORT TITLE.
4 11 This division shall be known and cited as the
4 12 "Taxation Disclosure Act".
4 13 Sec. _____. NEW SECTION. 8G.12 TAX RATE DATABASE.
4 14 1. SEARCHABLE TAX RATE DATABASE. By January 1,
4 15 2010, the department of management, in consultation
4 16 with the department of revenue, shall make publicly
4 17 available on an internet site a searchable database of
4 18 all tax rates in the state for each taxing
4 19 jurisdiction. The information shall be aggregated by
4 20 type of tax and accessible by entering a zip code or
4 21 physical address for each residency or business.
4 22 Individual tax levies shall be further specified
4 23 within each tax rate.
4 24 2. GEOGRAPHICAL TAX RATE MAP. In addition to
4 25 searching for tax rates by zip code or physical
4 26 address for each residency or business, searches shall
4 27 be accommodated by a geographical tax rate map of the
4 28 state that is capable of being displayed with a level
4 29 of specificity corresponding to each taxing district.
4 30 3. INDIVIDUAL TAX RATE CALCULATOR. Tax rate
4 31 calculators shall be provided on the searchable
4 32 database to allow citizens and businesses to calculate
4 33 taxes based on the location of the citizen or
4 34 business. Calculation capability shall be provided at
4 35 a minimum for property, sales, use, income, vehicle,
4 36 and business taxes and shall be specific to the rate
4 37 for the taxing district identified by the citizen or
4 38 business.
4 39 Sec. _____. NEW SECTION. 8G.13 UPDATING DATABASE.
4 40 To facilitate the department of management's
4 41 efforts in creating and maintaining a searchable
4 42 database of the taxes identified in section 8G.12,
4 43 subsection 3, for all taxing districts in the state,
4 44 every taxing district shall report its tax rates
4 45 annually to the department of management and shall
4 46 report any changes to its tax rates within thirty days
4 47 of the change.
4 48 Sec. _____. CODE EDITOR DIRECTIVE. Unless otherwise
4 49 determined by the Iowa Code editor, sections 8G.1
4 50 through 8G.6, as enacted in this division of this Act,



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5 1 shall be designated as division I of chapter 8G, and
5 2 sections 8G.10 through 8G.13, as enacted in this
5 3 division of this Act, shall be designated as division
5 4 II of chapter 8G.>
5 5 #2. By renumbering as necessary.
5 6
5 7
5 8
5 9 PETTENGILL of Benton
5 10 HF 809.507 83
5 11 ec/tm/23363



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House Amendment 1433

PAG LIN

1 1 Amend the amendment, H=1335, to Senate File 283, as
1 2 passed by the Senate, as follows:

1 3 #1. Page 1, line 5, by striking the word and
1 4 figure <<Section 1.> and inserting the following:

1 5 <<Section 1. Section 46.3, Code 2009, is amended
1 6 to read as follows:

1 7 46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING
1 8 COMMISSIONERS.

1 9 1. The governor shall appoint five eligible
1 10 electors of each judicial election district to the
1 11 district judicial nominating commission.

1 12 2. ~~Appointments~~ The appointments made by the
1 13 governor shall be to staggered terms of six years each
1 14 and shall be made in the month of January for terms
1 15 commencing February 1 of even-numbered years.

1 16 3. ~~No more than a~~ A simple majority of the
1 17 commissioners appointed by the governor shall be of
1 18 the same gender.

1 19 4. Beginning with terms commencing February 1,
1 20 2010, there shall not be more than one appointed
1 21 commissioner from a county within a judicial election
1 22 district unless each county within the judicial
1 23 election district has an appointed commissioner and
1 24 the number of appointed commissioners exceeds the
1 25 number of counties within the judicial election
1 26 district. This subsection shall not be used to remove
1 27 an appointed commissioner from office prior to the
1 28 expiration of the commissioner's term.

1 29 Sec. 2. Section 46.4, Code 2009, is amended to
1 30 read as follows:

1 31 46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING
1 32 COMMISSIONERS.

1 33 1. The resident members of the bar of each
1 34 judicial election district shall elect five eligible
1 35 electors of the district to the district judicial
1 36 nominating commission. Commissioners shall be elected
1 37 to staggered terms of six years each. The elections
1 38 shall be held in the month of January for terms
1 39 commencing February 1 of even-numbered years.

1 40 2. For terms commencing February 1, 1988, and
1 41 every six years thereafter, one elected commissioner
1 42 in each district shall be a woman and one shall be a
1 43 man. For terms commencing February 1, 1990, and every
1 44 six years thereafter, one elected commissioner in each
1 45 district shall be a woman and one shall be a man. For
1 46 the term commencing February 1, 1992, in the
1 47 odd-numbered districts the elected commissioner shall
1 48 be a woman and in the even-numbered districts the
1 49 elected commissioner shall be a man. For the terms
1 50 commencing every six years thereafter, the districts



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2 1 shall alternate between women and men elected
2 2 commissioners.
2 3 3. Beginning with the terms commencing February 1,
2 4 2010, there shall not be more than one commissioner
2 5 from a county within a judicial election district
2 6 unless each county within the judicial election
2 7 district has an elected commissioner and the number of
2 8 elected commissioners exceeds the number of counties
2 9 within the judicial election district. This
2 10 subsection shall not be used to remove an elected
2 11 commissioner from office prior to the expiration of
2 12 the commissioner's term.
2 13 Sec. ____.>
2 14 #2. Page 4, by inserting after line 34 the
2 15 following:
2 16 <Sec. ____ . TRAVEL REIMBURSEMENT. For the fiscal
2 17 period beginning July 1, 2008, and ending June 30,
2 18 2010, a judicial officer may waive travel
2 19 reimbursement for any travel outside the judicial
2 20 officer's county of residence to conduct official
2 21 judicial business.
2 22 Sec. ____ . CIVIL TRIALS == LOCATION.
2 23 Notwithstanding any provision to the contrary, for the
2 24 fiscal period beginning July 1, 2008, and ending June
2 25 30, 2010, if all parties in a case agree, a civil
2 26 trial, including a jury trial may take place in a
2 27 county contiguous to the county with proper
2 28 jurisdiction, even if the contiguous county is located
2 29 in an adjacent judicial district or judicial election
2 30 district. If the trial is moved pursuant to this
2 31 section, court personnel shall treat the case as if a
2 32 change of venue occurred. However, if a trial is
2 33 moved to an adjacent judicial district or judicial
2 34 election district, the judicial officers serving in
2 35 the judicial district or judicial election district
2 36 receiving the case shall preside over the case.>
2 37 #3. Page 5, line 5, by striking the word <section>
2 38 and inserting the following: <sections>.
2 39 #4. Page 5, line 6, by inserting before the word
2 40 <being> the following: <travel reimbursement waivers,
2 41 and moving civil trials,>.
2 42 #5. Page 5, line 7, by striking the word <takes>
2 43 and inserting the following: <take>.
2 44 #6. Page 5, line 11, by inserting after the word
2 45 <appointment> the following: <and compensation>.
2 46 #7. By renumbering as necessary.
2 47
2 48
2 49
2 50 KAUFMANN of Cedar



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- 3 4 SWAIM of Davis
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- 3 36 T. TAYLOR of Linn
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- 3 39
- 3 40 R. OLSON of Polk
- 3 41 SF 283.201 83
- 3 42 jm/rj/23251



**Iowa General Assembly
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House Amendment 1434

PAG LIN

1 1 Amend House File 809 as follows:
 1 2 #1. Page 22, by inserting after line 33 the
 1 3 following:
 1 4 <DIVISION
 1 5 DEPARTMENT OF INSPECTIONS AND APPEALS PROVISIONS
 1 6 Sec. ____ . Section 99B.2, subsection 1, paragraph
 1 7 a, unnumbered paragraph 1, Code 2009, is amended to
 1 8 read as follows:
 1 9 The department of inspections and appeals shall
 1 10 issue the licenses required by this chapter. A
 1 11 license shall not be issued, except upon submission to
 1 12 the department of an application on forms ~~furnished~~
 1 13 determined by the department, and the required license
 1 14 fee. A license may be issued to an eligible
 1 15 applicant. ~~An authorization number to operate may be~~
 1 16 ~~issued to an applicant until a license is issued.~~
 1 17 However, a license ~~or authorization number~~ shall not
 1 18 be issued to an applicant who has been convicted of or
 1 19 pled guilty to a violation of this chapter, or who has
 1 20 been convicted of or pled guilty to a violation of
 1 21 chapter 123 that resulted, at any time, in revocation
 1 22 of a license issued to the applicant under chapter 123
 1 23 or that resulted, within the twelve months preceding
 1 24 the date of application for a license required by this
 1 25 chapter, in suspension of a license issued under
 1 26 chapter 123. To be eligible for a two-year license
 1 27 under section 99B.7, an organization shall have been
 1 28 in existence at least five years prior to the date of
 1 29 issuance of the license. However, an organization
 1 30 which has been in existence for less than five years
 1 31 prior to the date of issuance of the license may
 1 32 obtain a two-year license if either of the following
 1 33 conditions apply:
 1 34 Sec. ____ . Section 99B.2, subsection 1, paragraph
 1 35 b, Code 2009, is amended to read as follows:
 1 36 b. A license shall not be issued to an individual
 1 37 whose previous license issued under this chapter or
 1 38 chapter 123 has been revoked until the period of
 1 39 revocation or revocations has elapsed. This
 1 40 prohibition applies even though the individual has
 1 41 created a different legal entity than the one to which
 1 42 the previous license that had been revoked was issued.
 1 43 Except as otherwise provided in this chapter, a
 1 44 license is valid for a period of two years from the
 1 45 date of issue. The license fee is not refundable, but
 1 46 shall be returned to the applicant if an application
 1 47 is not approved. ~~If a bingo license is issued by the~~
 1 48 ~~department of inspections and appeals, the licensee~~
 1 49 ~~shall be notified by the department of inspections and~~
 1 50 ~~appeals of the renewal date for the license ten days~~



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~~House Amendment 1434 continued~~

~~2 1 prior to that date.~~
 2 2 Sec. _____. Section 99B.2, subsection 4, Code 2009,
 2 3 is amended to read as follows:
 2 4 4. A licensee required by subsection 2 to maintain
 2 5 records shall submit ~~quarterly reports~~ an annual
 2 6 report to the department on forms furnished by the
 2 7 department. ~~These reports~~ The annual report shall be
 2 8 due thirty days following the end of each ~~calendar~~
 2 9 quarter fiscal year. ~~The reports~~ annual report shall
 2 10 contain a compilation of the information required to
 2 11 be recorded by subsection 2, and shall include all of
 2 12 the transactions occurring during the ~~three-month~~
 2 13 period previous fiscal year for which the report is
 2 14 submitted. Failure to submit the ~~quarterly reports~~
 2 15 annual report is grounds for revocation of the
 2 16 license. Willful failure to submit ~~quarterly reports~~
 2 17 the annual report is a serious misdemeanor. ~~However,~~
 2 18 ~~the time for filing of reports may be extended for~~
 2 19 ~~thirty days if the licensee makes written request to~~
 2 20 ~~the department for an extension which request shows~~
 2 21 ~~good cause for granting the extension.~~ A person who
 2 22 intentionally files a false or fraudulent report or
 2 23 application with the department commits a fraudulent
 2 24 practice.
 2 25 Sec. _____. STATE=LICENSED HEALTH CARE FACILITY
 2 26 INSPECTIONS. Notwithstanding any provision of section
 2 27 135C.16 to the contrary, inspections in health care
 2 28 facilities that are only state=licensed and not
 2 29 certified under the federal Medicare or Medicaid
 2 30 programs, shall not be inspected every thirty months,
 2 31 but shall only be inspected pursuant to sections
 2 32 135C.9 and 135C.38.>
 2 33 #2. By renumbering as necessary.
 2 34
 2 35
 2 36
 2 37 HUNTER of Polk
 2 38 HF 809.506 83
 2 39 ec/tm/23583



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House Amendment 1435

PAG LIN

1 1 Amend House File 809 as follows:
1 2 #1. By striking page 19, line 35, through page 21,
1 3 line 25.
1 4 #2. By renumbering as necessary.
1 5
1 6
1 7
1 8 HUNTER of Polk
1 9 HF 809.301 83
1 10 ec/tm/23690
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House Amendment 1436

PAG LIN

1 1 Amend the amendment, H=1410, to House File 809, as
1 2 follows:
1 3 #1. Page 1, line 26, by inserting after the word
1 4 <county.> the following: <Notwithstanding the
1 5 provisions of section 8A.364 to the contrary, proceeds
1 6 from the sale of motor vehicles as provided by this
1 7 subsection shall be deposited in the general fund of
1 8 the state.>
1 9 #2. Page 1, line 31, by striking the word
1 10 <entity.> and inserting the following: <entity.>
1 11 #3. Page 1, by inserting after line 31 the
1 12 following:
1 13 <4. For purposes of this section, "passenger
1 14 vehicles" means United States environmental protection
1 15 agency designated compact sedans, compact wagons,
1 16 midsize sedans, midsize wagons, full-size sedans, and
1 17 passenger minivans. "Passenger vehicles" does not
1 18 mean utility vehicles, vans other than passenger
1 19 minivans, fire trucks, ambulances, motor homes, buses,
1 20 medium-duty and heavy-duty trucks, heavy construction
1 21 equipment, and other highway maintenance vehicles,
1 22 vehicles assigned for law enforcement purposes, and
1 23 any other classes of vehicles of limited application
1 24 approved by the director of the department of
1 25 administrative services.>>
1 26 #4. By renumbering as necessary.
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1 29
1 30 RAECKER of Polk
1 31 HF 809.207 83
1 32 ec/tm/23582
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House Amendment 1437

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 4, by striking lines 3 through 5 and
1 4 inserting the following: <city, the court shall order
1 5 the city to pay an award to the respondents in an
1 6 amount equal to the fair market value of the property
1 7 in its current condition. The city shall deposit the
1 8 award with the clerk of the district court. Upon
1 9 deposit of the amount awarded with the clerk of the
1 10 district court, title to the property shall pass to
1 11 the city, and the city may take possession of the
1 12 property.>
1 13 #2. Page 4, by striking lines 6 through 8 and
1 14 inserting the following:
1 15 <b. Notice of the deposit with the clerk of the
1 16 district>.
1 17 #3. Page 4, by striking line 10 and inserting the
1 18 following: <provided in subsection 4.
1 19 c. The court shall retain jurisdiction of the
1 20 action to determine the priority of liens and other
1 21 interests of each respondent in the amount deposited
1 22 with the clerk of the district court. Upon the
1 23 request of any respondent, the court shall apportion
1 24 the amount deposited with the clerk of the district
1 25 court among the respondents.
1 26 d. If the amount deposited with the>.
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1 30 T. TAYLOR of Linn
1 31 SF 415.206 83
1 32 md/sc/23692
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House Amendment 1438

PAG LIN

1 1 Amend Senate File 432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, lines 2 and 3, by striking the words
1 4 <FROZEN GROUND AND SNOW COVERED GROUND> and inserting
1 5 the following: <SNOW COVERED GROUND AND FROZEN
1 6 GROUND>.
1 7 #2. Page 1, line 32, by striking the words <FROZEN
1 8 GROUND AND SNOW COVERED GROUND> and inserting the
1 9 following: <SNOW COVERED GROUND AND FROZEN GROUND>.
1 10 #3. Page 1, line 34, by striking the words <frozen
1 11 ground or snow covered ground> and inserting the
1 12 following: <snow covered ground or frozen ground>.
1 13 #4. By striking page 1, line 35, through page 2,
1 14 line 1, and inserting the following: <, except to the
1 15 extent otherwise provided by applicable requirements
1 16 in this section, this chapter, or the national
1 17 pollutant discharge elimination system pursuant to the
1 18 federal Water Pollution Control Act, 33 U.S.C. ch. 26,
1 19 as amended, and 40 C.F.R. pts. 122 and 412.>
1 20 #5. Page 2, line 2, by inserting before the word
1 21 <During> the following: <During the period beginning
1 22 January 1 and ending April 1, the person may apply
1 23 liquid manure originating from a manure storage
1 24 structure, that is part of a confinement feeding
1 25 operation, on snow covered ground only when there is
1 26 an emergency.>
1 27 #6. Page 2, line 5, by striking the words <or snow
1 28 covered ground>.
1 29 #7. Page 2, line 14, by striking the words <frozen
1 30 ground or snow covered ground> and inserting the
1 31 following: <snow covered ground or frozen ground>.
1 32 #8. Page 2, line 25, by striking the word <person>
1 33 and inserting the following: <owner of the
1 34 confinement feeding operation>.
1 35 #9. Page 10, by inserting after line 1 the
1 36 following:
1 37 <Sec. _____. NEW SECTION. 459B.305 DRY BEDDED
1 38 MANURE CONTROL == WATER QUALITY.
1 39 A dry bedded confinement feeding operation shall
1 40 retain all dry bedded manure produced by the operation
1 41 between periods of dry bedded manure application. For
1 42 purposes of this section, dry bedded manure may be
1 43 retained by stockpiling as provided in this chapter.
1 44 A dry bedded confinement feeding operation shall not
1 45 discharge dry bedded manure directly into water of the
1 46 state or into a tile line that discharges directly
1 47 into water of the state.
1 48 Sec. _____. NEW SECTION. 459B.306 STOCKPILING ==
1 49 NPDES REQUIREMENTS == WATER QUALITY.
1 50 A person stockpiling dry bedded manure shall comply



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House Amendment 1438 continued

2 1 with applicable requirements of the national pollutant
2 2 discharge elimination system pursuant to the federal
2 3 Water Pollution Control Act, 33 U.S.C. ch. 26, as
2 4 amended, and 40 C.F.R. pts. 122 and 412.>
2 5 #10. Page 10, by striking line 2 and inserting the
2 6 following:
2 7 <Sec. __. NEW SECTION. 459B.307 STOCKPILING ==
2 8 STATE REQUIREMENTS == WATER>.
2 9 #11. Page 11, line 12, by striking the figure
2 10 <459B.303> and inserting the following: <459B.308>.
2 11 #12. By renumbering as necessary.
2 12
2 13
2 14
2 15 WENTHE of Fayette
2 16
2 17
2 18
2 19 ZIRKELBACH of Jones
2 20
2 21
2 22
2 23 S. OLSON of Clinton
2 24 SF 432.304 83
2 25 da/rj/23367



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Senate Amendment 3186

PAG LIN

1 1 Amend Senate File 151, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 4, by striking lines 29 through 31 and
1 4 inserting the following: <expenditure under this
1 5 section.>
1 6 #2. Page 5, by striking lines 25 through 27 and
1 7 inserting the following:
1 8 <Sec. _____. Section 327J.2, subsections 1 and 2,
1 9 Code 2009, are amended to read as follows:>
1 10 #3. Page 6, by striking lines 8 through 12.
1 11 #4. By renumbering as necessary.
1 12 SF 151.H
1 13 dea/cm/28
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Senate Amendment 3187

PAG LIN

1 1 Amend Senate File 336, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 2, by striking the words <each
1 4 fiscal year of the fiscal period> and inserting the
1 5 following: <the fiscal year>.
1 6 #2. Page 1, by inserting after line 12 the
1 7 following:
1 8 <If the board receives repayments of or recaptures
1 9 financial assistance awarded in a fiscal year prior to
1 10 the fiscal year beginning July 1, 2009, and ending
1 11 June 30, 2010, the board may grant all or a portion of
1 12 an applicant's waiver request pursuant to this
1 13 subsection 1 and use the repayments or recaptured
1 14 financial assistance to provide financial assistance
1 15 under this subsection to an applicant during the
1 16 fiscal year beginning July 1, 2009, and ending June
1 17 30, 2010.>
1 18 #3. By renumbering as necessary.
1 19 SF 336.H
1 20 tw/cm/25
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Senate Amendment 3188

PAG LIN

1 1 Amend Senate File 356, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking page 1, line 20, through page 5,
1 4 line 14, and inserting the following:
1 5 <Sec. _____. NEW SECTION. 321.200A CONVICTIONS
1 6 BASED UPON FRAUD.
1 7 1. If a person discovers a record of conviction
1 8 for a scheduled violation under this chapter was
1 9 entered by fraudulent use of the person's name or by
1 10 use of other fraudulent identification, the person
1 11 may, within one year of the date of the discovery of
1 12 the conviction, submit a written application to the
1 13 department to investigate the allegation. The
1 14 department may summarily reject the application as
1 15 submitted, or proceed to investigate the application.
1 16 If the department investigates the application, the
1 17 department may either deny the application or if the
1 18 department determines the allegation is warranted,
1 19 approve the application. If the department
1 20 investigates the application the department shall also
1 21 issue a report and findings with the decision of the
1 22 department. The rejection, approval, or denial of an
1 23 application is not subject to contested case
1 24 proceedings or further review as provided in chapter
1 25 17A. If the application is investigated, the
1 26 department shall provide the applicant with a
1 27 certified copy of the decision of the department. If
1 28 the department approves the application, the
1 29 department shall also provide the applicant with a
1 30 certified copy of the investigative report and
1 31 findings. The department shall also provide certified
1 32 copies of the department's decision approving or
1 33 denying the application together with the
1 34 investigative report and findings to the appropriate
1 35 prosecuting attorney in the city or county that
1 36 prosecuted the scheduled violation, and to the
1 37 district court in the county that prosecuted the
1 38 scheduled violation. The department may
1 39 electronically provide copies of any decision
1 40 approving or denying the application and the
1 41 investigative report and findings, to the district
1 42 court.
1 43 2. A person who discovers that a record of
1 44 conviction for a scheduled violation under this
1 45 chapter was entered by fraudulent use of the person's
1 46 name or by use of other fraudulent identification, may
1 47 bypass the application process in subsection 1, and
1 48 move in district court to set aside the judgment of
1 49 conviction within one year of discovery of the
1 50 conviction. An applicant with an approved application



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Senate Amendment 3188 continued

2 1 under subsection 1, shall also move in district court
2 2 to set aside the judgment of conviction in order to
2 3 have the department expunge or alter the records of
2 4 the department or rescind or modify an administrative
2 5 sanction. If the district court grants the motion to
2 6 set aside the judgment, the district court shall order
2 7 the charging agency or official to modify the records
2 8 of the agency or official to reflect the order setting
2 9 aside the judgment. The clerk of the district court
2 10 shall provide the court order setting aside the
2 11 judgment, either by regular mail or electronic means,
2 12 to the charging agency or official, and the department
2 13 of transportation. The clerk of the district court
2 14 shall also provide the applicant with a certified copy
2 15 of the court order at no cost to the applicant.
2 16 3. Notwithstanding the department's approval of an
2 17 application pursuant to subsection 1, the department
2 18 shall not expunge or alter the records of the
2 19 department or rescind or modify an administrative
2 20 sanction unless the department receives an order from
2 21 the district court setting aside the previous judgment
2 22 of the court as provided in subsection 2. Upon
2 23 receiving a copy of an order from the district court
2 24 setting aside the previous judgment of the court, the
2 25 department shall expunge the record and shall rescind
2 26 any administrative sanction imposed upon the applicant
2 27 as a result of the judgment, unless the applicant is
2 28 subject to sanctions for other reasons. The
2 29 department may impose a new sanction if expunging the
2 30 judgment would result in a lesser or different
2 31 sanction.
2 32 4. The department shall adopt rules pursuant to
2 33 chapter 17A to implement this section.
2 34 Sec. _____. Section 811.9, Code 2009, is amended to
2 35 read as follows:
2 36 811.9 FORFEITURE OF APPEARANCE BOND.
2 37 Sections 811.6 through 811.8 shall not apply in a
2 38 case where a simple misdemeanor is charged upon a
2 39 uniform citation and complaint and where the defendant
2 40 has submitted an unsecured appearance bond or has
2 41 submitted bail in the form of cash, check, credit card
2 42 as provided in section 805.14, or guaranteed arrest
2 43 bond certificate as defined in section 321.1. When a
2 44 defendant fails to appear as required in such cases,
2 45 the court, or the clerk of the district court, shall
2 46 enter a judgment of forfeiture of the bond or bail.
2 47 The judgment shall be final upon entry and shall not
2 48 be set aside unless a conviction for a scheduled
2 49 violation under chapter 321 was set aside under the
2 50 procedures established in section 321.200A.>



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Senate Amendment 3188 continued

- 3 1 #2. By renumbering as necessary.
- 3 2 SF 356.H
- 3 3 jm/cm/25



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Senate Amendment 3189

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 SF 377.H
1 10 pf/cm/25
1 11
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Senate Amendment 3190

PAG LIN

1 1 Amend Senate File 379, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 35, by striking the word <adjust>
1 4 and inserting the following: <examine and consider
1 5 adjusting>.
1 6 SF 379.H
1 7 av/cm/25
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Senate Amendment 3191

PAG LIN

1 1 Amend Senate File 423, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 4, by striking the words <other
1 4 than a dispenser>.
1 5 #2. Page 1, line 13, by inserting before the words
1 6 <to dispense> the following: <that does not satisfy
1 7 the requirement in subsection 2>.
1 8 #3. Page 1, line 14, by striking the words <E=9 or
1 9 higher> and inserting the following: <higher than
1 10 E=10>.
1 11 #4. Page 2, line 19, by striking the word <class>
1 12 and inserting the following: <model>.
1 13 #5. Page 2, line 25, by striking the word <class>
1 14 and inserting the following: <model>.
1 15 #6. By striking page 2, line 32, through page 3,
1 16 line 5.
1 17 #7. Page 3, by striking lines 6 and 7.
1 18 #8. Title page, by striking lines 2 and 3, and
1 19 inserting the following: <by authorizing the use of
1 20 secondary containment.>
1 21 #9. By renumbering, relettering, or redesignating
1 22 and correcting internal references as necessary.
1 23 SF 423.H
1 24 da/cm/28
1 25
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Senate Amendment 3192

PAG LIN

1 1 Amend Senate File 419, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 4, by inserting after line 20 the
1 4 following:
1 5 <Sec. _____. Section 321.194, subsection 1,
1 6 paragraph a, subparagraph (1), Code 2009, is amended
1 7 to read as follows:
1 8 (1) During the hours of ~~6~~ 5 a.m. to 10 p.m. over
1 9 the most direct and accessible route between the
1 10 licensee's residence and schools of enrollment or the
1 11 closest school bus stop or public transportation
1 12 service, and between schools of enrollment, for the
1 13 purpose of attending duly scheduled courses of
1 14 instruction and extracurricular activities within the
1 15 school district.>
1 16 #2. Page 4, by inserting after line 20 the
1 17 following:
1 18 <Sec. _____. Section 321.194, subsection 1,
1 19 paragraph a, Code 2009, is amended by adding the
1 20 following new subparagraph:
1 21 NEW SUBPARAGRAPH. (1A) To a service station for
1 22 the purpose of refueling, so long as the service
1 23 station is the station closest to the route the
1 24 licensee is traveling on under subparagraph (1).>
1 25 #3. Page 5, by inserting after line 2 the
1 26 following:
1 27 <Sec. _____. Section 321.218, subsection 3, Code
1 28 2009, is amended to read as follows:
1 29 3. a. The department, upon receiving the record
1 30 of the conviction of a person under this section upon
1 31 a charge of operating a motor vehicle while the
1 32 license of the person is suspended or revoked, shall,
1 33 except for licenses suspended under section 252J.8,
1 34 321.210, subsection 1, paragraph "c", or section
1 35 321.210A or 321.513, extend the period of suspension
1 36 or revocation for an additional like period or for one
1 37 year, whichever period is shorter, and the department
1 38 shall not issue a new driver's license to the person
1 39 during the ~~additional~~ extended period.
1 40 b. If the department receives a record of a
1 41 conviction of a person under this section but the
1 42 person's driving record does not indicate what the
1 43 original grounds of suspension were, the period of
1 44 suspension under this subsection shall be for a period
1 45 not to exceed six months.>
1 46 #4. Page 5, by inserting after line 2 the
1 47 following:
1 48 <Sec. _____. Section 321J.4, subsection 2, Code
1 49 2009, is amended to read as follows:
1 50 2. If a defendant is convicted of a violation of



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Senate Amendment 3192 continued

2 1 section 321J.2, and the defendant's driver's license
2 2 or nonresident operating privilege has not already
2 3 been revoked under section 321J.9 or 321J.12 for the
2 4 occurrence from which the arrest arose, the department
2 5 shall revoke the defendant's driver's license or
2 6 nonresident operating privilege for two years if the
2 7 defendant has had a previous conviction or revocation
2 8 under this chapter. The defendant shall not be
2 9 eligible for any temporary restricted license for ~~one~~
~~2 10 year~~ forty-five days after the effective date of
2 11 revocation. The defendant shall be ordered to install
2 12 an ignition interlock device of a type approved by the
2 13 commissioner of public safety on all vehicles owned by
2 14 the defendant if the defendant seeks a temporary
2 15 restricted license at the end of the minimum period of
2 16 ineligibility. A temporary restricted license shall
2 17 not be granted by the department until the defendant
2 18 installs the ignition interlock device.

2 19 #5. Page 6, by inserting after line 1 the
2 20 following:

2 21 <Sec. _____. Section 805.6, subsection 1, paragraph
2 22 d, Code 2009, is amended to read as follows:

2 23 d. The written appearance defined in paragraph "b"
2 24 shall not be used for any offense other than a simple
2 25 misdemeanor ~~and shall not be used for any offense~~
~~2 26 under section 321.218 or 321A.32.>~~

2 27 #6. Page 6, by inserting after line 2 the
2 28 following:

2 29 <Sec. _____. EFFECTIVE DATE AND RETROACTIVE
2 30 APPLICABILITY. The section of this division of this
2 31 Act amending section 321J.13, being deemed of
2 32 immediate importance, takes effect upon enactment and
2 33 applies retroactively to January 1, 2005, for
2 34 disqualifications in effect on or after that date.>

2 35 #7. Page 11, by inserting after line 26 the
2 36 following:

2 37 <Sec. _____. Section 321.166, subsection 2, Code
2 38 2009, is amended to read as follows:

2 39 2. Every registration plate or pair of plates
2 40 shall display a registration plate number which shall
2 41 consist of alphabetical or numerical characters or a
2 42 combination thereof and the name of this state, which
2 43 may be abbreviated. Every registration plate issued
2 44 by the county treasurer shall display the name of the
2 45 county, including any plate issued pursuant to section
2 46 321.34, except Pearl Harbor and purple heart
2 47 registration plates issued prior to January 1, 1997;
2 48 registration plates issued pursuant to section 321.34,
2 49 subsection 13, paragraph "d"; and collegiate, fire
2 50 fighter, and medal of honor registration plates.



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Senate Amendment 3192 continued

3 1 Special truck registration plates shall display the
3 2 word "special". The department may adopt rules to
3 3 implement this subsection.>
3 4 #8. Page 12, by inserting after line 4 the
3 5 following:
3 6 <Sec. _____. Section 321A.17, Code 2009, is amended
3 7 by adding the following new subsection:
3 8 NEW SUBSECTION. 9. The registration suspension
3 9 required under this section does not apply to a motor
3 10 vehicle awarded to an individual under an order
3 11 entered pursuant to section 598.21, if all of the
3 12 following apply:
3 13 a. The individual was the co-owner of the motor
3 14 vehicle with a spouse who is required to file and
3 15 maintain proof of financial responsibility.
3 16 b. The individual is not otherwise required to
3 17 file and maintain proof of financial responsibility.
3 18 c. The individual is not able to obtain title to
3 19 the motor vehicle in the individual's sole name due to
3 20 a lien against the motor vehicle that existed at the
3 21 time the order was entered pursuant to section
3 22 598.21.>
3 23 #9. Page 19, by inserting after line 3 the
3 24 following:
3 25 <Sec. _____. EFFECTIVE DATE. The section of this
3 26 division of this Act enacting section 321A.17,
3 27 subsection 9, being deemed of immediate importance,
3 28 takes effect upon enactment.>
3 29 #10. Page 21, by striking lines 2 through 25 and
3 30 inserting the following:
3 31 <NEW SUBSECTION. 8. In the course of enforcing
3 32 the motor carrier safety rules adopted by the
3 33 department under chapter 17A, the department's peace
3 34 officers are authorized, at reasonable times and
3 35 places and with reasonable notice, to enter a motor
3 36 carrier's place of business for the purpose of
3 37 performing a motor carrier safety audit or compliance
3 38 review. Nothing in this subsection by itself permits
3 39 the seizure of the property of a motor carrier. Any
3 40 audit or review shall be conducted in compliance with
3 41 the federal motor carrier safety regulations in 49
3 42 C.F.R. pts. 105=185, 382, 383, 385, and 390=399. A
3 43 peace officer of the department is authorized to
3 44 inspect and copy motor carrier records required by 49
3 45 C.F.R. pts. 105=185, 382, 383, 385, and 390=399.>
3 46 #11. By renumbering, relettering, or redesignating
3 47 and correcting internal references as necessary.
3 48 SF 419.H
3 49 dea/cm/25



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Senate Amendment 3193

PAG LIN

1 1 Amend House File 562, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by striking lines 25 through 27 and
1 4 inserting the following: <appointment to the
1 5 council.>
1 6 #2. Page 2, line 13, by inserting before the words
1 7 <a family> the following: <a provider who is exempt
1 8 from licensing or registration under this chapter or>.

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1 12 HERMAN C. QUIRMBACH
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1 15
1 16 MERLIN BARTZ
1 17 HF 562.503 83
1 18 jp/nh/11736
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Iowa General Assembly
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Senate Amendment 3194

PAG LIN

1 1 Amend Senate File 471 as follows:
1 2 #1. Page 28, by inserting after line 30 the
1 3 following:
1 4 <Sec. _____. EFFECTIVE DATE. This Act, being deemed
1 5 of immediate importance, takes effect upon enactment.>
1 6 #2. Title page, line 4, by striking the word
1 7 <and>.
1 8 #3. Title page, line 6, by inserting after the
1 9 word <authority> the following: <, and providing an
1 10 effective date>.
1 11 #4. By renumbering as necessary.
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1 15 ROBERT M. HOGG
1 16 SF 471.201 83
1 17 rn/nh/23586
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Iowa General Assembly
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Senate Amendment 3195

PAG LIN

1 1 Amend Senate File 470 as follows:
1 2 #1. Page 18, by inserting after line 30 the
1 3 following:
1 4 <Sec. _____. Section 256.51, subsection 1, Code
1 5 2009, is amended by adding the following new
1 6 paragraph:
1 7 NEW PARAGRAPH. k. Require a public library that
1 8 receives state funds to adopt a policy to restrict the
1 9 content of video materials a child under seventeen
1 10 years of age may borrow from the library to those
1 11 video cassettes or digital video discs that receive a
1 12 G, PG, or PG=13 rating under the motion picture
1 13 association of America's rating system.>
1 14 #2. By renumbering as necessary.
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1 18 BRAD ZAUN
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1 22 LARRY NOBLE
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1 26 DAVID JOHNSON
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1 30 MERLIN BARTZ
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1 34 DAVID HARTSUCH
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1 38 NANCY J. BOETTGER
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1 42 JAMES A. SEYMOUR
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1 46 SHAWN HAMERLINCK
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1 50 HUBERT HOUSER



Iowa General Assembly
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Senate Amendment 3195 continued

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2 4 JAMES F. HAHN
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2 8 RANDY FEENSTRA
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2 12 STEVE KETTERING
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2 28 RON WIECK
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2 32 TIM L. KAPUCIAN
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2 35
2 36 KIM REYNOLDS
2 37 SF 470.202 83
2 38 kh/tm/22086



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Senate Amendment 3196

PAG LIN

1 1 Amend Senate File 470 as follows:

1 2 #1. Page 22, by inserting after line 29 the
1 3 following:

1 4 <Sec. _____. Section 257.17, Code 2009, is amended
1 5 to read as follows:

1 6 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

1 7 State aid payments made pursuant to section 257.16
1 8 for a fiscal year shall be reduced by one

1 9 one-hundred-eightieth for each day of that fiscal year

1 10 for which the school district begins school before the

1 11 earliest starting date specified in section 279.10,

1 12 subsection 1. However, this section does not apply to

1 13 a school district that has received approval from the

1 14 ~~director of the department of education under section~~

~~1 15 279.10, subsection 4, to commence classes for~~

~~1 16 regularly established elementary and secondary schools~~

~~1 17 in advance of the starting date established in for a~~

~~1 18 pilot program for an innovative school year in~~

~~1 19 accordance with section 279.10, subsection \pm 3.>~~

1 20 #2. Page 27, by inserting after line 17 the

1 21 following:

1 22 <Sec. _____. Section 279.10, subsections 1 and 2,
1 23 Code 2009, are amended to read as follows:

1 24 1. The school year shall begin on the first day of
1 25 July and each regularly established elementary and

1 26 secondary school shall begin no sooner than a day

~~1 27 during the calendar week in which the first day of~~

~~1 28 September falls the fourth Monday in August but no~~

~~1 29 later than the first Monday in December. However, if~~

~~1 30 the first day of September falls on a Sunday, school~~

~~1 31 may begin on a day during the calendar week which~~

~~1 32 immediately precedes the first day of September unless~~

~~1 33 the school district has received approval from the~~

~~1 34 department of education for a pilot program for an~~

~~1 35 innovative school year in accordance with subsection~~

~~1 36 3. School shall continue for at least one hundred~~

~~1 37 eighty days, except as provided in subsection 3, and~~

~~1 38 may be maintained during the entire calendar year.~~

~~1 39 However, if the board of directors of a district~~

~~1 40 extends the school calendar because inclement weather~~

~~1 41 caused the district to temporarily close school during~~

~~1 42 the regular school calendar, the district may excuse a~~

~~1 43 graduating senior who has met district or school~~

~~1 44 requirements for graduation from attendance during the~~

~~1 45 extended school calendar. A school corporation may~~

~~1 46 begin employment of personnel for in-service training~~

~~1 47 and development purposes before the date to begin~~

~~1 48 elementary and secondary school. The earliest~~

~~1 49 starting date specified in this subsection shall not~~

~~1 50 apply to a school district which maintains a year~~



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Senate Amendment 3196 continued

2 1 around three semester school year.
2 2 2. The board of directors shall hold a public
2 3 hearing on any ~~proposal~~ request made pursuant to
2 4 subsection 3 prior to submitting it to the department
2 5 of education for approval.
2 6 Sec. _____. Section 279.10, subsection 4, Code 2009,
2 7 is amended by striking the subsection.
2 8 Sec. _____. Section 280.3, subsection 1, Code 2009,
2 9 is amended to read as follows:
2 10 1. The board of directors of each public school
2 11 district and the authorities in charge of each
2 12 nonpublic school shall prescribe the minimum
2 13 educational program and an attendance policy which
2 14 shall require each child to attend school for at least
2 15 one hundred forty-eight days, to be met by attendance
2 16 for at least thirty-seven days each school quarter,
2 17 for the schools under their jurisdictions. Each
2 18 public school and nonpublic school shall comply with
2 19 the start date and school calendar requirements
2 20 specified in section 279.10, subsection 1.>
2 21 #3. Page 34, line 24, by inserting after the word
2 22 <EFFECTIVE> the following: <AND APPLICABILITY>.
2 23 #4. Page 34, by inserting after line 30 the
2 24 following:
2 25 <_____. The sections of this Act amending sections
2 26 257.17, 279.10, and 280.3 take effect July 1, 2010,
2 27 and are applicable for school years beginning on or
2 28 after that date.>
2 29 #5. Title page, line 5, by inserting after the
2 30 word <effective> the following: <and applicability>.
2 31 #6. By renumbering as necessary.
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2 35 DAVID JOHNSON
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2 39 STEVE KETTERING
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2 43 NANCY J. BOETTGER
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2 47 PAUL McKINLEY
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Senate Amendment 3196 continued

3 1 PAT WARD
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3 5 RON WIECK
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3 9 TIM L. KAPUCIAN
3 10 SF 470.201 83
3 11 kh/tm/22076



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Senate Amendment 3197

PAG LIN

1 1 Amend Senate File 470 as follows:
1 2 #1. Page 16, by striking lines 10 through 13.
1 3 #2. Page 16, line 14, by striking the figure
1 4 <(2)>.
1 5 #3. Page 24, by striking lines 34 and 35 and
1 6 inserting the following: <system.>
1 7 #4. Page 25, by striking lines 4 through 21 and
1 8 inserting the following: <postsecondary education or
1 9 training to ~~persons~~ a person who ~~have~~ has a high
1 10 school diploma or a high school equivalency diploma
1 11 under chapter 259A, ~~are age eighteen through~~
~~1 12 twenty-three,~~ and ~~are~~ is described by any of the
1 13 following:
1 14 a. Is age seventeen and is in a court-ordered
1 15 placement under chapter 232 under the care and custody
1 16 of the department of human services or juvenile court
1 17 services.
1 18 b. Is age seventeen and has been placed in the
1 19 state training school or the Iowa juvenile home
1 20 pursuant to a court order entered under chapter 232
1 21 under the care and custody of the department of human
1 22 services.
1 23 c. Is age eighteen through twenty-three and is
1 24 described by any of the following:
1 25 (1) On the date the person reached age eighteen or
1 26 during the thirty calendar days preceding or
1 27 succeeding that date, the person was in a licensed
1 28 foster care placement pursuant to a court order
1 29 entered under chapter 232 under the care and custody
1 30 of the department of human services or juvenile court
1 31 services.
1 32 ~~b.~~ (2) On the date the person reached age
1 33 eighteen or during the thirty calendar days preceding
1 34 or succeeding that date, the person was under a court
1 35 order under chapter 232 to live with a relative or
1 36 other suitable person.
1 37 ~~c.~~ (3) The person was in a licensed foster care
1 38 placement pursuant to an order entered under chapter
1 39 232 prior to being legally adopted after reaching age
1 40 sixteen.
1 41 ~~d.~~ (4) On the date the person reached age
1 42 eighteen>.
1 43 #5. Page 27, by inserting after line 17 the
1 44 following:
1 45 <Sec. _____. Section 264.5, Code 2009, is amended to
1 46 read as follows:
1 47 264.5 FEES.
1 48 For the preparation of ~~each of such transcripts a~~
1 49 transcript in accordance with section 264.4, the state
1 50 university may charge a nominal fee, not to exceed



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~~Senate Amendment 3197 continued~~

~~2 1 five dollars,~~ to compensate the institution for ~~the~~
~~2 2 actual its actual costs, including but not limited to~~
~~2 3 the labor of involved in recording the credits, and~~
~~2 4 preparing a transcript, and postage, etc.>~~
2 5 #6. By striking page 29, line 33, through page 31,
2 6 line 27.
2 7 #7. By renumbering as necessary.
2 8
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2 10
2 11 BRIAN SCHOENJAHN
2 12 SF 470.703 83
2 13 kh/tm:jp/22081



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Senate Amendment 3198

PAG LIN

1 1 Amend Senate File 470 as follows:
1 2 #1. Page 34, by inserting after line 9 the
1 3 following:
1 4 <Sec. _____. Section 422.12, subsection 2,
1 5 unnumbered paragraph 1, Code 2009, is amended to read
1 6 as follows:
1 7 A tuition credit equal to ~~twenty-five~~ fifty percent
1 8 of the first one thousand dollars which the taxpayer
1 9 has paid to others for each dependent in grades
1 10 kindergarten through twelve, for tuition and textbooks
1 11 of each dependent in attending an elementary or
1 12 secondary school situated in Iowa, which school is
1 13 accredited or approved under section 256.11, which is
1 14 not operated for profit, and which adheres to the
1 15 provisions of the federal Civil Rights Act of 1964 and
1 16 chapter 216. As used in this subsection, "textbooks"
1 17 means books and other instructional materials and
1 18 equipment used in elementary and secondary schools in
1 19 teaching only those subjects legally and commonly
1 20 taught in public elementary and secondary schools in
1 21 this state and does not include instructional books
1 22 and materials used in the teaching of religious
1 23 tenets, doctrines, or worship, the purpose of which is
1 24 to inculcate those tenets, doctrines, or worship.
1 25 "Textbooks" includes books or materials used for
1 26 extracurricular activities including sporting events,
1 27 musical or dramatic events, speech activities,
1 28 driver's education, or programs of a similar nature.
1 29 Notwithstanding any other provision, all other credits
1 30 allowed under this section shall be deducted before
1 31 the tuition credit under this subsection. The
1 32 department, when conducting an audit of a taxpayer's
1 33 return, shall also audit the tuition tax credit
1 34 portion of the tax return.>
1 35 #2. Title page, line 4, by inserting after the
1 36 word <atters,> the following: <increasing the
1 37 tuition tax credit,>.
1 38 #3. By renumbering as necessary.
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1 42 RANDY FEENSTRA
1 43 SF 470.502 83
1 44 kh/tm/22075
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Senate Amendment 3199

PAG LIN

1 1 Amend Senate File 470 as follows:
1 2 #1. Page 19, by striking lines 1 through 9 and
1 3 inserting the following: <counted as three-tenths of
1 4 one pupil. School districts shall not spend less in a
1 5 given fiscal year than the amount expended for the
1 6 delivery of home school assistance programming during
1 7 the previous fiscal year ~~beginning July 1, 2007,~~
1 8 unless there is a decline in enrollment in the
1 9 program. If a school district offered a home school
1 10 assistance program in the fiscal year beginning July
1 11 1, 2007, it shall continue to offer a home school
1 12 assistance program in the fiscal year beginning July
1 13 1, 2008, and subsequent fiscal years. If the school
1 14 district>.
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1 18 NANCY J. BOETTGER
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1 22 JAMES A. SEYMOUR
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1 26 HUBERT HOUSER
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1 30 JAMES F. HAHN
1 31 SF 470.702 83
1 32 kh/tm/22082
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Senate Amendment 3200

PAG LIN

1 1 Amend House File 759, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting before line 1, the
1 4 following:
1 5 <Section 1. Section 8A.321, subsection 7, Code
1 6 2009, is amended by adding the following new
1 7 paragraph:
1 8 NEW PARAGRAPH. c. For real property projects
1 9 beginning construction on or after July 1, 2013, a
1 10 project must incorporate applicable storm water
1 11 management standards adopted pursuant to section
1 12 455B.277A.
1 13 Sec. 2. NEW SECTION. 15A.5 ECONOMIC DEVELOPMENT
1 14 FINANCIAL ASSISTANCE == STORM WATER MANAGEMENT
1 15 STANDARDS.
1 16 Financial assistance for economic development shall
1 17 not be given for purposes of a vertical infrastructure
1 18 project unless the project incorporates applicable
1 19 storm water management standards adopted pursuant to
1 20 section 455B.277A. For purposes of this section,
1 21 "vertical infrastructure" means the same as defined in
1 22 section 8.57, subsection 6, paragraph "c". This
1 23 section applies to projects that begin construction on
1 24 or after July 1, 2013.
1 25 Sec. 3. Section 262.9, subsection 4, unnumbered
1 26 paragraph 1, Code 2009, is amended to read as follows:
1 27 Manage and control the property, both real and
1 28 personal, belonging to the institutions. For any
1 29 construction project beginning on or after July 1,
1 30 2013, the project must incorporate applicable storm
1 31 water management standards adopted pursuant to section
1 32 455B.277A. The board shall purchase or require the
1 33 purchase of, when the price is reasonably competitive
1 34 and the quality as intended, soybean-based inks. All
1 35 inks purchased that are used internally or are
1 36 contracted for by the board shall be soybean-based to
1 37 the extent formulations for such inks are available.>
1 38 #2. Page 1, by inserting after line 29, the
1 39 following:
1 40 <Sec. _____. NEW SECTION. 455B.277A STORM WATER
1 41 MANAGEMENT STANDARDS.
1 42 1. By July 1, 2010, the department of natural
1 43 resources, in cooperation with the department of
1 44 agriculture and land stewardship, shall adopt storm
1 45 water management standards designed to limit water
1 46 runoff, reduce future flood damage, and improve water
1 47 quality.
1 48 2. All cities and counties shall adopt development
1 49 standards to incorporate storm water management
1 50 standards adopted pursuant to subsection 1 and limit



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Senate Amendment 3200 continued

2 1 development in a five hundred year floodplain, unless
2 2 the development is designed to mitigate future flood
2 3 damage, by the following dates:
2 4 a. By July 1, 2015, for each city with a
2 5 population of, and for each county whose largest city
2 6 has a population of, more than two hundred thousand,
2 7 according to the most recent federal decennial census.
2 8 b. By July 1, 2013, for each city with a
2 9 population of, and for each county whose largest city
2 10 has a population of, one hundred thousand but not more
2 11 than two hundred thousand, according to the most
2 12 recent federal decennial census.
2 13 c. By July 1, 2015, for each city with a
2 14 population of, and for each county whose largest city
2 15 has a population of, ten thousand but less than one
2 16 hundred thousand, according to the most recent federal
2 17 decennial census.
2 18 d. By July 1, 2017, for each city with a
2 19 population of, and for each county whose largest city
2 20 has a population of, one thousand but less than ten
2 21 thousand, according to the most recent federal
2 22 decennial census.
2 23 e. For each city with a population of less than
2 24 one thousand, this subsection is not applicable.
2 25 3. A city or county shall not approve public
2 26 funding or the use of tax increment financing for any
2 27 project or development that does not conform to storm
2 28 water management standards, by the following dates:
2 29 a. On or after July 1, 2015, for each city with a
2 30 population of, and for each county whose largest city
2 31 has a population of, more than two hundred thousand,
2 32 according to the most recent federal decennial census.
2 33 b. On or after July 1, 2013, for each city with a
2 34 population of, and for each county whose largest city
2 35 has a population of, one hundred thousand but not more
2 36 than two hundred thousand, according to the most
2 37 recent federal decennial census.
2 38 c. On or after July 1, 2015, for each city with a
2 39 population of, and for each county whose largest city
2 40 has a population of, ten thousand but less than one
2 41 hundred thousand, according to the most recent federal
2 42 decennial census.
2 43 d. On or after July 1, 2017, for each city with a
2 44 population of, and for each county whose largest city
2 45 has a population of, one thousand but less than ten
2 46 thousand, according to the most recent federal
2 47 decennial census.
2 48 e. For each city with a population of less than
2 49 one thousand, this subsection is not applicable.
2 50 4. A city or county shall not approve public



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Senate Amendment 3200 continued

3 1 funding or the use of tax increment financing for any
3 2 project or development within a five hundred year
3 3 flood plain that is not designed to mitigate future
3 4 flood damage, by the following dates:
3 5 a. On or after July 1, 2015, for each city with a
3 6 population of, and for each county whose largest city
3 7 has a population of, more than two hundred thousand,
3 8 according to the most recent federal decennial census.
3 9 b. On or after July 1, 2013, for each city with a
3 10 population of, and for each county whose largest city
3 11 has a population of, one hundred thousand but not more
3 12 than two hundred thousand, according to the most
3 13 recent federal decennial census.
3 14 c. On or after July 1, 2015, for each city with a
3 15 population of, and for each county whose largest city
3 16 has a population of, ten thousand but less than one
3 17 hundred thousand, according to the most recent federal
3 18 decennial census.
3 19 d. On or after July 1, 2017, for each city with a
3 20 population of, and for each county whose largest city
3 21 has a population of, one thousand but less than ten
3 22 thousand, according to the most recent federal
3 23 decennial census.
3 24 e. For each city with a population of less than
3 25 one thousand, this subsection is not applicable.
3 26 5. If a county or city does not currently have an
3 27 effective flood insurance rate map or flood hazard
3 28 boundary map published by the federal emergency
3 29 management agency that identifies a special flood
3 30 hazard area within the political boundaries of the
3 31 county or city, the county or city shall have sixty
3 32 months from the effective date of any future flood
3 33 insurance rate map or flood hazard boundary map
3 34 published by the federal emergency management agency
3 35 or the applicable time period for that county or city
3 36 to implement the provisions of subsections 2, 3, and
3 37 4, to comply with the requirements of this section,
3 38 whichever period is longer.
3 39 Sec. _____. Section 466A.2, subsection 2, paragraph
3 40 c, Code 2009, is amended by adding the following new
3 41 subparagraphs:
3 42 NEW SUBPARAGRAPH. (8) Structures and conservation
3 43 systems for the prevention and mitigation of floods
3 44 within the watershed of the project.
3 45 NEW SUBPARAGRAPH. (9) Removal of channels of
3 46 waterways to allow waterways to meander.
3 47 Sec. _____. Section 466B.1, Code 2009, is amended to
3 48 read as follows:
3 49 466B.1 SHORT TITLE.
3 50 This chapter shall be known and may be cited as the



Iowa General Assembly
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Senate Amendment 3200 continued

4 1 "Surface Water Protection and Flood Mitigation Act".
4 2 Sec. _____. Section 466B.3, subsection 3, Code 2009,
4 3 is amended by adding the following new paragraph:
4 4 NEW PARAGRAPH. d. Whether the potential for flood
4 5 damage in each watershed in the state has been
4 6 reduced.
4 7 Sec. _____. Section 466B.3, subsection 4, paragraph
4 8 1, unnumbered paragraph 1, Code 2009, is amended to
4 9 read as follows:
4 10 The governor, who shall be the chairperson, or the
4 11 governor's designee. As the chairperson, and in order
4 12 to further the coordination efforts of the council,
4 13 the governor may invite representatives from any other
4 14 public agency, private organization, business, citizen
4 15 group, or nonprofit entity to give public input at
4 16 council meetings provided the entity has an interest
4 17 in the coordinated management of land resources, soil
4 18 conservation, flood mitigation, or water quality. The
4 19 governor shall also invite and solicit advice from the
4 20 following:
4 21 Sec. _____. Section 466B.3, subsection 4, Code 2009,
4 22 is amended by adding the following new paragraphs:
4 23 NEW PARAGRAPH. m. The dean of the college of
4 24 engineering at the university of Iowa or the dean's
4 25 designee.
4 26 NEW PARAGRAPH. n. The director of the rebuild
4 27 Iowa office or the director's designee, until June 30,
4 28 2011.
4 29 Sec. _____. Section 466B.3, subsection 6, paragraph
4 30 b, subparagraph (9), Code 2009, is amended to read as
4 31 follows:
4 32 (9) Review best available technologies on a
4 33 regular basis, so that investments of time and program
4 34 resources can be prioritized and directed to projects
4 35 that will best and most effectively improve water
4 36 quality and reduce flood damage within regional and
4 37 community subwatersheds.
4 38 Sec. _____. Section 466B.3, subsection 6, Code 2009,
4 39 is amended by adding the following new paragraph:
4 40 NEW PARAGRAPH. c. The council shall develop
4 41 recommendations for policies and funding promoting a
4 42 watershed management approach to reduce the adverse
4 43 impact of future flooding on this state's residents,
4 44 businesses, communities, and soil and water quality.
4 45 Policy and funding recommendations shall be submitted
4 46 to the governor and the general assembly no later than
4 47 November 15, 2009. The council shall consider
4 48 policies and funding options for various strategies to
4 49 reduce the impact of flooding including but not
4 50 limited to additional floodplain regulation; wetland



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Senate Amendment 3200 continued

5 1 protection, restoration, and construction; the
5 2 promulgation and implementation of statewide storm
5 3 water management standards; conservation easements and
5 4 other land management; perennial ground cover and
5 5 other agricultural conservation practices; pervious
5 6 pavement, bioswales, and other urban conservation
5 7 practices; and permanent or temporary water retention
5 8 structures. In developing recommendations, the
5 9 council shall consult with hydrological and land use
5 10 experts, representatives of cities, counties, and soil
5 11 and water conservation districts, and other urban and
5 12 regional planning experts.

5 13 Sec. _____. Section 466B.4, subsection 1, Code 2009,
5 14 is amended by adding the following new paragraph:

5 15 NEW PARAGRAPH. e. The land in watersheds and
5 16 flood plains should be managed to reduce flooding,
5 17 reduce flood damage, ameliorate the effects of
5 18 drought, improve water quality, improve habitat and
5 19 the natural environment, increase renewable energy
5 20 production, and enhance economic and recreational
5 21 opportunities.>

5 22 #3. Title page, line 1, by inserting after the
5 23 word <Act> the following: <relating to the management
5 24 of water, including adoption of storm water management
5 25 standards,>.

5 26 #4. Title page, line 3, by inserting after the
5 27 word <program> the following: <and relating to
5 28 regional watershed, land use, and floodplain
5 29 management policies>.

5 30 #5. By renumbering as necessary.

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5 34 PAM JOCHUM

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5 38 ROBERT M. HOGG

5 39 HF 759.502 83

5 40 av/rj/23330



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Senate Amendment 3201

PAG LIN

1 1 Amend Senate File 470 as follows:
1 2 #1. Page 34, by inserting after line 21 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 321.179 DRIVER EDUCATION
1 5 == TEACHING PARENT.
1 6 1. TEACHING PARENT. As an alternative to the
1 7 driver education requirements under section 321.178, a
1 8 teaching parent may instruct a student in a driver
1 9 education course that meets the requirements of this
1 10 section and provide evidence that the requirements
1 11 under this section have been met.
1 12 2. DEFINITIONS. For purposes of this section:
1 13 a. "Approved course" means driver education
1 14 curriculum approved by the department pursuant to
1 15 rules adopted under chapter 17A. An approved course
1 16 shall, at a minimum, meet the requirements of
1 17 subsection 3 and be appropriate for teaching=
1 18 parent-directed driver education and related street or
1 19 highway instruction. Driver education materials that
1 20 meet or exceed standards established by the department
1 21 for an approved course in driver education for a
1 22 public or private school shall be approved unless
1 23 otherwise determined by the department. The list of
1 24 approved courses shall be posted on the department's
1 25 internet website.
1 26 b. "Student" means a person between the ages of
1 27 fourteen and twenty-one years who is within the
1 28 custody and control of the teaching parent and who
1 29 satisfies preliminary licensing requirements of the
1 30 department.
1 31 c. "Teaching parent" means a parent, guardian, or
1 32 legal custodian of a student who is currently
1 33 providing competent private instruction to the student
1 34 pursuant to section 299A.2 or 299A.3 and who provided
1 35 such instruction to the student during the previous
1 36 year; who has a valid driver's license, other than a
1 37 motorized bicycle license or a temporary restricted
1 38 license, that permits unaccompanied driving; and who
1 39 has maintained a clear driving record for the previous
1 40 two years. For purposes of this paragraph, "clear
1 41 driving record" means the individual has not been
1 42 identified as a candidate for suspension of a driver's
1 43 license under the habitual offender provisions of the
1 44 department's regulations; is not subject to a driver's
1 45 license suspension, revocation, denial, cancellation,
1 46 disqualification, or bar; and has no record of a
1 47 conviction for a moving traffic violation determined
1 48 to be the cause of a motor vehicle accident.
1 49 3. COURSE OF INSTRUCTION.
1 50 a. An approved course administered by a teaching



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Senate Amendment 3201 continued

2 1 parent shall consist of, but not be limited to, the
2 2 following:
2 3 (1) Thirty clock hours of classroom instruction.
2 4 (2) Forty hours of street or highway driving
2 5 including four hours of driving after sunset and
2 6 before sunrise while accompanied by the teaching
2 7 parent.
2 8 (3) Four hours of classroom instruction concerning
2 9 substance abuse.
2 10 (4) A minimum of twenty minutes of instruction
2 11 concerning railroad crossing safety.
2 12 (5) Instruction relating to becoming an organ
2 13 donor under the revised uniform anatomical gift Act as
2 14 provided in chapter 142C.
2 15 (6) Instruction providing an awareness about
2 16 sharing the road with bicycles and motorcycles.
2 17 b. The content of the course of instruction
2 18 required under this subsection shall be equivalent to
2 19 that required under section 321.178. However,
2 20 reference and study materials, physical classroom
2 21 requirements, and extra vehicle safety equipment
2 22 required for instruction under section 321.178 shall
2 23 not be required for the course of instruction provided
2 24 under this section.
2 25 4. COURSE COMPLETION AND CERTIFICATION. Upon
2 26 application by a student for an intermediate license,
2 27 the teaching parent shall provide evidence showing the
2 28 student's completion of an approved course and
2 29 substantial compliance with the requirements of
2 30 subsection 3 by affidavit signed by the teaching
2 31 parent on a form to be provided by the department.
2 32 The evidence shall include all of the following:
2 33 a. Documentation that the instructor is a teaching
2 34 parent as defined in subsection 2.
2 35 b. Documentation that the student is receiving
2 36 competent private instruction under section 299A.2 or
2 37 the name of the school district within which the
2 38 student is receiving instruction under section 299A.3.
2 39 c. The name of the approved course completed by
2 40 the student.
2 41 d. An affidavit attesting to satisfactory
2 42 completion of course work and street or highway
2 43 driving instruction.
2 44 e. Copies of written tests completed by the
2 45 student.
2 46 f. A statement of the number of classroom hours of
2 47 instruction.
2 48 g. A log of completed street or highway driving
2 49 instruction including the dates when the lessons were
2 50 conducted, the student's and the teaching parent's



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Senate Amendment 3201 continued

3 1 name and initials noted next to each entry, notes on
3 2 driving activities including a list of driving
3 3 deficiencies and improvements, and the duration of the
3 4 driving time for each session.
3 5 5. INTERMEDIATE LICENSE. Any student who
3 6 successfully completes an approved course as provided
3 7 in this section, passes a driving test to be
3 8 administered by the department, and is otherwise
3 9 qualified under section 321.180B, subsection 2, shall
3 10 be eligible for an intermediate license pursuant to
3 11 section 321.180B. Twenty of the forty hours of street
3 12 or highway driving instruction required under
3 13 subsection 3, paragraph "a", subparagraph (2), may be
3 14 utilized to satisfy the requirement of section
3 15 321.180B, subsection 2.
3 16 6. FULL LICENSE. A student must comply with
3 17 section 321.180B, subsection 4, to be eligible for a
3 18 full driver's license pursuant to section 321.180B.
3 19 Sec. _____. Section 321.180B, subsection 2, Code
3 20 2009, is amended to read as follows:
3 21 2. INTERMEDIATE LICENSE.
3 22 a. The department may issue an intermediate
3 23 driver's license to a person sixteen or seventeen
3 24 years of age who possesses an instruction permit
3 25 issued under subsection 1 or a comparable instruction
3 26 permit issued by another state for a minimum of six
3 27 months immediately preceding application, and who
3 28 presents an affidavit signed by a parent or guardian
3 29 on a form to be provided by the department that the
3 30 permittee has accumulated a total of twenty hours of
3 31 street or highway driving of which two hours were
3 32 conducted after sunset and before sunrise and the
3 33 street or highway driving was with the permittee's
3 34 parent, guardian, instructor, a person certified by
3 35 the department, or a person at least twenty-five years
3 36 of age who had written permission from a parent or
3 37 guardian to accompany the permittee, and whose driving
3 38 privileges have not been suspended, revoked, or barred
3 39 under this chapter or chapter 321J during, and who has
3 40 been accident and violation free continuously for, the
3 41 six-month period immediately preceding the application
3 42 for an intermediate license. An applicant for an
3 43 intermediate license must meet the requirements of
3 44 section 321.186, including satisfactory completion of
3 45 driver education as required in section 321.178 or
3 46 321.179, and payment of the required license fee
3 47 before an intermediate license will be issued.
3 48 b. A person issued an intermediate license must
3 49 limit the number of passengers in the motor vehicle
3 50 when the intermediate licensee is operating the motor



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Senate Amendment 3201 continued

4 1 vehicle to the number of passenger safety belts.
4 2 c. Except as otherwise provided, a person issued
4 3 an intermediate license under this subsection who is
4 4 operating a motor vehicle between the hours of
4 5 twelve=thirty a.m. and five a.m. must be accompanied
4 6 by a person issued a driver's license valid for the
4 7 vehicle operated who is the parent or guardian of the
4 8 permittee, a member of the permittee's immediate
4 9 family if the family member is at least twenty=one
4 10 years of age, an approved driver education instructor,
4 11 a prospective driver education instructor who is
4 12 enrolled in a practitioner preparation program with a
4 13 safety education program approved by the state board
4 14 of education, or a person at least twenty=five years
4 15 of age if written permission is granted by the parent
4 16 or guardian, and who is actually occupying a seat
4 17 beside the driver. However, a licensee may operate a
4 18 vehicle to and from school=related extracurricular
4 19 activities and work without an accompanying driver
4 20 between the hours of twelve=thirty a.m. and five a.m.
4 21 if such licensee possesses a waiver on a form to be
4 22 provided by the department. An accompanying driver is
4 23 not required between the hours of five a.m. and
4 24 twelve=thirty a.m.>
4 25 #2. Title page, line 4, by inserting after the
4 26 word <atters,> the following: <providing for driver
4 27 education instruction by a teaching parent,>.
4 28 #3. By renumbering as necessary.
4 29
4 30
4 31
4 32 SHAWN HAMERLINCK
4 33 SF 470.203 83
4 34 kh/tm/23599



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Senate Amendment 3202

PAG LIN

1 1 Amend Senate File 470 as follows:
1 2 #1. Page 22, by inserting after line 29 the
1 3 following:
1 4 <Sec. _____. Section 257.35, subsection 1, Code
1 5 2009, is amended to read as follows:
1 6 1. ~~The For school budget years beginning prior to~~
1 7 July 1, 2010, the department of management shall
1 8 deduct the amounts calculated for special education
1 9 support services, media services, area education
1 10 agency teacher salary supplement district cost, area
1 11 education agency professional development supplement
1 12 district cost, and educational services for each
1 13 school district from the state aid due to the district
1 14 pursuant to this chapter and shall pay the amounts to
1 15 the respective area education agencies on a monthly
1 16 basis from September 15 through June 15 during each
1 17 school year. The department of management shall
1 18 notify each school district of the amount of state aid
1 19 deducted for these purposes and the balance of state
1 20 aid shall be paid to the district. If a district does
1 21 not qualify for state aid under this chapter in an
1 22 amount sufficient to cover its amount due to the area
1 23 education agency as calculated by the department of
1 24 management, the school district shall pay the
1 25 deficiency to the area education agency from other
1 26 moneys received by the district, on a quarterly basis
1 27 during each school year.
1 28 Sec. _____. NEW SECTION. 257.35A AREA EDUCATION
1 29 AGENCIES == STATE FUNDING REDIRECTED.
1 30 1. Notwithstanding any provision of this chapter
1 31 to the contrary, for school budget years beginning
1 32 after July 1, 2010, the state aid funding for special
1 33 education support services, media services, and
1 34 educational services, as calculated by this chapter,
1 35 shall be paid directly to the applicable school
1 36 district.
1 37 2. A school district receiving funding under
1 38 subsection 1 shall choose one of the following
1 39 options:
1 40 a. A school district may provide its own special
1 41 education services, media services, and educational
1 42 services, as those services are described in chapter
1 43 273. However, the school district shall not receive
1 44 funding for its costs that exceeds the amount
1 45 determined under subsection 1, except for funds
1 46 received from another school district for providing
1 47 special education services, media services, or
1 48 educational services to such other school district.
1 49 b. A school district may solicit bids from
1 50 organizations, including other school districts and



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Senate Amendment 3202 continued

2 1 area education agencies, to provide special education
2 2 services, media services, and educational services, as
2 3 those services are described in chapter 273. However,
2 4 the school district soliciting bids shall not receive
2 5 funding for its costs that exceeds the amount
2 6 determined under subsection 1.

2 7 3. The department of education shall distribute
2 8 the appropriate amount of area education agency
2 9 professional development supplement and area education
2 10 agency teacher salary supplement funding to a school
2 11 district if an area education agency successfully bids
2 12 to provide the services.>

2 13 #2. Page 27, by inserting after line 17 the
2 14 following:

2 15 <Sec. _____. Section 273.9, subsection 1, Code 2009,
2 16 is amended to read as follows:

2 17 1. ~~School~~ For school budget years beginning prior
2 18 to July 1, 2010, school districts shall pay for the
2 19 programs and services provided through the area
2 20 education agency and shall include expenditures for
2 21 the programs and services in their budgets, in
2 22 accordance with this section.

2 23 Sec. _____. NEW SECTION. 273.9A FUNDING FROM
2 24 SCHOOL DISTRICTS == STATE AND LOCAL FUNDS.

2 25 Notwithstanding any provision of this chapter to
2 26 the contrary, for school budget years beginning after
2 27 July 1, 2010, an area education agency or other
2 28 organization shall receive state aid funding for
2 29 providing special education support services, media
2 30 services, and educational services from the applicable
2 31 school district. Area education agencies and other
2 32 organizations may submit bids for providing special
2 33 education support services, media services, and
2 34 educational services in a process to be determined by
2 35 the department of education by rule under chapter
2 36 17A.>

2 37 #3. Page 34, line 24, by inserting after the word
2 38 <EFFECTIVE> the following: <AND APPLICABILITY>.

2 39 #4. Page 34, by inserting after line 30 the
2 40 following:

2 41 <_____. The sections of this Act amending sections
2 42 257.35 and 273.9, and enacting sections 257.35A and
2 43 273.9A, apply to school budget years beginning on and
2 44 after July 1, 2010.>

2 45 #5. Title page, line 5, by inserting after the
2 46 word <effective> the following: <and applicability>.

2 47 #6. By renumbering as necessary.

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Senate Amendment 3202 continued

3 1 RANDY FEENSTRA
3 2 SF 470.501 83
3 3 kh/tm/22077



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Senate Amendment 3203

PAG LIN

1 1 Amend Senate File 470 as follows:
 1 2 #1. Page 34, by inserting after line 9 the
 1 3 following:
 1 4 <Sec. _____. Section 301.1, subsection 3, Code 2009,
 1 5 is amended to read as follows:
 1 6 3. As used in subsection 2, "textbooks" means
 1 7 ~~books~~ any of the following:
 1 8 a. Books and loose-leaf or bound manuals, systems
 1 9 of reusable instructional materials or combinations of
 1 10 books and supplementary instructional materials which
 1 11 convey information to the student or otherwise
 1 12 contribute to the learning process, ~~or electronic.~~
 1 13 b. Electronic textbooks, including but not limited
 1 14 to computer software, applications using
 1 15 computer-assisted instruction, interactive videodisc,
 1 16 and other computer courseware and magnetic media.
 1 17 c. Instructional technology applicable within a
 1 18 classroom setting.>

1 19 #2. By renumbering as necessary.

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1 23 DAVID JOHNSON

1 24
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1 27 RANDY FEENSTRA

1 28 SF 470.505 83
 1 29 kh/tm/23601

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Senate Amendment 3204

PAG LIN

1 1 Amend Senate File 470 as follows:
1 2 #1. Page 34, by striking line 22 and inserting the
1 3 following:
1 4 <Sec. ____ Chapter 7K, Code 2009, is repealed.>
1 5 #2. By renumbering as necessary.
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1 9 NANCY J. BOETTGER
1 10 SF 470.504 83
1 11 kh/tm/23600
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Senate Amendment 3205

PAG LIN

1 1 Amend Senate File 323, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 1, by striking line 27 and inserting the
 1 4 following: <child would be required to register under
 1 5 chapter 692A but for the exemption under section
 1 6 692A.2, subsection 6, while the child is in foster
 1 7 care.

1 8 Sec. _____. DEPARTMENT REPORT. The department of
 1 9 human services shall track the amount of time taken to
 1 10 supply child health records to foster care providers,
 1 11 including but not limited to instances when the
 1 12 records are incomplete and when the provider requests
 1 13 additional information, in accordance with section
 1 14 237.3, subsection 2, paragraph "f", subparagraph (2),
 1 15 as amended by this Act. The department shall report
 1 16 to the general assembly on or before January 15, 2010,
 1 17 regarding the results of the tracking.>

1 18 #2. Page 1, by inserting before line 28 the
 1 19 following:

1 20 <Sec. _____. Section 237.3, Code 2009, is amended by
 1 21 adding the following new subsection:

1 22 NEW SUBSECTION. 11. The department shall adopt
 1 23 rules prohibiting an individual foster parent licensee
 1 24 from providing child care to children as a child care
 1 25 home or child development home provider registered
 1 26 under chapter 237A at times when a child is present
 1 27 who is receiving foster care from the licensee and who
 1 28 has been found by the department to have committed
 1 29 abuse of another child.>

1 30 #3. By renumbering, relettering, or redesignating
 1 31 and correcting internal references as necessary.

1 32 SF 323.H

1 33 jp/cm/25

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Senate Amendment 3206

PAG LIN

1 1 Amend Senate File 374, 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 321A.3, subsection 8, Code
1 6 2009, is amended to read as follows:

1 7 8. a. (1) A person ~~making a request for a record~~

~~or an abstract who purchases a certified abstract of~~
1 9 ~~an operating record directly from the department under~~

1 10 ~~this section that is subject to a fee shall only use~~
1 11 ~~the record or abstract requested, sell, disclose, or~~

1 12 ~~distribute the abstract or any portion of the abstract~~
1 13 ~~one time, for one purpose, and it the person shall not~~

1 14 ~~supply that record abstract or any portion of that~~
1 15 ~~abstract to more than one other person. Any~~

~~subsequent use of the same record or abstract shall~~

~~require that the~~ The person shall make a subsequent
1 18 request for the record or abstract and pay an

1 19 additional fee for the request in the same manner as
1 20 provided for the initial request for any subsequent

1 21 use, sale, disclosure, or distribution of the same
1 22 certified abstract or any portion of the abstract or

1 23 to supply the same certified abstract or any portion
1 24 of the abstract to another person, except as provided

1 25 in subparagraph (2).

1 26 (2) Notwithstanding the limitation on use, sale,
1 27 disclosure, and distribution of a certified abstract

1 28 under subparagraph (1), a person who purchases a
1 29 certified abstract under this section may provide a

1 30 copy of the previously purchased certified abstract to
1 31 the person who is an insurer who was originally

1 32 supplied the certified abstract by the person who
1 33 purchased the certified abstract.

1 34 b. A person who is supplied a certified abstract
1 35 or any portion of the abstract by a person who

1 36 purchases the certified abstract under paragraph "a"
1 37 shall only use the abstract one time, for one purpose,

1 38 and shall not reuse, sell, disclose, or distribute the
1 39 abstract or any portion of the abstract except as

1 40 provided in paragraph "c".

1 41 c. A person who is an insurer or an insurance
1 42 producer licensed under chapter 522B who purchases a

1 43 certified abstract under this section or a person who
1 44 is supplied a certified abstract or any portion of the

1 45 abstract pursuant to paragraph "b" may use the
1 46 certified abstract pursuant to this paragraph "c" for

1 47 more than one use for the following purposes:

1 48 (1) To provide a copy to a consumer with respect
1 49 to a specific decision impacting the consumer and made

1 50 in whole or in part based upon information contained



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Senate Amendment 3206 continued

2 1 in the certified abstract, as defined by rule of the
2 2 department.
2 3 (2) Internal auditing purposes, or similar
2 4 internal purposes as defined by rule of the
2 5 department.
2 6 (3) Internal purposes in a manner consistent with
2 7 the federal Driver's Privacy Protection Act, 18 U.S.C.
2 8 } 2721=2725, by a person who is an insurer.
2 9 (4) To show compliance with the retention
2 10 requirements imposed under this section or other
2 11 applicable law.
2 12 (5) By an insurer, to provide a copy to an
2 13 insurance producer licensed under chapter 522B and
2 14 appointed by the insurer for purposes of a specific
2 15 application for coverage. However, a producer who is
2 16 provided a certified abstract pursuant to this
2 17 subparagraph shall not reuse, sell, disclose, or
2 18 distribute the abstract with respect to any
2 19 transaction not associated with the insurer who
2 20 appointed the producer.
2 21 (6) To provide a copy to an insurer for purposes
2 22 of a specific application for coverage if the person
2 23 requesting the certified abstract is an insurance
2 24 producer licensed under chapter 522B and appointed by
2 25 the insurer for purposes of the specific application
2 26 for coverage.
2 27 (7) To provide a copy, for the purpose of a
2 28 specific application for coverage or for a purpose as
2 29 provided under subparagraphs (1) through (4), to an
2 30 affiliate of the person who is an insurer who
2 31 originally purchased or was supplied the certified
2 32 abstract. An affiliate who receives a copy of a
2 33 certified abstract pursuant to this subparagraph shall
2 34 only use the copy of the abstract one time and shall
2 35 not reuse, sell, disclose, or distribute the copy to
2 36 any other person, except as provided under
2 37 subparagraphs (1) through (5) in the same manner as
2 38 permitted for a person who is an insurer.
2 39 d. For purposes of this subsection, "affiliate"
2 40 means an insurer who directly or indirectly, through
2 41 one or more intermediaries, controls, is controlled
2 42 by, or is under common control with the person who is
2 43 an insurer.
2 44 e. A person ~~requesting a record or an abstract who~~
2 45 purchases a certified abstract directly from the
2 46 department pursuant to this section shall keep records
2 47 for a period of five years identifying ~~who the record~~
2 48 ~~or~~ the persons to whom the abstract is provided ~~to,~~
2 49 and the use of the ~~record or~~ abstract, for a period of
2 50 five years. Records maintained pursuant to this



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3 1 subsection shall be made available to the department
3 2 upon request. A person who is otherwise supplied a
3 3 certified abstract and who then provides that abstract
3 4 to another person for a purpose other than the
3 5 purposes identified under paragraph "c" shall also be
3 6 subject to the recordkeeping requirements under this
3 7 paragraph.
3 8 f. A person shall not ~~sell, retain, distribute,~~
~~3 9 provide, or transfer any record or use, sell,~~
3 10 ~~disclose, or distribute any abstract information or~~
3 11 ~~portion of the record or abstract information acquired~~
3 12 ~~under this agreement section except as authorized by~~
3 13 ~~this section and any applicable rules of the~~
3 14 ~~department and.~~ Nothing in this section shall be
3 15 construed to authorize the use, sale, disclosure, or
3 16 distribution of personal information, protected
3 17 personal information, or highly protected personal
3 18 information as prohibited under section 321.11 or the
3 19 federal Driver's Privacy Protection Act, 18 U.S.C. }
3 20 2721==2725.>
3 21 SF 374.H
3 22 dea/cm/25



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Senate Amendment 3207

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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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 SF 437.H
2 6 da/cm/25



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SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 373)
(SUCCESSOR TO SSB 1262)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TL5B 1302SZ 83
9 rn/nh/14



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PAG LIN

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

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

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

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

1 29 7D.35 DISPUTE RESOLUTION.

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

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



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

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

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

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

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

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

2 35 7. Limit the application of thermal efficiency standards



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

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

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

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

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



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4 1 to implement this section.

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

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

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

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

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

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



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

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

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

5 23 a. The ~~department~~ office retains the title to the vehicle.

5 24 b. The vehicle is used for continuing research.

5 25 c. If the vehicle is sold or when the research related to
5 26 the vehicle is completed, the proceeds of the sale of the
5 27 vehicle shall be used for additional research.

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

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

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

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



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6 1 board of architectural examiners, the board of landscape
6 2 architectural examiners, and the ~~department of natural~~
~~6 3 resources~~ office of energy independence shall cooperate with
6 4 each other and with persons who typically offer continuing
6 5 education courses for design professionals to make available
6 6 energy efficiency related continuing education courses, and to
6 7 encourage interdisciplinary cooperation and education
6 8 concerning available energy efficiency strategies for
6 9 employment in the state's construction industry.
6 10 Sec. 15. Section 279.44, unnumbered paragraph 1, Code
6 11 2009, is amended to read as follows:
6 12 Between July 1, 1986 and June 30, 1991, and on a staggered
6 13 annual basis each five years thereafter, the board of
6 14 directors of each school district shall file with the
6 15 ~~department of natural resources~~ office of energy independence,
6 16 on forms prescribed by the ~~department of natural resources~~
6 17 office, the results of an energy audit of the buildings owned
6 18 and leased by the school district. The energy audit shall be
6 19 conducted under rules adopted by the ~~department of natural~~
~~6 20 resources~~ office pursuant to chapter 17A. The ~~department of~~
~~6 21 natural resources~~ office may waive the requirement for the
6 22 initial and subsequent energy audits for school districts that
6 23 submit evidence that energy audits were conducted prior to
6 24 January 1, 1987 and energy consumption for the district is at
6 25 an adjusted statewide average or below.
6 26 Sec. 16. Section 323A.2, subsection 1, paragraph c, Code
6 27 2009, is amended to read as follows:
6 28 c. The director of the ~~department of natural resources~~
6 29 office of energy independence determines that the franchisee
6 30 has demonstrated that a special hardship exists in the
6 31 community served by the franchisee relating to the public
6 32 health, safety, and welfare, as specified under the rules of
6 33 the ~~department of natural resources~~ office.
6 34 Sec. 17. Section 441.21, subsection 8, paragraph c,
6 35 subparagraph (2), unnumbered paragraph 2, Code 2009, is



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7 1 amended to read as follows:

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

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

7 11 455A.2 DEPARTMENT OF NATURAL RESOURCES.

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

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

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

7 19 a. Direct the office of energy independence.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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



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10 1 the office and the fund.

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

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

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

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

10 19 b. From the funds available for administrative costs, the
10 20 office shall not employ more than four full-time equivalent
10 21 positions. The director may use federal funds received by the
10 22 office pursuant to the federal American Recovery and
10 23 Reinvestment Act of 2009, Pub. L. No. 111-5, to employ the
10 24 number of full-time employees necessary to administer the
10 25 funds received pursuant to the federal Act. If federal
10 26 funding pursuant to the Act is eliminated, the federally
10 27 funded positions shall be eliminated according to the
10 28 provisions of section 8A.413, unless another source of federal
10 29 funding is available. The director may use federal funds
10 30 received other than pursuant to the federal Act to employ
10 31 personnel necessary to administer any other program or funds
10 32 assigned to the office.

10 33 Sec. 22. Section 470.1, Code 2009, is amended to read as
10 34 follows:

10 35 470.1 DEFINITIONS.



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



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12 1 d. Operating costs, including energy costs.

12 2 e. Salvage value.

12 3 8. "Office" means the office of energy independence

12 4 established in section 469.2.

12 5 9. "Public agency" means a state agency, political
12 6 subdivision of the state, school district, area education
12 7 agency, or community college.

12 8 10. "Renovation" means a project where additions or
12 9 alterations exceed fifty percent of the value of a facility
12 10 and will affect an energy system.

12 11 Sec. 23. Section 470.3, subsection 2, Code 2009, is
12 12 amended to read as follows:

12 13 2. A public agency or a person preparing a life cycle cost
12 14 analysis for a public agency shall consider the methods and
12 15 analytical models provided by the ~~department~~ office and
12 16 available through the commissioner, which are suited to the
12 17 purpose for which the project is intended. Within sixty days
12 18 of final selection of a design architect or engineer, a public
12 19 agency, which is also a state agency under section 7D.34,
12 20 shall notify the commissioner and the ~~department~~ office of the
12 21 methodology to be used to perform the life cycle cost
12 22 analysis, on forms provided by the ~~department~~ office.

12 23 Sec. 24. Section 470.7, Code 2009, is amended to read as
12 24 follows:

12 25 470.7 LIFE CYCLE COST ANALYSIS == APPROVAL.

12 26 1. The public agency responsible for the new construction
12 27 or renovation of a public facility shall submit a copy of the
12 28 life cycle cost analysis for review by the commissioner who
12 29 shall consult with the ~~department~~ office. If the public
12 30 agency is also a state agency under section 7D.34, comments by
12 31 the ~~department~~ office or the commissioner, including any
12 32 recommendation for changes in the analysis, shall, within
12 33 thirty days of receipt of the analysis, be forwarded in
12 34 writing to the public agency. If either the ~~department~~ office
12 35 or the commissioner disagrees with any aspects of the life



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13 1 cycle cost analysis, the public agency affected shall timely
13 2 respond in writing to the commissioner and the ~~department~~
13 3 office. The response shall indicate whether the agency
13 4 intends to implement the recommendations and, if the agency
13 5 does not intend to implement them, the public agency shall
13 6 present its reasons. The reasons may include, but are not
13 7 limited to, a description of the purpose of the facility or
13 8 renovation, preservation of historical architectural features,
13 9 architectural and site considerations, and health and safety
13 10 concerns.

13 11 2. Within thirty days of receipt of the response of the
13 12 public agency affected, the ~~department~~ office, the
13 13 commissioner, or both, shall notify in writing the public
13 14 agency affected of the ~~department's~~ office's, the
13 15 commissioner's, or both's agreement or disagreement with the
13 16 response. In the event of a disagreement, the ~~department~~
13 17 office, the commissioner, or both, shall at the same time
13 18 transmit the notification of disagreement with response and
13 19 related papers to the executive council for resolution
13 20 pursuant to section 7D.34. The life cycle cost analysis
13 21 process, including submittal and approval, and implementation
13 22 exemption requests pursuant to section 470.8, shall be
13 23 completed prior to the letting of contracts for the
13 24 construction or renovation of a facility.

13 25 Sec. 25. Section 473.1, Code 2009, is amended to read as
13 26 follows:

13 27 473.1 DEFINITIONS.

13 28 As used in this chapter, unless the context otherwise
13 29 requires:

13 30 1. "Alternative and renewable energy" means the same as in
13 31 section 469.31.

13 32 2. "Commission" means the environmental protection
13 33 commission of the department of natural resources.

13 34 ~~3. "Department" means the department of natural resources~~
~~13 35 created under section 455A.2.~~



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14 1 ~~4.~~ 3. "Director" means the director of the ~~department~~
14 2 office or a designee.
14 3 ~~5.~~ 4. "Energy" or "energy sources" means gasoline, fuel
14 4 oil, natural gas, propane, coal, special fuels and
14 5 electricity.
14 6 5. "Office" means the office of energy independence
14 7 established in section 469.2.
14 8 6. "Renewable fuel" means the same as in section 469.31.
14 9 7. "Supplier" means any person engaged in the business of
14 10 selling, importing, storing, or generating energy sources,
14 11 alternative and renewable energy, or renewable fuel in Iowa.
14 12 Sec. 26. Section 473.7, Code 2009, is amended to read as
14 13 follows:
14 14 473.7 DUTIES OF THE ~~DEPARTMENT~~ OFFICE.
14 15 The ~~department~~ office shall:
14 16 1. ~~Assist the director of the office of energy~~
~~14 17 independence with preparation of the Iowa energy independence~~
~~14 18 plan as provided in section 469.4. In addition to assistance~~
~~14 19 requested by the director, the department shall supply Supply~~
14 20 and annually update the following information:
14 21 a. The historical use and distribution of energy in Iowa.
14 22 b. The growth rate of energy consumption in Iowa,
14 23 including rates of growth for each energy source.
14 24 c. A projection of Iowa's energy needs at a minimum
14 25 through the year 2025.
14 26 d. The impact of meeting Iowa's energy needs on the
14 27 economy of the state, including the impact of energy
14 28 efficiency and renewable energy on employment and economic
14 29 development.
14 30 e. The impact of meeting Iowa's energy needs on the
14 31 environment of the state, including the impact of energy
14 32 production and use on greenhouse gas emissions.
14 33 f. An evaluation of renewable energy sources, including
14 34 the current and future technological potential for such
14 35 sources.



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15 1 2. a. The ~~department~~ office shall collect and analyze
15 2 data to use in forecasting future energy demand and supply for
15 3 the state. A supplier is required to provide information
15 4 pertaining to the supply, storage, distribution, and sale of
15 5 energy sources in this state when requested by the ~~department~~
15 6 office. The information shall be of a nature which directly
15 7 relates to the supply, storage, distribution, and sale of
15 8 energy sources, and shall not include any records, documents,
15 9 books, or other data which relate to the financial position of
15 10 the supplier. The ~~department~~ office, prior to requiring any
15 11 supplier to furnish it with such information, shall make every
15 12 reasonable effort to determine if such information is
15 13 available from any other governmental source. If it finds
15 14 such information is available, the ~~department~~ office shall not
15 15 require submission of the information from a supplier.
15 16 Notwithstanding the provisions of chapter 22, information and
15 17 reports obtained under this section shall be confidential
15 18 except when used for statistical purposes without identifying
15 19 a specific supplier and when release of the information will
15 20 not give an advantage to competitors and serves a public
15 21 purpose. The ~~department~~ office shall use this data to conduct
15 22 energy forecasts.

15 23 b. ~~The department may subpoena witnesses, administer~~
~~15 24 oaths, and require the production of records, books, and~~
~~15 25 documents for examination in order to obtain information~~
~~15 26 required to be submitted under this section. In case of~~
~~15 27 failure or refusal on the part of any person to comply with a~~
~~15 28 subpoena issued by the department, or in case of the refusal~~
~~15 29 of any witness to testify as to any matter regarding which the~~
~~15 30 witness may be interrogated under this chapter, the district~~
~~15 31 court, upon the application of the department, may order the~~
~~15 32 person to show cause why the person should not be held in~~
~~15 33 contempt for failure to testify or comply with a subpoena, and~~
~~15 34 may order the person to produce the records, books, and~~
~~15 35 documents for examination, and to give testimony. The courts~~



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~~16 1 may punish for contempt as in the case of disobedience to a
16 2 like subpoena issued by the court, or for refusal to testify.~~

16 3 3. Develop, recommend, and implement with appropriate
16 4 agencies public and professional education and communication
16 5 programs in energy efficiency, energy conservation, and
16 6 conversion to alternative and renewable energy.

16 7 4. When necessary to carry out its duties under this
16 8 chapter, enter into contracts with state agencies and other
16 9 qualified contractors.

16 10 5. Receive and accept grants made available for programs
16 11 relating to duties of the ~~department~~ office under this
16 12 chapter.

16 13 6. Promulgate rules necessary to carry out the provisions
16 14 of this chapter, subject to review in accordance with chapter
16 15 17A. Rules promulgated by the governor pursuant to a
16 16 proclamation issued under the provisions of section 473.8
16 17 shall not be subject to review or a public hearing as required
16 18 in chapter 17A; however, ~~agency~~ office rules for
16 19 implementation of the governor's proclamation are subject to
16 20 the requirements of chapter 17A.

16 21 ~~7. Examine and determine whether additional state
16 22 regulatory authority is necessary to protect the public
16 23 interest and to promote the effective development, utilization
16 24 and conservation of energy resources. If the department finds
16 25 that additional regulatory authority is necessary, the
16 26 department shall submit recommendations to the general
16 27 assembly concerning the nature and extent of such regulatory
16 28 authority and which state agency should be assigned such
16 29 regulatory responsibilities.~~

16 30 ~~8. 7. Develop and assist~~ Assist in the implementation of
16 31 public education and communications programs in energy
16 32 development, use and conservation, in cooperation with the
16 33 department of education, the state university extension
16 34 services and other public or private agencies and
16 35 organizations as deemed appropriate by the ~~department~~ office.



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17 1 ~~9.~~ 8. Develop, ~~in coordination with the office of energy~~
~~17 2 independence,~~ a program to annually give public recognition to
17 3 innovative methods of energy conservation, energy management,
17 4 and alternative and renewable energy production.

17 5 ~~10.~~ 9. Administer and coordinate, ~~in coordination with~~
~~17 6 the office of energy independence,~~ federal funds for energy
17 7 conservation, energy management, and alternative and renewable
17 8 energy programs.

17 9 ~~11.~~ 10. Administer and coordinate the state building
17 10 energy management program including projects funded through
17 11 private financing.

17 12 ~~12.~~ 11. Provide information from monthly fuel surveys
17 13 which establish a statistical average of motor fuel prices for
17 14 various motor fuels provided throughout the state.

17 15 Additionally, the ~~department~~ office shall provide statewide
17 16 monthly fuel survey information which establishes a
17 17 statistical average of motor fuel prices for various motor
17 18 fuels provided in both metropolitan and rural areas of the
17 19 state. The survey results shall be publicized in a monthly
17 20 press release issued by the ~~department~~ office.

17 21 ~~13.~~ Conduct a study on activities related to energy
~~17 22 production and use which contribute to global climate change~~
~~17 23 and the depletion of the stratospheric ozone layer. The study~~
~~17 24 shall identify the types and relative contributions of these~~
~~17 25 activities in Iowa. The department shall develop a strategy~~
~~17 26 to reduce emissions from activities identified as having an~~
~~17 27 adverse impact on the global climate and the stratospheric~~
~~17 28 ozone layer. The department shall submit a report containing~~
~~17 29 its findings and recommendations to the governor and general~~
~~17 30 assembly by January 1, 1992.~~

17 31 Sec. 27. Section 473.8, unnumbered paragraph 1, Code 2009,
17 32 is amended to read as follows:

17 33 If the ~~department~~ office by resolution determines the
17 34 health, safety, or welfare of the people of this state is
17 35 threatened by an actual or impending acute shortage of usable



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18 1 energy, it shall transmit the resolution to the governor
18 2 together with its recommendation on the declaration of an
18 3 emergency by the governor and recommended actions, if any, to
18 4 be undertaken. Within thirty days of the date of the
18 5 resolution, the governor may issue a proclamation of emergency
18 6 which shall be filed with the secretary of state. The
18 7 proclamation shall state the facts relied upon and the reasons
18 8 for the proclamation.

18 9 Sec. 28. Section 473.8, subsection 4, Code 2009, is
18 10 amended to read as follows:

18 11 4. Delegate any administrative authority vested in the
18 12 governor to the ~~department~~ office or the director.

18 13 Sec. 29. Section 473.10, Code 2009, is amended to read as
18 14 follows:

18 15 473.10 RESERVE REQUIRED.

18 16 1. If the ~~department~~ office or the governor finds that an
18 17 impending or actual shortage or distribution imbalance of
18 18 liquid fossil fuels may cause hardship or pose a threat to the
18 19 health and economic well-being of the people of the state or a
18 20 significant segment of the state's population, the ~~department~~
18 21 office or the governor may authorize the director to operate a
18 22 liquid fossil fuel set-aside program as provided in subsection
18 23 2.

18 24 2. Upon authorization by the ~~department~~ office or the
18 25 governor the director may require a prime supplier to reserve
18 26 a specified fraction of the prime supplier's projected total
18 27 monthly release of liquid fossil fuel in Iowa. The director
18 28 may release any or all of the fuel required to be reserved by
18 29 a prime supplier to end-users or to distributors for release
18 30 through normal retail distribution channels to retail
18 31 customers. However, the specified fraction required to be
18 32 reserved shall not exceed three percent for propane, aviation
18 33 fuel and residual oil, and five percent for motor gasoline,
18 34 heating oil, and diesel oil.

18 35 3. The ~~department~~ office shall periodically review and may



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19 1 terminate the operation of a set-aside program authorized by
19 2 the ~~department~~ office under subsection 1 when the ~~department~~
19 3 office finds that the conditions that prompted the
19 4 authorization no longer exist. The governor shall
19 5 periodically review and may terminate the operation of a
19 6 set-aside program authorized by the governor under subsection
19 7 1 when the governor finds that the conditions that prompted
19 8 the authorization no longer exist.

19 9 4. The director shall adopt rules to implement this
19 10 section.

19 11 Sec. 30. Section 473.15, Code 2009, is amended to read as
19 12 follows:

19 13 473.15 ANNUAL REPORT.

19 14 The ~~department~~ office shall complete an annual report to
19 15 assess the progress of state agencies in implementing energy
19 16 management improvements, alternative and renewable energy
19 17 systems, and life cycle cost analyses under chapter 470, and
19 18 on the use of renewable fuels. The ~~department~~ office shall
19 19 work with state agencies and with any entity, agency, or
19 20 organization with which they are associated or involved in
19 21 such implementation, to use available information to minimize
19 22 the cost of preparing the report. The ~~department~~ office shall
19 23 also provide an assessment of the economic and environmental
19 24 impact of the progress made by state agencies related to
19 25 energy management and alternative and renewable energy, along
19 26 with recommendations on technological opportunities and
19 27 policies necessary for continued improvement in these areas.

19 28 Sec. 31. Section 473.19, Code 2009, is amended to read as
19 29 follows:

19 30 473.19 ~~ENERGY BANK~~ BUILDING ENERGY MANAGEMENT PROGRAM.

19 31 1. The building energy ~~bank~~ management program is
19 32 established by the ~~department~~ office. The building energy
19 33 management program consists of the following forms of
19 34 assistance for the state, state agencies, political
19 35 subdivisions of the state, school districts, area education



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20 1 agencies, community colleges, and nonprofit organizations:
20 2 a. Promoting program availability.
20 3 b. Developing or identifying guidelines and model energy
20 4 techniques for the completion of energy analyses for state
20 5 agencies, political subdivisions of the state, school
20 6 districts, area education agencies, community colleges, and
20 7 nonprofit organizations.
20 8 c. Providing technical assistance for conducting or
20 9 evaluating energy analyses for state agencies, political
20 10 subdivisions of the state, school districts, area education
20 11 agencies, community colleges, and nonprofit organizations.
20 12 d. Providing or facilitating loans, leases, and other
20 13 methods of alternative financing under the energy loan program
20 14 for the state, state agencies, political subdivisions of the
20 15 state, school districts, area education agencies, community
20 16 colleges, and nonprofit organizations to implement energy
20 17 management improvements or energy analyses.
20 18 e. Providing assistance for obtaining insurance on the
20 19 energy savings expected to be realized from the implementation
20 20 of energy management improvements.
20 21 f. Facilitating self-liquidating financing for the state,
20 22 state agencies, political subdivisions of the state, school
20 23 districts, area education agencies, community colleges, and
20 24 nonprofit organizations pursuant to section 473.20A.
20 25 g. Assisting the treasurer of state with financing
20 26 agreements entered into by the treasurer of state on behalf of
20 27 state agencies to finance energy management improvements
20 28 pursuant to section 12.28.
20 29 2. For the purpose of this section, section 473.20, and
20 30 section 473.20A, "energy management improvement" means
20 31 construction, rehabilitation, acquisition, or modification of
20 32 an installation in a facility or vehicle which is intended to
20 33 reduce energy consumption, or energy costs, or both, or allow
20 34 the use of alternative and renewable energy. "Energy
20 35 management improvement" may include control and measurement



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21 1 devices. "Nonprofit organization" means an organization
21 2 exempt from federal income taxation under section 501(c)(3) of
21 3 the Internal Revenue Code.

21 4 3. The ~~department~~ office shall submit a report by January
21 5 1 annually to the governor and the general assembly detailing
21 6 services provided and assistance rendered pursuant to the
21 7 building energy bank management program and pursuant to
21 8 sections 473.20 and 473.20A, and receipts and disbursements in
21 9 relation to the building energy bank management fund created
21 10 in section 473.19A.

21 11 4. Moneys awarded or allocated to the state, its citizens,
21 12 or its political subdivisions as a result of the federal court
21 13 decisions and United States department of energy settlements
21 14 resulting from alleged violations of federal petroleum pricing
21 15 regulations attributable to or contained within the Stripper
21 16 Well fund shall be allocated to and remain under the control
21 17 of the ~~department~~ office for utilization for energy
21 18 program-related staff support purposes.

21 19 Sec. 32. Section 473.19A, Code 2009, is amended to read as
21 20 follows:

21 21 473.19A BUILDING ENERGY BANK MANAGEMENT FUND.

21 22 1. The building energy bank management fund is created
21 23 within the state treasury under the control of the ~~department,~~
~~21 24 in collaboration with the office of energy independence~~
~~21 25 established in section 469.2~~ office. The fund shall be used
21 26 for the operational expenses and administrative costs incurred
21 27 by the ~~department~~ office in facilitating and administering the
21 28 building energy bank management program established in section
21 29 473.19.

21 30 2. The building energy bank management fund shall consist
21 31 of amounts deposited into the fund or allocated from the
21 32 following sources:

21 33 a. Any moneys awarded or allocated to the state, its
21 34 citizens, or its political subdivisions as a result of the
21 35 federal court decisions and United States department of energy



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22 1 settlements resulting from alleged violations of federal
22 2 petroleum pricing regulations attributable to or contained
22 3 within the Exxon fund. Amounts remaining in the oil
22 4 overcharge account established in section 455E.11, subsection
22 5 2, paragraph "e", Code 2007, and the energy conservation trust
22 6 established in section 473.11, Code 2007, as of June 30, 2008,
22 7 shall be deposited into the building energy ~~bank~~ management
22 8 fund pursuant to this paragraph, notwithstanding section 8.60,
22 9 subsection 15, Code 2007.

22 10 b. (1) Moneys received in the form of fees imposed upon
22 11 the state, state agencies, political subdivisions of the
22 12 state, school districts, area education agencies, community
22 13 colleges, and nonprofit organizations for services performed
22 14 or assistance rendered pursuant to the building energy ~~bank~~
22 15 management program. Fees imposed pursuant to this paragraph
22 16 shall be established by the department office in an amount
22 17 corresponding to the operational expenses or administrative
22 18 costs incurred by the department office in performing services
22 19 or providing assistance authorized pursuant to the building
22 20 energy ~~bank~~ management program, as follows:

22 21 (a) For a building of up to twenty-five thousand square
22 22 feet, two thousand five hundred dollars.

22 23 (b) For a building in excess of twenty-five thousand
22 24 square feet, an additional eight cents per square foot.

22 25 (c) A building that houses more energy intensive functions
22 26 may be subject to a higher fee than the fees specified in
22 27 subparagraphs (a) and (b) as determined by the department
22 28 office.

22 29 (2) Any fees imposed shall be retained by the department
22 30 office and are appropriated to the department office for
22 31 purposes of providing services or assistance under the
22 32 program.

22 33 c. Moneys appropriated by the general assembly and any
22 34 other moneys, including grants and gifts from government and
22 35 nonprofit organizations, available to and obtained or accepted



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23 1 by the ~~department~~ office for placement in the fund.
23 2 d. Moneys contained in the intermodal revolving loan fund
23 3 administered by the department of transportation for the
23 4 fiscal year beginning July 1, 2019, and succeeding fiscal
23 5 years.
23 6 e. Moneys in the fund are not subject to section 8.33.
23 7 Notwithstanding section 12C.7, interest or earnings on moneys
23 8 in the fund shall be credited to the fund.
23 9 3. The building energy ~~bank~~ management fund shall be
23 10 limited to a maximum of one million dollars. Amounts in
23 11 excess of this maximum limitation shall be transferred to and
23 12 deposited in the rebuild Iowa infrastructure fund created in
23 13 section 8.57, subsection 6.
23 14 Sec. 33. Section 473.20, Code 2009, is amended to read as
23 15 follows:
23 16 473.20 ENERGY LOAN PROGRAM.
23 17 1. An energy loan program is established and shall be
23 18 administered by the ~~department~~ office.
23 19 2. The ~~department~~ office may facilitate the loan process
23 20 for political subdivisions of the state, school districts,
23 21 area education agencies, community colleges, and nonprofit
23 22 organizations for implementation of energy management
23 23 improvements identified in an energy analysis. Loans shall be
23 24 facilitated for all cost-effective energy management
23 25 improvements. For political subdivisions of the state, school
23 26 districts, area education agencies, community colleges, and
23 27 nonprofit organizations to receive loan assistance under the
23 28 program, the ~~department~~ office shall require completion of an
23 29 energy management plan including an energy analysis. The
23 30 ~~department~~ office shall approve loans facilitated under this
23 31 section.
23 32 3. a. Cities and counties shall repay the loans from
23 33 moneys in their debt service funds. Area education agencies
23 34 shall repay the loans from any moneys available to them.
23 35 b. School districts and community colleges may enter into



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24 1 financing arrangements with the ~~department~~ office or its duly
24 2 authorized agents or representatives obligating the school
24 3 district or community college to make payments on the loans
24 4 beyond the current budget year of the school district or
24 5 community college. Chapter 75 shall not be applicable.
24 6 School districts shall repay the loans from moneys in either
24 7 their general fund or debt service fund. Community colleges
24 8 shall repay the loans from their general fund. Other entities
24 9 receiving loans under this section shall repay the loans from
24 10 any moneys available to them.
24 11 4. For the purpose of this section, "loans" means loans,
24 12 leases, or alternative financing arrangements.
24 13 5. Political subdivisions of the state, school districts,
24 14 area education agencies, and community colleges shall design
24 15 and construct the most energy cost-effective facilities
24 16 feasible and may use financing facilitated by the ~~department~~
24 17 office to cover the incremental costs above minimum building
24 18 code energy efficiency standards of purchasing
24 19 energy-efficient devices and materials unless other lower cost
24 20 financing is available. As used in this section, "facility"
24 21 means a structure that is heated or cooled by a mechanical or
24 22 electrical system, or any system of physical operation that
24 23 consumes energy to carry out a process.
24 24 6. The ~~department~~ office shall not require the state,
24 25 state agencies, political subdivisions of the state, school
24 26 districts, area education agencies, and community colleges to
24 27 implement a specific energy management improvement identified
24 28 in an energy analysis if the entity which prepared the
24 29 analysis demonstrates to the ~~department~~ office that the
24 30 facility which is the subject of the energy management
24 31 improvement is unlikely to be used or operated for the full
24 32 period of the expected savings payback of all costs associated
24 33 with implementing the energy management improvement, including
24 34 without limitation, any fees or charges of the ~~department~~
24 35 office, engineering firms, financial advisors, attorneys, and



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25 1 other third parties, and all financing costs including
25 2 interest, if financed.

25 3 Sec. 34. Section 473.20A, subsection 1, Code 2009, is
25 4 amended to read as follows:

25 5 1. a. The ~~department of natural resources~~ office may
25 6 facilitate financing agreements that may be entered into with
25 7 political subdivisions of the state, school districts, area
25 8 education agencies, community colleges, or nonprofit
25 9 organizations to finance the costs of energy management
25 10 improvements on a self-liquidating basis. The provisions of
25 11 section 473.20 defining eligible energy management
25 12 improvements apply to financings under this section.

25 13 b. The financing agreement may contain provisions,
25 14 including interest, term, and obligations to make payments on
25 15 the financing agreement beyond the current budget year, as may
25 16 be acceptable to political subdivisions of the state, school
25 17 districts, area education agencies, community colleges, or
25 18 nonprofit organizations.

25 19 c. The ~~department~~ office shall assist the treasurer of
25 20 state with financing agreements entered into by the treasurer
25 21 of state on behalf of state agencies pursuant to section 12.28
25 22 to finance energy management improvements being implemented by
25 23 state agencies.

25 24 Sec. 35. Section 473.41, Code 2009, is amended to read as
25 25 follows:

25 26 473.41 ENERGY CITY DESIGNATION PROGRAM.

25 27 1. The ~~department~~ office shall establish an energy city
25 28 designation program, with the objective of encouraging cities
25 29 to develop and implement innovative energy efficiency
25 30 programs. To qualify for designation as an energy city, a
25 31 city shall submit an application on forms prescribed by the
25 32 ~~department~~ office by rule, indicating the following:

25 33 a. Submission of community-based plans for energy
25 34 reduction projects, energy-efficient building construction and
25 35 rehabilitation, and alternative or renewable energy



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26 1 production.
26 2 b. Efforts to secure local funding for community-based
26 3 plans, and documentation of any state or federal grant or loan
26 4 funding being pursued in connection therewith.
26 5 c. Involvement of local schools, civic organizations,
26 6 chambers of commerce, and private groups in a community-based
26 7 plan.
26 8 d. Existing or proposed ordinances encouraging energy
26 9 efficiency and conservation, recycling efforts, and
26 10 energy-efficient building code provisions and enforcement.
26 11 e. Organization of an energy day observance and
26 12 proclamation with a commemorating event and awards ceremony
26 13 for leading energy-efficient community businesses, groups,
26 14 schools, or individuals.
26 15 2. The ~~department~~ office shall establish by rule criteria
26 16 for awarding energy city designations. If more than one
26 17 designation is awarded annually, the criteria shall include a
26 18 requirement that the ~~department~~ office award the designations
26 19 to cities of varying populations. Rules shall also be
26 20 established identifying and publicizing state grant and loan
26 21 programs relating to energy efficiency, and the development of
26 22 a procedure whereby the ~~department~~ office shall coordinate
26 23 with other state agencies preferences given in the awarding of
26 24 grants or making of loans to energy city designated
26 25 applicants.
26 26 Sec. 36. Section 476.6, subsection 16, paragraph b, Code
26 27 2009, is amended to read as follows:
26 28 b. A gas and electric utility required to be
26 29 rate-regulated under this chapter shall assess potential
26 30 energy and capacity savings available from actual and
26 31 projected customer usage by applying commercially available
26 32 technology and improved operating practices to energy-using
26 33 equipment and buildings. The utility shall submit the
26 34 assessment to the board. Upon receipt of the assessment, the
26 35 board shall consult with the ~~department of natural resources~~



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27 1 office of energy independence to develop specific capacity and
27 2 energy savings performance standards for each utility. The
27 3 utility shall submit an energy efficiency plan which shall
27 4 include economically achievable programs designed to attain
27 5 these energy and capacity performance standards. The board
27 6 shall periodically report the energy efficiency results
27 7 including energy savings of each utility to the general
27 8 assembly.

27 9 Sec. 37. Section 476.63, Code 2009, is amended to read as
27 10 follows:

27 11 476.63 ENERGY EFFICIENCY PROGRAMS.

27 12 The division shall consult with the ~~department of natural~~
27 13 ~~resources~~ office of energy independence in the development and
27 14 implementation of public utility energy efficiency programs.

27 15 Sec. 38. Section 564A.9, Code 2009, is amended to read as
27 16 follows:

27 17 564A.9 ASSISTANCE TO LOCAL GOVERNMENT BODIES AND THE
27 18 PUBLIC.

27 19 The ~~department of natural resources~~ office of energy
27 20 independence shall make available information and guidelines
27 21 to assist local government bodies and the public to understand
27 22 and use the provisions of this chapter. The information and
27 23 guidelines shall include an application form for a solar
27 24 access easement, instructions and aids for preparing and
27 25 recording solar access easements and model ordinances that
27 26 promote reasonable access to solar energy.

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

27 28 Sec. 40. TRANSITION PROVISIONS == RULEMAKING.

27 29 1. Any moneys retained in any account or fund under the
27 30 control of the department of natural resources relative to the
27 31 provisions of this Act shall be transferred to a comparable
27 32 fund or account under the control of the office of energy
27 33 independence for such purposes.

27 34 2. Any license, permit, or contract issued or entered into
27 35 by the department of natural resources relative to the



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28 1 provisions of this Act in effect on the effective date of this
28 2 Act shall continue in full force and effect pending transfer
28 3 of such licenses, permits, or contracts to the office of
28 4 energy independence.

28 5 3. Not later than August 1, 2009, the office of energy
28 6 independence shall adopt administrative rules previously
28 7 adopted by the department of natural resources relative to the
28 8 provisions of this Act in existence on the effective date of
28 9 this Act by emergency rulemaking pursuant to section 17A.4,
28 10 subsection 3, and section 17A.5, subsection 2, paragraph "b".
28 11 The rules shall become effective immediately upon filing or on
28 12 a later effective date specified in the rules. Any rules
28 13 adopted in accordance with the provisions of this section
28 14 shall also be published as a notice of intended action as
28 15 provided in section 17A.4. Any rule, regulation, form, order,
28 16 or directive promulgated by the department relative to the
28 17 provisions of this Act in effect on the effective date of this
28 18 Act shall continue in full force and effect until such
28 19 emergency rules are adopted.

28 20 4. The provisions of section 469.10, subsection 2,
28 21 relating to utilization by the director of the office of
28 22 energy independence of federal funds received other than
28 23 pursuant to the federal American Recovery and Reinvestment Act
28 24 of 2009, Pub. L. No. 111=5 to employ personnel necessary to
28 25 administer any program assigned to the office, shall be
28 26 applicable to the transfer from the department of natural
28 27 resources to the office of energy independence of individuals
28 28 currently employed by the department in capacities relating to
28 29 the programs or provisions transferred from the department to
28 30 the office pursuant to this Act.

28 31 EXPLANATION

28 32 This bill transfers authority over specified energy-related
28 33 measures and programs from the department of natural resources
28 34 to the office of energy independence. References to the
28 35 "department" are changed to the "office" throughout Code



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29 1 chapter 470 relating to life cycle cost analyses of public
29 2 facilities, and Code chapter 473, which contains provisions
29 3 relating to the development of policies and programs that
29 4 promote energy efficiency, alternative and renewable energy,
29 5 and energy management improvement financing. Similar
29 6 reference changes are made with regard to approving
29 7 engineering firms for performance of comprehensive engineering
29 8 analyses done on a building in which a state agency seeks to
29 9 improve energy efficiency pursuant to Code section 7D.34,
29 10 developing standards and methods to evaluate design
29 11 development and construction documents based on life cycle
29 12 cost factors in relation to design proposals submitted
29 13 pursuant to Code section 72.5, and coordinating with other
29 14 state agencies regarding implementation of the office of
29 15 renewable fuels and coproducts pursuant to Code section
29 16 159A.3, serving on the renewable fuels and coproducts advisory
29 17 committee, and assisting in providing technical assistance to
29 18 new or existing renewable fuel production facilities.
29 19 Additional transfers of authority include awarding
29 20 demonstration grants for alternative fuels research pursuant
29 21 to Code section 214A.19, appointing a representative to serve
29 22 on the Iowa energy center advisory council established in Code
29 23 section 266.39C, making available energy efficiency-related
29 24 continuing education courses pursuant to Code section 272C.2,
29 25 receiving results relating to energy audits from school
29 26 districts and perform related functions pursuant to Code
29 27 section 279.44, determining whether special hardship criteria
29 28 has been demonstrated regarding franchise alternative fuel
29 29 purchases pursuant to Code section 323A.2, and providing
29 30 assistance to local government bodies and the public regarding
29 31 access to solar energy pursuant to Code section 564A.9.
29 32 Conforming changes are made in Code chapter 469 regarding the
29 33 transfer of authority. With reference to transferred
29 34 authority for specified duties of the department of natural
29 35 resources in Code section 473.7, the bill deletes the ability



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30 1 to issue a subpoena and related authority regarding the
30 2 obtaining of information formerly required to be submitted to
30 3 the department, and deletes authority to evaluate and submit
30 4 recommendations regarding whether additional state regulatory
30 5 authority regarding energy development, utilization, and
30 6 conservation is needed.

30 7 Additionally, the bill provides that the director may use
30 8 funds received pursuant to the federal American Recovery and
30 9 Reinvestment Act of 2009 to employ personnel necessary to
30 10 administer the federal Act, that these positions will be
30 11 eliminated if the federal funding is eliminated unless another
30 12 source of federal funding is available, and that federal
30 13 funding other than pursuant to the federal Act may be utilized
30 14 to employ personnel necessary to administer any other program
30 15 or funds assigned to the office, including employing employees
30 16 transferred from the department in positions relating to the
30 17 authority transferred under the bill.

30 18 The bill repeals Code section 473.13A, which contained
30 19 outdated terminology and outdated provisions regarding
30 20 financing for energy measures provided directly by the
30 21 department. The bill also changes the names of the energy
30 22 bank program and the energy bank fund to building energy
30 23 management program and building energy management fund,
30 24 respectively.

30 25 The bill contains transition provisions regarding the
30 26 transfer of moneys retained in an account or fund under the
30 27 control of the department to a comparable fund or account of
30 28 the office, regarding the continuation of any license, permit,
30 29 or contract issued or entered into by the department of
30 30 natural resources pending transfer and assignment to the
30 31 office; and regarding the continuation of any rule,
30 32 regulation, form, order, or directive promulgated by the
30 33 department relative to the provisions of the bill until
30 34 emergency rules are promulgated by the department.

30 35 LSB 1302SZ 83



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31 1 rn/nh/14



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Senate File 472 - Introduced

SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1323)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to and making appropriations to the judicial
- 2 branch, and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1006SV 83
- 5 jm/jp/8



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Senate File 472 - Introduced continued

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1 1 Section 1. JUDICIAL BRANCH.

1 2 1. There is appropriated from the general fund of the

1 3 state to the judicial branch for the fiscal year beginning

1 4 July 1, 2009, and ending June 30, 2010, the following amount,

1 5 or so much thereof as is necessary, to be used for the

1 6 purposes designated:

1 7 For salaries of supreme court justices, appellate court

1 8 judges, district court judges, district associate judges,

1 9 judicial magistrates and staff, state court administrator,

1 10 clerk of the supreme court, district court administrators,

1 11 clerks of the district court, juvenile court officers, board

1 12 of law examiners and board of examiners of shorthand reporters

1 13 and judicial qualifications commission; receipt and

1 14 disbursement of child support payments; reimbursement of the

1 15 auditor of state for expenses incurred in completing audits of

1 16 the offices of the clerks of the district court during the

1 17 fiscal year beginning July 1, 2009; and maintenance,

1 18 equipment, and miscellaneous purposes:

1 19 \$149,184,957

1 20 2. The judicial branch, except for purposes of internal

1 21 processing, shall use the current state budget system, the

1 22 state payroll system, and the Iowa finance and accounting

1 23 system in administration of programs and payments for

1 24 services, and shall not duplicate the state payroll,

1 25 accounting, and budgeting systems.

1 26 3. The judicial branch shall submit monthly financial

1 27 statements to the legislative services agency and the

1 28 department of management containing all appropriated accounts

1 29 in the same manner as provided in the monthly financial status

1 30 reports and personal services usage reports of the department

1 31 of administrative services. The monthly financial statements

1 32 shall include a comparison of the dollars and percentage spent

1 33 of budgeted versus actual revenues and expenditures on a

1 34 cumulative basis for full-time equivalent positions and

1 35 dollars.



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Senate File 472 - Introduced continued

2 1 4. The judicial branch shall focus efforts upon the
2 2 collection of delinquent fines, penalties, court costs, fees,
2 3 surcharges, or similar amounts.

2 4 5. It is the intent of the general assembly that the
2 5 offices of the clerks of the district court operate in all 99
2 6 counties and be accessible to the public as much as is
2 7 reasonably possible in order to address the relative needs of
2 8 the citizens of each county.

2 9 6. In addition to the requirements for transfers under
2 10 section 8.39, the judicial branch shall not change the
2 11 appropriations from the amounts appropriated to the judicial
2 12 branch in this Act, unless notice of the revisions is given
2 13 prior to their effective date to the legislative services
2 14 agency. The notice shall include information on the branch's
2 15 rationale for making the changes and details concerning the
2 16 workload and performance measures upon which the changes are
2 17 based.

2 18 7. The judicial branch shall submit a semiannual update to
2 19 the legislative services agency specifying the amounts of
2 20 fines, surcharges, and court costs collected using the Iowa
2 21 court information system since the last report. The judicial
2 22 branch shall continue to facilitate the sharing of vital
2 23 sentencing and other information with other state departments
2 24 and governmental agencies involved in the criminal justice
2 25 system through the Iowa court information system.

2 26 8. The judicial branch shall provide a report to the
2 27 general assembly by January 1, 2010, concerning the amounts
2 28 received and expended from the enhanced court collections fund
2 29 created in section 602.1304 and the court technology and
2 30 modernization fund created in section 602.8108, subsection 7,
2 31 during the fiscal year beginning July 1, 2008, and ending June
2 32 30, 2009, and the plans for expenditures from each fund during
2 33 the fiscal year beginning July 1, 2009, and ending June 30,
2 34 2010. A copy of the report shall be provided to the
2 35 legislative services agency.



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Senate File 472 - Introduced continued

3 1 9. The judicial branch is encouraged to purchase products
3 2 from Iowa state industries, as defined in section 904.802,
3 3 when purchases are required and the products are available
3 4 from Iowa state industries. The judicial branch shall obtain
3 5 bids from Iowa state industries for purchases of office
3 6 furniture during the fiscal year beginning July 1, 2009,
3 7 exceeding \$5,000.

3 8 Sec. 2. CIVIL TRIALS == LOCATION. Notwithstanding any
3 9 provision to the contrary, for the fiscal year beginning July
3 10 1, 2009, and ending June 30, 2010, if all parties in a case
3 11 agree, a civil trial including a jury trial may take place in
3 12 a county contiguous to the county with proper jurisdiction,
3 13 even if the contiguous county is located in an adjacent
3 14 judicial district or judicial election district. If the trial
3 15 is moved pursuant to this section, court personnel shall treat
3 16 the case as if a change of venue occurred. However, if a
3 17 trial is moved to an adjacent judicial district or judicial
3 18 election district, the judicial officers serving in the
3 19 judicial district or judicial election district receiving the
3 20 case shall preside over the case.

3 21 Sec. 3. TRAVEL REIMBURSEMENT. For the fiscal year
3 22 beginning July 1, 2009, a judicial officer may waive travel
3 23 reimbursement for any travel outside the judicial officer's
3 24 county of residence to conduct official judicial business.

3 25 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
3 26 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 27 required to be provided by the judicial branch for fiscal year
3 28 2009=2010 to the legislative services agency shall be provided
3 29 in an electronic format. The legislative services agency
3 30 shall post the reports on its internet web site and shall
3 31 notify by electronic means all the members of the joint
3 32 appropriations subcommittee on the justice system when a
3 33 report is posted. Upon request, copies of the reports may be
3 34 mailed to members of the joint appropriations subcommittee on
3 35 the justice system.



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Senate File 472 - Introduced continued

5 1 salary reductions due to voluntary judicial furloughs for any
5 2 purpose other than judicial salaries. The judicial officer
5 3 voluntary furlough provision takes effect upon enactment.
5 4 The bill provides that a civil trial including a jury trial
5 5 may take place in a county contiguous to the county with
5 6 proper jurisdiction, even if the contiguous county is located
5 7 in an adjacent judicial district or judicial election
5 8 district, if all the parties in a case agree. If a trial is
5 9 moved to another county that is located in another judicial
5 10 district or judicial election district, the judicial officers
5 11 serving the judicial district or judicial election district
5 12 receiving the case shall preside over the case.
5 13 The bill permits a judicial officer to waive travel
5 14 reimbursement for any travel outside the judicial officer's
5 15 county of residence to conduct official business.
5 16 LSB 1006SV 83
5 17 jm/jp/8



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Senate Study Bill 1325

SENATE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

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

A BILL FOR

1 An Act relating to the bonding authorization of the state board
2 of regents for flood repair, restoration, replacement, and
3 mitigation at the state university of Iowa.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2710SC 83
6 rh/rj/24



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Senate Study Bill 1325 continued

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1 1 Section 1. Section 262A.2, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. "Buildings and facilities" shall mean those academic
1 4 buildings and other facilities used primarily for
1 5 instructional and research purposes, including libraries, and
1 6 such other administrative and service buildings and facilities
1 7 as are deemed necessary by the board to provide supporting
1 8 services to the instructional and research programs and
1 9 activities of the institutions, including, without limiting
1 10 the generality of the foregoing, administrative offices,
1 11 facilities for business services, auditoriums and concert
1 12 halls, student services and extension and continuing education
1 13 services, off-street parking areas and structures incidental
1 14 to other buildings and facilities which are not primarily for
1 15 parking purposes, garages, and storage and warehouse
1 16 facilities, or any combination thereof. This phrase shall
1 17 also include works and facilities deemed necessary by the
1 18 board for furnishing utilities services to any buildings or
1 19 structures operated by the institutions, including, without
1 20 limiting the generality of the foregoing, water, electric,
1 21 gas, communications, sewer and heating facilities, together
1 22 with all necessary structures, buildings, tunnels, lines,
1 23 reservoirs, mains, filters, pipes, sewers, boilers,
1 24 generators, fixtures, wires, poles, equipment, treatment
1 25 facilities and all other appurtenances in connection
1 26 therewith, or any combination of the foregoing.
1 27 Sec. 2. STATE BOARD OF REGENTS BONDING.
1 28 1. FINDINGS. The general assembly finds that:
1 29 a. The general assembly hereby determines that the annual
1 30 revenues of the state are insufficient to finance the
1 31 immediate building requirements of the state university of
1 32 Iowa and that it is necessary to authorize the issuance of
1 33 revenue bonds by the state board of regents to finance the
1 34 repair, restoration, replacement, and mitigation of flood
1 35 damaged buildings and facilities on the campus of the state



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Senate Study Bill 1325 continued

2 1 university of Iowa.

2 2 b. Section 262A.4 provides that the state board of
2 3 regents, after authorization by a constitutional majority of
2 4 each house of the general assembly and approval by the
2 5 governor, may undertake and carry out at the institutions of
2 6 higher learning under the jurisdiction of the board any
2 7 project as defined in chapter 262A.

2 8 c. Chapter 262A authorizes the state board of regents to
2 9 borrow moneys and to issue and sell negotiable revenue bonds
2 10 to pay all or any part of the cost of carrying out projects at
2 11 any institution payable solely from and secured by an
2 12 irrevocable pledge of a sufficient portion of the student fees
2 13 and charges and institutional income received by the
2 14 particular institution.

2 15 d. To further the educational objectives of the state
2 16 university of Iowa, the state board of regents requests
2 17 authorization to finance certain capital costs and other
2 18 expenses as described herein by borrowing moneys and issuing
2 19 negotiable bonds under chapter 262A in a total amount as
2 20 provided in this section, with the remaining costs of the
2 21 projects to be financed by appropriations or by federal or
2 22 other funds lawfully available.

2 23 e. Due to flooding of the campus at the state university
2 24 of Iowa occurring in June of 2008, the state board of regents
2 25 requests authorization to finance certain costs attributable
2 26 for the repair, restoration, and replacement of buildings and
2 27 facilities and for certain other flood recovery and mitigation
2 28 expenses incurred or to be incurred with respect to damaged
2 29 buildings and facilities and improvements located on the
2 30 campus of the state university of Iowa in Iowa City.

2 31 2. AUTHORIZATION OF PROJECTS. The state board of regents
2 32 is authorized to undertake, plan, construct, improve, repair,
2 33 remodel, furnish, and equip, and otherwise carry out
2 34 \$100,000,000 in projects to repair, restore, and replace flood
2 35 damaged buildings and facilities and to undertake other flood



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Senate Study Bill 1325 continued

3 1 recovery and mitigation projects on the campus at the state
3 2 university of Iowa.
3 3 3. BONDS AUTHORIZED. The general assembly authorizes the
3 4 state board of regents to borrow moneys and to issue and sell
3 5 negotiable revenue bonds in the amount of \$100,000,000 in the
3 6 manner provided in sections 262A.5 and 262A.6 in order to pay
3 7 all or any part of the costs of carrying out the projects at
3 8 the state university of Iowa approved and authorized in
3 9 subsection 2, with the remaining costs of the projects to be
3 10 financed by appropriations or by federal or other funds
3 11 lawfully available. The amount of bonds may be exceeded by
3 12 the amount the state board of regents determines to be
3 13 necessary to capitalize bond reserves, interest during
3 14 construction, and issuance costs. No commitment is implied or
3 15 intended by approval to fund any portion of the buildings and
3 16 facilities improvement program beyond the portion that is
3 17 financed and approved by the Eighty-third General Assembly,
3 18 2009 Session, and the governor.

3 19 EXPLANATION

3 20 This bill authorizes the state board of regents to finance
3 21 certain costs attributable to the repair, restoration, and
3 22 replacement of buildings and facilities and for certain other
3 23 flood recovery and mitigation expenses incurred or to be
3 24 incurred with respect to flood-damaged buildings and
3 25 improvements located on the campus of the state university of
3 26 Iowa in Iowa City. The bill authorizes the board of regents
3 27 to borrow moneys and to issue and sell negotiable revenue
3 28 bonds in the amount of \$100,000,000 in the manner provided in
3 29 Code sections 262A.5 and 262A.6 in order to pay all or any
3 30 part of the costs of carrying out the projects. The amount of
3 31 bonds may be exceeded by the amount the state board of regents
3 32 determines to be necessary to capitalize bond reserves,
3 33 interest during construction, and issuance costs. The bill
3 34 also amends Code section 262A.2(3) to add auditoriums and
3 35 concert halls to the list of authorized regents revenue



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Senate Study Bill 1325 continued

- 4 1 bonding projects.
- 4 2 LSB 2710SC 83
- 4 3 rh/rj/24