



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8196

PAG LIN

1 1 Amend House File 2504 as follows:
1 2 #1. Title page, by striking lines 1 through 3 and
1 3 inserting: <An Act providing for the doubling of
1 4 criminal fines and civil penalties in disaster areas,
1 5 providing penalties, and including effective date
1 6 provisions.>

T. OLSON of Linn
HF2504.1402 (2) 83
jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8197

PAG LIN

1 1 Amend Senate File 2225, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 6, by striking <minimum>
1 4 #2. Page 1, line 7, by striking <minimum>
1 5 #3. Page 2, line 8, after <offenses> by inserting
1 6 and civil violations>
1 7 #4. Page 2, line 13, by striking <minimum>
1 8 #5. Page 2, line 14, by striking <minimum>
1 9 #6. Page 3, line 7, after <crimes> by inserting <or
1 10 civil violations>
1 11 #7. Page 3, line 10, after <crimes> by inserting <or
1 12 civil violations>
1 13 #8. Page 3, line 14, after <offenses> by inserting
1 14 <and civil violations>
1 15 #9. Title page, line 1, after <criminal> by
1 16 inserting <and civil>

T. OLSON of Linn
SF2225.1335 (1) 83
jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8198

PAG LIN

1 1 Amend the amendment, H=8193, to House File 2456 as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 through 10 and
1 4 inserting:
1 5 <____. Page 1, line 25, by striking <write or send
1 6 a text message> and inserting <write, send, or read
1 7 a text message or otherwise manipulate a hand-held
1 8 electronic communication device>
1 9 _____. Page 1, lines 27 and 28, by striking <is not
1 10 writing or sending a text message> and inserting <is
1 11 not violating this section>
1 12 _____. Title page, lines 1 and 2, by striking
1 13 <writing or sending a text message> and inserting
1 14 <using a hand-held electronic communication device>>

RAECKER of Polk
HF2456.1407 (1) 83
dea/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8199

PAG LIN

1 1 Amend House File 816 as follows:
1 2 #1. Page 1, before line 34 by inserting:
1 3 <Sec. _____. NEW SECTION. 422.72A Suspected misuse
1 4 of personal information == notice required.
1 5 1. For the purposes of this section, the following
1 6 definitions apply:
1 7 a. "Affected individual" means an individual who is
1 8 identified by or connected with personal information
1 9 contained in the department's records.
1 10 b. "Personal information" means all of the
1 11 following:
1 12 (1) Social security number.
1 13 (2) Tax identification number.
1 14 (3) Driver's license number or other unique
1 15 identification number created or collected by a
1 16 government body.
1 17 (4) Financial account number, credit card number,
1 18 or debit card number in combination with any required
1 19 security code, access code, or password that would
1 20 permit access to an individual's financial account.
1 21 (5) Unique electronic identifier or routing code,
1 22 in combination with any required security code, access
1 23 code, or password.
1 24 c. "Suspected misuse of personal information"
1 25 means circumstances exist which would cause a
1 26 reasonable person to believe that an individual's
1 27 personal information is being used by an unauthorized
1 28 individual. Such circumstances include but are not
1 29 limited to either of the following:
1 30 (1) A tax identification number under which wages
1 31 are being reported by two or more individuals.
1 32 (2) A tax identification number of an individual
1 33 under the age of sixteen with reported wages exceeding
1 34 one thousand dollars for a single quarterly period.
1 35 2. a. Unless otherwise prohibited by state or
1 36 federal law, the department shall provide notice
1 37 to each affected individual if department records
1 38 indicate a suspected misuse of personal information.
1 39 Notice shall be made without unreasonable delay. If
1 40 the affected individual is a minor, notice shall be
1 41 provided to the minor's parent or guardian.
1 42 b. If notice is provided to an affected individual
1 43 under paragraph "a", notice of the suspected misuse
1 44 of personal information shall also be provided to an
1 45 appropriate law enforcement agency.
1 46 3. Notice provided to an affected individual shall
1 47 be clear and conspicuous and be provided by at least
1 48 one of the following:
1 49 a. Written notice to the affected individual's last
1 50 address of record.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8199 continued

- 2 1 b. Electronic mail notice, if the affected
2 2 individual has agreed to receive communications
2 3 electronically.
2 4 c. Telephonic notice, if the communication is made
2 5 directly with the affected individual.>
2 6 #2. Title page, line 3, after <interest> by
2 7 inserting <and requiring the department to provide
2 8 notice of suspected misuse of personal information>
2 9 #3. By renumbering as necessary.

PETTENGILL of Benton
HF816.1323 (2) 83
tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8200

PAG LIN

1 1 Amend the amendment, H=8193, to House File 2456 as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 through 11 and
1 4 inserting:
1 5 #<___. Page 1, line 4, by striking <driving.> and
1 6 inserting <driving == persons under eighteen years of
1 7 age.>
1 8 #___. Page 1, line 24, after <person> by inserting
1 9 <under eighteen years of age>
1 10 #___. Page 1, line 25, by striking <write or send>
1 11 and inserting <write, send, or read>
1 12 #___. Page 1, lines 27 and 28, by striking <writing
1 13 or sending> and inserting <writing, sending, or
1 14 reading>
1 15 #___. Title page, line 1, by striking <a person
1 16 from writing or sending>, and inserting <a person
1 17 under eighteen years of age from writing, sending, or
1 18 reading>>
1 19 #2. By renumbering as necessary.

RANTS of Woodbury
HF2456.1410 (3) 83
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8201

PAG LIN

1 1 Amend the amendment, H=8193, to House File 2456 as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 through 11 and
1 4 inserting: #<____.
1 5 Page 1, line 4, by striking <Text=messaging
1 6 while driving.> and inserting <Use of electronic
1 7 communication device == persons under eighteen. >#____.
1 8 Page 1, line 10, after <to> by inserting
1 9 <engage in a call or> #____.
1 10 Page 1, line 12, after <to> by inserting
1 11 <engage in a call or> #____.
1 12 Page 1, by striking lines 24 through 32 and
1 13 inserting:
1 14 <2. A person under eighteen years of age shall
1 15 not use a hand=held electronic communication device
1 16 to engage in a call, to write, send, or read a text
1 17 message, or for any other purpose while driving a motor
1 18 vehicle unless the motor vehicle is at a complete
1 19 stop off the roadway. A person does not violate
1 20 this section by using a global positioning system or
1 21 navigation system. >#____.
1 22 Page 2, line 2, by striking <to write, send,
1 23 or read a text message> #____.
1 24 Page 2, lines 5 and 6, by striking <to write,
1 25 send, or read a text message> #____.
1 26 Page 3, line 14, by striking <"Text
1 27 messaging"> and inserting <"Use of electronic
1 28 communication device" >#____.
1 29 Title page, lines 1 and 2, by striking <from
1 30 writing or sending a text message>, and inserting
1 31 <under eighteen years of age from using a hand=held
1 32 electronic communication device> >#2.
1 33 By renumbering as necessary.

RANTS of Woodbury
HF2456.1414 (3) 83
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8202

PAG LIN

1 1 Amend House File 2402 as follows:
1 2 #1. Page 1, line 5, after <registry.> by inserting
1 3 <In developing the plan, consideration shall be given
1 4 to inclusion in the stroke triage system of facilities
1 5 outside the state that are the closest and most
1 6 appropriate to provide stroke care to Iowans residing
1 7 along the state's borders.>

SODERBERG of Plymouth

ALONS of Sioux

FORRISTALL of Pottawattamie
HF2402.1396 (3) 83
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8203

PAG LIN

1 1 Amend the amendment, H=8193, to House File 2456 as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 through 11 and
1 4 inserting:
1 5 #____. By striking everything after the enacting
1 6 clause and inserting:
1 7 <Section 1. Section 321.210, subsection 2, Code
1 8 2009, is amended by adding the following new paragraph:
1 9 NEW PARAGRAPH. e. Violations of section 321.276.
1 10 Sec. 2. NEW SECTION. 321.276 Use of electronic
1 11 communications device == persons under age eighteen.
1 12 1. For purposes of this section:
1 13 a. "Electronic communication device" means a mobile
1 14 telephone or other electronic communication device
1 15 capable of being used to engage in a call or to write,
1 16 send, or read a text message.
1 17 b. "Engage in a call" means talking or listening on
1 18 a mobile telephone or other electronic communication
1 19 device.
1 20 c. "Text message" includes a text-based message, an
1 21 instant message, and electronic mail.
1 22 d. The terms "write", "send", and "read", with
1 23 respect to a text message, mean the manual entry,
1 24 transmission, and retrieval of a text message,
1 25 respectively, to communicate with any other person or
1 26 device.
1 27 2. A person under eighteen year of age shall not
1 28 use an electronic communication device to engage in
1 29 a call, to write, send, or read a text message, or
1 30 for any other purpose while driving a motor vehicle
1 31 unless the motor vehicle is at a complete stop off the
1 32 roadway. A person does not violate this section by
1 33 using a global positioning system or navigation system.
1 34 3. The provisions of this section shall be
1 35 implemented uniformly throughout the state. The
1 36 provisions of this section shall preempt any local
1 37 county or municipal ordinance regarding the use of an
1 38 electronic communication device by a motor vehicle
1 39 operator. In addition, a county or municipality shall
1 40 not adopt or continue in effect an ordinance regarding
1 41 the use of an electronic communication device by a
1 42 motor vehicle operator.
1 43 4. Nothing in this section shall be construed to
1 44 authorize a peace officer to confiscate an electronic
1 45 communication device from the driver or occupant of a
1 46 motor vehicle.
1 47 5. a. A person convicted of a violation of this
1 48 section is guilty of a simple misdemeanor punishable as
1 49 a scheduled violation under section 805.8A, subsection
1 50 14, paragraph "k".



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010**

House Amendment 8203 continued

2 1 b. A violation of this section shall not be
2 2 considered a moving violation for purposes of this
2 3 chapter or rules adopted pursuant to this chapter.
2 4 6. For the period beginning July 1, 2010, through
2 5 June 30, 2011, peace officers shall issue only
2 6 warning citations for violations of this section. The
2 7 department, in cooperation with the department of
2 8 public safety, shall establish educational programs
2 9 to foster compliance with the requirements of this
2 10 section.

2 11 Sec. 3. Section 321.482A, unnumbered paragraph 1,
2 12 Code 2009, is amended to read as follows:

2 13 Notwithstanding section 321.482, a person who
2 14 is convicted of operating a motor vehicle in
2 15 violation of section 321.275, subsection 4, section
2 16 321.276, 321.297, 321.298, 321.299, 321.302, 321.303,
2 17 321.304, 321.305, 321.306, 321.307, 321.308, section
2 18 321.309, subsection 2, or section 321.311, 321.319,
2 19 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
2 20 321.324A, 321.327, 321.329, or 321.333 causing serious
2 21 injury to or the death of another person may be subject
2 22 to the following penalties in addition to the penalty
2 23 provided for a scheduled violation in section 805.8A or
2 24 any other penalty provided by law:

2 25 Sec. 4. Section 321.555, subsection 2, Code 2009,
2 26 is amended to read as follows:

2 27 2. Six or more of any separate and distinct
2 28 offenses within a two-year period in the operation of a
2 29 motor vehicle, which are required to be reported to the
2 30 department by section 321.491 or chapter 321C, except
2 31 equipment violations, parking violations as defined
2 32 in section 321.210, violations of registration laws,
2 33 violations of sections 321.445 and 321.446, violations
2 34 of section 321.276, operating a vehicle with an expired
2 35 license or permit, failure to appear, weights and
2 36 measures violations and speeding violations of less
2 37 than fifteen miles per hour over the legal speed limit.

2 38 Sec. 5. Section 805.8A, subsection 14, Code
2 39 Supplement 2009, is amended by adding the following new
2 40 paragraph:

2 41 NEW PARAGRAPH. k. Electronic communication device
2 42 violations. For violations under section 321.276, the
2 43 scheduled fine is thirty dollars.>

2 44 #__. Title page, lines 1 and 2, by striking <from
2 45 writing or sending a text message> and inserting
2 46 <under eighteen years of age from using an electronic
2 47 communication device>

2 48 #__. By renumbering as necessary.>

RANTS of Woodbury
HF2456.1416 (3) 83
dea/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010**



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8204

PAG LIN

1 1 Amend the amendment, H=8055, to House File 2321 as
1 2 follows:
1 3 #1. Page 1, after line 15 by inserting:
1 4 <___. Page 1, line 12, by striking <inform> and
1 5 inserting <provide the prisoner with the contact
1 6 information for>
1 7 ___. Page 1, lines 14 and 15, by striking <that a
1 8 prisoner at the jail or facility is a veteran and may
1 9 be entitled to> and inserting <, and the prisoner shall
1 10 be allowed to contact the county commission of veteran
1 11 affairs to request>>

ZIRKELBACH of Jones
HF2321.1435 (2) 83
jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8205

PAG LIN

1 1 Amend House File 2440 as follows:
1 2 #1. Page 2, after line 33 by inserting:
1 3 <Sec. ____ . MARKET FACTOR TEACHER INCENTIVES ==
1 4 FUNDS TRANSFER. Notwithstanding any provision of law
1 5 to the contrary, any remaining allocations paid to a
1 6 school district for market factor teacher incentives
1 7 pursuant to section 284.11, Code Supplement 2007, prior
1 8 to the school budget year beginning July 1, 2009, and
1 9 which are maintained in a separate listing within a
1 10 school district's budget shall be transferred by the
1 11 district into the school district's general fund to be
1 12 used for general fund purposes beginning with school
1 13 budget years beginning on or after July 1, 2009.
1 14 Sec. ____ . EFFECTIVE UPON ENACTMENT. This Act,
1 15 being deemed of immediate importance, takes effect upon
1 16 enactment.>
1 17 #2. Title page, line 3, after <crime> by inserting
1 18 <, providing for a transfer of market factor teacher
1 19 incentive funds, and including effective date
1 20 provisions>
1 21 #3. By renumbering as necessary.

PETTENGILL of Benton
HF2440.1428 (1) 83
kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8206

PAG LIN

1 1 Amend House File 2445 as follows:
1 2 #1. Page 2, after line 10 by inserting:
1 3 <Sec. ____ Section 135.175, subsection 3, Code
1 4 Supplement 2009, is amended to read as follows:
1 5 3. The department and any entity identified in this
1 6 section as having control over any of the accounts
1 7 within the fund, may receive contributions, grants, and
1 8 in-kind contributions to support the purposes of the
1 9 fund and the accounts within the fund. Not more than
1 10 five percent of the moneys allocated to any account
1 11 within the fund may be used for administrative costs.>
1 12 #2. Page 3, line 5, after <nurses.> by inserting
1 13 <Grants awarded shall authorize the use of a reasonable
1 14 portion of the grant moneys for training in the use of
1 15 the infrastructure purchased with the grant moneys.>

T. OLSON of Linn

L. MILLER of Scott
HF2445.1439 (1) 83
pf/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8207

PAG LIN

- 1 1 Amend House File 2410 as follows:
- 1 2 #1. Page 1, by striking lines 19 through 23.
- 1 3 #2. By renumbering as necessary.

SCHULTE of Linn
HF2410.1298 (1) 83
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8208

PAG LIN

1 1 Amend Senate File 2266, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 4, by striking lines 15 through 19
1 4 and inserting <at least one but no more than four
1 5 members to the district board. Each county board
1 6 of supervisors shall appoint a number of members to
1 7 the district board based on the population of that
1 8 county that is proportionate to the number of members
1 9 appointed by the county board of supervisors of each of
1 10 the other counties represented by the district board
1 11 based on each county's population. There shall be no
1 12 more than one board of supervisors member from any
1 13 participating county on the district board.>

SCHULTE of Linn
SF2266.1437 (1) 83
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8209

PAG LIN

1 1 Amend House File 2467 as follows:
1 2 #1. Page 1, by striking lines 1 through 6.
1 3 #2. Page 1, line 18, after <of> by inserting <the>
1 4 #3. Page 1, line 25, after <separate> by inserting
1 5 <written>
1 6 #4. Page 1, line 26, by striking <relates to> and
1 7 inserting <materially affects>
1 8 #5. Page 2, line 22, after <claims> by inserting
1 9 <controversies>
1 10 #6. Page 2, line 23, after <chapter> by inserting
1 11 <by written release or other written document where
1 12 separate and adequate consideration is offered and
1 13 accepted>
1 14 #7. Page 2, line 28, after <void.> by inserting
1 15 <This section does not limit a franchiser from
1 16 establishing good cause for the termination of a
1 17 franchise pursuant to sections 322A.2 and 322A.11 on
1 18 the grounds that the franchisee's dealership facility
1 19 is not adequate to accommodate an additional line=make
1 20 that has been added to the franchisee's dealership.>
1 21 #8. Page 2, line 34, by striking <customer> and
1 22 inserting <customer, including information necessary to
1 23 complete the sale of the vehicle,>
1 24 #9. By renumbering as necessary.

QUIRK of Chickasaw
HF2467.1441 (1) 83
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8210

PAG LIN

1 1 Amend Senate File 2199, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 7, by striking lines 18 and 19 and
1 4 inserting <opinion by an attorney licensed to practice
1 5 law in this state who has examined the abstract of
1 6 title of the land upon which the manufactured or
1 7 mobile home is situated. The opinion shall state the
1 8 names of the owners and holders of mortgages, liens,
1 9 or other encumbrances on the land upon which the
1 10 manufactured or mobile home is situated and shall note
1 11 the encumbrances, along with any bonds securing the
1 12 encumbrances. Utility easements shall not be construed
1 13 to be encumbrances for the purpose of this section.>

HUSER of Polk

HELLAND of Polk
SF2199.1429 (2) 83
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8211

PAG LIN

1 1 Amend House File 2492 as follows:
1 2 #1. Page 20, before line 30 by inserting:
1 3 <Sec. ____ . Section 256.9, subsection 60, paragraph
1 4 b, as enacted by 2010 Iowa Acts, Senate File 2033,
1 5 section 1, is amended by striking the paragraph.>
1 6 #2. By renumbering as necessary.

MAY of Dickinson

DOLECHECK of Ringgold

CHAMBERS of O'Brien

RAECKER of Polk

TYMESON of Madison
HF2492.1438 (1) 83
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8212

PAG LIN

1 1 Amend House File 2297 as follows:
1 2 #1. Page 2, line 17, by striking <is a practicing>
1 3 and inserting <as an obstetrician or>
1 4 #2. Page 2, by striking lines 23 through 25 and
1 5 inserting <midwives; and two members who shall
1 6 represent the general public and who are not licensed
1 7 as a midwife, physician, or nurse.>
1 8 #3. Page 3, line 8, after <periods> by inserting
1 9 <,including newborn care up to six weeks,>
1 10 #4. Page 3, line 22, by striking <2011> and
1 11 inserting <2012>
1 12 #5. Page 3, line 26, after <shall> by inserting
1 13 <meet minimum education requirements and>
1 14 #6. Page 3, line 32, after <resuscitation.> by
1 15 inserting <Applicants must also hold a certified
1 16 professional midwife credential issued by the north
1 17 American registry of midwives or any other nationally
1 18 accredited credential as specified by the board. If
1 19 an applicant has been subject to prior revocation of a
1 20 license to practice medicine or nursing, the applicant
1 21 is not eligible for licensure under this chapter,
1 22 unless the applicant makes a satisfactory appeal to the
1 23 board.
1 24 In reviewing applications, the board may request,
1 25 at the applicant's expense, that the department of
1 26 public safety perform a criminal history check and
1 27 the department of human services perform child and
1 28 dependent adult abuse record checks of the applicant.
1 29 If an applicant has a criminal record or a record of
1 30 founded child or dependent adult abuse, the board shall
1 31 perform an evaluation to determine whether the record
1 32 warrants denial of licensure.>
1 33 #7. Page 4, after line 3 by inserting:
1 34 <Sec. ____ . NEW SECTION. 148F.3A Insurance.
1 35 If the board determines that liability insurance is
1 36 available at an affordable price to licensed midwives,
1 37 the board may mandate such coverage by rule. Until
1 38 that time, a licensed midwife shall provide each
1 39 client with a disclosure statement indicating that the
1 40 midwife does not have liability insurance as provided
1 41 in section 148F.5.>
1 42 #8. Page 4, line 16, after <midwife,> by inserting
1 43 <as specified in section 148F.2,>
1 44 #9. Page 4, by striking lines 25 through 28.
1 45 #10. Page 4, line 33, by striking <shall> and
1 46 inserting <may>
1 47 #11. Page 5, by striking lines 6 through 13 and
1 48 inserting:
1 49 <3. In establishing rules, the board shall reflect
1 50 the knowledge and skills identified by the north



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8212 continued

- 2 1 American registry of midwives' current job description
2 2 for the profession and the standards of practice of
2 3 midwifery established by the national association
2 4 of certified professional midwives or a successor
2 5 organization.>
2 6 #12. Page 5, line 16, after <information> by
2 7 inserting <, in a manner determined by the board by
2 8 rule,>
2 9 #13. Page 6, line 4, by striking <2011> and
2 10 inserting <2012>
2 11 #14. Page 6, by striking lines 13 through 21.
2 12 #15. Page 7, line 14, by striking <These> and
2 13 inserting <The>
2 14 #16. Page 7, line 16, by striking <2011> and
2 15 inserting <2012>
2 16 #17. By renumbering as necessary.

MASCHER of Johnson
HF2297.1422 (2) 83
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8213

PAG LIN

1 1 Amend House File 2492 as follows:
1 2 #1. Page 4, after line 2 by inserting:
1 3 <Sec. ____ Section 256.9, Code Supplement 2009, is
1 4 amended by adding the following new subsection:
1 5 NEW SUBSECTION. 59. Prepare and submit to the
1 6 general assembly on or before January 10, 2010, a
1 7 report on state and federal mandated requirements
1 8 with which school districts must comply. For each
1 9 succeeding fiscal year, the report shall be updated,
1 10 and the updated report shall be submitted to the
1 11 general assembly on or before January 10.>
1 12 #2. By renumbering as necessary.

UPMEYER of Hancock
HF2492.1426 (2) 83
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8214

PAG LIN

1 1 Amend House File 2492 as follows:
1 2 #1. Page 5, after line 7 by inserting:
1 3 <Sec. _____. NEW SECTION. 256F.14 Frontier schools.
1 4 1. The board of directors of a school district, the
1 5 administrators of an accredited nonpublic school, the
1 6 board of directors of a community college, the state
1 7 board of regents, an accredited private institution
1 8 as defined in section 261.9, or a private nonprofit
1 9 corporation organized under chapter 504 may submit an
1 10 application to the state board to establish a frontier
1 11 school. The state board shall adopt rules specifying
1 12 the criteria for approval of frontier schools. The
1 13 department shall develop an application process. The
1 14 applicant shall specify in its application all of the
1 15 following:
1 16 a. Mission and instructional focus of the school.
1 17 b. Organizational structure and management of the
1 18 school.
1 19 c. Impact of labor agreements and contracts on the
1 20 success of the school.
1 21 d. Roles and responsibilities of all involved
1 22 constituencies.
1 23 e. Arrangements for special needs students.
1 24 f. Connection of the school to the school district.
1 25 g. Facility and operation costs.
1 26 h. Methods for measuring results, including but not
1 27 limited to student achievement results.
1 28 2. For purposes of this section, "frontier school"
1 29 means a school that is nonsectarian in its program,
1 30 admission policies, employment practices, and all
1 31 other operations. The school is a public school and is
1 32 part of the state's system of public education. The
1 33 primary focus of a frontier school shall be to provide
1 34 a comprehensive program of instruction for at least one
1 35 grade or age group from five through eighteen years
1 36 of age. Frontier schools may be designed to allow
1 37 significant autonomy to the schools. However, frontier
1 38 schools shall be accountable for significant results.
1 39 3. Except as provided in this subsection, frontier
1 40 schools are exempt from all statutes and rules
1 41 applicable to a school, a school board, or a school
1 42 district, although a frontier school may elect to
1 43 comply with one or more provisions of statute or rule.
1 44 However, a frontier school shall meet all applicable
1 45 state and local health and safety requirements; a
1 46 frontier school shall be organized and operated as a
1 47 nonprofit corporation under chapter 504; the provisions
1 48 of chapters 21 and 22 shall apply to meetings and
1 49 records of a frontier school board; and a frontier
1 50 school is subject to and shall comply with chapters



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8214 continued

2 1 216 and 216A relating to civil and human rights, and
2 2 sections 275.55A, 279.9A, 280.17B, 280.21B, and 282.4,
2 3 relating to suspension and expulsion of a student. The
2 4 frontier school shall employ or contract with necessary
2 5 teachers, as defined in section 272.1, who hold a valid
2 6 license with an endorsement for the type of service for
2 7 which the teacher is employed. Frontier schools are
2 8 subject to the same financial audits, audit procedures,
2 9 and audit requirements as a school district. The
2 10 audits shall be consistent with the requirements of
2 11 sections 11.6, 11.14, 11.19, 256.9, subsection 19,
2 12 and section 279.29, except to the extent deviations
2 13 are necessary because of the program at the school.
2 14 The department, auditor of state, or the legislative
2 15 services agency may conduct financial, program, or
2 16 compliance audits. The provisions of chapter 20 shall
2 17 not apply to the board of directors of a frontier
2 18 school or its employees.
2 19 4. A student enrolled in a frontier school shall
2 20 be counted, for state school foundation aid purposes,
2 21 in the student's district of residence. A student's
2 22 residence, for purposes of this section, means a
2 23 residence under section 282.1. The board of directors
2 24 of the district of residence shall pay to the frontier
2 25 school the state cost per pupil for the previous school
2 26 year, plus any moneys received for the student as a
2 27 result of the non-English speaking weighting under
2 28 section 280.4, subsection 3, for the previous school
2 29 year multiplied by the state cost per pupil for the
2 30 previous year.>
2 31 #2. Title page, line 2, after <education> by
2 32 inserting <, frontier schools,>
2 33 #3. By renumbering as necessary.

MAY of Dickinson

DOLECHECK of Ringgold

CHAMBERS of O'Brien

RAECKER of Polk

TYMESON of Madison



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010**

HF2492.1431 (2) 83
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8215

PAG LIN

1 1 Amend House File 2492 as follows:

1 2 #1. Page 5, after line 27 by inserting:

1 3 <Sec. ____ Section 257.6, subsection 1, paragraph
1 4 a, subparagraph (5), Code Supplement 2009, is amended
1 5 to read as follows:

1 6 (5) Resident pupils receiving competent private
1 7 instruction from a licensed practitioner provided
1 8 through a public school district pursuant to chapter
1 9 299A shall be counted as three-tenths of one pupil.
1 10 Revenues received by a school district attributed to a
1 11 school district's weighted enrollment pursuant to this
1 12 paragraph shall be expended for the purpose for which
1 13 the weighting was assigned under this paragraph. If
1 14 the school district determines that the expenditures
1 15 associated with providing competent private instruction
1 16 pursuant to chapter 299A are in excess of the
1 17 revenue attributed to the school district's weighted
1 18 enrollment for such instruction in accordance with this
1 19 subparagraph, the school district may submit a request
1 20 to the school budget review committee for modified
1 21 allowable growth in accordance with section 257.31,
1 22 subsection 5, paragraph "n". ~~A home school assistance~~
~~1 23 program shall not provide moneys~~ Moneys received
1 24 pursuant to this subparagraph, ~~nor resources paid for~~
~~1 25 with moneys received pursuant to this subparagraph, to~~
~~1 26 parents or students utilizing the program shall be used~~
1 27 as provided in section 299A.12.>

1 28 #2. Page 17, after line 35 by inserting:

1 29 <Sec. ____ NEW SECTION. 299A.12 Home school
1 30 assistance program.

1 31 1. The board of directors of a school district
1 32 may expend moneys received pursuant to section 257.6,
1 33 subsection 1, paragraph "a", subparagraph (5), for
1 34 purposes of providing a home school assistance program
1 35 to provide instruction outside the basic educational
1 36 program provided to regularly enrolled students by the
1 37 school district.

1 38 2. Purposes for which a school district may expend
1 39 funds received pursuant to section 257.6, subsection 1,
1 40 paragraph "a", subparagraph (5), shall include but not
1 41 be limited to the following:

1 42 a. Instruction and assisting parents with
1 43 instruction.

1 44 b. Student and teaching=parent support services and
1 45 staff support services.

1 46 c. Salary and benefits for the supervising teacher
1 47 of the home school assistance program students. If the
1 48 teacher is a part=time home school assistance program
1 49 teacher and a part=time regular classroom teacher,
1 50 funds received pursuant to section 257.6, subsection



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8215 continued

2 1 1, paragraph "a", subparagraph (5), may be used only
2 2 for the portion of time in which the teacher is a home
2 3 school assistance program teacher.
2 4 d. Salary and benefits for clerical, office, and
2 5 administrative staff of the home school assistance
2 6 program. If the staff members are shared with other
2 7 programs or functions within the district, funds
2 8 received pursuant to section 257.6, subsection 1,
2 9 paragraph "a", subparagraph (5), shall only be expended
2 10 for the portion of time spent providing the home school
2 11 assistance program services.
2 12 e. Staff development for the home school assistance
2 13 program teacher.
2 14 f. Travel for the home school assistance program
2 15 teacher.
2 16 g. Resources, materials, software, and supplies,
2 17 and purchased services that meet the following
2 18 criteria:
2 19 (1) Are necessary to provide the services of home
2 20 school assistance.
2 21 (2) Are retained as the possessions of the school
2 22 district for its prekindergarten through grade twelve
2 23 home school assistance program.
2 24 3. Purposes for which a school district shall
2 25 not expend funds received pursuant to section 257.6,
2 26 subsection 1, paragraph "a", subparagraph (5) include
2 27 but are not limited to the following:
2 28 a. Indirect costs or use charges.
2 29 b. To supplant operational or maintenance costs in
2 30 addition to the cost of maintaining school district
2 31 facilities.
2 32 c. Capital expenditures other than equipment or
2 33 facility acquisition or lease expenditures.
2 34 d. Student transportation except in cases of home
2 35 school assistance program=approved field trips or other
2 36 educational activities.
2 37 e. To supplant administrative costs other than the
2 38 cost of employing an administrator for the home school
2 39 assistance program.
2 40 f. Dual enrollment program costs and postsecondary
2 41 enrollment options program costs.
2 42 g. Any other expenditures not directly related to
2 43 providing the home school assistance program. A home
2 44 school assistance program shall not provide moneys to
2 45 parents or students utilizing the program.>
2 46 #3. By renumbering as necessary.

TYMESON of Madison
HF2492.1425 (3) 83
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8216

PAG LIN

1 1 Amend House File 2492 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <DIVISION ____
1 4 GENERAL PROVISIONS>
1 5 #2. Page 21, after line 7 by inserting:
1 6 <DIVISION ____
1 7 MARKET FACTOR TEACHER INCENTIVES
1 8 Sec. ____ . MARKET FACTOR TEACHER INCENTIVES ==
1 9 FUNDS TRANSFER. Notwithstanding any provisions to the
1 10 contrary, any remaining allocations paid to a school
1 11 district for market factor teacher incentives pursuant
1 12 to section 284.11, Code Supplement 2007, prior to the
1 13 school budget year beginning July 1, 2009, and which
1 14 are maintained in a separate listing within a school
1 15 district's budget shall be transferred by the district
1 16 into the school district's general fund to be used for
1 17 general fund purposes beginning with school budget
1 18 years beginning on or after July 1, 2009.
1 19 Sec. ____ . EFFECTIVE UPON ENACTMENT. This division
1 20 of this Act, being deemed of immediate importance,
1 21 takes effect upon enactment.>
1 22 #3. Title page, line 2, after <boards> by inserting
1 23 <, and including effective date provisions>
1 24 #4. By renumbering as necessary.

PETTENGILL of Benton
HF2492.1430 (1) 83
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8217

PAG LIN

1 1 Amend House File 2485 as follows:
1 2 #1. Title page, line 1, after <relating to> by
1 3 inserting <technical and substantive changes to>

HORBACH of Tama
HF2485.1444 (1) 83
ec/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8218

PAG LIN

1 1 Amend House File 2462 as follows:
1 2 #1. Page 1, by striking lines 10 through 12 and
1 3 inserting:
1 4 (1) The costs of utilities.>
1 5 #2. Page 1, after line 17 by inserting:
1 6 <(4) The maintenance costs of schoolhouses or
1 7 buildings and additions to existing schoolhouses.>
1 8 #3. By renumbering as necessary.

PETTENGILL of Benton
HF2462.1423 (1) 83
ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8219

PAG LIN

1 1 Amend House File 2417 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 598.41C, subsection 1, Code
1 5 2009, is amended to read as follows:
1 6 1. a. If an application for modification of a
1 7 decree or a petition for modification of an order
1 8 regarding child custody or physical care is filed prior
1 9 to or during the time a parent is serving active duty
1 10 in the military service of the United States, the court
1 11 may only enter an order or decree temporarily modifying
1 12 the existing child custody or physical care order or
1 13 decree if there is clear and convincing evidence that
1 14 the modification is in the best interest of the child.
1 15 b. If the active duty of a parent affects the
1 16 parent's ability or anticipated ability to appear at a
1 17 regularly scheduled hearing, the court shall provide
1 18 for an expedited hearing in matters instituted under
1 19 this section.
1 20 c. If the active duty or anticipated active duty of
1 21 a parent prevents the parent from appearing in person
1 22 at a hearing, the court shall provide, upon reasonable
1 23 advance notice, for the parent to present testimony
1 24 and evidence by electronic means in matters instituted
1 25 under this section. For the purposes of this
1 26 paragraph, "electronic means" includes communication by
1 27 telephone, video teleconference, or the internet.
1 28 d. Upon the parent's completion of active duty,
1 29 the court shall reinstate the custody or physical
1 30 care order or decree that was in effect immediately
1 31 preceding the period of active duty. If an application
1 32 for modification of a decree or a petition for
1 33 modification of an order is filed after a parent
1 34 completes active duty, the parent's absence due to
1 35 active duty does not constitute a substantial change
1 36 in circumstances, and the court shall not consider a
1 37 parent's absence due to that active duty in making a
1 38 determination regarding the best interest of the child.
1 39 Sec. 2. NEW SECTION. 598.41D Assignment of
1 40 visitation == parent serving active duty == family
1 41 member.
1 42 1. Notwithstanding any provision to the contrary, a
1 43 parent who has been granted court-ordered visitation
1 44 with the parent's minor child may file an application
1 45 for modification of a decree or a petition for
1 46 modification of an order regarding child visitation,
1 47 prior to or during the time the parent is serving
1 48 active duty in the military service of the United
1 49 States, to temporarily assign that parent's visitation
1 50 rights to a family member of the minor child, as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8219 continued

2 1 specified by the parent. The application or petition
2 2 shall be accompanied by an affidavit from the family
2 3 member indicating the family member's knowledge of the
2 4 application or petition and willingness to exercise the
2 5 parent's visitation rights during the parent's absence.
2 6 The application or petition shall also request any
2 7 change in the visitation schedule necessitated by the
2 8 assignment.

2 9 2. a. If the active duty of a parent affects the
2 10 parent's ability or anticipated ability to appear at a
2 11 regularly scheduled hearing, the court shall provide
2 12 for an expedited hearing in matters instituted under
2 13 this section.

2 14 b. If the active duty or anticipated active duty of
2 15 a parent prevents the parent from appearing in person
2 16 at a hearing, the court shall provide, upon reasonable
2 17 advance notice, for the parent to present testimony
2 18 and evidence by electronic means in matters instituted
2 19 under this section. For the purposes of this
2 20 paragraph, "electronic means" includes communication by
2 21 telephone, video teleconference or the internet.

2 22 3. a. The court may grant the parent's request for
2 23 temporary assignment of visitation and any change in
2 24 the visitation schedule requested if the court finds
2 25 that such visitation is in the best interest of the
2 26 child.

2 27 b. In determining the best interest of the child,
2 28 the court shall ensure all of the following:

2 29 (1) That the specified family member is not a sex
2 30 offender as defined in section 692A.101.

2 31 (2) That the specified family member does not have
2 32 a history of domestic abuse, as defined in section
2 33 236.2. In determining whether a history of domestic
2 34 abuse exists, the court's consideration shall include
2 35 but is not limited to commencement of an action
2 36 pursuant to section 236.3, the issuance of a protective
2 37 order against the individual or the issuance of a
2 38 court order or consent agreement pursuant to section
2 39 236.5, the issuance of an emergency order pursuant to
2 40 section 236.6, the holding of an individual in contempt
2 41 pursuant to section 664A.7, the response of a peace
2 42 officer to the scene of alleged domestic abuse or the
2 43 arrest of an individual following response to a report
2 44 of alleged domestic abuse, or a conviction for domestic
2 45 abuse assault pursuant to section 708.2A.

2 46 (3) That the specified family member does not have
2 47 a record of founded child or dependent adult abuse.

2 48 (4) That the specified family member has an
2 49 established relationship with the child.

2 50 (5) That the specified family member is able to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8219 continued

3 1 personally and financially support the child during
3 2 visitation.
3 3 4. An order granting assignment of visitation
3 4 rights under this section does not create separate
3 5 rights to visitation for a person other than the
3 6 parent.
3 7 5. The parent shall provide a copy of the order
3 8 granting assignment of visitation to the school and
3 9 school district of the child to whom the order applies.
3 10 6. An order granting temporary assignment of
3 11 visitation rights pursuant to this section shall
3 12 terminate upon notification of the court by the parent
3 13 or automatically upon the parent's completion of active
3 14 duty, whichever occurs first.
3 15 7. After a parent completes active duty, if an
3 16 application for modification of a decree or a petition
3 17 for modification of an order is filed, the parent's
3 18 absence due to active duty or the assignment of
3 19 visitation rights does not constitute a substantial
3 20 change in circumstances, and the court shall not
3 21 consider a parent's absence due to that active duty
3 22 or the assignment of visitation rights in making a
3 23 determination regarding the best interest of the child
3 24 relative to such an application or petition filed after
3 25 a parent completes active duty.
3 26 8. As used in this section, "active duty" means
3 27 active military duty pursuant to orders issued under
3 28 Tit. X of the United States Code. However, this
3 29 section shall not apply to active guard and reserve
3 30 duty or similar full-time military duty performed by
3 31 a parent when the child remains in actual custody of
3 32 the parent.
3 33 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
3 34 deemed of immediate importance, takes effect upon
3 35 enactment.>
3 36 #2. Title page, by striking lines 1 through 4 and
3 37 inserting <An Act relating to custody, physical care,
3 38 and visitation provisions relating to a child of a
3 39 parent who is serving active duty in the military
3 40 service of the United States and including effective
3 41 date provisions.>

GAYMAN of Scott
HF2417.1460 (1) 83
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8220

PAG LIN

1 1 Amend House File 2475 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 216A.105 Deliverable
1 5 fuels == mandatory delivery == qualifications.
1 6 1. A deliverable fuel vendor engaged in the
1 7 business of providing deliverable fuel to customers in
1 8 this state shall not withhold the sale or delivery of
1 9 deliverable fuel to a customer between November 1 and
1 10 April 1 annually if the customer makes a cash payment
1 11 for deliverable fuel in the amount of five hundred
1 12 dollars; or, if the fuel is propane, the cash payment
1 13 shall be five hundred dollars or an amount equal to
1 14 the price in effect at the time of delivery for three
1 15 hundred gallons of propane, whichever is greater.
1 16 2. A deliverable fuel vendor providing deliverable
1 17 fuel to a customer may apply a customer's cash payment
1 18 pursuant to subsection 1 as follows:
1 19 a. Seventy=five percent toward the current
1 20 deliverable fuel sale or delivery.
1 21 b. Twenty=five percent toward any unpaid balance.
1 22 3. A customer shall be responsible for the
1 23 reasonable cost of system safety checks conducted by
1 24 a deliverable fuel vendor, unless the cost is paid
1 25 for with program funds. System safety check payments
1 26 shall be in addition to, and shall not reduce, the cash
1 27 payment otherwise available for deliverable fuel sale
1 28 or delivery. A propane vendor conducting a system
1 29 safety check shall inform customers of the existence
1 30 of projects developed by the Iowa propane education
1 31 and research council to provide assistance to persons
1 32 eligible for the program, if applicable, based upon the
1 33 results of the safety check.
1 34 4. A customer of a deliverable fuel vendor with an
1 35 unpaid balance owing to that vendor shall not attempt
1 36 to obtain deliverable fuel from another vendor pursuant
1 37 to this section unless and until a reasonable payment
1 38 arrangement for paying off the unpaid balance has been
1 39 entered into between the customer and the deliverable
1 40 fuel vendor. The division shall provide assistance in
1 41 facilitating a reasonable payment arrangement.
1 42 5. A deliverable fuel vendor is not prohibited
1 43 from withholding the sale or delivery of deliverable
1 44 fuel to a customer who cannot make a cash payment for
1 45 deliverable fuel as required in subsection 1.
1 46 6. For the purposes of this section, unless the
1 47 context otherwise requires:
1 48 a. "Customer" means an existing customer of a
1 49 deliverable fuel vendor who has qualified for the
1 50 federal low=income home energy assistance program for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Amendment 8220 continued

2 1 the purchase or delivery of deliverable fuel.
2 2 b. "Deliverable fuel" means propane or any other
2 3 heating fuel sold and delivered in this state for home
2 4 heating purposes.
2 5 c. "Deliverable fuel vendor" means a retail propane
2 6 marketer or marketer of a deliverable fuel other than
2 7 propane that has agreed to participate in the federal
2 8 low-income home energy assistance program.
2 9 d. "Program" means the federal low-income home
2 10 energy assistance program.
2 11 e. "Propane" and "retail propane marketer" mean the
2 12 same as defined in section 101C.2.
2 13 Sec. 2. REPEAL. Section 101C.14, Code 2009, is
2 14 repealed.
2 15 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
2 16 deemed of immediate importance, takes effect upon
2 17 enactment.>

WAGNER of Linn
HF2475.1377 (1) 83
rn/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010**

House Amendment 8221

PAG LIN

1 1 Amend House File 2492 as follows:
 1 2 #1. Page 9, after line 19 by inserting:
 1 3 Sec. _____. Section 279.46, Code 2009, is amended to
 1 4 read as follows:
 1 5 279.46 Retirement incentives == tax.
 1 6 1. The board of directors of a school district
 1 7 may adopt a program for payment of a monetary bonus,
 1 8 continuation of health or medical insurance coverage,
 1 9 or other incentives for encouraging its employees to
 1 10 retire before the normal retirement date as defined
 1 11 in chapter 97B. The program is available only to
 1 12 employees who notify the board of directors prior
 1 13 to April 1 of the fiscal year that they intend to
 1 14 retire not later than the start of the next following
 1 15 school calendar. The age at which employees shall be
 1 16 designated eligible for the program shall be at the
 1 17 discretion of the board.
 1 18 2. An employee retiring under this section may
 1 19 apply for a retirement allowance under chapter 97B or
 1 20 chapter 294.
 1 21 3. A school district shall not offer permanent
 1 22 part-time employment, permanent full-time employment,
 1 23 temporary employment, or retention as an independent
 1 24 contractor to an employee retiring under a program
 1 25 adopted pursuant to subsection 1.
 1 26 4. The board may include in the district management
 1 27 levy an amount to pay the total estimated accumulated
 1 28 cost to the school district of the health or medical
 1 29 insurance coverage, bonus, or other incentives for
 1 30 employees within the age range of fifty-five to
 1 31 sixty-five years of age who retire under this section.>
 1 32 #2. By renumbering as necessary.

SCHULTE of Linn
 HF2492.1449 (2) 83
 kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2509 - Introduced

HOUSE FILE
BY FORD

A BILL FOR

1 An Act relating to the utilization of minority-owned and
2 female-owned businesses for certain public work related
3 to the issuance of bonds and obligations and activities
4 of certain retirement systems and requiring the treasurer
5 of state to maintain a list of certain minority-owned and
6 female-owned businesses.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6106HH (10) 83
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2509 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 12.29 Minority-owned and
1 2 female-owned businesses == list.
1 3 1. a. The treasurer shall maintain a list of minority-owned
1 4 and female-owned businesses, as defined in section 73.14,
1 5 subsection 2, which have requested to be notified of requests
1 6 for proposal. The list shall include attorneys, accountants,
1 7 financial advisors, banks, underwriters, insurers, and other
1 8 occupations necessary to carry out the issuance of bonds or
1 9 other obligations, whether or not such businesses are located
1 10 in the state.
1 11 b. A business may file a request with the treasurer for
1 12 inclusion on the list. The treasurer shall prescribe a form
1 13 for such businesses to request inclusion on the list.
1 14 2. The list maintained under this section shall be available
1 15 on the treasurer's internet site and available in paper form
1 16 upon request.
1 17 3. The treasurer shall adopt rules under chapter 17A to
1 18 implement this section.
1 19 Sec. 2. Section 12.30, subsection 2, paragraph a, Code
1 20 Supplement 2009, is amended to read as follows:
1 21 a. Select and fix the compensation for, in consultation
1 22 with the respective authority, through a competitive selection
1 23 procedure, attorneys, accountants, financial advisors,
1 24 banks, underwriters, insurers, and other employees and
1 25 agents which in the treasurer's judgment are necessary to
1 26 carry out the authority's intention. Prior to the initial
1 27 selection, the treasurer shall, after consultation with
1 28 the authorities, establish a procedure which provides for a
1 29 fair and open selection process including, but not limited
1 30 to, the opportunity to present written proposals and personal
1 31 interviews. The treasurer shall maintain a list of firms
1 32 which have requested to be notified of requests for proposal,
1 33 including those businesses identified on the list maintained
1 34 under section 12.29. The selection criteria shall take into
1 35 consideration, but are not limited to, compensation, expenses,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2509 - Introduced continued

2 1 experience with similar issues, scheduling, ability to provide
2 2 the services of individuals with specific knowledge in the
2 3 relevant subject matter and length of the engagement. The
2 4 selection criteria shall also include a good-faith effort to
2 5 utilize minority-owned and female-owned businesses, consistent
2 6 with the requirements of section 73.14. The treasurer may
2 7 waive the requirements for a competitive selection procedure
2 8 for any specific employment upon written notice to the
2 9 executive council stating why the waiver is in the public
2 10 interest. Upon selection by the treasurer, the authority shall
2 11 promptly employ the individual or firm and be responsible for
2 12 payment of costs.

2 13 Sec. 3. NEW SECTION. 73.14 Minority-owned and female-owned
2 14 businesses == bond issuance services.

2 15 1. The state, board of regents institutions, counties,
2 16 townships, school districts, community colleges, cities, and
2 17 other public entities, and every person acting as contracting
2 18 agent for any such entity, shall, when issuing bonds or other
2 19 obligations, make a good-faith effort to utilize minority-owned
2 20 and female-owned businesses for attorneys, accountants,
2 21 financial advisors, banks, underwriters, insurers, and other
2 22 occupations necessary to carry out the issuance of bonds or
2 23 other obligations by the entity, whether or not such businesses
2 24 are located in the state.

2 25 2. For purposes of this section:

2 26 a. "Female-owned business" means a business that is
2 27 fifty-one percent or more owned, operated, and actively managed
2 28 by one or more women.

2 29 b. "Minority-owned business" means a business that is
2 30 fifty-one percent or more owned, operated, and actively managed
2 31 by one or more minority persons.

2 32 Sec. 4. Section 97A.5, Code 2009, is amended by adding the
2 33 following new subsection:

2 34 NEW SUBSECTION. 9A. Outside advisors and services. The
2 35 board shall, when employing outside advisors or services,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2509 - Introduced continued

3 1 make a good=faiht effort to utilize minority-owned and
3 2 female-owned businesses, as those terms are defined in section
3 3 73.14, subsection 2, including but not limited to attorneys,
3 4 accountants, financial advisors, banks, brokerage or investment
3 5 advisors, underwriters, insurers, and other occupations
3 6 necessary to carry out the duties of the board, whether or not
3 7 such businesses are located in the state.
3 8 Sec. 5. Section 97B.4, subsection 3, Code 2009, is amended
3 9 by adding the following new paragraph:
3 10 NEW PARAGRAPH. g. Minority-owned and female-owned
3 11 businesses. The system shall, when employing legal advisors and
3 12 outside advisors under paragraphs "e" and "f", make a good=faiht
3 13 effort to utilize minority-owned and female-owned businesses,
3 14 as those terms are defined in section 73.14, subsection 2, when
3 15 carrying out the duties of the system, whether or not such
3 16 businesses are located in the state.
3 17 Sec. 6. Section 97D.4, subsection 3, Code 2009, is amended
3 18 by adding the following new paragraph:
3 19 NEW PARAGRAPH. Og. Study and review proposals to increase
3 20 the utilization of minority-owned and female-owned businesses,
3 21 as those terms are defined in section 73.14, subsection 2, by
3 22 public retirement systems when carrying out the duties of such
3 23 systems, whether or not such businesses are located in the
3 24 state.
3 25 Sec. 7. Section 411.5, Code 2009, is amended by adding the
3 26 following new subsection:
3 27 NEW SUBSECTION. 4A. Outside advisors and services. The
3 28 board shall, when employing outside advisors or services,
3 29 make a good=faiht effort to utilize minority-owned and
3 30 female-owned businesses, as those terms are defined in section
3 31 73.14, subsection 2, including but not limited to attorneys,
3 32 accountants, financial advisors, banks, brokerage or investment
3 33 advisors, underwriters, insurers, and other occupations
3 34 necessary to carry out the duties of the board, whether or not
3 35 such businesses are located in the state.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2509 - Introduced continued

4 1 Sec. 8. NEW SECTION. 602.9103 Outside advisors ==
4 2 minority-owned and female-owned businesses.
4 3 The court administrator shall, when employing outside
4 4 advisors or services, make a good-faith effort to utilize
4 5 minority-owned and female-owned businesses, as those terms
4 6 are defined in section 73.14, subsection 2, including but not
4 7 limited to attorneys, accountants, financial advisors, banks,
4 8 brokerage or investment advisors, underwriters, insurers, and
4 9 other occupations necessary to carry out the duties of the
4 10 system, whether or not such businesses are located in the
4 11 state.

4 12 EXPLANATION

4 13 This bill relates to the utilization of minority-owned and
4 14 female-owned businesses for certain public work.
4 15 The bill defines "minority-owned business" and "female-owned
4 16 business" to mean a business that is 51 percent or more owned,
4 17 operated, and actively managed by one or more minority persons
4 18 or women, as applicable.
4 19 The bill establishes new Code section 73.14, which creates
4 20 a good-faith effort requirement for various governmental
4 21 entities to, when issuing bonds or other obligations, utilize
4 22 minority-owned and female-owned businesses for attorneys,
4 23 accountants, financial advisors, banks, underwriters, insurers,
4 24 and other employees necessary to carry out the issuance of
4 25 bonds or other obligations, whether or not such businesses are
4 26 located in the state.
4 27 The bill requires the treasurer of state to maintain a
4 28 list of minority-owned and female-owned businesses which have
4 29 requested to be notified of requests for proposal. The list
4 30 shall include attorneys, accountants, financial advisors,
4 31 banks, underwriters, insurers, and other occupations necessary
4 32 to carry out the issuance of bonds or other obligations,
4 33 whether or not such businesses are located in the state. The
4 34 treasurer is directed to prescribe a form for such businesses
4 35 to request inclusion on the list. The list must be available



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2509 - Introduced continued

5 1 on the treasurer's internet site and available in paper form
5 2 upon request.
5 3 The bill imposes a good-faith effort requirement on the
5 4 public retirement systems under Code chapters 97A, 97B, 411,
5 5 and 602 to utilize minority-owned and female-owned businesses,
5 6 when carrying out the duties of those systems or the duties of
5 7 the board or persons that administer those systems. The bill
5 8 also requires the public retirement systems committee, under
5 9 Code section 97D.4, to study and review proposals to increase
5 10 the utilization of minority-owned and female-owned businesses
5 11 by public retirement systems, whether or not such businesses
5 12 are located in the state.

LSB 6106HH (10) 83

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2510 - Introduced

HOUSE FILE
BY STECKMAN

A BILL FOR

1 An Act relating to retailers maintaining a place of business in
2 this state for purposes of the collection of sales and use
3 taxes.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5763HH (5) 83
tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2510 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.1, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 0A. "Affiliate" means any entity to which
1 4 any of the following applies:
1 5 a. Directly, indirectly, or constructively controls another
1 6 entity.
1 7 b. Is directly, indirectly, or constructively controlled by
1 8 another entity.
1 9 c. Is subject to the control of a common entity. A common
1 10 entity is one which owns directly or individually more than ten
1 11 percent of the voting securities of the entity.
1 12 Sec. 2. Section 423.1, subsection 43, Code 2009, is amended
1 13 by striking the subsection and inserting in lieu thereof the
1 14 following:
1 15 43. "Retailer maintaining a place of business in this state"
1 16 or any similar term includes all of the following:
1 17 a. A retailer having or maintaining within this state,
1 18 directly or indirectly by a subsidiary, an office, distribution
1 19 house, sales house, warehouse, or other such place of business.
1 20 b. A retailer's representative operating within this
1 21 state under the authority of the retailer or the retailer's
1 22 subsidiary.
1 23 c. A solicitor operating in the state with the consent or
1 24 at the direction of a retailer.
1 25 d. This subsection applies irrespective of whether a
1 26 place of business, representative, or solicitor is located
1 27 or operates here permanently or temporarily or whether the
1 28 retailer or the retailer's subsidiary is admitted to do
1 29 business within this state pursuant to chapter 490.
1 30 Sec. 3. Section 423.1, Code 2009, is amended by adding the
1 31 following new subsections:
1 32 NEW SUBSECTION. 51A. "Solicitor" means a person, including
1 33 an independent contractor, who directly or indirectly solicits
1 34 business for a retailer, refers potential customers to a
1 35 retailer, or otherwise regularly engages in activity which



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2510 - Introduced continued

2 1 is significantly associated with the retailer's ability to
2 2 establish or maintain a market in the state or which effects a
2 3 substantial amount of sales by the retailer in the state.
2 4 NEW SUBSECTION. 52A. "State agency" means an authority,
2 5 board, commission, department, instrumentality, or other
2 6 administrative office or unit of this state, or any other state
2 7 entity reported in the Iowa comprehensive annual financial
2 8 report, including public institutions of higher education.
2 9 NEW SUBSECTION. 62. "Voting security" means a security to
2 10 which any of the following applies:
2 11 a. Confers upon the holder the right to vote for the
2 12 election of members of the board of directors or similar
2 13 governing body of the entity.
2 14 b. Is convertible into, or entitles the holder to receive
2 15 upon its exercise, a security that confers such a right to
2 16 vote.
2 17 c. Is a general partnership interest.
2 18 Sec. 4. NEW SECTION. 423.1A Presumption of solicitation.
2 19 1. A person shall be presumed to be a solicitor for purposes
2 20 of this chapter if all of the following conditions are met:
2 21 a. The person has entered into an agreement with a retailer
2 22 whereby a commission or other consideration is paid by the
2 23 retailer to the person for directly or indirectly referring
2 24 potential customers to the retailer by digital or electronic
2 25 means. For purposes of this section, "digital or electronic
2 26 means" includes a link on an internet site or any substantially
2 27 similar mechanism designed for use on a personal computer or
2 28 other personal digital device that provides the ability to
2 29 direct potential customers from the person to the retailer for
2 30 the purpose of making a sale at retail.
2 31 b. The retailer has total gross receipts attributable to
2 32 agreements such as those described in paragraph "a" in excess of
2 33 ten thousand dollars for the twelve-month period ending on the
2 34 last day of the most recent calendar quarter.
2 35 2. The presumption created in subsection 1 may be rebutted



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2510 - Introduced continued

3 1 by a showing of proof that a person with whom the retailer
3 2 has an agreement did not directly or indirectly engage in
3 3 referrals in the state or that the activities of the person on
3 4 behalf of the retailer were de minimis. Maintaining a digital
3 5 or electronic means of referral shall not be considered de
3 6 minimis.

3 7 3. This section shall not be interpreted or construed in any
3 8 way to limit the definition of "solicitor" or other definitions
3 9 provided in section 423.1.

3 10 Sec. 5. Section 423.2, subsection 10, Code 2009, is amended
3 11 to read as follows:

3 12 10. a. Any person or that person's affiliate, which is
3 13 a retailer in this state or a retailer maintaining a place
3 14 of business in this state under this chapter, that enters into
3 15 a contract with an agency of this state must register, collect,
3 16 and remit Iowa sales tax under this chapter on all sales of
3 17 tangible personal property and enumerated services.

3 18 b. Every bid submitted and each contract executed by a
3 19 state agency shall contain a certification by the bidder or
3 20 contractor stating that the bidder or contractor is registered
3 21 with the department and will collect and remit Iowa sales tax
3 22 due under this chapter. In the certification, the bidder or
3 23 contractor shall also acknowledge that the state agency may
3 24 declare the contract or bid void if the certification is false.
3 25 Fraudulent certification, by act or omission, may result in
3 26 the state agency or its representative filing for damages for
3 27 breach of contract.

~~3 28 For the purposes of this subsection, the following~~
~~3 29 definitions apply:~~

~~3 30 a. "Affiliate" means any entity to which any of the~~
~~3 31 following applies:~~

~~3 32 (1) Directly, indirectly, or constructively controls~~
~~3 33 another entity.~~

~~3 34 (2) Is directly, indirectly, or constructively controlled~~
~~3 35 by another entity.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2510 - Introduced continued

4 1 ~~(3) Is subject to the control of a common entity. A common~~
~~4 2 entity is one which owns directly or individually more than ten~~
~~4 3 percent of the voting securities of the entity.~~

4 4 ~~b. "State agency" means an authority, board, commission,~~
~~4 5 department, instrumentality, or other administrative office or~~
~~4 6 unit of this state, or any other state entity reported in the~~
~~4 7 Iowa comprehensive annual financial report, including public~~
~~4 8 institutions of higher education.~~

4 9 ~~c. "Voting security" means a security to which any of the~~
~~4 10 following applies:~~

4 11 ~~(1) Confers upon the holder the right to vote for the~~
~~4 12 election of members of the board of directors or similar~~
~~4 13 governing body of the entity.~~

4 14 ~~(2) Is convertible into, or entitles the holder to receive~~
~~4 15 upon its exercise, a security that confers such a right to~~
~~4 16 vote.~~

4 17 ~~(3) Is a general partnership interest.~~

4 18 Sec. 6. Section 423.5, subsection 8, Code 2009, is amended
4 19 to read as follows:

4 20 8. Any person or that person's affiliate, which is a
4 21 retailer in this state or a retailer maintaining a place
4 22 of business in this state under this chapter, that enters
4 23 into a contract with an agency of this state must register,
4 24 collect, and remit Iowa use tax under this chapter on all sales
4 25 of tangible personal property and enumerated services. Every
4 26 bid submitted and each contract executed by a state agency
4 27 shall contain a certification by the bidder or contractor
4 28 stating that the bidder or contractor is registered with the
4 29 department and will collect and remit Iowa use tax due under
4 30 this chapter. In the certification, the bidder or contractor
4 31 shall also acknowledge that the state agency may declare the
4 32 contract or bid void if the certification is false. Fraudulent
4 33 certification, by act or omission, may result in the state
4 34 agency or its representative filing for damages for breach of
4 35 contract.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2510 - Introduced continued

5 1 ~~For the purposes of this subsection, "affiliate", "state~~
5 2 ~~agency", and "voting security" mean the same as defined in~~
5 3 ~~section 423.2, subsection 10.~~

5 4 Sec. 7. Section 321.105A, subsection 2, paragraph a,
5 5 unnumbered paragraph 1, Code Supplement 2009, is amended to
5 6 read as follows:

5 7 For purposes of this subsection, "purchase price" applies to
5 8 the measure subject to the fee for new registration. "Purchase
5 9 price" shall be determined in the same manner as "sales price"
5 10 is determined for purposes of computing the tax imposed upon
5 11 the sales price of tangible personal property under chapter
5 12 423, pursuant to the definition of "sales price" in section
5 13 423.1, ~~subsection 47~~, subject to the following exemptions:

5 14 EXPLANATION

5 15 This bill relates to the collection of sales and use taxes by
5 16 retailers maintaining a place of business in this state.

5 17 A retailer located in this state, or maintaining a place
5 18 of business in this state, must collect and remit sales taxes
5 19 to the department of revenue. Currently, as defined in Code
5 20 section 423.1, the term "retailer maintaining a place of
5 21 business in the state" includes certain places of business,
5 22 subsidiary arrangements, and representatives operating on a
5 23 retailer's behalf. The bill adds the term "solicitor" to that
5 24 definition. A solicitor is defined as a person, including an
5 25 independent contractor, who directly or indirectly solicits
5 26 business for a retailer, refers potential customers to a
5 27 retailer, or otherwise regularly engages in activity which
5 28 is significantly associated with the retailer's ability to
5 29 establish or maintain a market in the state or which effects a
5 30 substantial amount of sales by the retailer in the state.

5 31 The bill provides that a person is presumed to be a solicitor
5 32 if that person enters into an agreement with a retailer whereby
5 33 a commission or other consideration is paid by the retailer
5 34 to the person for directly or indirectly referring potential
5 35 customers to the retailer by digital or electronic means and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House File 2510 - Introduced continued

6 1 has gross receipts for the year in excess of \$10,000. Digital
6 2 or electronic means includes links on internet sites or similar
6 3 mechanisms on other devices with the capability of directing
6 4 customers to the retailer for purposes of making sales. The
6 5 presumption is rebuttable by proof that a person with whom the
6 6 retailer has an agreement did not engage in referrals in the
6 7 state or that the activities of the person were de minimis.
6 8 By operation of law, the changes to the definition of
6 9 "retailer maintaining a place of business in the state" also
6 10 apply to the use tax imposed in Code section 423.5.
6 11 The bill makes conforming amendments to the definitions in
6 12 Code section 423.1.

LSB 5763HH (5) 83

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

House Resolution 115 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY STECKMAN

1 1 A Resolution to recognize Iowa employer support for the
1 2 Guard and Reserve, their 150 Iowa volunteers, and
1 3 the programs they provide.

1 4 WHEREAS, it is essential to gain and maintain
1 5 employer support for Iowa National Guard and Military
1 6 Reserve service by recognizing outstanding support
1 7 by employers, increasing awareness of the law, and
1 8 resolving conflicts through mediation; and

1 9 WHEREAS, the Employer Support for the Guard and
1 10 Reserve (ESGR) was founded in 1972 as an agency of the
1 11 United States Department of Defense and is funded by
1 12 the Department; and

1 13 WHEREAS, ESGR is an invaluable resource for
1 14 employers and the National Guard and Military Reserve
1 15 members that work for them; and

1 16 WHEREAS, employers and members of ESGR are provided
1 17 assistance by Iowa volunteers across the state,
1 18 under the authority of the federal Uniformed Services
1 19 Employment and Reemployment Rights Act (USERRA); and

1 20 WHEREAS, volunteers assist employers and members of
1 21 ESGR to become familiar with the resources and services
1 22 that ESGR provides and encourage them to take advantage
1 23 of this information and assistance should the need ever
1 24 arise; and

1 25 WHEREAS, ESGR's employer outreach volunteers provide
1 26 information, education, and services for employers
1 27 through programs across the state called Lunch and
1 28 Learns, Boss Lifts, and the Speakers Bureau; and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010**

House Resolution 115 - Introduced continued

2 1 WHEREAS, ESGR also has an awards program designed to
2 2 acknowledge the efforts employers put forth to support
2 3 their military employees; and
2 4 WHEREAS, ESGR's military outreach volunteers
2 5 provide National Guard and Military Reserve members
2 6 with important information about their rights and
2 7 responsibilities under USERRA, and ESGR programs and
2 8 services; and
2 9 WHEREAS, ESGR-trained volunteer ombudsmen provide
2 10 information, confidential counseling, and neutral
2 11 mediation relating to compliance with the USERRA
2 12 requirements; and
2 13 WHEREAS, Iowa Employer Support for the Guard and
2 14 Reserve honors our courageous guardsmen and reservists
2 15 and their employers, whose continued support is vital
2 16 to the success of our armed forces and to the strength
2 17 of America; NOW THEREFORE,
2 18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 19 That the House of Representatives urges all Iowans to
2 20 learn more about Iowa Employer Support for the Guard
2 21 and Reserve and the resources and services that it
2 22 provides, and to take advantage of this information and
2 23 assistance should the need ever arise.

LSB 6244HH (2) 83

jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5116

PAG LIN

1 1 Amend Senate File 2235 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 216A.105 Deliverable
1 5 fuels == mandatory delivery == penalties and remedies.
1 6 1. A deliverable fuel vendor engaged in the
1 7 business of providing deliverable fuel to customers in
1 8 this state shall not withhold the sale or delivery of
1 9 deliverable fuel to a customer from November 1 through
1 10 April 1 annually if either of the following apply:
1 11 a. The customer makes a prepaid cash payment in
1 12 an amount corresponding to the current statewide
1 13 average delivery order price per gallon for the
1 14 deliverable fuel, as determined by the office of energy
1 15 independence, multiplied by two hundred fifty.
1 16 b. The customer is certified as eligible for the
1 17 federal low-income home energy assistance program.
1 18 2. A deliverable fuel vendor is not prohibited
1 19 from withholding the sale or delivery of deliverable
1 20 fuel to a customer who is certified as eligible
1 21 for the federal low-income home energy assistance
1 22 program and has received the maximum amount of annual
1 23 assistance pursuant to the program, or who cannot make
1 24 a prepaid cash payment for deliverable fuel pursuant to
1 25 subsection 1, paragraph "a".
1 26 3. A deliverable fuel vendor providing deliverable
1 27 fuel to a customer described in subsection 1, paragraph
1 28 "a", may apply up to twenty-five percent of the
1 29 cash payment toward any unpaid balance owed to the
1 30 deliverable fuel vendor.
1 31 4. a. A customer shall be responsible for the
1 32 reasonable cost of system safety checks conducted
1 33 by a deliverable fuel vendor, unless the customer
1 34 is certified as eligible for the federal low-income
1 35 home energy assistance program and the cost is paid
1 36 for with program funds. System safety check payments
1 37 shall be in addition to, and shall not reduce, the
1 38 cash payment otherwise available for deliverable fuel
1 39 sale or delivery pursuant to subsection 1, paragraph
1 40 "a". A deliverable fuel vendor of propane conducting a
1 41 system safety check shall inform customers certified
1 42 as eligible for the low-income home energy assistance
1 43 program of the existence of programs and projects
1 44 developed by the Iowa propane education and research
1 45 council to provide assistance to persons certified as
1 46 eligible for the program, if applicable based upon the
1 47 results of the safety check. A deliverable fuel vendor
1 48 shall not be required to make or complete a delivery
1 49 of deliverable fuel if a system safety check reveals
1 50 mechanical problems or defects with the system which



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5116 continued

2 1 constitute a safety hazard or concern.
2 2 b. A customer shall be responsible for the
2 3 reasonable cost of delivering the deliverable fuel to
2 4 the customer, as determined by the deliverable fuel
2 5 vendor, unless the customer is certified as eligible
2 6 for the federal low-income home energy assistance
2 7 program and the cost is paid for with program funds.
2 8 Delivery fees or charges shall be in addition to, and
2 9 shall not reduce, the cash payment otherwise available
2 10 for the deliverable fuel sale or delivery pursuant to
2 11 subsection 1, paragraph "a".
2 12 5. A violation of this section is an unlawful
2 13 practice pursuant to section 714.16 and a prohibited
2 14 practice pursuant to chapter 714H.
2 15 6. For the purposes of this section, unless the
2 16 context otherwise requires:
2 17 a. "Customer" means an existing customer of a
2 18 deliverable fuel vendor or a prospective customer
2 19 who submits an application or otherwise applies for
2 20 the purchase or delivery of deliverable fuel from a
2 21 deliverable fuel vendor serving the general geographic
2 22 area or vicinity where the fuel will be delivered.
2 23 b. "Deliverable fuel" means propane or any other
2 24 heating fuel sold or delivered in this state for home
2 25 heating purposes.
2 26 c. "Deliverable fuel vendor" means a retail propane
2 27 marketer or a retail dispenser or marketer of a
2 28 deliverable fuel other than propane.
2 29 d. "Propane" and "retail propane marketer" mean the
2 30 same as defined in section 101C.2.>
2 31 #2. Title page, line 2, after <circumstances,> by
2 32 inserting <providing penalties,>
2 33 #3. By renumbering as necessary.

STEVEN SODDERS
SF2235.1397 (2) 83
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5117

PAG LIN

1 1 Amend Senate File 2355 as follows:

1 2 #1. Page 1, line 34, after <department> by inserting
1 3 <to install or maintain the types of fire protection
1 4 systems endorsed on the license>

1 5 #2. Page 2, after line 1 by inserting:
1 6 <NEW SUBSECTION. 8A. "Preengineered fire protection
1 7 system" means a fire protection system that has a
1 8 predetermined flow rate, nozzle pressure, and quantity
1 9 of extinguishing agent.>

1 10 #3. Page 2, line 28, before <with> by inserting
1 11 <with appropriate endorsements for that type of
1 12 system,>

1 13 #4. Page 3, by striking lines 23 through 25 and
1 14 inserting <be licensed to work on special hazard fire
1 15 protection systems but shall not be licensed to perform
1 16 installation or maintenance on a preengineered fire
1 17 protection system or on>

1 18 #5. Page 4, after line 33 by inserting:
1 19 <1A. The state fire marshal shall issue a fire
1 20 protection system installer and maintenance worker
1 21 license with endorsements restricted to preengineered
1 22 fire protection systems to an applicant who does not
1 23 meet the requirements of subsection 1 but does meet the
1 24 following requirements:

1 25 a. To be endorsed as a preengineered kitchen fire
1 26 extinguishing system installer, has successfully
1 27 completed training and an examination verified by
1 28 a preengineered system manufacturer, an agent of a
1 29 preengineered system manufacturer, or an organization
1 30 that is approved by the state fire marshal.

1 31 b. To be endorsed as a preengineered kitchen
1 32 fire extinguishing system maintenance worker, has
1 33 successfully completed training by the worker's
1 34 employer or the system's manufacturer and has passed a
1 35 written or online examination for preengineered kitchen
1 36 fire extinguishing system maintenance that is approved
1 37 by the state fire marshal.

1 38 c. To be endorsed as a preengineered industrial
1 39 fire extinguishing system installer, possesses
1 40 a training and examination certification from a
1 41 preengineered system manufacturer, an agent of a
1 42 preengineered system manufacturer, or an organization
1 43 that is approved by the state fire marshal.

1 44 d. To be endorsed as a preengineered industrial
1 45 fire extinguishing system maintenance worker, has
1 46 been trained by the worker's employer, and has passed
1 47 a written or online examination for preengineered
1 48 industrial fire extinguishing system maintenance that
1 49 is approved by the state fire marshal.>

1 50 #6. Page 5, line 19, after <license> by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5117 continued

- 2 1 inserting <with appropriate endorsements>
- 2 2 #7. By renumbering as necessary.

JEFF DANIELSON
SF2355.1381 (2) 83
jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5118

PAG LIN

1 1 Amend Senate File 2349 as follows:
1 2 #1. Page 1, line 1, by striking <514C.24> and
1 3 inserting <514C.26>
1 4 #2. Page 1, line 33, by striking <commissioner> and
1 5 inserting <board of medicine>
1 6 #3. Page 3, line 12, by striking <less> and
1 7 inserting <more>
1 8 #4. Page 3, line 15, by striking <2013> and
1 9 inserting <2014>
1 10 #5. Page 5, line 12, by striking <commissioner, in
1 11 consultation with the>
1 12 #6. Page 5, line 13, by striking <medicine,> and
1 13 inserting <medicine>
1 14 #7. Page 5, line 17, by striking <commissioner> and
1 15 inserting <board of medicine>
1 16 #8. Page 6, line 2, by striking <commissioner> and
1 17 inserting <board of medicine>
1 18 #9. Page 6, line 10, by striking <commissioner> and
1 19 inserting <board of medicine>
1 20 #10. Page 6, line 23, by striking <2010> and
1 21 inserting <2011>
1 22 #11. Title page, line 1, after <insurance> by
1 23 inserting <plans>

THOMAS RIELLY
SF2349.1405 (1) 83
av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5119

PAG LIN

1 1 Amend Senate File 2296 as follows:
1 2 #1. Page 18, line 30, after <plants.> by inserting
1 3 <The department is authorized to sell plant material
1 4 in other states.>
1 5 #2. Page 18, lines 34 and 35, by striking <of Iowa
1 6 and in other states>
1 7 #3. Page 25, by striking lines 7 through 9 and
1 8 inserting <two twenty-five dollars for each meet
1 9 or trial held, with the exception of meets or trials
1 10 held for raccoon hunting, for which the fee shall be
1 11 eight dollars.>
1 12 #4. Page 26, by striking lines 2 through 7 and
1 13 inserting <thirty days following complete removal of
1 14 all feed.>
1 15 #5. Page 26, line 15, after <animal> by inserting <,
1 16 except fish or turtles,>
1 17 #6. Page 26, line 29, by striking <permanently>
1 18 #7. Page 27, by striking lines 5 through 7 and
1 19 inserting:
1 20 <(2) The feed is stored in a manner consistent with
1 21 the person's normal agricultural practices.>
1 22 #8. Page 27, line 13, by striking <agencies of the
1 23 state> and inserting <state or county agencies>
1 24 #9. Page 27, line 15, before <public> by inserting
1 25 <education,>
1 26 #10. Page 27, after line 21 by inserting:
1 27 <g. Recreational feeding of waterfowl at federal,
1 28 state, county, or city parks or refuges if not
1 29 otherwise prohibited by the managing agency or
1 30 municipality of such parks or refuges.>

DICK L. DEARDEN
SF2296.1321 (3) 83
av/sc



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 23, 2010

Senate Amendment 5120

PAG LIN

1 1 Amend Senate File 2328 as follows:
 1 2 #1. Page 3, after line 8 by inserting:
 1 3 <Sec. _____. Section 422.20, subsection 3, paragraph
 1 4 a, Code 2009, is amended to read as follows:
 1 5 a. Unless otherwise expressly permitted by
 1 6 section 8A.504, section 421.17, subsections 22, 23,
 1 7 and 26, ~~sections~~ and subsection 27, paragraph "k",
 1 8 section 252B.9, section 321.40, subsection 6, paragraph
 1 9 "b", sections 321.120, 421.19, 421.28, 422.72, and
 1 10 452A.63, and this section, a tax return, return
 1 11 information, or investigative or audit information
 1 12 shall not be divulged to any person or entity,
 1 13 other than the taxpayer, the department, or internal
 1 14 revenue service for use in a matter unrelated to tax
 1 15 administration.
 1 16 Sec. _____. Section 422.72, subsection 3, paragraph
 1 17 a, Code 2009, is amended to read as follows:
 1 18 a. Unless otherwise expressly permitted by
 1 19 section 8A.504, section 421.17, subsections 22, 23,
 1 20 and 26, ~~sections~~ and subsection 27, paragraph "k",
 1 21 section 252B.9, section 321.40, subsection 6, paragraph
 1 22 "b", sections 321.120, 421.19, 421.28, 422.20, and
 1 23 452A.63, and this section, a tax return, return
 1 24 information, or investigative or audit information
 1 25 shall not be divulged to any person or entity,
 1 26 other than the taxpayer, the department, or internal
 1 27 revenue service for use in a matter unrelated to tax
 1 28 administration.>
 1 29 #2. By renumbering as necessary.

KIM REYNOLDS
 SF2328.1119 (3) 83
 dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5121

PAG LIN

1 1 Amend Senate File 2234 as follows:
1 2 #1. Page 1, by striking lines 1 through 6.
1 3 #2. Page 1, line 18, after <of> by inserting <the>
1 4 #3. Page 1, line 25, after <separate> by inserting
1 5 <written>
1 6 #4. Page 1, line 26, by striking <relates to> and
1 7 inserting <materially affects>
1 8 #5. Page 2, line 22, after <claims> by inserting
1 9 <controversies>
1 10 #6. Page 2, line 23, after <chapter> by inserting
1 11 <by written release or other written document where
1 12 separate and adequate consideration is offered and
1 13 accepted>
1 14 #7. Page 2, line 28, after <void.> by inserting
1 15 <This section does not limit a franchiser from
1 16 establishing good cause for the termination of a
1 17 franchise pursuant to sections 322A.2 and 322A.11 on
1 18 the grounds that the franchisee's dealership facility
1 19 is not adequate to accommodate an additional line=make
1 20 that has been added to the franchisee's dealership.>
1 21 #8. Page 2, line 34, by striking <customer> and
1 22 inserting <customer, including information necessary to
1 23 complete the sale of the vehicle,>
1 24 #9. By renumbering as necessary.

SWATI DANDEKAR
SF2234.1421 (1) 83
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5122

PAG LIN

1 1 Amend Senate File 2316 as follows:
1 2 #1. Page 1, by striking lines 1 through 11.
1 3 #2. Page 1, line 22, by striking <adopt> and
1 4 inserting <develop>
1 5 #3. Page 2, by striking line 3 and inserting
1 6 <The department shall consider including all of the
1 7 following in the model ordinance:>
1 8 #4. Page 2, by striking lines 18 through 23 and
1 9 inserting <identified on a flood insurance rate map
1 10 certified by the federal emergency management agency
1 11 or, if a certified flood insurance rate map is not
1 12 available, on a map developed or approved by the
1 13 department.>
1 14 #5. Page 2, line 26, by striking <"facilities
1 15 critical> and inserting <facilities "critical>
1 16 #6. Page 2, line 27, by striking <includes> and
1 17 inserting <include>
1 18 #7. Page 2, line 29, by striking <water supply and
1 19 distribution facilities,>
1 20 #8. By striking page 2, line 32, through page 3,
1 21 line 5.
1 22 #9. Page 3, by striking lines 6 and 7 and inserting:
1 23 <2. Any construction of a new facility, or any
1 24 substantial modification or improvement of an existing
1 25 facility, critical for the health and safety>
1 26 #10. Page 3, line 9, after <plain> by inserting <as
1 27 identified on a flood insurance rate map certified
1 28 by the federal emergency management agency or, if a
1 29 certified flood insurance rate map is not available, on
1 30 a map developed or approved by the department>
1 31 #11. Page 3, line 17, by striking <4.> and inserting
1 32 <3.>
1 33 #12. Page 3, by striking lines 20 through 24 and
1 34 inserting:
1 35 <4. Not later than December 31, 2012, the
1 36 department shall amend its standards under section
1 37 455B.173, subsection 8, to provide for the safe
1 38 operation and function, or the safe cessation of
1 39 the operation and function, of facilities regulated
1 40 pursuant to that subsection, during the occurrence
1 41 of a two-tenths percent flood as determined by the
1 42 department.>
1 43 #13. Page 5, line 17, by striking <shall> and
1 44 inserting <may>
1 45 #14. Page 5, line 19, by striking <shall> and
1 46 inserting <may>
1 47 #15. Page 5, by striking lines 21 through 24
1 48 and inserting <For purposes of this section,
1 49 integrated wetlands and drainage systems shall provide
1 50 for nutrient trapping and treatment, more water



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5122 continued

- 2 1 infiltration and evapotranspiration, greater water
- 2 2 runoff retention, and habitat to support biodiversity.>
- 2 3 #16. By striking page 7, line 18, through page 8,
- 2 4 line 1.
- 2 5 #17. By renumbering as necessary.

ROBERT M. HOGG
SF2316.1412 (1) 83
tm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5123

PAG LIN

1 1 Amend Senate File 2316 as follows:
1 2 #1. Page 1, line 35, after <cities,> by inserting
1 3 <conservation districts of Iowa,>

JAMES F. HAHN
SF2316.1432 (1) 83
tm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5124

PAG LIN

1 1 Amend the amendment, S=5116, to Senate File 2235 as
1 2 follows:
1 3 #1. Page 1, by striking lines 11 through 15 and
1 4 inserting:
1 5 <a. The customer makes a prepaid cash payment in
1 6 an amount corresponding to the vendor's stated cash
1 7 price of that day for two hundred fifty gallons of
1 8 deliverable fuel.>
1 9 #2. Page 1, line 30, after <vendor.> by inserting
1 10 <In the event that a payment arrangement is entered
1 11 into between a deliverable fuel vendor and a customer
1 12 described in subsection 1, paragraph "a", and the
1 13 customer misses three payments pursuant to the
1 14 arrangement within a one-year period or within the time
1 15 period during which the arrangement is in effect, the
1 16 vendor may require payment of all past due payments
1 17 in full before making a delivery pursuant to this
1 18 section. In the event that an unpaid balance is owed
1 19 by a customer who is certified as eligible for the
1 20 federal low-income home energy assistance program,
1 21 the division shall offer assistance in facilitating a
1 22 payment arrangement.>
1 23 #3. Page 2, line 28, after <propane> by inserting
1 24 <for home heating purposes>

STEVEN SODDERS
S5116.1446 (2) 83
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5125

PAG LIN

1 1 Amend Senate File 2288 as follows:
1 2 #1. Page 5, line 9, by striking <subparagraph (3),
1 3 Code Supplement 2009, is> and inserting <subparagraphs
1 4 (3) and (5), Code Supplement 2009, are>
1 5 #2. Page 5, after line 27 by inserting:
1 6 <(5) Resident pupils receiving competent private
1 7 instruction from a licensed practitioner provided
1 8 through a public school district pursuant to chapter
1 9 299A shall be counted as three-tenths of one pupil.
1 10 Revenues received by a school district attributed to a
1 11 school district's weighted enrollment pursuant to this
1 12 paragraph shall be expended for the purpose for which
1 13 the weighting was assigned under this paragraph. If
1 14 the school district determines that the expenditures
1 15 associated with providing competent private instruction
1 16 pursuant to chapter 299A are in excess of the
1 17 revenue attributed to the school district's weighted
1 18 enrollment for such instruction in accordance with this
1 19 subparagraph, the school district may submit a request
1 20 to the school budget review committee for modified
1 21 allowable growth in accordance with section 257.31,
1 22 subsection 5, paragraph "n". A home school assistance
1 23 program shall not provide moneys received pursuant to
1 24 this subparagraph, nor resources paid for with moneys
1 25 received pursuant to this subparagraph, to parents or
1 26 students utilizing the program. Moneys received by a
1 27 school district pursuant to this subparagraph shall be
1 28 used as provided in section 299A.12.>
1 29 #3. Page 17, after line 35 by inserting:
1 30 <Sec. ____ . NEW SECTION. 299A.12 Home school
1 31 assistance program.
1 32 1. The board of directors of a school district
1 33 may expend moneys received pursuant to section 257.6,
1 34 subsection 1, paragraph "a", subparagraph (5), for
1 35 purposes of providing a home school assistance program.
1 36 2. Purposes for which a school district may expend
1 37 funds received pursuant to section 257.6, subsection 1,
1 38 paragraph "a", subparagraph (5), shall include but not
1 39 be limited to the following:
1 40 a. Assisting parents with instruction.
1 41 b. Student and teaching=parent support services and
1 42 staff support services.
1 43 c. Salary and benefits for the supervising teacher
1 44 of the home school assistance program students. If the
1 45 teacher is a part-time home school assistance program
1 46 teacher and a part-time regular classroom teacher,
1 47 funds received pursuant to section 257.6, subsection
1 48 1, paragraph "a", subparagraph (5), may be used only
1 49 for the portion of time in which the teacher is a home
1 50 school assistance program teacher.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5125 continued

- 2 1 d. Salary and benefits for clerical and office
2 2 staff of the home school assistance program. If
2 3 the staff members are shared with other programs
2 4 or functions within the district, funds received
2 5 pursuant to section 257.6, subsection 1, paragraph
2 6 "a", subparagraph (5), shall only be expended for
2 7 the portion of time spent providing the home school
2 8 assistance program services.
- 2 9 e. Staff development for the home school assistance
2 10 program teacher.
- 2 11 f. Travel for the home school assistance program
2 12 teacher.
- 2 13 g. Resources, materials, computer software and
2 14 hardware, and supplies, and purchased services that
2 15 meet the following criteria:
- 2 16 (1) Are necessary to provide the services of home
2 17 school assistance.
- 2 18 (2) Are retained as the possessions of the school
2 19 district for its prekindergarten through grade twelve
2 20 home school assistance program.
- 2 21 3. Purposes for which a school district shall
2 22 not expend funds received pursuant to section 257.6,
2 23 subsection 1, paragraph "a", subparagraph (5), include
2 24 but are not limited to the following:
- 2 25 a. Indirect costs or use charges.
- 2 26 b. Operational or maintenance costs in addition to
2 27 the cost of maintaining school district facilities.
- 2 28 c. Capital expenditures.
- 2 29 d. Student transportation except in cases of home
2 30 school assistance program=approved field trips or other
2 31 educational activities.
- 2 32 e. Administrative costs.
- 2 33 f. Concurrent enrollment program costs and
2 34 postsecondary enrollment options program costs.
- 2 35 g. Any other expenditures not directly related to
2 36 providing the home school assistance program. A home
2 37 school assistance program shall not provide moneys to
2 38 parents or students utilizing the program.>
- 2 39 #4. By renumbering as necessary.

BECKY SCHMITZ
SF2288.1450 (1) 83
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5126

PAG LIN

1 1 Amend Senate File 2357 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 236.4, subsection 2, Code 2009,
1 5 is amended to read as follows:

1 6 2. The court may enter any temporary order it deems
1 7 necessary to protect the plaintiff from domestic abuse
1 8 prior to the hearing, upon good cause shown in an ex
1 9 parte proceeding. Present danger of domestic abuse to
1 10 the plaintiff constitutes good cause for purposes of
1 11 this subsection. A temporary order issued pursuant to
1 12 this subsection shall specifically include notice that
1 13 the person may be required to relinquish all firearms,
1 14 offensive weapons, and ammunition upon the issuance of
1 15 a permanent order pursuant to section 236.5.

1 16 Sec. 2. Section 236.5, subsection 1, paragraph
1 17 b, Code Supplement 2009, is amended by adding the
1 18 following new subparagraph:

1 19 NEW SUBPARAGRAPH. (02) That the defendant not
1 20 knowingly possess, ship, transport, or receive
1 21 firearms, offensive weapons, and ammunition in
1 22 violation of section 724.26, subsection 2.

1 23 Sec. 3. Section 664A.3, Code 2009, is amended by
1 24 adding the following new subsection:

1 25 NEW SUBSECTION. 6. A no-contact order issued
1 26 pursuant to this section shall specifically include
1 27 notice that the person may be required to relinquish
1 28 all firearms, offensive weapons, and ammunition upon
1 29 the issuance of a permanent no-contact order pursuant
1 30 to section 664A.5.

1 31 Sec. 4. Section 724.26, Code 2009, is amended to
1 32 read as follows:

1 33 724.26 Possession, receipt, transportation, or
1 34 dominion and control of firearms, ~~and~~ offensive weapons,
1 35 and ammunition by felons and others.

1 36 1. A person who is convicted of a felony in
1 37 a state or federal court, or who is adjudicated
1 38 delinquent on the basis of conduct that would
1 39 constitute a felony if committed by an adult, and who
1 40 knowingly has under the person's dominion and control
1 41 or possession, receives, or transports or causes to be
1 42 transported a firearm or offensive weapon is guilty of
1 43 a class "D" felony.

1 44 2. A person who is subject to a protective order
1 45 under 18 U.S.C. { 922(g)(8) or who has been convicted
1 46 of a misdemeanor crime of domestic violence under 18
1 47 U.S.C. { 922(g)(9) and who knowingly possesses, ships,
1 48 transports, or receives a firearm, offensive weapon, or
1 49 ammunition is guilty of a class "D" felony.

1 50 3. Upon the issuance of a protective order or entry



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5126 continued

2 1 of a judgment of conviction described in subsection 2,
2 2 the court shall inform the person who is the subject
2 3 of such order or conviction that the person shall
2 4 not possess, ship, transport, or receive a firearm,
2 5 offensive weapon, or ammunition while such order is in
2 6 effect or until such conviction is vacated or until the
2 7 person's rights have been restored in accordance with
2 8 section 724.27.

2 9 4. Except as provided in section 809A.17,
2 10 subsection 5, paragraph "b", a court that issues an
2 11 order or that enters a judgment of conviction described
2 12 in subsection 2 and that finds the subject of the order
2 13 or conviction to be in possession of any firearm,
2 14 offensive weapon, or ammunition shall order that such
2 15 firearm, offensive weapon, or ammunition be sold or
2 16 transferred by a date certain to the custody of a
2 17 qualified person in this state, as determined by the
2 18 court. The qualified person must be able to lawfully
2 19 possess such firearm, offensive weapon, or ammunition
2 20 in this state. If the court is unable to identify a
2 21 qualified person to receive such firearm, offensive
2 22 weapon, or ammunition, the court shall order that the
2 23 firearm, offensive weapon, or ammunition be transferred
2 24 by a date certain to the county sheriff or a local
2 25 law enforcement agency designated by the court for
2 26 safekeeping until a qualified person is identified to
2 27 receive the firearm, offensive weapon, or ammunition,
2 28 until such order is no longer in effect, until such
2 29 conviction is vacated, or until the person's rights
2 30 have been restored in accordance with section 724.27.
2 31 If the firearm, offensive weapon, or ammunition is to
2 32 be transferred to the sheriff's office or a local law
2 33 enforcement agency, the court shall assess the person
2 34 the reasonable cost of storing the firearm, offensive
2 35 weapon, or ammunition, payable to the county sheriff or
2 36 the local law enforcement agency.

2 37 5. Upon entry of an order described in subsection
2 38 2, the court shall enter the name, address, date of
2 39 birth, driver's license number, or other identifying
2 40 information of the person subject to the order into
2 41 the Iowa criminal justice information system, the
2 42 reason for the order, and the date by which the person
2 43 is required to comply with any relinquishment order
2 44 issued under subsection 4. At the time such order is
2 45 no longer in effect, such information relating to the
2 46 prohibition in subsection 3 shall be deleted from the
2 47 Iowa criminal justice information system.>

KEITH A. KREIMAN
SF2357.1463 (2) 83
rh/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010**



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Amendment 5127

PAG LIN

1 1 Amend Senate File 2288 as follows:
1 2 #1. Page 17, after line 10 by inserting:
1 3 <Sec. ____ Section 297.22, subsection 2, paragraph
1 4 a, Code Supplement 2009, is amended to read as follows:
1 5 a. The board of directors of a school district may
1 6 sell, lease, exchange, give, or grant, and accept any
1 7 interest in real property to, with, or from a county,
1 8 municipal corporation, school district, township, or
1 9 area education agency ~~if the real property is within~~
~~1 10 the jurisdiction of both the grantor and grantee.>~~
1 11 #2. By renumbering as necessary.

TIM KAPUCIAN
SF2288.1465 (3) 83
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Study Bill 3236

SENATE FILE

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

A BILL FOR

1 An Act establishing a local farmer and food security income
2 tax credit for individual and corporate income taxpayers,
3 providing for its future repeal, and including effective
4 date and retroactive applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5180XC (5) 83

sc/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Study Bill 3236 continued

PAG LIN

1 1 Section 1. NEW SECTION. 159B.1 Short title.
1 2 This Act shall be known and may be cited as the "Local Farmer
1 3 and Food Security Act".
1 4 Sec. 2. NEW SECTION. 159B.2 Definitions.
1 5 For purposes of this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Grocer" means a business with a physical location in
1 8 this state that is primarily engaged in the sale of food at
1 9 retail and that receives a majority of its income from the
1 10 retail sale of food. "Grocer" does not include a business
1 11 primarily engaged in food service or food preparation services.
1 12 2. "Local food and farm products" means fruits and
1 13 vegetables, grain, and meat.
1 14 3. "Producer" means an individual, partnership, or family
1 15 farm corporation or family farm limited liability company as
1 16 defined in section 9H.1, that produces raw fruits, vegetables,
1 17 grains, or meat and includes a cooperative comprised of only
1 18 such producers.
1 19 Sec. 3. NEW SECTION. 159B.3 Local farmer and food security
1 20 tax credit.
1 21 1. A local farmer and food security tax credit shall be
1 22 allowed against the taxes imposed in chapter 422, divisions II
1 23 and III, for a portion of the value of a taxpayer's contracts
1 24 for the wholesale purchase of local food and farm products
1 25 as provided in this section. An individual may claim a tax
1 26 credit under this section of a partnership, limited liability
1 27 company, S corporation, estate, or trust electing to have
1 28 income taxed directly to the individual. The amount claimed
1 29 by the individual shall be based upon the pro rata share of the
1 30 individual's earnings from the partnership, limited liability
1 31 company, S corporation, estate, or trust.
1 32 2. The amount of a tax credit equals twenty percent of the
1 33 costs paid during the tax year under all eligible contracts.
1 34 3. An eligible contract under this section must meet all of
1 35 the following conditions:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Study Bill 3236 continued

2 1 a. The parties to the contract are a grocer and a producer
2 2 whose raw fruits, vegetables, grains, or meat are produced
2 3 within one hundred fifty miles of the grocer's retail business.
2 4 b. The contract was entered into at least forty-five days
2 5 prior to initial delivery of the local food and farm products
2 6 that are the subject of the contract.
2 7 c. (1) The contract specifies that the local food and farm
2 8 products shall be delivered to the grocer in an unprocessed or
2 9 minimally processed form. For purposes of this paragraph "c",
2 10 "minimally processed" means:
2 11 (a) For fruits and vegetables, the produce is, at most,
2 12 washed and packaged prior to delivery.
2 13 (b) For meats, the meats are offered whole or in traditional
2 14 cuts.
2 15 (c) For grains, the grains are, at most, cleaned and in
2 16 whole or ground form.
2 17 (2) The processing described in subparagraph (1),
2 18 subparagraph divisions (a) through (c), may occur beyond one
2 19 hundred fifty miles of the grocer's retail business.
2 20 4. Any credit in excess of the tax liability for the taxable
2 21 year shall be refunded with interest computed under section
2 22 422.25. In lieu of claiming a refund, a taxpayer may elect
2 23 to have the overpayment shown on its final, completed return
2 24 credited to the taxpayer's tax liability for the following
2 25 taxable year.
2 26 5. The department of revenue shall, by January 15, 2015,
2 27 issue a report to the general assembly containing the amount
2 28 of claims made by grocers under this section per tax year for
2 29 the tax years beginning in calendar years beginning January
2 30 1, 2010, January 1, 2011, January 1, 2012, January 1, 2013,
2 31 and January 1, 2014, and the portion of the claims issued as
2 32 refunds, for all claims processed during those years.
2 33 Sec. 4. NEW SECTION. 159B.4 Rules.
2 34 The department of revenue may adopt rules pursuant to
2 35 chapter 17A for the administration and enforcement of the tax



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Study Bill 3236 continued

3 1 credit provided under this chapter.
3 2 Sec. 5. NEW SECTION. 159B.5 Future repeal.
3 3 This chapter is repealed December 31, 2015, for tax years
3 4 beginning after that date. The repeal of this chapter does
3 5 not affect the ability to carry forward tax credits claimed
3 6 under this chapter from a tax year beginning prior to January
3 7 1, 2016.
3 8 Sec. 6. NEW SECTION. 422.11Y Local farmer and food security
3 9 tax credit.
3 10 The tax imposed under this division, less the credits
3 11 allowed under section 422.12, shall be reduced by a local
3 12 farmer and food security tax credit authorized pursuant to
3 13 section 159B.3.
3 14 Sec. 7. Section 422.33, Code Supplement 2009, is amended by
3 15 adding the following new subsection:
3 16 NEW SUBSECTION. 29. The tax imposed under this division
3 17 shall be reduced by a local farmer and food security tax credit
3 18 authorized pursuant to section 159B.3.
3 19 Sec. 8. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
3 20 APPLICABILITY. This Act, being deemed of immediate importance,
3 21 takes effect upon enactment and applies retroactively to
3 22 January 1, 2010, for tax years beginning on or after that date.
3 23 EXPLANATION
3 24 This bill creates a local farmer and food security income
3 25 tax credit for individual and corporate income taxpayers.
3 26 The credit is available to grocers who contract with local
3 27 producers for unprocessed or minimally processed fruits and
3 28 vegetables, grains, and meat. The credit is an amount equal
3 29 to 20 percent of the costs paid during the tax year under
3 30 contracts entered into between a grocer and producers located
3 31 within 150 miles of the grocer. "Grocer" and "producer" are
3 32 defined in the bill.
3 33 The tax credit is refundable but may be credited against
3 34 tax liability in the following tax year. The tax credit is
3 35 repealed December 31, 2015.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010**

Senate Study Bill 3236 continued

4 1 The bill requires the department of revenue to report to the
4 2 general assembly by January 15, 2015, on the amount of claims
4 3 made and refunds issued for tax years beginning during the
4 4 period of January 1, 2010, and December 31, 2014.
4 5 The bill takes effect upon enactment and applies
4 6 retroactively to January 1, 2010, for tax years beginning on
4 7 or after that date.

LSB 5180XC (5) 83

sc/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Study Bill 3237

SENATE FILE

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

A BILL FOR

1 An Act relating to enhanced 911 emergency telephone systems
2 and information required for inclusion in an enhanced 911
3 service plan.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6240SC (3) 83
rn/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Study Bill 3237 continued

PAG LIN

1 1 Section 1. Section 34A.2, subsection 7, paragraph e,
1 2 subparagraph (1), subparagraph division (b), Code 2009, is
1 3 amended by striking the subparagraph division and inserting in
1 4 lieu thereof the following:

1 5 (b) Recurring costs, including but not limited to
1 6 network access fees and other telephone charges; software
1 7 and equipment, including but not limited to reverse mass
1 8 notification, voice over internet protocol, telematics,
1 9 texting, and video capability; database management;
1 10 maintenance; and the purchase or lease of subscriber names,
1 11 addresses, and telephone information from the local exchange
1 12 service provider. Recurring costs shall not include personnel
1 13 costs for a public safety answering point.

1 14 Sec. 2. Section 34A.2, Code 2009, is amended by adding the
1 15 following new subsections:

1 16 NEW SUBSECTION. 2A. "Communications service" means a
1 17 service capable of accessing, connecting with, or interfacing
1 18 with a 911 system exclusively through the numerals 911 by
1 19 dialing, initializing, or otherwise activating the 911 system
1 20 by means of a local telephone device, cellular telephone
1 21 device, wireless communications device, interconnected voice
1 22 over internet protocol device, telematics, or any other means
1 23 developed in the future.

1 24 NEW SUBSECTION. 13A. "Reverse mass notification" means
1 25 the use of computer technology to deliver recorded emergency
1 26 messages to large numbers of people in a specified geographic
1 27 area in a short period of time.

1 28 NEW SUBSECTION. 13B. "Telematics" means the use of
1 29 wireless data transmission to be used for emergency or safety
1 30 communications.

1 31 NEW SUBSECTION. 13C. "Voice over internet protocol" means a
1 32 provider who transmits phone calls over a data network using an
1 33 internet protocol.

1 34 EXPLANATION

1 35 This bill relates to enhanced 911 emergency telephone



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2010

Senate Study Bill 3237 continued

2 1 systems.

2 2 The bill modifies information which is required to be
2 3 included in an enhanced 911 service plan for providing enhanced
2 4 911 emergency communications in a specified enhanced 911
2 5 service area. Currently, one of these requirements includes
2 6 an estimate of recurring costs, including among other costs
2 7 those for software and equipment. The bill adds costs for
2 8 reverse mass notification, voice over internet protocol,
2 9 telematics, texting, and video capability as specific software
2 10 and equipment costs for inclusion on the statement.

2 11 The bill supplies definitions applicable to the additional
2 12 software and equipment aspects of recurring costs specified in
2 13 the bill. The bill provides that reverse mass notification
2 14 means utilizing computerized technology to deliver recorded
2 15 emergency messages to large numbers of people in a specified
2 16 geographic area in a short period of time. The bill provides
2 17 that telematics means the use of wireless data transmission
2 18 to be used for emergency or safety communications. The bill
2 19 provides that voice over internet protocol means a provider who
2 20 transmits phone calls over a data network using an internet
2 21 protocol.

2 22 Additionally, the bill provides a definition of
2 23 communications service, a term used several times in Code
2 24 chapter 34A, to mean a service capable of accessing, connecting
2 25 with, or interfacing with a 911 system exclusively through
2 26 the numerals 911 by dialing, initializing, or otherwise
2 27 activating the 911 system by means of a local telephone device,
2 28 cellular telephone device, wireless communications device,
2 29 interconnected voice over internet protocol device, telematics,
2 30 or any other means developed in the future.

LSB 6240SC (3) 83

rn/sc