



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2010

House Amendment 8351

PAG LIN

1 1 Amend the amendment, H=8165, to House File 2324 as
1 2 follows:
1 3 #1. Page 1, lines 9 and 10, by striking <December
1 4 21, 2011> and inserting <July 1, 2013>
1 5 #2. By renumbering as necessary.

ZIRKELBACH of Jones
HF2324.1436 (2) 83
da/rj



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House Amendment 8352

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1 1 Amend House File 2327 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <DIVISION I
1 5 IOWA COMPREHENSIVE PETROLEUM
1 6 UNDERGROUND STORAGE TANK FUND

1 7 Section 1. Section 455B.474, subsection 1,
1 8 paragraph d, subparagraph (2), unnumbered paragraph 1,
1 9 Code Supplement 2009, is amended to read as follows:
1 10 A site shall be classified as either high risk,
1 11 low risk, or no action required, as determined by a
1 12 certified groundwater professional.

1 13 Sec. 2. Section 455B.474, subsection 1, paragraph
1 14 d, subparagraph (2), subparagraph division (a),
1 15 unnumbered paragraph 1, Code Supplement 2009, is
1 16 amended to read as follows:

1 17 A site shall be considered high risk when ~~it is~~
~~1 18 determined a certified groundwater professional~~
1 19 determines that contamination from the site presents an
1 20 unreasonable risk to public health and safety or the
1 21 environment under any of the following conditions:

1 22 Sec. 3. Section 455B.474, subsection 1, paragraph
1 23 d, subparagraph (2), subparagraph division (b),
1 24 unnumbered paragraph 1, Code Supplement 2009, is
1 25 amended to read as follows:

1 26 A site shall be considered low risk ~~under any of~~
~~1 27 the following conditions~~ when a certified groundwater
1 28 professional determines that low risk conditions exist
1 29 as follows:

1 30 Sec. 4. Section 455B.474, subsection 1, paragraph
1 31 d, subparagraph (2), subparagraph divisions (c) and
1 32 (e), Code Supplement 2009, are amended to read as
1 33 follows:

1 34 (c) A site shall be considered no action required
1 35 ~~if and a no further action certificate shall be~~
1 36 issued by the department when a certified groundwater
1 37 professional determines that contamination is below
1 38 action level standards and high or low risk conditions
1 39 do not exist and are not likely to occur.

1 40 (e) A site cleanup report which classifies a
1 41 site as either high risk, low risk, or no action
1 42 required shall be submitted by a groundwater
1 43 professional to the department with a certification
1 44 that the report complies with the provisions of this
1 45 chapter and rules adopted by the department. The
1 46 report shall be determinative of the appropriate
1 47 classification of the site. ~~However, if the report~~
~~1 48 is found to be~~ and the site shall be classified as
1 49 indicated by the groundwater professional unless,
1 50 within ninety days of receipt by the department,



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2 1 the department identifies material information in
2 2 the report that is inaccurate or incomplete, and
2 3 if based upon inaccurate or incomplete information
2 4 in the report the risk classification of the site
2 5 cannot be reasonably determined by the department
2 6 based upon industry standards, ~~the department shall.~~
2 7 If the department determines that the site cleanup
2 8 report is inaccurate or incomplete, the department
2 9 shall notify the groundwater professional of the
2 10 inaccurate or incomplete information within ninety
2 11 days of receipt of the report and shall work with
2 12 the groundwater professional to obtain ~~the correct~~
2 13 information or additional information necessary
2 14 to appropriately classify the site. A groundwater
2 15 professional who knowingly or intentionally makes a
2 16 false statement or misrepresentation which results in
2 17 a mistaken classification of a site shall be guilty of
2 18 a serious misdemeanor and shall have the groundwater
2 19 professional's certification revoked under this
2 20 section.
2 21 Sec. 5. Section 455B.474, subsection 1, paragraph
2 22 f, subparagraphs (5), (6), and (7), Code Supplement
2 23 2009, are amended to read as follows:
2 24 (5) A corrective action design report submitted by
2 25 a groundwater professional shall be accepted by the
2 26 department and shall be primarily relied upon by the
2 27 department to determine the corrective action response
2 28 requirements of the site. However, if ~~the corrective~~
2 29 ~~action design report is found to be within ninety days~~
2 30 of receipt of a corrective action design report, the
2 31 department identifies material information in the
2 32 corrective action design report that is inaccurate or
2 33 incomplete, and if based upon information in the report
2 34 the appropriate corrective action response cannot be
2 35 reasonably determined by the department based upon
2 36 industry standards, the department shall notify the
2 37 groundwater professional that the corrective action
2 38 design report is not accepted, and the department
2 39 shall work with the groundwater professional to
2 40 correct the material information or to obtain the
2 41 additional information necessary to appropriately
2 42 determine the corrective action response requirements
2 43 as soon as practicable. A groundwater professional
2 44 who knowingly or intentionally makes a false statement
2 45 or misrepresentation which results in an improper or
2 46 incorrect corrective action response shall be guilty of
2 47 a serious misdemeanor and shall have the groundwater
2 48 professional's certification revoked under this
2 49 section.
2 50 (6) Low risk sites shall be monitored as deemed



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3 1 necessary by the department consistent with industry
3 2 standards. Monitoring shall not be required on a site
3 3 which has received a no further action certificate.
3 4 A site that has maintained less than the applicable
3 5 target level for four consecutive sampling events shall
3 6 be reclassified as a no further action site regardless
3 7 of exit monitoring criteria and guidance.

3 8 (7) An owner or operator may elect to proceed with
3 9 additional corrective action on the site. However,
3 10 any action taken in addition to that required pursuant
3 11 to this paragraph "f" shall be solely at the expense
3 12 of the owner or operator and shall not be considered
3 13 corrective action for purposes of section 455G.9,
3 14 unless otherwise previously agreed to by the board and
3 15 the owner or operator. Corrective action taken by an
3 16 owner or operator due to the department's failure to
3 17 meet the time requirements provided in subparagraph
3 18 (5), shall be considered corrective action for purposes
3 19 of section 455G.9.

3 20 Sec. 6. Section 455B.474, subsection 1, paragraph
3 21 h, subparagraphs (1) and (3), Code Supplement 2009, are
3 22 amended to read as follows:

3 23 (1) A no further action certificate shall be
3 24 issued by the department for a site which has been
3 25 classified as a no further action site or which
3 26 has been reclassified pursuant to completion of a
3 27 corrective action plan or monitoring plan to be a no
3 28 further action site by a groundwater professional,
3 29 unless within ninety days of receipt of the report
3 30 submitted by the groundwater professional classifying
3 31 the site, the department notifies the groundwater
3 32 professional that the report and site classification
3 33 are not accepted and the department identifies
3 34 material information in the report that is inaccurate
3 35 or incomplete which causes the department to be
3 36 unable to accept the classification of the site.
3 37 An owner or operator shall not be responsible for
3 38 additional assessment, monitoring, or corrective
3 39 action activities at a site that is issued a no further
3 40 action certificate unless it is determined that the
3 41 certificate was issued based upon false material
3 42 statements that were knowingly or intentionally made
3 43 by a groundwater professional and the false material
3 44 statements resulted in the incorrect classification of
3 45 the site.

3 46 (3) A certificate shall be recorded with the county
3 47 recorder. The owner or operator of a site who has been
3 48 issued a certificate under this paragraph "h" or a
3 49 subsequent purchaser of the site shall not be required
3 50 to perform further corrective action ~~solely~~ because



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4 1 action standards are changed at a later date. A
4 2 certificate shall not prevent the department from
4 3 ordering corrective action of a new release.
4 4 Sec. 7. Section 455G.3, Code 2009, is amended by
4 5 adding the following new subsections:
4 6 NEW SUBSECTION. 6. For the fiscal year beginning
4 7 July 1, 2010, and each fiscal year thereafter, there
4 8 is appropriated from the Iowa comprehensive petroleum
4 9 underground storage tank fund to the department of
4 10 natural resources two hundred thousand dollars for
4 11 purposes of technical review support to be conducted
4 12 by nongovernmental entities for leaking underground
4 13 storage tank assessments.
4 14 NEW SUBSECTION. 7. For the fiscal year beginning
4 15 July 1, 2010, there is appropriated from the Iowa
4 16 comprehensive petroleum underground storage tank fund
4 17 to the department of natural resources one hundred
4 18 thousand dollars for purposes of database modifications
4 19 necessary to accept batched external data regarding
4 20 underground storage tank inspections conducted by
4 21 nongovernmental entities.
4 22 NEW SUBSECTION. 8. For the fiscal year beginning
4 23 July 1, 2010, and each fiscal year thereafter, there
4 24 is appropriated from the Iowa comprehensive petroleum
4 25 underground storage tank fund to the department of
4 26 agriculture and land stewardship two hundred fifty
4 27 thousand dollars for the sole and exclusive purpose
4 28 of inspecting fuel quality at pipeline terminals
4 29 and renewable fuel production facilities, including
4 30 salaries, support, maintenance, and miscellaneous
4 31 purposes.
4 32 NEW SUBSECTION. 9. Beginning September 1, 2010,
4 33 the board shall administer safety training, hazardous
4 34 material training, environmental training, and
4 35 underground storage tank operator training in the
4 36 state to be provided by an entity approved by the
4 37 department of natural resources. The training provided
4 38 pursuant to this subsection shall be available to any
4 39 tank operator in the state at an equal and reasonable
4 40 cost and shall not be conditioned upon any other
4 41 requirements. Each fiscal year, the board shall not
4 42 expend more than two hundred fifty thousand dollars
4 43 from the Iowa comprehensive petroleum underground
4 44 storage tank fund for purposes of administering this
4 45 subsection.
4 46 Sec. 8. Section 455G.4, subsection 1, paragraph a,
4 47 subparagraphs (3) and (5), Code Supplement 2009, are
4 48 amended to read as follows:
4 49 (3) ~~The commissioner of insurance, or the~~
~~4 50 commissioner's designee.~~ An employee of the department



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5 1 of management who has been designated as a risk manager
5 2 by the director of the department of management.

5 3 (5) Two owners or operators appointed by the
5 4 governor. ~~One of the owners or operators appointed~~
~~5 5 pursuant to this subparagraph shall have been a~~
~~5 6 petroleum systems insured through the underground~~
~~5 7 storage tank insurance fund as it existed on June 30,~~
~~5 8 2004, or a successor to the underground storage tank~~
~~5 9 insurance fund and shall have been an insured through~~
~~5 10 the insurance account of the comprehensive petroleum~~
~~5 11 underground storage tank fund on or before October~~
~~5 12 26, 1990. One of the owners or operators appointed~~
~~5 13 pursuant to this subparagraph shall be self-insured. as~~
5 14 follows:

5 15 (a) One member shall be an owner or operator who is
5 16 self-insured.

5 17 (b) One member shall be a member of the petroleum
5 18 marketers and convenience stores of Iowa or its
5 19 designee.

5 20 Sec. 9. Section 455G.9, subsection 1, paragraphs d
5 21 and k, Code 2009, are amended to read as follows:

5 22 d. One hundred percent of the costs of corrective
5 23 action and third-party liability for a release situated
5 24 on property acquired by a county for delinquent taxes
5 25 pursuant to chapters 445 through 448, for which a
5 26 responsible owner or operator able to pay, other
5 27 than the county, cannot be found. A county is not
5 28 a "responsible party" for a release in connection
5 29 with property which it acquires in connection with
5 30 delinquent taxes, and does not become a responsible
5 31 party by sale or transfer of property so acquired. In
5 32 such situations, the board may act as an agent for
5 33 the county. Actual corrective action on the site
5 34 shall be overseen by the department, the board, and
5 35 a certified groundwater professional. Third-party
5 36 liability specifically excludes any claim, cause of
5 37 action, or suit, for personal injury including, but
5 38 not limited to, loss of use or of private enjoyment,
5 39 mental anguish, false imprisonment, wrongful entry or
5 40 eviction, humiliation, discrimination, or malicious
5 41 prosecution. Reasonable acquisition costs do not
5 42 include any taxes or costs related to the collection
5 43 of taxes.

5 44 k. Pursuant to an agreement between the board and
5 45 the department of natural resources, assessment and
5 46 corrective action arising out of releases at sites for
5 47 which a no further action certificate has been issued
5 48 pursuant to section 455B.474, when the department
5 49 determines that an unreasonable risk to public health
5 50 and safety may still exist or that previously reported



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6 1 upon applicable target levels have been exceeded. At
6 2 a minimum, the agreement shall address eligible costs,
6 3 contracting for services, and conditions under which
6 4 sites may be reevaluated.

6 5 Sec. 10. Section 455G.9, subsection 4, Code 2009,
6 6 is amended to read as follows:

6 7 4. Minimum copayment schedule.

6 8 a. An owner or operator shall be required to pay
6 9 the greater of five thousand dollars or eighteen
6 10 percent of the first eighty thousand dollars of the
6 11 total costs of corrective action for that release,
6 12 except for an innocent landowner claim in which case a
6 13 copayment is not required.

6 14 b. If a site's actual expenses exceed eighty
6 15 thousand dollars, the remedial account shall pay the
6 16 remainder, as required by federal regulations, of
6 17 the total costs of the corrective action for that
6 18 release, not to exceed one million dollars, except that
6 19 a county shall not be required to pay a copayment in
6 20 connection with a release situated on property acquired
6 21 in connection with delinquent taxes, as provided in
6 22 subsection 1, paragraph "d", unless subsequent to
6 23 acquisition the county actively operates a tank on the
6 24 property for purposes other than risk assessment, risk
6 25 management, or tank closure.

6 26 Sec. 11. Section 455G.9, subsection 7, Code 2009,
6 27 is amended to read as follows:

6 28 7. Expenses of cleanup not required. When an
6 29 owner or operator who is eligible for benefits under
6 30 this chapter is allowed by the department of natural
6 31 resources to monitor in place, the expenses incurred
6 32 for cleanup beyond the level required by the department
6 33 of natural resources ~~are not~~ may be covered under any
6 34 of the accounts established under the fund only if
6 35 approved by the board as cost-effective relative to
6 36 the department accepted monitoring plan or relative
6 37 to the repeal date specified in section 424.19. The
6 38 cleanup expenses incurred for work completed beyond
6 39 what is required is the responsibility of the person
6 40 contracting for the excess cleanup. The board shall
6 41 seek to terminate the responsible party's environmental
6 42 liabilities at such sites prior to the board ceasing
6 43 operation.

6 44 Sec. 12. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
6 45 APPLICABILITY. The section of this division of this
6 46 Act amending section 455G.9, subsection 4, being deemed
6 47 of immediate importance, takes effect upon enactment
6 48 and applies retroactively to January 1, 2010.

6 49 DIVISION ii
6 50 BONDING AUTHORITY



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7 1 Sec. 13. Section 455G.2, subsection 1, Code 2009,
7 2 is amended by striking the subsection.
7 3 Sec. 14. Section 455G.2, subsection 3, Code 2009,
7 4 is amended to read as follows:
7 5 3. "Bond" means a bond, note, or other obligation
7 6 issued by the ~~authority~~ treasurer of state for the fund
7 7 and the purposes of this chapter.
7 8 Sec. 15. Section 455G.3, subsection 2, Code 2009,
7 9 is amended to read as follows:
7 10 2. The board shall assist Iowa's owners and
7 11 operators of petroleum underground storage tanks in
7 12 complying with federal environmental protection agency
7 13 technical and financial responsibility regulations
7 14 by establishment of the Iowa comprehensive petroleum
7 15 underground storage tank fund. The ~~authority~~ treasurer
7 16 of state may issue its bonds, or series of bonds, to
7 17 assist the board, as provided in this chapter.
7 18 Sec. 16. Section 455G.6, subsections 7 through 9,
7 19 Code Supplement 2009, are amended to read as follows:
7 20 7. The board may contract with the
7 21 ~~authority~~ treasurer of state for the
7 22 ~~authority~~ treasurer of state to issue bonds and do
7 23 all things necessary with respect to the purposes
7 24 of the fund, as set out in the contract between the
7 25 board and the ~~authority~~ treasurer of state. The
7 26 board may delegate to the ~~authority~~ treasurer of
7 27 state and the ~~authority~~ treasurer of state shall
7 28 then have all of the powers of the board which are
7 29 necessary to issue and secure bonds and carry out the
7 30 purposes of the fund, to the extent provided in the
7 31 contract between the board and the ~~authority~~ treasurer
7 32 of state. The ~~authority~~ treasurer of state may
7 33 issue the ~~authority's~~ treasurer of state's bonds
7 34 in principal amounts which, in the opinion of the
7 35 board, are necessary to provide sufficient funds for
7 36 the fund, the payment of interest on the bonds, the
7 37 establishment of reserves to secure the bonds, the
7 38 costs of issuance of the bonds, other expenditures
7 39 of the ~~authority~~ treasurer of state incident to and
7 40 necessary or convenient to carry out the bond issue
7 41 for the fund, and all other expenditures of the board
7 42 necessary or convenient to administer the fund.
7 43 The bonds are investment securities and negotiable
7 44 instruments within the meaning of and for purposes of
7 45 the uniform commercial code, chapter 554.
7 46 8. Bonds issued under this section are payable
7 47 solely and only out of the moneys, assets, or revenues
7 48 of the fund, all of which may be deposited with
7 49 trustees or depositories in accordance with bond
7 50 or security documents and pledged by the board to



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8 1 the payment thereof, and are not an indebtedness
8 2 of this state ~~or the authority~~, or a charge against
8 3 the general credit or general fund of the state ~~or~~
~~8 4 the authority~~, and the state shall not be liable for
8 5 any financial undertakings with respect to the fund.
8 6 Bonds issued under this chapter shall contain on their
8 7 face a statement that the bonds do not constitute an
8 8 indebtedness of the state ~~or the authority~~.
8 9 9. The proceeds of bonds issued by the
8 10 ~~authority~~ treasurer of state and not required for
8 11 immediate disbursement may be deposited with a trustee
8 12 or depository as provided in the bond documents
8 13 and invested in any investment approved by the
8 14 ~~authority~~ treasurer of state and specified in the trust
8 15 indenture, resolution, or other instrument pursuant
8 16 to which the bonds are issued without regard to any
8 17 limitation otherwise provided by law.
8 18 Sec. 17. Section 455G.6, subsection 10, paragraph
8 19 b, Code Supplement 2009, is amended to read as follows:
8 20 b. Negotiable instruments under the laws of
8 21 the state and may be sold at prices, at public or
8 22 private sale, and in a manner, as prescribed by the
8 23 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A
8 24 and 75 do not apply to their sale or issuance of the
8 25 bonds.
8 26 Sec. 18. Section 455G.6, subsection 12, Code
8 27 Supplement 2009, is amended to read as follows:
8 28 12. Bonds must be authorized by a trust
8 29 indenture, resolution, or other instrument of the
8 30 ~~authority~~ treasurer of state, approved by the board.
8 31 However, a trust indenture, resolution, or other
8 32 instrument authorizing the issuance of bonds may
8 33 delegate to an officer of the issuer the power to
8 34 negotiate and fix the details of an issue of bonds.
8 35 Sec. 19. Section 455G.7, Code Supplement 2009, is
8 36 amended to read as follows:
8 37 455G.7 Security for bonds == capital reserve fund ==
8 38 irrevocable contracts.
8 39 1. a. For the purpose of securing one or more
8 40 issues of bonds for the fund, the ~~authority~~ treasurer
8 41 of state, with the approval of the board, may authorize
8 42 the establishment of one or more special funds, called
8 43 "capital reserve funds". The ~~authority~~ treasurer
8 44 of state may pay into the capital reserve funds the
8 45 proceeds of the sale of its bonds and other money
8 46 which may be made available to the ~~authority~~ treasurer
8 47 of state from other sources for the purposes of the
8 48 capital reserve funds. Except as provided in this
8 49 section, money in a capital reserve fund shall be used
8 50 only as required for any of the following:



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9 1 ~~a.~~ (1) The payment of the principal of and
9 2 interest on bonds or of the sinking fund payments with
9 3 respect to those bonds.
9 4 ~~b.~~ (2) The purchase or redemption of the bonds.
9 5 ~~c.~~ (3) The payment of a redemption premium
9 6 required to be paid when the bonds are redeemed before
9 7 maturity.
9 8 b. However, money in a capital reserve fund shall
9 9 not be withdrawn if the withdrawal would reduce the
9 10 amount in the capital reserve fund to less than the
9 11 capital reserve fund requirement, except for the
9 12 purpose of making payment, when due, of principal,
9 13 interest, redemption premiums on the bonds, and making
9 14 sinking fund payments when other money pledged to the
9 15 payment of the bonds is not available for the payments.
9 16 Income or interest earned by, or increment to, a
9 17 capital reserve fund from the investment of all or part
9 18 of the capital reserve fund may be transferred by the
9 19 authority treasurer of state to other accounts of the
9 20 fund if the transfer does not reduce the amount of the
9 21 capital reserve fund below the capital reserve fund
9 22 requirement.
9 23 2. If the authority treasurer of state decides
9 24 to issue bonds secured by a capital reserve fund,
9 25 the bonds shall not be issued if the amount in the
9 26 capital reserve fund is less than the capital reserve
9 27 fund requirement, unless at the time of issuance of
9 28 the bonds the authority treasurer of state deposits
9 29 in the capital reserve fund from the proceeds of the
9 30 bonds to be issued or from other sources, an amount
9 31 which, together with the amount then in the capital
9 32 reserve fund, is not less than the capital reserve fund
9 33 requirement.
9 34 3. In computing the amount of a capital reserve
9 35 fund for the purpose of this section, securities in
9 36 which all or a portion of the capital reserve fund
9 37 is invested shall be valued by a reasonable method
9 38 established by the authority treasurer of state.
9 39 Valuation shall include the amount of interest earned
9 40 or accrued as of the date of valuation.
9 41 4. In this section, "capital reserve fund
9 42 requirement" means the amount required to be on
9 43 deposit in the capital reserve fund as of the date of
9 44 computation.
9 45 5. To assure maintenance of the capital reserve
9 46 funds, the authority treasurer of state shall, on
9 47 or before July 1 of each calendar year, make and
9 48 deliver to the governor the authority's treasurer of
9 49 state's certificate stating the sum, if any, required
9 50 to restore each capital reserve fund to the capital



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10 1 reserve fund requirement for that fund. Within
10 2 thirty days after the beginning of the session of the
10 3 general assembly next following the delivery of the
10 4 certificate, the governor may submit to both houses
10 5 printed copies of a budget including the sum, if any,
10 6 required to restore each capital reserve fund to the
10 7 capital reserve fund requirement for that fund. Any
10 8 sums appropriated by the general assembly and paid
10 9 to the ~~authority~~ treasurer of state pursuant to this
10 10 section shall be deposited in the applicable capital
10 11 reserve fund.

10 12 6. All amounts paid by the state pursuant to this
10 13 section shall be considered advances by the state and,
10 14 subject to the rights of the holders of any bonds of
10 15 the ~~authority~~ treasurer of state that have previously
10 16 been issued or will be issued, shall be repaid to the
10 17 state without interest from all available revenues of
10 18 the fund in excess of amounts required for the payment
10 19 of bonds of the ~~authority~~ treasurer of state, the
10 20 capital reserve fund, and operating expenses.

10 21 7. If any amount deposited in a capital reserve
10 22 fund is withdrawn for payment of principal, premium,
10 23 or interest on the bonds or sinking fund payments with
10 24 respect to bonds thus reducing the amount of that fund
10 25 to less than the capital reserve fund requirement, the
10 26 ~~authority~~ treasurer of state shall immediately notify
10 27 the governor and the general assembly of this event and
10 28 shall take steps to restore the capital reserve fund
10 29 to the capital reserve fund requirement for that fund
10 30 from any amounts designated as being available for such
10 31 purpose.

10 32 Sec. 20. Section 455G.8, subsection 2, Code 2009,
10 33 is amended to read as follows:

10 34 2. Statutory allocations fund. The moneys
10 35 credited from the statutory allocations fund under
10 36 section 321.145, subsection 2, paragraph "a", shall
10 37 be allocated, consistent with this chapter, among
10 38 the fund's accounts, for debt service and other fund
10 39 expenses, according to the fund budget, resolution,
10 40 trust agreement, or other instrument prepared or
10 41 entered into by the board or ~~authority~~ treasurer of
10 42 state under direction of the board.

10 43 Sec. 21. REPEAL. Section 16.151, Code 2009, is
10 44 repealed.

10 45 Sec. 22. REPEAL. 1989 Iowa Acts, chapter 131,
10 46 section 63, as amended by 2009 Iowa Acts, chapter 184,
10 47 section 39, is repealed.

10 48 Sec. 23. EFFECTIVE UPON ENACTMENT. This division
10 49 of this Act, being deemed of immediate importance,
10 50 takes effect upon enactment.>



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- 11 1 #2. Title page, line 2, after <fund> by inserting
- 11 2 <and including effective date and retroactive
- 11 3 applicability provisions>
- 11 4 #3. By renumbering as necessary.

S. OLSON of Clinton
HF2327.1934 (2) 83
tm/nh



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1 1 Amend Senate File 2201, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 11, after line 9 by inserting:
1 4 <Sec. ____ NEW SECTION. 514C.6A Exemption from
1 5 chapter requirements.
1 6 1. Notwithstanding any other provision of this
1 7 chapter, a third-party payor as defined in section
1 8 514C.6 may issue a basic policy, contract, or plan
1 9 providing for third-party payment or prepayment of
1 10 health or medical expenses that does not provide
1 11 coverage for some or any of the special health and
1 12 accident insurance coverages required by this chapter
1 13 or does not meet some or any of the other requirements
1 14 contained in this chapter.
1 15 2. This section applies to third-party payment
1 16 provider policies, contracts, or plans that are
1 17 delivered, issued for delivery, continued, or renewed
1 18 in this state on or after January 1, 2011.>
1 19 #2. Title page, line 5, after <associations,> by
1 20 inserting <special health and accident insurance
1 21 coverages,>
1 22 #3. By renumbering as necessary.

PETTENGILL of Benton
SF2201.1926 (2) 83
av/nh



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1 1 Amend the amendment, H=8300, to House File 2481 as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 through 15 and
1 4 inserting:
1 5 <____. Page 27, after line 27 by inserting:
1 6 <Sec. _____. Section 483A.8, subsection 3, paragraph
1 7 c, Code Supplement 2009, is amended to read as follows:
1 8 c. The commission shall annually limit to
1 9 ~~six~~ twelve thousand the number of nonresidents allowed
1 10 to have antlered or any sex deer hunting licenses. Of
1 11 the ~~six~~ twelve thousand nonresident antlered or any sex
1 12 deer hunting licenses issued, not more than thirty-five
1 13 percent of the licenses shall be bow season licenses.
1 14 After the ~~six~~ twelve thousand antlered or any sex
1 15 nonresident deer hunting licenses have been issued,
1 16 all additional licenses shall be issued for antlerless
1 17 deer only. The commission shall annually determine the
1 18 number of nonresident antlerless deer only deer hunting
1 19 licenses that will be available for issuance. >>

PETTENGILL of Benton
H8300.1935 (2) 83
av/sc



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1 1 Amend Senate File 2343, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. Section 46.3, Code 2009, is amended to
1 5 read as follows:
1 6 46.3 Appointment of district judicial nominating
1 7 commissioners.
1 8 1. The governor shall appoint five eligible
1 9 electors of each judicial election district to the
1 10 district judicial nominating commission.
1 11 2. ~~Appointments~~ The appointments made by the
1 12 governor shall be to staggered terms of six years each
1 13 and shall be made in the month of January for terms
1 14 commencing February 1 of even-numbered years.
1 15 3. ~~No more than a~~ A simple majority of the
1 16 commissioners appointed shall be of the same gender.
1 17 4. Beginning with terms commencing February 1,
1 18 2012, there shall not be more than one appointed
1 19 commissioner from a county within a judicial election
1 20 district unless each county within the judicial
1 21 election district has an appointed or elected
1 22 commissioner or the number of appointed commissioners
1 23 exceeds the number of counties within the judicial
1 24 election district. This subsection shall not be used
1 25 to remove an appointed commissioner from office prior
1 26 to the expiration of the commissioner's term.>
1 27 #2. Page 1, lines 4 and 5, by striking <for up to
1 28 one hundred eighty days>
1 29 #3. Page 1, line 8, after <occur.> by inserting <For
1 30 each of the first five delays ordered by the chief
1 31 justice in the fiscal year beginning July 1, 2010,
1 32 and for each of the first five delays ordered by the
1 33 chief justice in each fiscal year thereafter, the delay
1 34 shall not exceed one hundred eighty days. For each
1 35 delay ordered by the chief justice in excess of the
1 36 first five delays in the fiscal year beginning July 1,
1 37 2010, and for each delay ordered by the chief justice
1 38 in excess of the first five delays in each fiscal year
1 39 thereafter, the delay shall not exceed one year.>
1 40 #4. Page 1, lines 11 and 12, by striking <for up to
1 41 one hundred eighty days>
1 42 #5. Page 1, line 14, after <judgeship.> by inserting
1 43 <For each of the first five delays ordered by the chief
1 44 justice in the fiscal year beginning July 1, 2010,
1 45 and for each of the first five delays ordered by the
1 46 chief justice in each fiscal year thereafter, the delay
1 47 shall not exceed one hundred eighty days. For each
1 48 delay ordered by the chief justice in excess of the
1 49 first five delays in the fiscal year beginning July 1,
1 50 2010, and for each delay ordered by the chief justice



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2 1 in excess of the first five delays in each fiscal year
2 2 thereafter, the delay shall not exceed one year.>
2 3 #6. Page 1, lines 19 and 20, by striking <for up to
2 4 one hundred eighty days>
2 5 #7. Page 1, line 21, after <term.> by inserting <For
2 6 each of the first five delays ordered by the chief
2 7 justice in the fiscal year beginning July 1, 2010,
2 8 and for each of the first five delays ordered by the
2 9 chief justice in each fiscal year thereafter, the delay
2 10 shall not exceed one hundred eighty days. For each
2 11 delay ordered by the chief justice in excess of the
2 12 first five delays in the fiscal year beginning July 1,
2 13 2010, and for each delay ordered by the chief justice
2 14 in excess of the first five delays in each fiscal year
2 15 thereafter, the delay shall not exceed one year.>
2 16 #8. By renumbering as necessary.

COMMITTEE ON JUDICIARY
SWAIM of Davis, Chairperson
SF2343.1922 (3) 83
jm/rj



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House Amendment 8356

PAG LIN

1 1 Amend Senate File 2352, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, after line 5 by inserting:
1 4 <c. If an arrest warrant has been issued for
1 5 or charges are pending against the person, but no
1 6 court order exists requiring notification to a law
1 7 enforcement agency under paragraph "a" or "b", and if
1 8 the peace officer delivers the person to a facility or
1 9 hospital and the peace officer notifies the facility
1 10 or hospital in writing on a form prescribed by the
1 11 department of public safety that the facility or
1 12 hospital notify the law enforcement agency about
1 13 the discharge of the person prior to discharge, the
1 14 facility or hospital shall do all of the following:
1 15 (1) Notify the dispatch of the law enforcement
1 16 agency that employs the peace officer by telephone
1 17 prior to the discharge of the person from the facility
1 18 or hospital.
1 19 (2) Notify the law enforcement agency that employs
1 20 the peace officer by electronic mail prior to the
1 21 discharge of the person from the facility or hospital.>
1 22 #2. Page 3, by striking lines 11 through 15 and
1 23 inserting <is sooner dismissed by a magistrate. If
1 24 a person is to be discharged prior to the end of
1 25 the period of time prescribed for detention by this
1 26 subsection, the facility or hospital shall notify, if
1 27 required by this section, the law enforcement agency
1 28 requesting notification prior to the discharge of the
1 29 person. The law enforcement agency shall have up to
1 30 six hours after notification to retrieve the person but
1 31 in no circumstances shall the detention of the person
1 32 exceed the period of time prescribed for detention by
1 33 this subsection. The facility or hospital may provide
1 34 treatment which>
1 35 #3. Page 3, line 26, by striking <the order of the
1 36 magistrate> and inserting <this section>
1 37 #4. Page 4, by striking lines 1 through 4 and
1 38 inserting <immediately detained, or if the person
1 39 was discharged prior to the end of the period of
1 40 time prescribed for detention by this subsection,
1 41 the facility or hospital was required to notify
1 42 a law enforcement agency by this section, the law
1 43 enforcement agency requesting notification prior
1 44 to discharge retrieved the person within six hours
1 45 of the notification, and the detention prior to the
1 46 retrieval of the person did not exceed the period of
1 47 time prescribed for detention by this subsection.>
1 48 #5. Page 4, before line 5 by inserting:
1 49 <Sec. _____. Section 229.22, Code Supplement 2009, is
1 50 amended by adding the following new subsections:



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2 1 NEW SUBSECTION. 5. The department of public
2 2 safety shall prescribe the form to be used when a law
2 3 enforcement agency desires notification under this
2 4 section from a facility or hospital prior to discharge
2 5 of a person admitted to the facility or hospital and
2 6 for whom an arrest warrant has been issued or against
2 7 whom charges are pending. The form shall be consistent
2 8 with all laws, regulations, and rules relating to the
2 9 confidentiality or privacy of personal information
2 10 or medical records, including but not limited to the
2 11 federal Health Insurance Portability and Accountability
2 12 Act of 1996, Pub. L. No. 104=191, and regulations
2 13 promulgated in accordance with that Act and published
2 14 in 45 C.F.R. pts. 160=64.
2 15 NEW SUBSECTION. 6. A facility or hospital,
2 16 which has been notified by a peace officer or a law
2 17 enforcement agency by delivery of a form as prescribed
2 18 by the department of public safety indicating that
2 19 an arrest warrant has been issued for or charges are
2 20 pending against a person admitted to the facility or
2 21 hospital, that does not notify the law enforcement
2 22 agency about the discharge of the person as required by
2 23 subsection 2, paragraph "c", shall pay a civil penalty
2 24 as provided in section 805.8C, subsection 8.
2 25 Sec. _____. Section 805.8C, Code Supplement 2009, is
2 26 amended by adding the following new subsection:
2 27 NEW SUBSECTION. 8. Notification violations. For
2 28 violations of section 229.22, subsection 6, the
2 29 scheduled fine is one thousand dollars for a first
2 30 violation and two thousand dollars for a second or
2 31 subsequent violation. The scheduled fine under this
2 32 subsection is a civil penalty, and the criminal penalty
2 33 surcharge under section 911.1 shall not be added to the
2 34 penalty.>
2 35 #6. Title page, line 2, after <impairment> by
2 36 inserting <, and providing penalties>
2 37 #7. By renumbering as necessary.

COMMITTEE ON JUDICIARY
SWAIM of Davis, Chairperson
SF2352.1913 (4) 83
jm/rj



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House Amendment 8357

PAG LIN

1 1 Amend Senate File 2351, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, after line 25 by inserting:
1 4 <Sec. _____. DOMESTIC ABUSE INTERIM STUDY.
1 5 1. The legislative council is requested to
1 6 authorize a study for the 2010 legislative interim on
1 7 domestic abuse. The study recommendations and findings
1 8 shall include but are not limited to the following
1 9 domestic abuse issues:
1 10 a. The supervision and monitoring of persons
1 11 charged with or convicted of a violation of a criminal
1 12 no-contact order or a civil protective order in a
1 13 domestic abuse case.
1 14 b. The availability of domestic abuse shelters and
1 15 support services including life skill services for
1 16 victims of domestic abuse.
1 17 c. Prohibiting a person who is the subject of
1 18 criminal no-contact order or a protective order or who
1 19 has been convicted of a misdemeanor crime of domestic
1 20 violence from possessing, transferring, or selling
1 21 firearms and ammunition or offensive weapons.
1 22 d. Domestic abuse protective orders and animals
1 23 owned or held by a petitioner, respondent, or minor
1 24 child of the petitioner or respondent in domestic abuse
1 25 cases.
1 26 e. The issuance of a protective order or approval
1 27 of a consent agreement in domestic abuse, harassment,
1 28 and stalking cases.
1 29 2. The study shall be conducted by a legislative
1 30 study committee consisting of seven members of the
1 31 general assembly, representing both political parties
1 32 and both houses of the general assembly. Four members
1 33 shall be members of the house of representatives
1 34 and three members shall be members of the senate. A
1 35 chairperson or co-chairpersons shall be designated by
1 36 the legislative council.
1 37 3. The study report, including findings and
1 38 recommendations, shall be submitted to the general
1 39 assembly in January of 2011, for consideration during
1 40 the 2011 legislative session.>
1 41 #2. Title page, line 2, after <penalty> by inserting
1 42 <and providing for a study>

COMMITTEE ON JUDICIARY
SWAIM of Davis, Chairperson
SF2351.1902 (3) 83
rh/rj



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House Amendment 8358

PAG LIN

1 1 Amend Senate File 2109, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 9, after <or 321.333> by inserting
1 4 <, or section 321.372, subsection 3,>
1 5 #2. Title page, line 2, by striking <device or
1 6 signal> and inserting <device, an official traffic
1 7 control signal, or a school bus stop arm>
1 8 #3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
SWAIM of Davis, Chairperson
SF2109.1447 (3) 83
dea/nh



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House Amendment 8359

PAG LIN

1 1 Amend the Senate amendment, H=8251, to House File
1 2 2456, as amended, passed, and reprinted by the House,
1 3 as follows:
1 4 #1. Page 1, after line 6 by inserting:
1 5 <____. Page 2, after line 21 by inserting:
1 6 <7. A peace officer shall not detain a person
1 7 solely for a suspected violation of this section. This
1 8 section is enforceable by a peace officer only as a
1 9 secondary action when the driver of a motor vehicle is
1 10 detained for a suspected violation of another provision
1 11 of this chapter, an equivalent local ordinance, or
1 12 other law. >>
1 13 #2. By renumbering as necessary.

ALONS of Sioux
HF2456.1945 (2) 83
dea/nh



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House Amendment 8360

PAG LIN

1 1 Amend Senate File 2310, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 24, by striking <461.3> and
1 4 inserting <461.31>
1 5 #2. Page 2, by striking lines 27 through 29.
1 6 #3. Page 2, line 30, by striking <2.> and inserting
1 7 <1.>
1 8 #4. Page 2, line 34, by striking <3.> and inserting
1 9 <2.>
1 10 #5. Page 2, line 35, by striking <2> and inserting
1 11 <1>
1 12 #6. Page 3, by striking line 2 and inserting <of
1 13 trust fund moneys distributed to the Iowa resources
1 14 enhancement and protection fund or any one account
1 15 established>
1 16 #7. Page 3, lines 5 and 6, by striking <together
1 17 with the treasurer of state and the auditor of state>
1 18 #8. Page 3, by striking lines 10 through 13.
1 19 #9. Page 3, line 14, by striking <2.> and inserting
1 20 <1.>
1 21 #10. Page 3, line 19, by striking <3.> and inserting
1 22 <2.>
1 23 #11. Page 3, by striking lines 22 and 23 and
1 24 inserting <The department of revenue, the department
1 25 of agriculture and>
1 26 #12. Page 3, after line 27 by inserting:
1 27 <Sec. ____ . NEW SECTION. 461.24 Public listing.
1 28 The department of natural resources, the department
1 29 of agriculture and land stewardship, and the department
1 30 of transportation shall cooperate to publish and
1 31 maintain a public listing of how moneys contained in
1 32 the natural resources and outdoor recreation trust
1 33 fund as created in section 461.31 are distributed and
1 34 spent during the course of each fiscal year. The
1 35 departments shall designate one of the departments
1 36 to be responsible for publishing and maintaining the
1 37 public listing on the internet site operated by that
1 38 department.>
1 39 #13. By striking page 4, line 35, through page 5,
1 40 line 2, and inserting:
1 41 <a. The establishment, maintenance, restoration,
1 42 improvement, or enhancement of state parks, state
1 43 preserves, state forests, wildlife areas, wildlife
1 44 habitats, native prairies, and wetlands.>
1 45 #14. Page 5, by striking line 13.
1 46 #15. Page 8, by striking lines 10 through 12 and
1 47 inserting <maintenance, improvement, and expansion of
1 48 land trails.>
1 49 #16. Page 8, by striking lines 32 through 34 and
1 50 inserting <to dedicate a portion of state revenue for



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House Amendment 8360 continued

- 2 1 the benefit of the state's natural resources, as passed
- 2 2 for>
- 2 3 #17. By renumbering as necessary.

BELL of Jasper
SF2310.1901 (4) 83
da/nh



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House Amendment 8361

PAG LIN

1 1 Amend Senate File 2357, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, by striking lines 7 and 8 and inserting
1 4 <offensive weapon, or ammunition is guilty of any of
1 5 the following:
1 6 a. A simple misdemeanor if the offense involves
1 7 ammunition.
1 8 b. A serious misdemeanor if the offense involves a
1 9 firearm or offensive weapon.>
1 10 #2. By renumbering as necessary.

HAGENOW of Polk
SF2357.1942 (3) 83
rh/rj



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House Amendment 8362

PAG LIN

1 1 Amend Senate File 2346, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 24, by striking <insured purchased>
1 4 and inserting <insurer offers>
1 5 #2. Page 1, line 34, by striking <more> and
1 6 inserting <less>

COMMITTEE ON COMMERCE
PETERSEN of Polk, Chairperson
SF2346.1861 (3) 83
av/nh



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House Amendment 8363

PAG LIN

1 1 Amend Senate File 2200, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 20 through 22 and
1 4 inserting <probate court. The court shall inform
1 5 the proposed guardian of the guardian's reporting
1 6 duties under section 633.669 and other duties under
1 7 the probate code. Upon transferring jurisdiction, the
1 8 court shall direct the probate clerk, once the proposed
1 9 guardian has filed an oath of office and identification
1 10 in accordance with section 602.6111, to issue letters
1 11 of appointment for guardianship and docket the case in
1 12 probate. Notwithstanding contrary provisions under
1 13 chapter 633 or other provision of law, docketing of
1 14 the case and other public disclosure of identifying
1 15 information concerning the case shall be subject to
1 16 section 232.147 and other confidentiality provisions
1 17 of this chapter for cases not involving juvenile
1 18 delinquency.>

HUSER of Polk
SF2200.4744 (2) 83
jp/nh



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House Amendment 8364

PAG LIN

1 1 Amend the amendment, H=8341, to Senate File 2265,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 2, by striking lines 31 and 32 and
1 5 inserting:
1 6 <12. The task force is dissolved upon submission
1 7 of the report to the governor and the general assembly
1 8 under subsection 11.>

GRASSLEY of Butler

SF2265.1946 (4) 83
md/sc



Iowa General Assembly
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House Amendment 8365

PAG LIN

1 1 Amend Senate File 2265, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 15, line 34, after <force.> by inserting
1 4 <The rebuild Iowa office and the department of
1 5 management shall not hire additional employees
1 6 or contract with any person to provide such staff
1 7 assistance and administrative support. Additionally,
1 8 notwithstanding any provision of law to the contrary,
1 9 the rebuild Iowa office and the department of
1 10 management shall not be appropriated and shall not
1 11 permit the expenditure of moneys related to the duties
1 12 of the task force.>

Wagner of Linn

SF2265.1951 (2) 83
md/sc



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House Amendment 8366

PAG LIN

1 1 Amend Senate File 2265, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 15, line 32, by striking <rebuild Iowa
1 4 office and the>
1 5 #2. Page 16, line 3, by striking <rebuild Iowa
1 6 office> and inserting <department of management>

WAGNER of Linn

SF2265.1948 (2) 83
md/sc



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House Amendment 8367

PAG LIN

1 1 Amend Senate File 2357, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 1, after line 25 by inserting:
 1 4 <Sec. ____ Section 708.7, subsection 1, paragraph
 1 5 a, Code Supplement 2009, is amended by adding the
 1 6 following new subparagraph:
 1 7 NEW SUBPARAGRAPH. (5) Knowingly provides false or
 1 8 misleading information in order to procure a protective
 1 9 order referred to in section 724.26, subsection 2.>
 1 10 #2. Page 2, line 3, after <2.> by inserting <a.>
 1 11 #3. Page 2, after line 8 by inserting:
 1 12 <b. Except as provided in paragraph "c", a person
 1 13 who knowingly provides false or misleading information
 1 14 in order to procure a protective order referred to
 1 15 in this subsection shall, in addition to any other
 1 16 penalty, be guilty of harassment pursuant to section
 1 17 708.7.
 1 18 c. A person who knowingly provides false or
 1 19 misleading information in order to procure a protective
 1 20 order referred to in this subsection that results in
 1 21 the deprivation of a firearm, offensive weapon, or
 1 22 ammunition necessary for the person who is the subject
 1 23 of the protective order to maintain the person's
 1 24 livelihood and the person providing such false or
 1 25 misleading information could have reasonably foreseen
 1 26 the loss of the other person's livelihood shall,
 1 27 in addition to any other penalty, be guilty of a
 1 28 fraudulent practice in the first degree as defined in
 1 29 section 714.9.>
 1 30 #4. By renumbering as necessary.

TYMESON of Madison
 SF2357.1939 (2) 83
 rh/rj



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House Amendment 8368

PAG LIN

1 1 Amend Senate File 2235, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. NEW SECTION. 216A.105 Deliverable
1 6 fuels == mandatory delivery == qualifications.
1 7 1. A deliverable fuel vendor engaged in the
1 8 business of providing deliverable fuel to customers in
1 9 this state shall not withhold the sale or delivery of
1 10 deliverable fuel to a customer between November 1 and
1 11 April 1 annually if the customer makes a cash payment
1 12 for deliverable fuel in the amount of five hundred
1 13 dollars; or, if the fuel is propane, the cash payment
1 14 shall be five hundred dollars or an amount equal to
1 15 the price in effect at the time of delivery for three
1 16 hundred gallons of propane, whichever is greater.
1 17 2. A deliverable fuel vendor providing deliverable
1 18 fuel to a customer may apply a customer's cash payment
1 19 pursuant to subsection 1 as follows:
1 20 a. Seventy=five percent toward the current
1 21 deliverable fuel sale or delivery.
1 22 b. Twenty=five percent toward any unpaid balance.
1 23 3. A customer shall be responsible for the
1 24 reasonable cost of system safety checks conducted by
1 25 a deliverable fuel vendor, unless the cost is paid
1 26 for with program funds. System safety check payments
1 27 shall be in addition to, and shall not reduce, the cash
1 28 payment otherwise available for deliverable fuel sale
1 29 or delivery. A propane vendor conducting a system
1 30 safety check shall inform customers of the existence
1 31 of projects developed by the Iowa propane education
1 32 and research council to provide assistance to persons
1 33 eligible for the program, if applicable, based upon the
1 34 results of the safety check.
1 35 4. A customer of a deliverable fuel vendor with an
1 36 unpaid balance owing to that vendor shall not attempt
1 37 to obtain deliverable fuel from another vendor pursuant
1 38 to this section unless and until a reasonable payment
1 39 arrangement for paying off the unpaid balance has been
1 40 entered into between the customer and the deliverable
1 41 fuel vendor. The division shall provide assistance in
1 42 facilitating a reasonable payment arrangement.
1 43 5. A deliverable fuel vendor is not prohibited
1 44 from withholding the sale or delivery of deliverable
1 45 fuel to a customer who cannot make a cash payment for
1 46 deliverable fuel as required in subsection 1.
1 47 6. For the purposes of this section, unless the
1 48 context otherwise requires:
1 49 a. "Customer" means an existing customer of a
1 50 deliverable fuel vendor who has qualified for the



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2 1 federal low-income home energy assistance program for
2 2 the purchase or delivery of deliverable fuel.
2 3 b. "Deliverable fuel" means propane or any other
2 4 heating fuel sold and delivered in this state for home
2 5 heating purposes.
2 6 c. "Deliverable fuel vendor" means a retail propane
2 7 marketer or marketer of a deliverable fuel other than
2 8 propane that has agreed to participate in the federal
2 9 low-income home energy assistance program.
2 10 d. "Program" means the federal low-income home
2 11 energy assistance program.
2 12 e. "Propane" and "retail propane marketer" mean the
2 13 same as defined in section 101C.2.
2 14 Sec. 2. REPEAL. Section 101C.14, Code 2009, is
2 15 repealed.
2 16 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
2 17 deemed of immediate importance, takes effect upon
2 18 enactment.>
2 19 #2. Title page, by striking line 2 and inserting:
2 20 <under specified circumstances, and>

WAGNER of Linn
SF2235.1954 (2) 83
rn/nh



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House Amendment 8369

PAG LIN

1 1 Amend the amendment, H=8341, to Senate File 2265,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. By striking page 1, line 3, through page 2, line
1 5 34, and inserting:
1 6 <____. By striking everything after the enacting
1 7 clause and inserting:
1 8 <Section 1. NEW SECTION. 18B.1 Iowa smart planning
1 9 principles.
1 10 It is the intent of the general assembly that this
1 11 section assist state agencies, local governments,
1 12 and other public entities during consideration and
1 13 development of innovative planning strategies and
1 14 policies to reduce the impact of future natural
1 15 disasters, promote growth, protect natural resources,
1 16 and safeguard the quality of life for all Iowans.
1 17 Nothing in this section shall be construed to limit
1 18 the authority of a state agency, local government,
1 19 or other public entity relating to planning, zoning,
1 20 development, and resource management. State agencies,
1 21 local governments, and other public entities may
1 22 consider and apply the following principles during
1 23 deliberation of all appropriate planning, zoning,
1 24 development, and resource management decisions:
1 25 1. Collaboration. Governmental, community, and
1 26 individual stakeholders, including those outside
1 27 the jurisdiction of the entity, are encouraged to be
1 28 involved and provide comment during deliberation of
1 29 planning, zoning, development, and resource management
1 30 decisions and during implementation of such decisions.
1 31 The state agency, local government, or other public
1 32 entity is encouraged to develop and implement a
1 33 strategy to facilitate such participation.
1 34 2. Efficiency, transparency, and
1 35 consistency. Planning, zoning, development, and
1 36 resource management should be undertaken to provide
1 37 efficient, transparent, and consistent outcomes.
1 38 Individuals, communities, regions, and governmental
1 39 entities should share in the responsibility to promote
1 40 the equitable distribution of development benefits and
1 41 costs.
1 42 3. Clean, renewable, and efficient
1 43 energy. Planning, zoning, development, and resource
1 44 management should be undertaken to promote clean and
1 45 renewable energy use and increased energy efficiency.
1 46 4. Occupational diversity. Planning, zoning,
1 47 development, and resource management should promote
1 48 increased diversity of employment and business
1 49 opportunities, promote access to education and
1 50 training, expand entrepreneurial opportunities,



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2 1 and promote the establishment of businesses in
2 2 locations near existing housing, infrastructure, and
2 3 transportation.
2 4 5. Revitalization. Planning, zoning, development,
2 5 and resource management should facilitate the
2 6 revitalization of established town centers and
2 7 neighborhoods by promoting development that conserves
2 8 land, protects historic resources, promotes pedestrian
2 9 accessibility, and integrates different uses of
2 10 property. Remediation and reuse of existing sites,
2 11 structures, and infrastructure is preferred over new
2 12 construction in undeveloped areas.
2 13 6. Housing diversity. Planning, zoning,
2 14 development, and resource management should encourage
2 15 diversity in the types of available housing, support
2 16 the rehabilitation of existing housing, and promote the
2 17 location of housing near public transportation.
2 18 7. Community character. Planning, zoning,
2 19 development, and resource management should promote
2 20 activities and development that are consistent with the
2 21 character and architectural style of the community and
2 22 should respond to local values regarding the physical
2 23 character of the community.
2 24 8. Natural resources and agricultural protection.
2 25 Planning, zoning, development, and resource management
2 26 should emphasize protection, preservation, and
2 27 restoration of natural resources, agricultural
2 28 land, and cultural and historic landscapes, and
2 29 should increase the availability of open spaces and
2 30 recreational facilities.
2 31 9. Sustainable design. Planning, zoning,
2 32 development, and resource management should promote
2 33 developments, buildings, and infrastructure that
2 34 utilize sustainable design and construction standards
2 35 and conserve natural resources by reducing waste and
2 36 pollution through efficient use of land, energy, water,
2 37 and materials.
2 38 10. Transportation diversity. Planning, zoning,
2 39 development, and resource management should promote
2 40 expanded transportation options for residents of
2 41 the community. Consideration should be given to
2 42 transportation options that maximize mobility, reduce
2 43 congestion, conserve fuel, and improve air quality.
2 44 11. For purposes of this section:
2 45 a. "Development" means any of the following:
2 46 (1) Construction, reconstruction, renovation,
2 47 mining, extraction, dredging, filling, excavation, or
2 48 drilling activity or operation.
2 49 (2) Man-made changes in the use or appearance of
2 50 any structure or in the land itself.



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3 1 (3) The division or subdivision of land.
3 2 (4) Any change in the intensity of use or the use
3 3 of land.
3 4 b. "Development" does not include any of the
3 5 following:
3 6 (1) Activities on or uses of agricultural land,
3 7 farm houses, or agricultural buildings or structures,
3 8 unless such buildings or structures are located in the
3 9 flood plain of a river or stream.
3 10 (2) Installation, operation, and maintenance of
3 11 soil and water conservation practices.
3 12 (3) The choice of crops or a change in the choice
3 13 of crops on agricultural land.
3 14 Sec. 2. Section 28I.4, Code 2009, is amended to
3 15 read as follows:
3 16 28I.4 Powers and duties.
3 17 1. The commission shall have the power and duty
3 18 to make comprehensive studies and plans for the
3 19 development of the area it serves which will guide
3 20 the unified development of the area and which will
3 21 eliminate planning duplication and promote economy and
3 22 efficiency in the ~~co-ordinated~~ coordinated development
3 23 of the area and the general welfare, convenience,
3 24 safety, and prosperity of its people. The plan or
3 25 plans collectively shall be known as the regional
3 26 or metropolitan development plan. The plans for
3 27 the development of the area may include, but shall
3 28 not be limited to, recommendations with respect to
3 29 existing and proposed highways, bridges, airports,
3 30 streets, parks and recreational areas, schools and
3 31 public institutions and public utilities, public
3 32 open spaces, and sites for public buildings and
3 33 structures; districts for residence, business,
3 34 industry, recreation, agriculture, and forestry; water
3 35 supply, sanitation, drainage, protection against floods
3 36 and other disasters; areas for housing developments,
3 37 slum clearance and urban renewal and redevelopment;
3 38 location of private and public utilities, including
3 39 but not limited to sewerage and water supply systems;
3 40 and such other recommendations concerning current
3 41 and impending problems as may affect the area served
3 42 by the commission. Time and priority schedules
3 43 and cost estimates for the accomplishment of the
3 44 recommendations may also be included in the plans.
3 45 The plans may be made with consideration of the smart
3 46 planning principles under section 18B.1. The plans
3 47 shall be based upon and include appropriate studies
3 48 of the location and extent of present and anticipated
3 49 populations; social, physical, and economic resources,
3 50 problems and trends; and governmental conditions and



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4 1 trends. The commission is also authorized to make
4 2 surveys, land-use studies, and urban renewal plans,
4 3 provide technical services and other planning work
4 4 for the area it serves and for cities, counties, and
4 5 other political subdivisions in the area. A plan or
4 6 plans of the commission may be adopted, added to,
4 7 and changed from time to time by a majority vote of
4 8 the planning commission. The plan or plans may in
4 9 whole or in part be adopted by the governing bodies of
4 10 the ~~co-operating~~ cooperating cities and counties as
4 11 the general plans of such cities and counties. The
4 12 commission may also assist the governing bodies and
4 13 other public authorities or agencies within the area it
4 14 serves in carrying out any regional plan or plans, and
4 15 assist any planning commission, board or agency of the
4 16 cities and counties and political subdivisions in the
4 17 preparation or effectuation of local plans and planning
4 18 consistent with the program of the commission. The
4 19 commission may ~~co-operate~~ cooperate and confer, as far
4 20 as possible, with planning agencies of other states or
4 21 of regional groups of states adjoining its area.

4 22 2. A planning commission formed under the
4 23 provisions of this chapter shall, upon designation as
4 24 such by the governor, serve as a district, regional, or
4 25 metropolitan agency for comprehensive planning for its
4 26 area for the purpose of carrying out the functions as
4 27 defined for such an agency by federal, state, and local
4 28 laws and regulations.

4 29 Sec. 3. Section 329.3, Code 2009, is amended to
4 30 read as follows:

4 31 329.3 Zoning regulations == powers granted.
4 32 Every municipality having an airport hazard area
4 33 within its territorial limits may adopt, administer,
4 34 and enforce in the manner and upon the conditions
4 35 prescribed by this chapter, zoning regulations for such
4 36 airport hazard area, which regulations may divide such
4 37 area into zones and, within such zones, specify the
4 38 land uses permitted, and regulate and restrict, for the
4 39 purpose of preventing airport hazards, the height to
4 40 which structures and trees may be erected or permitted
4 41 to grow. Regulations adopted under this chapter
4 42 may be made with consideration of the smart planning
4 43 principles under section 18B.1.

4 44 Sec. 4. Section 335.5, Code 2009, is amended to
4 45 read as follows:

4 46 335.5 Objectives.

4 47 1. The regulations shall be made in accordance
4 48 with a comprehensive plan and designed to preserve
4 49 the availability of agricultural land; to consider
4 50 the protection of soil from wind and water erosion;



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5 1 to encourage efficient urban development patterns; to
5 2 lessen congestion in the street or highway; to secure
5 3 safety from fire, flood, panic, and other dangers; to
5 4 protect health and the general welfare; to provide
5 5 adequate light and air; to prevent the overcrowding
5 6 of land; to avoid undue concentration of population;
5 7 to promote the conservation of energy resources; to
5 8 promote reasonable access to solar energy; and to
5 9 facilitate the adequate provision of transportation,
5 10 water, sewerage, schools, parks, and other public
5 11 requirements. However, provisions of this section
5 12 relating to the objectives of energy conservation
5 13 and access to solar energy shall not be construed as
5 14 voiding any zoning regulation existing on July 1, 1981,
5 15 or to require zoning in a county that did not have
5 16 zoning prior to July 1, 1981.

5 17 2. ~~Such~~ The regulations shall be made with
5 18 reasonable consideration, among other things, as to the
5 19 character of the area of the district and the peculiar
5 20 suitability of such area for particular uses, and
5 21 with a view to conserving the value of buildings and
5 22 encouraging the most appropriate use of land throughout
5 23 such county.

5 24 3. The regulations may be made with consideration
5 25 of the smart planning principles under section 18B.1.

5 26 Sec. 5. Section 414.3, Code 2009, is amended to
5 27 read as follows:

5 28 414.3 Basis of regulations.

5 29 1. The regulations shall be made in accordance
5 30 with a comprehensive plan and designed to preserve
5 31 the availability of agricultural land; to consider
5 32 the protection of soil from wind and water erosion;
5 33 to encourage efficient urban development patterns;
5 34 to lessen congestion in the street; to secure safety
5 35 from fire, flood, panic, and other dangers; to promote
5 36 health and the general welfare; to provide adequate
5 37 light and air; to prevent the overcrowding of land; to
5 38 avoid undue concentration of population; to promote the
5 39 conservation of energy resources; to promote reasonable
5 40 access to solar energy; and to facilitate the adequate
5 41 provision of transportation, water, sewerage, schools,
5 42 parks, and other public requirements. However,
5 43 provisions of this section relating to the objectives
5 44 of energy conservation and access to solar energy do
5 45 not void any zoning regulation existing on July 1,
5 46 1981, or require zoning in a city that did not have
5 47 zoning prior to July 1, 1981.

5 48 2. ~~Such~~ The regulations shall be made with
5 49 reasonable consideration, among other things, as to the
5 50 character of the area of the district and the peculiar



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6 1 suitability of such area for particular uses, and
6 2 with a view to conserving the value of buildings and
6 3 encouraging the most appropriate use of land throughout
6 4 such city.
6 5 3. The regulations may be made with consideration
6 6 of the smart planning principles under section 18B.1.>
6 7 _____. Title page, by striking lines 1 through 4
6 8 and inserting <An Act establishing smart planning
6 9 principles for state agencies, local governments, and
6 10 other public entities.>>
6 11 #2. By renumbering as necessary.

WAGNER of Linn

HELLAND of Polk
SF2265.1944 (4) 83
md/sc



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House Amendment 8370

PAG LIN

- 1 1 Amend Senate File 2317, as amended, passed, and
- 1 2 reprinted by the Senate, as follows:
- 1 3 #1. Page 2, by striking lines 6 through 9.
- 1 4 #2. By renumbering as necessary.

KUHN of Floyd
SF2317.4746 (3) 83
tm/sc



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House Amendment 8371

PAG LIN

1 1 Amend Senate File 2357, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. Section 236.2, subsection 2, paragraph
1 5 b, Code Supplement 2009, is amended to read as follows:
1 6 b. The assault is between separated spouses or
1 7 persons divorced from each other and not residing
1 8 together at the time of the assault. For purposes of
1 9 this section, "spouse" means a spouse of a marriage
1 10 that is valid pursuant to chapter 595.>
1 11 #2. By renumbering as necessary.

HAGENOW of Polk
SF2357.4747 (2) 83
rh/rj



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House File 2516 - Introduced

HOUSE FILE
BY T. OLSON

A BILL FOR

1 An Act relating to certain elections in disaster-affected
2 counties and cities and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6038YH (1) 83
md/sc



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House File 2516 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 39.2A Special elections == natural
1 2 disaster area == cities and counties.

1 3 1. Notwithstanding section 39.2, subsection 4, or any other
1 4 provision of law to the contrary, a county or a city that
1 5 is located in whole or in part in an area that the governor
1 6 proclaimed a disaster emergency or the president of the United
1 7 States declared a major disaster, may hold an election required
1 8 or authorized by law on any date designated by resolution
1 9 of the county board of supervisors or the city council, as
1 10 applicable. However, this section shall not be construed to
1 11 exempt a county or city from any restriction relating to the
1 12 date of a subsequent election held for the resubmission of a
1 13 failed proposition to the electors.

1 14 2. This section shall only apply to an election on a
1 15 proposition to authorize an issuance of bonds or other debt
1 16 obligations of the county or city, a proposition relating
1 17 to the imposition of a property tax levy, or a proposition
1 18 relating to a change in the rate of an existing property tax
1 19 levy, which election is conducted within five years following
1 20 the proclamation of the governor or the declaration of the
1 21 president of the United States, whichever is later.

1 22 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 23 immediate importance, takes effect upon enactment.

1 24 EXPLANATION

1 25 This bill creates new Code section 39.2A. The new Code
1 26 section authorizes a county or a city that is located in whole
1 27 or in part in an area that the governor proclaimed a disaster
1 28 emergency or the president of the United States declared a
1 29 major disaster, to hold an election required or authorized by
1 30 law on any date designated by resolution of the county board
1 31 of supervisors or the city council, as applicable. The bill
1 32 provides, however, that new Code section 39.2A shall not be
1 33 construed to exempt a county or city from any restriction
1 34 relating to the date of an election held for the resubmission
1 35 of a failed proposition to the electors.



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House File 2516 - Introduced continued

2 1 The bill only applies to elections on propositions to
2 2 authorize an issuance of bonds or other debt obligations of
2 3 the county or city, propositions relating to the imposition
2 4 of a property tax levy, and propositions relating to a change
2 5 in the rate of an existing property tax levy, which elections
2 6 are conducted within five years following the proclamation of
2 7 the governor or the declaration of the president of the United
2 8 States, whichever is later.

2 9 The bill takes effect upon enactment.

LSB 6038YH (1) 83

md/sc



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House File 2517 - Introduced

HOUSE FILE

BY SWEENEY, BAUDLER,
HUSEMAN, SANDS,
SCHULTZ, WINDSCHITL,
S. OLSON, and RAYHONS

A BILL FOR

1 An Act exempting from the imposition of the sales and use
2 taxes the sales price on certain sales of clay pigeons and
3 including effective date and retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5788YH (1) 83
tw/sc



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House File 2517 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code Supplement 2009, is amended
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 96. The sales price from the sale of clay
1 4 pigeons that are to be stored, used, or consumed by a shooting
1 5 facility, if any of the following applies:

1 6 a. The shooting facility is required to collect sales taxes
1 7 imposed on the sales price of charges for shooting at the
1 8 facility.

1 9 b. The shooting facility is a nonprofit organization that
1 10 charges for shooting at the facility, and the sales price of
1 11 such charges are exempt as casual sales under subsection 39.

1 12 Sec. 2. REFUNDS.

1 13 1. Refunds of taxes, interest, or penalties that arise
1 14 from claims resulting from the enactment of section 423.3,
1 15 subsection 96, in this Act, for the exemption of sales of clay
1 16 pigeons occurring between January 1, 2000, and the effective
1 17 date of this Act, shall be limited to fifty thousand dollars
1 18 in the aggregate and shall not be allowed unless refund claims
1 19 are filed prior to October 1, 2010, notwithstanding any other
1 20 provision of law.

1 21 2. If the amount of claims totals more than fifty thousand
1 22 dollars in the aggregate, the department of revenue shall
1 23 prorate the fifty thousand dollars among all claimants in
1 24 relation to the amounts of the claimants' valid claims.

1 25 3. Claimants shall not be entitled to interest on any
1 26 refunds.

1 27 Sec. 3. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 28 APPLICABILITY. This Act, being deemed of immediate importance,
1 29 takes effect upon enactment and applies retroactively to
1 30 January 1, 2000.

1 31 EXPLANATION

1 32 This bill exempts from the imposition of the sales and use
1 33 taxes the sale of clay pigeons if they are sold to a shooting
1 34 facility that collects sales taxes on the charges for shooting
1 35 at the facility or if the charges for shooting at the facility



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House File 2517 - Introduced continued

2 1 are exempt as casual sales.
2 2 Because the exemption is retroactive to January 1, 2000,
2 3 the bill provides for refund claims arising as a result of the
2 4 bill.
2 5 The bill takes effect upon enactment and applies
2 6 retroactively to January 1, 2000.
LSB 5788YH (1) 83
tw/sc



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House Resolution 121 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY H. MILLER, MERTZ, BAILEY, TJEPKES, ISENHART,
WORTHAN, GASKILL, PALMER, and BERRY

1 1 A Resolution honoring the Iowa Central Community
1 2 College wrestling squad on winning its fifth
1 3 consecutive team championship.
1 4 WHEREAS, the National Junior College Athletic
1 5 Association (NJCAA) 2010 national wrestling tournament
1 6 was held at Veterans Memorial Auditorium in Des Moines,
1 7 Iowa, on February 26 and 27, 2010; and
1 8 WHEREAS, the national tournament is hosted by all of
1 9 the Iowa colleges with wrestling programs, including
1 10 Ellsworth Community College, Iowa Central Community
1 11 College, North Iowa Area Community College, and Iowa
1 12 Lakes Community College; and
1 13 WHEREAS, the Iowa Central Community College
1 14 wrestling team, the Tritons, entered the tournament
1 15 with a record of 13 wins and no losses, competing for
1 16 their fifth consecutive team championship; and
1 17 WHEREAS, the Tritons, coached by Luke Moffitt, made
1 18 wrestling history, becoming the first NJCAA squad to
1 19 ever capture five straight national titles; and
1 20 WHEREAS, in the tournament the Tritons amassed 116
1 21 points over the course of the weekend; and
1 22 WHEREAS, top-ranked team member Joe Colon and No. 2
1 23 Bradley Banks both received individual gold medals, and
1 24 Colon was also named the tournament's Most Outstanding
1 25 Wrestler; NOW THEREFORE,
1 26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 27 the House of Representatives congratulates the men of



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House Resolution 121 - Introduced continued

2 1 the Iowa Central Community College wrestling squad, and
2 2 their coach Luke Moffitt, on winning the squad's fifth
2 3 consecutive team championship and making wrestling
2 4 history.

LSB 6259HH (1) 83

jr/rj



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Senate Amendment 5190

PAG LIN

1 1 Amend Senate File 2251 as follows:

1 2 #1. Page 1, by striking line 26 and inserting <for a
1 3 case of ~~extreme~~ hardship or ~~compelling~~ circumstances>

1 4 #2. Page 3, by striking lines 26 through 28 and
1 5 inserting <ninety days if a test was refused under
1 6 section 321J.9>

1 7 #3. Page 5, by striking lines 5 through 8 and
1 8 inserting <The temporary restricted license shall be
1 9 issued in accordance with section 321J.20,>

1 10 #4. Page 6, by striking line 16 and inserting
1 11 <license for ~~at least~~ one year after the effective date
1 12 of the>

1 13 #5. Page 7, line 5, after <~~revocation.~~> by inserting
1 14 <A temporary restricted license issued to a person
1 15 whose driver's license or nonresident driving privilege
1 16 has been revoked under subsection 1, paragraph "b",
1 17 shall be issued in accordance with section 321J.20,
1 18 subsection 2.>

1 19 #6. Page 8, by striking lines 13 and 14 and
1 20 inserting <be eligible for any temporary restricted
1 21 license for ~~one year~~ forty=five days after the
1 22 effective date of the revocation, and the>

1 23 #7. Page 8, by striking lines 20 and 21 and
1 24 inserting <The temporary restricted license shall be
1 25 issued in accordance with section 321J.20, subsection
1 26 2. A>

1 27 #8. By striking page 10, line 30, through page 11,
1 28 line 33, and inserting:

1 29 <2. a. Notwithstanding section 321.560, the
1 30 department may, on application, and upon the expiration
1 31 of the minimum period of ineligibility for a temporary
1 32 restricted license provided for under section
1 33 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary
1 34 restricted license to a person whose noncommercial
1 35 driver's license has either been revoked under this
1 36 chapter, or revoked or suspended under chapter 321
1 37 solely for violations of this chapter, or who has been
1 38 determined to be a habitual offender under chapter
1 39 321 based solely on violations of this chapter or on
1 40 violations listed in section 321.560, subsection 1,
1 41 paragraph "b", and who is not eligible for a temporary
1 42 restricted license under subsection 1. However, the
1 43 department may not issue a temporary restricted license
1 44 under this subsection for a violation of section
1 45 321J.2A or to a person under the age of twenty=one
1 46 whose license is revoked under section 321J.4, 321J.9,
1 47 or 321J.12. A temporary restricted license issued
1 48 under this subsection may allow the person to drive
1 49 to and from the person's home and specified places at
1 50 specified times which can be verified by the department>



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2 1 and which are required by the person's full-time or
2 2 part-time employment, continuing education while
2 3 enrolled in an educational institution on a part-time
2 4 or full-time basis and while pursuing a course of study
2 5 leading to a diploma, degree, or other certification of
2 6 successful educational completion, or substance abuse
2 7 treatment.
2 8 b. Notwithstanding paragraph "a", a temporary
2 9 restricted license issued to a person whose
2 10 noncommercial driver's license has been revoked
2 11 under section 321J.4, subsection 2, section 321J.9,
2 12 subsection 1, paragraph "b", or section 321J.12,
2 13 subsection 1, paragraph "b", shall provide for but not
2 14 exceed the uses permitted by 23 U.S.C. { 164. This
2 15 restriction applies only during the first three hundred
2 16 sixty-five days of the person's revocation.
2 17 c. A temporary restricted license issued under this
2 18 subsection shall be conditioned upon the installation
2 19 of an approved ignition interlock device on all motor
2 20 vehicles owned or operated by the person. However, a
2 21 person whose driver's license or nonresident operating
2 22 privilege has been revoked under section 321J.21 may
2 23 apply to the department for a temporary restricted
2 24 license without the requirement of an ignition
2 25 interlock device if at least twelve years have elapsed
2 26 since the end of the underlying revocation period for a
2 27 violation of section 321J.2.>

STEVEN SODDERS
SF2251.4743 (2) 83
rh/nh



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Senate Amendment 5191

PAG LIN

1 1 Amend Senate File 2314 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 476.6, Code Supplement 2009, is
1 5 amended by adding the following new subsection:
1 6 NEW SUBSECTION. 22. a. It is the intent of the
1 7 general assembly to require certain rate-regulated
1 8 public utilities to undertake analyses of and
1 9 preparations for the possible construction of nuclear
1 10 generating facilities in this state that would be
1 11 beneficial in a carbon-constrained environment.
1 12 b. A rate-regulated electric utility that was
1 13 subject to a revenue sharing settlement agreement with
1 14 regard to its electric base rates as of January 1,
1 15 2010, shall recover, through a rider and pursuant to
1 16 a tariff filing made on or before December 31, 2013,
1 17 the reasonable and prudent costs of its analyses of
1 18 and preparations for the possible construction of
1 19 facilities of the type referenced in paragraph "a".
1 20 Cost recovery shall be accomplished by instituting a
1 21 revenue increase applied in the same percentage amount
1 22 to each customer class and not designed to recover,
1 23 on an annual basis, more than five-tenths percent of
1 24 the electric utility's calendar year 2009 revenues
1 25 attributable to billed base rates in this state. At
1 26 the conclusion of the cost recovery period, which
1 27 shall extend no more than thirty-six months in total,
1 28 the board shall conduct a contested case proceeding
1 29 pursuant to chapter 17A to evaluate the reasonableness
1 30 and prudence of the cost recovery. The utility shall
1 31 file such information with the board as the board deems
1 32 appropriate, including the filing of an annual report
1 33 identifying and explaining expenditures identified in
1 34 the rider as items for cost recovery, and any other
1 35 information required by the board. If the board
1 36 determines that the utility has imprudently incurred
1 37 costs, or has incurred costs that are less than the
1 38 amount recovered, the board shall order the utility to
1 39 modify the rider to adjust the amount recoverable.
1 40 c. Costs that may be recovered through the rider
1 41 described in paragraph "b" shall be consistent with
1 42 the United States nuclear regulatory guide, section
1 43 4.7, general site suitability criteria for nuclear
1 44 power stations, revision two, April 1998, including
1 45 costs related to the study and use of sites for nuclear
1 46 generation.
1 47 Sec. 2. Section 476.53, Code 2009, is amended to
1 48 read as follows:
1 49 476.53 Electric generating and transmission
1 50 facilities.



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2 1 1. It is the intent of the general assembly to
 2 2 attract the development of electric power generating
 2 3 and transmission facilities within the state in
 2 4 sufficient quantity to ensure reliable electric service
 2 5 to Iowa consumers and provide economic benefits to
 2 6 the state. It is also the intent of the general
 2 7 assembly to encourage rate-regulated public utilities
 2 8 to consider altering existing electric generating
 2 9 facilities, where reasonable, to manage carbon emission
 2 10 intensity in order to facilitate the transition to a
 2 11 carbon-constrained environment.

2 12 2. a. The general assembly's intent with regard
 2 13 to the development of electric power generating and
 2 14 transmission facilities, or the significant alteration
 2 15 of an existing generating facility as provided in
 2 16 subsection 1, shall be implemented in a manner that is
 2 17 cost-effective and compatible with the environmental
 2 18 policies of the state, as expressed in Title XI.

2 19 b. The general assembly's intent with regard to
 2 20 the reliability of electric service to Iowa consumers,
 2 21 as provided in subsection 1, shall be implemented by
 2 22 considering the diversity of the types of fuel used to
 2 23 generate electricity, the availability and reliability
 2 24 of fuel supplies, and the impact of the volatility of
 2 25 fuel costs.

2 26 3. ~~For purposes of this section, unless the context~~
 2 27 ~~otherwise requires, the terms "cogeneration pilot~~
 2 28 ~~project facility", "energy sales agreement", "qualified~~
 2 29 ~~cogeneration pilot project facility", and "utility-owned~~
 2 30 ~~cogeneration pilot project facility" mean the same as~~
 2 31 ~~defined in section 15.269.~~

2 32 4. 3. a. The board shall specify in advance, by
 2 33 order issued after a contested case proceeding, the
 2 34 ratemaking principles that will apply when the costs of
 2 35 the electric power generating facility, ~~or alternate~~
 2 36 ~~energy production facility, cogeneration pilot project~~
 2 37 ~~facility, or energy sales agreement~~ are included in
 2 38 regulated electric rates whenever a rate-regulated
 2 39 public utility does any of the following:

2 40 (1) Files an application pursuant to section 476A.3
 2 41 to construct in Iowa a baseload electric generating
 2 42 facility with a nameplate generating capacity equal
 2 43 to or greater than three hundred megawatts or a
 2 44 combined-cycle electric power generating facility, or
 2 45 an alternative energy production facility as defined
 2 46 in section 476.42, or to significantly alter an
 2 47 existing generating facility. For purposes of this
 2 48 subparagraph, a significant alteration of an existing
 2 49 generating facility must, in order to qualify for
 2 50 establishment of ratemaking principles, fall into one



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3 1 of the following categories:

3 2 (a) Conversion of a coal fueled facility into a gas
3 3 fueled facility.

3 4 (b) Addition of carbon capture and storage
3 5 facilities at a coal fueled facility.

3 6 (c) Addition of gas fueled capability to a coal
3 7 fueled facility, in order to convert the facility
3 8 to one that will rely primarily on gas for future
3 9 generation.

3 10 (d) Addition of a biomass fueled capability to a
3 11 coal fueled facility.

3 12 With respect to a significant alteration of an
3 13 existing generating facility, an original facility
3 14 shall not be required to be either a baseload or
3 15 a combined-cycle facility. Only the incremental
3 16 investment undertaken by a utility under subparagraph
3 17 divisions (a), (b), (c), or (d) shall be eligible to
3 18 apply the ratemaking principles established by the
3 19 order issued pursuant to paragraph "e". Facilities
3 20 for which advanced ratemaking principles are obtained
3 21 pursuant to this section shall not be subject to a
3 22 subsequent board review pursuant to section 476.6,
3 23 subsection 21 to the extent that the investment has
3 24 been considered by the board under this section. To
3 25 the extent an eligible utility has been authorized to
3 26 make capital investments subject to section 476.6,
3 27 subsection 21, such investments shall not be eligible
3 28 for ratemaking principles pursuant to this section.

3 29 (2) Leases or owns in Iowa, in whole or in part, a
3 30 new baseload electric power generating facility with a
3 31 nameplate generating capacity equal to or greater than
3 32 three hundred megawatts or a combined-cycle electric
3 33 power generating facility, or a new alternate energy
3 34 production facility as defined in section 476.42.

~~3 35 (3) Enters into an agreement for the purchase of
3 36 the electric power output of a qualified cogeneration
3 37 pilot project facility or constructs a utility-owned
3 38 cogeneration pilot project facility pursuant to section
3 39 15.269.~~

3 40 b. In determining the applicable ratemaking
3 41 principles, the board shall not be limited to
3 42 traditional ratemaking principles or traditional
3 43 cost recovery mechanisms. Among the principles and
3 44 mechanisms the board may consider, the board has the
3 45 authority to approve ratemaking principles proposed
3 46 by a rate-regulated public utility that provide for
3 47 reasonable restrictions upon the ability of the public
3 48 utility to seek a general increase in electric rates
3 49 under section 476.6 for at least three years after the
3 50 generating facility begins providing service to Iowa



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Senate Amendment 5191 continued

4 1 customers.

4 2 c. In determining the applicable ratemaking
4 3 principles, the board shall make the following
4 4 findings:

4 5 (1) The rate-regulated public utility has in effect
4 6 a board-approved energy efficiency plan as required
4 7 under section 476.6, subsection 16.

4 8 (2) The rate-regulated public utility has
4 9 demonstrated to the board that the public utility
4 10 has considered other sources for long-term electric
4 11 supply and that the facility, or lease, ~~or cogeneration~~
~~4 12 pilot project facility~~ is reasonable when compared
4 13 to other feasible alternative sources of supply.
4 14 The rate-regulated public utility may satisfy the
4 15 requirements of this subparagraph through a competitive
4 16 bidding process, under rules adopted by the board, that
4 17 demonstrate the facility, ~~energy sales agreement,~~ or
4 18 lease is a reasonable alternative to meet its electric
4 19 supply needs.

4 20 d. The applicable ratemaking principles shall
4 21 be determined in a contested case proceeding, which
4 22 proceeding may be combined with the proceeding for
4 23 issuance of a certificate conducted pursuant to chapter
4 24 476A.

4 25 e. The order setting forth the applicable
4 26 ratemaking principles shall be issued prior to the
4 27 commencement of construction or lease of the facility,
~~4 28 or execution of an energy sales agreement related to~~
~~4 29 the cogeneration pilot project facility.~~

4 30 f. Following issuance of the order, the
4 31 rate-regulated public utility shall have the option of
4 32 proceeding according to either of the following:

4 33 (1) Withdrawing its application for a certificate
4 34 pursuant to chapter 476A.

4 35 (2) Proceeding with the construction or lease
4 36 of the facility ~~or implementation of an energy sales~~
~~4 37 agreement related to a cogeneration pilot project~~
~~4 38 facility.~~

4 39 g. Notwithstanding any provision of this chapter
4 40 to the contrary, the ratemaking principles established
4 41 by the order issued pursuant to paragraph "e" shall
4 42 be binding with regard to the specific electric power
4 43 generating facility ~~or cogeneration pilot project~~
~~4 44 facility~~ in any subsequent rate proceeding.

4 45 ~~5.~~ 4. The utilities board and the consumer
4 46 advocate may employ additional temporary staff, or may
4 47 contract for professional services with persons who
4 48 are not state employees, as the board and the consumer
4 49 advocate deem necessary to perform required functions
4 50 as provided in this section, including but not limited



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Senate Amendment 5191 continued

5 1 to review of power purchase contracts, review of
5 2 emission plans and budgets, and review of ratemaking
5 3 principles proposed for construction or lease of
5 4 a new generating facility ~~or a cogeneration pilot~~
~~5 5 project facility. Beginning July 1, 2002, there is~~
5 6 appropriated out of any funds in the state treasury not
5 7 otherwise appropriated, such sums as may be necessary
5 8 to enable the board and the consumer advocate to
5 9 hire additional staff and contract for services under
5 10 this section. The costs of the additional staff and
5 11 services shall be assessed to the utilities pursuant to
5 12 the procedure in section 476.10 and section 475A.6.
5 13 ~~6. a. A qualified cogeneration pilot project~~
~~5 14 facility may file a petition with the board for a~~
~~5 15 determination of the avoided cost of an electric~~
~~5 16 utility as provided in the federal Public Utility~~
~~5 17 Regulatory Policies Act of 1978 and related federal~~
~~5 18 regulations, if such a determination has not been made~~
~~5 19 within the last twenty-four months or if there is~~
~~5 20 reason to believe the avoided cost has changed.~~
5 21 ~~b. The board shall issue its determination of the~~
~~5 22 electric utility's avoided cost within one hundred~~
~~5 23 twenty days after the petition is filed.~~
5 24 ~~c. The board, for good cause shown, may extend the~~
~~5 25 deadline for issuing the decision for an additional~~
~~5 26 period not to exceed one hundred twenty days.~~
5 27 ~~d. The board shall not issue a decision under this~~
~~5 28 subsection without providing notice and an opportunity~~
~~5 29 for hearing.~~
5 30 ~~e. The utilities board and the consumer advocate~~
~~5 31 may employ additional temporary staff, or may contract~~
~~5 32 for professional services with persons who are not~~
~~5 33 state employees, as the board and the consumer advocate~~
~~5 34 deem necessary to perform required functions as~~
~~5 35 provided in this subsection. There is appropriated~~
~~5 36 out of any funds in the state treasury not otherwise~~
~~5 37 appropriated, such sums as may be necessary to enable~~
~~5 38 the board and the consumer advocate to hire additional~~
~~5 39 staff and contract for services under this section.~~
~~5 40 The costs of the additional staff and services shall~~
~~5 41 be assessed to the electric utility pursuant to the~~
~~5 42 procedure in sections 476.10 and 475A.6.~~
5 43 ~~Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being~~
5 44 ~~deemed of immediate importance, takes effect upon~~
5 45 ~~enactment.>~~
5 46 ~~#2. Title page, by striking lines 1 and 2 and~~
5 47 ~~inserting <An Act requiring certain rate-regulated~~
5 48 ~~public utilities to undertake analyses of and~~
5 49 ~~preparation for the possible construction of low carbon~~
5 50 ~~emitting nuclear generating facilities in this state,~~



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Senate Amendment 5191 continued

6 1 permitting all rate-regulated public utilities to make
6 2 significant alterations to an existing generating
6 3 facility, and including effective date provisions.>

TOM HANCOCK
SF2314.1831 (4) 83
rn/sc



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Senate Amendment 5192

PAG LIN

1 1 Amend House File 788, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 5, line 22, after <Code> by inserting
1 4 <Supplement>

MATT McCOY
HF788.1943 (3) 83
ec/sc



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Senate Amendment 5193

PAG LIN

- 1 1 Amend Senate File 2284 as follows:
- 1 2 #1. Page 1, line 5, by striking <or> and inserting
- 1 3 <and>
- 1 4 #2. By renumbering as necessary.

DARYL BEALL
SF2284.1949 (2) 83
tw/rj



Iowa General Assembly
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Senate Amendment 5194

PAG LIN

1 1 Amend House File 2438, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, line 11, by striking <act upon> and
1 4 inserting <sex act upon or sexual exploitation of>
1 5 #2. Page 1, after line 26 by inserting:
1 6 <3. A person commits an aggravated misdemeanor
1 7 when, without authority and with the intent to commit
1 8 an illegal act upon a minor under the age of sixteen,
1 9 the person entices or attempts to entice a person
1 10 reasonably believed to be under the age of sixteen. A
1 11 person convicted under this subsection shall not be
1 12 subject to the registration requirements under chapter
1 13 692A unless the finder of fact determines that the
1 14 illegal act was sexually motivated.>
1 15 #3. Page 1, line 27, by striking <3.> and inserting
1 16 4.>
1 17 #4. Page 1, line 30, by striking <5- 4.> and
1 18 inserting <5.>

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, CHAIRPERSON
HF2438.1889 (4) 83
jm/rj



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Senate Amendment 5195

PAG LIN

1 1 Amend House File 674, as passed by the House, as
 1 2 follows:
 1 3 #1. Page 1, line 4, before <Any> by inserting <1.>
 1 4 #2. Page 1, by striking line 5 and inserting <who
 1 5 shall>
 1 6 #3. Page 1, by striking lines 21 through 24
 1 7 and inserting <the gunshot or stab wound or other
 1 8 serious injury. ~~Any provision of law or rule of
 1 9 evidence relative to confidential communications is
 1 10 suspended insofar as the provisions of this section are
 1 11 concerned.>~~
 1 12 #4. Page 1, after line 25 by inserting:
 1 13 <2. A person certified under the provisions of
 1 14 chapter 147A who administers any treatment to any
 1 15 person suffering a gunshot or stab wound or other
 1 16 serious injury, as defined in section 702.18, which
 1 17 appears to have been received in connection with
 1 18 the commission of a criminal offense, or a motor
 1 19 vehicle accident or crash, or to whom an application
 1 20 is made for treatment of any nature because of
 1 21 any such gunshot or stab wound or other serious
 1 22 injury, may report that fact to the law enforcement
 1 23 agency within whose jurisdiction the treatment was
 1 24 administered or application for treatment was made,
 1 25 or if ascertainable, to the law enforcement agency
 1 26 in whose jurisdiction the gunshot or stab wound or
 1 27 other serious injury occurred, stating the name of the
 1 28 person, the person's residence if ascertainable, and
 1 29 giving a brief description of the gunshot or stab wound
 1 30 or other serious injury.
 1 31 3. Any provision of law or rule of evidence
 1 32 relating to a confidential communication is suspended
 1 33 for communications under this section.>

COMMITTEE ON JUDICIARY
 KEITH A. KREIMAN, CHAIRPERSON
 HF674.1192 (5) 83
 jm/nh



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Senate Amendment 5196

PAG LIN

1 1 Amend House File 2399, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 3, line 11, by striking <alternative> and
1 4 inserting <alternate>

TOM HANCOCK
HF2399.1941 (2) 83
rn/sc



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Senate Amendment 5197

PAG LIN

1 1 Amend Senate File 153, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 10 and 11 and
1 4 inserting <veterinary medicine, pharmacy, nursing, and
1 5 marriage and>
1 6 #2. Page 1, line 33, by striking <For> and
1 7 inserting:
1 8 a. For>
1 9 #3. By striking page 1, line 34, through page
1 10 2, line 1, and inserting <osteopathic medicine and
1 11 surgery, and practice as a physician assistant shall be
1 12 deemed to be professions which could>
1 13 #4. Page 2, after line 3 by inserting:
1 14 <b. Nothing in this section shall be construed to
1 15 expand the scope of practice of a physician assistant
1 16 or modify the requirement in section 148C.4 that a
1 17 physician assistant perform medical services under the
1 18 supervision of a licensed physician.>
1 19 #5. Page 2, line 17, by striking <This> and
1 20 inserting:
1 21 a. This>
1 22 #6. Page 2, by striking lines 19 and 20 and
1 23 inserting <and surgery, or persons practicing as
1 24 physician assistants>
1 25 #7. Page 2, after line 22 by inserting:
1 26 <b. Nothing in this section shall be construed to
1 27 expand the scope of practice of a physician assistant
1 28 or modify the requirement in section 148C.4 that a
1 29 physician assistant perform medical services under the
1 30 supervision of a licensed physician.>
1 31 #8. Page 3, by striking lines 10 and 11 and
1 32 inserting <veterinary medicine, pharmacy, and the
1 33 practice of nursing.>
1 34 #9. Page 3, line 34, by striking <For> and
1 35 inserting:
1 36 a. For>
1 37 #10. By striking page 3, line 35, through page 4,
1 38 line 2, and inserting <osteopathic medicine and surgery
1 39 and practice as a physician assistant shall be deemed
1 40 to be professions which could>
1 41 #11. Page 4, after line 4 by inserting:
1 42 <b. Nothing in this section shall be construed to
1 43 expand the scope of practice of a physician assistant
1 44 or modify the requirement in section 148C.4 that a
1 45 physician assistant perform medical services under the
1 46 supervision of a licensed physician.>
1 47 #12. Page 4, line 17, by striking <This> and
1 48 inserting:
1 49 a. This>
1 50 #13. Page 4, by striking lines 19 and 20 and



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2 1 inserting <and surgery, or persons practicing as
2 2 physician assistants>
2 3 #14. Page 4, after line 22 by inserting:
2 4 <b. Nothing in this section shall be construed to
2 5 expand the scope of practice of a physician assistant
2 6 or modify the requirement in section 148C.4 that a
2 7 physician assistant perform medical services under the
2 8 supervision of a licensed physician.>
2 9 #15. Title page, line 1, after <physicians,> by
2 10 inserting <and>
2 11 #16. Title page line 2, by striking <, and advanced
2 12 registered nurse practitioners>
2 13 #17. By renumbering as necessary.
SF153.1952.H (2) 83
mb



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Senate Amendment 5198

PAG LIN

- 1 1 Amend Senate File 285, as passed by the Senate, as follows:
 - 1 2 #1. Page 2, by striking lines 9 through 23.
 - 1 3 #2. Page 4, by striking lines 2 through 7.
- SF285.1959.H (2) 83
mb



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Senate Amendment 5199

PAG LIN

1 1 Amend the amendment, S=5143, to House File 2284, as
1 2 passed by the House, as follows:
1 3 #1. Page 1, by striking lines 17 through 30 and
1 4 inserting:
1 5 <____. Page 5, by striking lines 8 through 21 and
1 6 inserting:
1 7 <Sec. _____. Section 157.8, subsection 2, paragraph
1 8 a, Code 2009, is amended to read as follows:>
1 9 _____. By striking page 5, line 34, through page 6,
1 10 line 1.>

JOE BOLKCOM
HF2284.1960 (3) 83
jr/nh



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Senate File 2374 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SSB
3234)

A BILL FOR

1 An Act relating to the policy administration of the tax
2 and related laws by the department of revenue, including
3 administration of income taxes, sales and use taxes, motor
4 fuel taxes, property taxes, and inheritance taxes, providing
5 for taxpayer information exchanges with the department of
6 workforce development, making penalties applicable, and
7 including effective date and applicability provisions.

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

TLSB 6247SV (1) 83

tw/sc



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Senate File 2374 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 WITHHOLDING TAX CREDITS
1 3 Section 1. WITHHOLDING CREDIT PROGRAM REPORT AND PLAN.
1 4 1. It is the intent of the general assembly that the
1 5 withholding credit provisions of the industrial new jobs
1 6 training program in chapter 260E, the accelerated career
1 7 education program in chapter 260G, and the targeted jobs
1 8 withholding credit program in section 403.19A be implemented
1 9 and administered in an accurate and transparent way.
1 10 2. The department of revenue shall, in conjunction with
1 11 the community colleges, the pilot project cities, and the
1 12 department of economic development, engage in a comprehensive
1 13 review and evaluation of the programs described in subsection
1 14 1.
1 15 3. After conducting the review and evaluation under
1 16 subsection 2, the department of revenue, in conjunction with
1 17 the community colleges, the pilot project cities, and the
1 18 department of economic development, shall develop a plan under
1 19 which the withholding credits provided for in the programs
1 20 described in subsection 1 are remitted first to the department
1 21 of revenue and then transferred to the community colleges
1 22 and pilot project cities only after the proper amount of
1 23 such credits has been verified by the department of revenue.
1 24 The plan shall provide for implementation of changes to the
1 25 programs as of July 1, 2011.
1 26 4. The department of revenue shall submit a report
1 27 containing the results of the program review conducted under
1 28 subsection 2 and the plan developed under subsection 3 to the
1 29 governor and the general assembly by December 15, 2010.
1 30 DIVISION II
1 31 PROPERTY TAXES
1 32 Sec. 2. Section 427B.4, Code 2009, is amended to read as
1 33 follows:
1 34 427B.4 Application for exemption by property owner.
1 35 1. a. An application shall be filed for each project



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2 1 resulting in actual value added for which an exemption is
2 2 claimed. The first application for exemption shall be filed
2 3 by the owner of the property with the ~~local assessor~~ governing
2 4 body of the city or county in which the property is located by
2 5 February 1 of the assessment year in which the value added is
2 6 ~~first assessed for taxation~~ for which the exemption is first
2 7 claimed, but not later than the year in which all improvements
2 8 included in the project are first assessed for taxation, or the
2 9 following two assessment years.

2 10 b. Applications for exemption shall be made on forms
2 11 prescribed by the director of revenue and shall contain
2 12 information pertaining to the nature of the improvement, its
2 13 cost, the estimated or actual date of completion, whether
2 14 the exemption schedule described in section 427B.3 or an
2 15 alternate schedule adopted pursuant to section 427B.1 will be
2 16 elected, and any other information deemed necessary by the
2 17 director of revenue.

2 18 2. a. A person may submit a proposal to the city council
2 19 of the city or the board of supervisors of a county to receive
2 20 prior approval for eligibility for a tax exemption on new
2 21 construction. The city council or the board of supervisors, by
2 22 ordinance, may give its prior approval of a tax exemption for
2 23 new construction if the new construction is in conformance with
2 24 the zoning plans for the city or county. The prior approval
2 25 shall also be subject to the hearing requirements of section
2 26 427B.1.

2 27 b. Prior approval received under this subsection does not
2 28 entitle the owner to exemption from taxation until the new
2 29 construction has been completed and found to be qualified real
2 30 estate. However, if the tax exemption for new construction is
2 31 not approved, the person may submit an amended proposal to the
2 32 city council or board of supervisors to approve or reject.

2 33 DIVISION III

2 34 IDENTIFICATION OF WORKER MISCLASSIFICATION

2 35 Sec. 3. Section 421.17, Code 2009, is amended by adding the



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3 1 following new subsection:

3 2 NEW SUBSECTION. 31. If the director has reason to believe,
3 3 as a result of an investigation or audit, that a taxpayer may
3 4 have misclassified workers, then to assist the department of
3 5 workforce development, the director is authorized to provide
3 6 to the department of workforce development the following
3 7 confidential information with respect to such a taxpayer:

3 8 a. Withholding and payroll tax information.

3 9 b. The taxpayer's identity, including taxpayer
3 10 identification number and date of birth.

3 11 c. The results or most recent status of the audit or
3 12 investigation.

3 13 Sec. 4. Section 422.20, subsection 3, paragraph a, Code
3 14 2009, is amended to read as follows:

3 15 a. Unless otherwise expressly permitted by section 8A.504,
3 16 section 96.11, subsection 6, section 421.17, subsections 22,
3 17 23, ~~and~~ 26, and 31, sections 252B.9, 321.120, 421.19, 421.28,
3 18 422.72, and 452A.63, and this section, a tax return, return
3 19 information, or investigative or audit information shall not
3 20 be divulged to any person or entity, other than the taxpayer,
3 21 the department, or internal revenue service for use in a matter
3 22 unrelated to tax administration.

3 23 Sec. 5. Section 422.72, subsection 3, paragraph a, Code
3 24 2009, is amended to read as follows:

3 25 a. Unless otherwise expressly permitted by section 8A.504,
3 26 section 96.11, subsection 6, section 421.17, subsections 22,
3 27 23, ~~and~~ 26, and 31, sections 252B.9, 321.120, 421.19, 421.28,
3 28 422.20, and 452A.63, and this section, a tax return, return
3 29 information, or investigative or audit information shall not
3 30 be divulged to any person or entity, other than the taxpayer,
3 31 the department, or internal revenue service for use in a matter
3 32 unrelated to tax administration.

3 33 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
3 34 Act, being deemed of immediate importance, takes effect upon
3 35 enactment.



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Senate File 2374 - Introduced continued

4 1 DIVISION IV
4 2 FALSE CLAIMS FOR CREDIT
4 3 Sec. 7. Section 421.27, subsection 6, Code 2009, is amended
4 4 to read as follows:
4 5 6. Improper receipt of refund or credit. A person who makes
4 6 an erroneous application for refund or credit shall be liable
4 7 for any overpayment received or tax liability reduced plus
4 8 interest at the rate in effect under section 421.7. In
4 9 addition, a person who willfully makes a false or frivolous
4 10 application for refund or credit with intent to evade tax
4 11 or with intent to receive a refund or credit to which the
4 12 person is not entitled is guilty of a fraudulent practice
4 13 and is liable for a penalty equal to seventy-five percent of
4 14 the refund or credit being claimed. ~~Repayments~~ Payments,
4 15 penalties, and interest due under this subsection may be
4 16 collected and enforced in the same manner as the tax imposed.
4 17 DIVISION V
4 18 REFUND INTEREST ACCRUAL
4 19 Sec. 8. Section 421.60, subsection 2, paragraph e, Code
4 20 2009, is amended to read as follows:
4 21 e. Unless otherwise provided by law, all Iowa taxes which
4 22 are administered by the department and which result in a refund
4 23 shall accrue interest at the rate in effect under section 421.7
4 24 from the first day of the ~~second~~ third calendar month following
4 25 the date of payment or the date the return was due to be filed
4 26 or was filed, whichever is the latest.
4 27 Sec. 9. Section 422.16, subsection 9, Code 2009, is amended
4 28 to read as follows:
4 29 9. a. The amount of any overpayment of the individual
4 30 income tax liability of the employee taxpayer, nonresident,
4 31 or other person which may result from the withholding and
4 32 payment of withheld tax by the employer or withholding agent
4 33 to the department under subsections 1 and 12, as compared to
4 34 the individual income tax liability of the employee taxpayer,
4 35 nonresident, or other person properly and correctly determined



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5 1 under the provisions of section 422.4, to and including section
5 2 422.25, may be credited against any income tax or installment
5 3 thereof then due the state of Iowa and any balance of one
5 4 dollar or more shall be refunded to the employee taxpayer,
5 5 nonresident or other person with interest at the rate in
5 6 effect under section 421.7 for each month or fraction of a
5 7 month, the interest to begin to accrue on the first day of the
5 8 ~~second~~ third calendar month following the date the return was
5 9 due to be filed or was filed, whichever is the later date.
5 10 b. Amounts of less than one dollar shall be refunded to
5 11 the taxpayer, nonresident, or other person only upon written
5 12 application, in accordance with section 422.73, and only if
5 13 the application is filed within twelve months after the due
5 14 date of the return. Refunds in the amount of one dollar
5 15 or more provided for by this subsection shall be paid by
5 16 the treasurer of state by warrants drawn by the director of
5 17 the department of administrative services, or an authorized
5 18 employee of the department, and the taxpayer's return of
5 19 income shall constitute a claim for refund for this purpose,
5 20 except in respect to amounts of less than one dollar. There
5 21 is appropriated, out of any funds in the state treasury not
5 22 otherwise appropriated, a sum sufficient to carry out the
5 23 provisions of this subsection.
5 24 Sec. 10. Section 422.25, subsection 3, Code 2009, is amended
5 25 to read as follows:
5 26 3. If the amount of the tax as determined by the department
5 27 is less than the amount paid, the excess shall be refunded with
5 28 interest, the interest to begin to accrue on the first day of
5 29 the ~~second~~ third calendar month following the date of payment
5 30 or the date the return was due to be filed, or the extended due
5 31 date by which the return was due to be filed if ninety percent
5 32 of the tax was paid by the original due date, or was filed,
5 33 whichever is the latest, at the rate in effect under section
5 34 421.7 counting each fraction of a month as an entire month
5 35 under the rules prescribed by the director. If an overpayment



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6 1 of tax results from a net operating loss or net capital loss
6 2 which is carried back to a prior year, the overpayment, for
6 3 purposes of computing interest on refunds, shall be considered
6 4 as having been made on the date a claim for refund or amended
6 5 return carrying back the net operating loss or net capital
6 6 loss is filed with the department or on the first day of the
6 7 ~~second~~ third calendar month following the date of the actual
6 8 payment of the tax, whichever is later. However, when the net
6 9 operating loss or net capital loss carryback to a prior year
6 10 eliminates or reduces an underpayment of tax due for an earlier
6 11 year, the full amount of the underpayment of tax shall bear
6 12 interest at the rate in effect under section 421.7 for each
6 13 month counting each fraction of a month as an entire month from
6 14 the due date of the tax for the earlier year to the last day of
6 15 the taxable year in which the net operating loss or net capital
6 16 loss occurred.

6 17 Sec. 11. Section 422.28, Code 2009, is amended to read as
6 18 follows:

6 19 422.28 Revision of tax.

6 20 A taxpayer may appeal to the director for revision of
6 21 the tax, interest, or penalties assessed at any time within
6 22 sixty days from the date of the notice of the assessment of
6 23 tax, additional tax, interest, or penalties. The director
6 24 shall grant a hearing and if, upon the hearing, the director
6 25 determines that the tax, interest, or penalties are excessive
6 26 or incorrect, the director shall revise them according to
6 27 the law and the facts and adjust the computation of the tax,
6 28 interest, or penalties accordingly. The director shall notify
6 29 the taxpayer by mail of the result of the hearing and shall
6 30 refund to the taxpayer the amount, if any, paid in excess
6 31 of the tax, interest, or penalties found by the director to
6 32 be due, with interest ~~after sixty days~~ accruing from the
6 33 ~~date~~ first day of the third calendar month following the
6 34 date of payment by the taxpayer at the rate in effect under
6 35 section 421.7 for each month or a fraction of a month.



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7 1 Sec. 12. Section 422.91, Code 2009, is amended to read as
7 2 follows:
7 3 422.91 Credit for estimated tax == accrual of interest.
7 4 1. a. Any amount of estimated tax paid is a credit against
7 5 the amount of tax due on a final, completed return, and any
7 6 overpayment of five dollars or more shall be refunded to the
7 7 taxpayer with interest, the interest to begin to accrue on the
7 8 first day of the ~~second~~ third calendar month following the date
7 9 of payment or the date the return was due to be filed or was
7 10 filed, whichever is the latest, at the rate established under
7 11 section 421.7, and the return constitutes a claim for refund
7 12 for this purpose.
7 13 b. Amounts of less than five dollars shall be refunded to
7 14 the taxpayer only upon written application in accordance with
7 15 section 422.73, and only if the application is filed within
7 16 twelve months after the due date for the return.
7 17 2. In lieu of claiming a refund, the taxpayer may elect
7 18 to have the overpayment shown on its final, completed return
7 19 for the taxable year credited to the tax liability for the
7 20 following taxable year.
7 21 Sec. 13. Section 423.3, subsection 47A, paragraph c, Code
7 22 Supplement 2009, is amended to read as follows:
7 23 c. For sales or rentals occurring on or after July 1, 2006,
7 24 through June 30, 2012, a refund of the tax paid as provided in
7 25 paragraph "b", subparagraph (1), (2), (3), (4), (5), or (6),
7 26 must be applied for, not later than six months after the month
7 27 in which the sale or rental occurred, in the manner and on the
7 28 forms provided by the department. Refunds shall only be of the
7 29 state tax collected. Refunds authorized shall accrue interest
7 30 at the rate in effect under section 421.7 from the first day of
7 31 the ~~second~~ third calendar month following the date the refund
7 32 claim is received by the department.
7 33 Sec. 14. Section 423.4, subsection 1, paragraph c, Code
7 34 Supplement 2009, is amended to read as follows:
7 35 c. Refunds authorized under this subsection shall accrue



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8 1 interest at the rate in effect under section 421.7 from the
8 2 first day of the ~~second~~ third calendar month following the date
8 3 the refund claim is received by the department.

8 4 Sec. 15. Section 423.4, subsection 6, paragraph c, Code
8 5 Supplement 2009, is amended to read as follows:

8 6 c. (1) The owner of the collaborative educational facility
8 7 shall, not more than one year after the final settlement has
8 8 been made, make application to the department for any refund of
8 9 the amount of the sales or use tax which shall have been paid
8 10 upon any goods, wares, or merchandise, or services furnished,
8 11 the application to be made in the manner and upon forms
8 12 ~~to be~~ provided by the department, and the department shall
8 13 ~~forthwith~~ promptly audit the claim and, if approved, issue a
8 14 warrant to the owner of the collaborative educational facility
8 15 in the amount of the sales or use tax which has been paid to the
8 16 state of Iowa under the contract.

8 17 (2) Refunds authorized under this subsection shall accrue
8 18 interest at the rate in effect under section 421.7 from the
8 19 first day of the ~~second~~ third calendar month following the date
8 20 the refund claim is received by the department.

8 21 Sec. 16. Section 450.94, subsection 3, Code 2009, is amended
8 22 to read as follows:

8 23 3. If the amount paid is greater than the correct tax,
8 24 penalty, and interest due, the department shall refund the
8 25 excess with interest. Interest shall be computed at the rate
8 26 in effect under section 421.7, under the rules prescribed by
8 27 the director counting each fraction of a month as an entire
8 28 month and the interest shall begin to accrue on the first
8 29 day of the ~~second~~ third calendar month following the date
8 30 of payment or on the date the return was due to be filed or
8 31 was filed, whichever is the latest. However, the director
8 32 shall not allow a claim for refund or credit that has not been
8 33 filed with the department within three years after the tax
8 34 payment upon which a refund or credit is claimed became due,
8 35 or one year after the tax payment was made, whichever time is



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9 1 later. A determination by the department of the amount of
9 2 tax, penalty, and interest due, or the amount of refund for
9 3 excess tax paid, is final unless the person aggrieved by the
9 4 determination appeals to the director for a revision of the
9 5 determination within sixty days from the date of the notice
9 6 of determination of tax, penalty, and interest due or refund
9 7 owing or unless the taxpayer contests the determination by
9 8 paying the tax, interest, and penalty and timely filing a claim
9 9 for refund. The director shall grant a hearing, and upon the
9 10 hearing the director shall determine the correct tax, penalty,
9 11 and interest or refund due, and notify the appellant of the
9 12 decision by mail. The decision of the director is final unless
9 13 the appellant seeks judicial review of the director's decision
9 14 under section 450.59 within sixty days after the date of the
9 15 notice of the director's decision.

9 16 Sec. 17. Section 452A.65, Code 2009, is amended to read as
9 17 follows:

9 18 452A.65 Failure to promptly pay fuel taxes == refunds ==
9 19 interest and penalties == successor liability.

9 20 1. In addition to the tax or additional tax, the taxpayer
9 21 shall pay a penalty as provided in section 421.27. The
9 22 taxpayer shall also pay interest on the tax or additional
9 23 tax at the rate in effect under section 421.7 counting each
9 24 fraction of a month as an entire month, computed from the
9 25 date the return was required to be filed. If the amount of
9 26 the tax as determined by the appropriate state agency is
9 27 less than the amount paid, the excess shall be refunded with
9 28 interest, the interest to begin to accrue on the first day of
9 29 the ~~second~~ third calendar month following the date of payment
9 30 or the date the return was due to be filed or was filed,
9 31 whichever is the latest, at the rate in effect under section
9 32 421.7 counting each fraction of a month as an entire month
9 33 under the rules prescribed by the appropriate state agency.
9 34 Claims for refund filed under sections 452A.17 and 452A.21
9 35 shall accrue interest beginning with the first day of the



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10 1 ~~second~~ third calendar month following the date the refund claim
10 2 is received by the department.

10 3 2. A report required of licensees or persons operating under
10 4 division III, upon which no tax is due, is subject to a penalty
10 5 of ten dollars if the report is not timely filed with the state
10 6 department of transportation.

10 7 3. If a licensee or other person sells the licensee's
10 8 or other person's business or stock of goods or quits the
10 9 business, the licensee or other person shall prepare a final
10 10 return and pay all tax due within the time required by law.
10 11 The immediate successor to the licensee or other person, if
10 12 any, shall withhold sufficient of the purchase price, in money
10 13 or money's worth, to pay the amount of any delinquent tax,
10 14 interest or penalty due and unpaid. If the immediate successor
10 15 of the business or stock of goods intentionally fails to
10 16 withhold any amount due from the purchase price as provided in
10 17 this paragraph, the immediate successor is personally liable
10 18 for the payment of the taxes, interest and penalty accrued
10 19 and unpaid on account of the operation of the business by the
10 20 immediate former licensee or other person, except when the
10 21 purchase is made in good faith as provided in section 421.28.
10 22 However, a person foreclosing on a valid security interest or
10 23 retaking possession of premises under a valid lease is not
10 24 an "immediate successor" for purposes of this paragraph. The
10 25 department may waive the liability of the immediate successor
10 26 under this paragraph if the immediate successor exercised good
10 27 faith in establishing the amount of the previous liability.

10 28 Sec. 18. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
10 29 division of this Act, being deemed of immediate importance,
10 30 takes effect upon enactment and applies to tax returns due on
10 31 or after April 30, 2010.

10 32 EXPLANATION

10 33 This bill relates to the policy administration of the tax and
10 34 related laws by the department of revenue.

10 35 Division I of the bill directs the department of revenue,



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11 1 in conjunction with the community colleges, the pilot project
11 2 cities, and the department of economic development, to engage
11 3 in a review of certain withholding credit programs. After
11 4 conducting the review, the department is required to develop
11 5 a plan under which the withholding credits are remitted first
11 6 to the department before being transferred to the community
11 7 colleges or the pilot project cities under the various
11 8 withholding credit programs. The department must submit a
11 9 report containing the results of the review and the plan to the
11 10 general assembly and the governor by December 15, 2010.

11 11 Division II amends Code section 427B.4 to extend by two years
11 12 the period for claiming the industrial real estate or cattle
11 13 facilities property tax exemptions. Currently, a taxpayer
11 14 cannot claim one of these exemptions unless it is claimed in
11 15 the first year the property is eligible for the exemption.

11 16 Division III allows the department to share certain taxpayer
11 17 information with the department of workforce development for
11 18 purposes of assisting in the identification of misclassified
11 19 workers. The division is effective upon enactment.

11 20 Division IV relates to penalties for the filing of false or
11 21 frivolous claims for tax credit. Code section 421.27 currently
11 22 provides a penalty for the filing of false or frivolous refund
11 23 claims. Division IV extends this penalty to false or frivolous
11 24 claims for credits as well.

11 25 Division V relates to the accrual of interest on tax refunds.
11 26 Currently, there are many references in the Code to the date on
11 27 which interest begins to accrue on tax refunds. That date is
11 28 typically the first day of the second calendar month following
11 29 the date the return was due to be filed. Division V amends all
11 30 such Code sections to specify that interest begins to accrue on
11 31 the first day of the third calendar month following the date
11 32 the return was due to be filed. The division is effective upon
11 33 enactment and applies to returns due on or after April 30,
11 34 2010.

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SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SSB
3224)

A BILL FOR

1 An Act relating to the administration of the sales and use
2 taxes under the streamlined sales tax agreement and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 321.105A, subsection 2, paragraph a,
1 2 unnumbered paragraph 1, Code Supplement 2009, is amended to
1 3 read as follows:
1 4 For purposes of this subsection, "purchase price" applies to
1 5 the measure subject to the fee for new registration. "Purchase
1 6 price" shall be determined in the same manner as "sales price"
1 7 is determined for purposes of computing the tax imposed upon
1 8 the sales price of tangible personal property under chapter
1 9 423, pursuant to the definition of sales price in section
1 10 423.1, ~~subsection 47~~, subject to the following exemptions:
1 11 Sec. 2. Section 423.1, Code 2009, is amended by adding the
1 12 following new subsection:
1 13 NEW SUBSECTION. 0A. "Affiliate" means any entity to which
1 14 any of the following applies:
1 15 a. Directly, indirectly, or constructively controls another
1 16 entity.
1 17 b. Is directly, indirectly, or constructively controlled by
1 18 another entity.
1 19 c. Is subject to the control of a common entity. A common
1 20 entity is one which owns directly or individually more than ten
1 21 percent of the voting securities of the entity.
1 22 Sec. 3. Section 423.1, subsections 27, 28, and 29, Code
1 23 2009, are amended to read as follows:
1 24 27. "Model 1 seller" is a seller registered under the
1 25 agreement that has selected a certified service provider as its
1 26 agent to perform all the seller's sales and use tax functions,
1 27 other than the seller's obligation to remit tax on its own
1 28 purchases.
1 29 28. "Model 2 seller" is a seller registered under the
1 30 agreement that has selected a certified automated system to
1 31 perform part of its sales and use tax functions, but retains
1 32 responsibility for remitting the tax.
1 33 29. "Model 3 seller" is a seller registered under the
1 34 agreement that has sales in at least five member states,
1 35 has total annual sales revenue of at least five hundred



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2 1 million dollars, has a proprietary system that calculates the
2 2 amount of tax due each jurisdiction, and has entered into a
2 3 performance agreement with the member states that establishes
2 4 a tax performance standard for the seller. As used in this
2 5 definition, a "seller" includes an affiliated group of sellers
2 6 using the same proprietary system.

2 7 Sec. 4. Section 423.1, Code 2009, is amended by adding the
2 8 following new subsection:

2 9 NEW SUBSECTION. 29A. "Model 4 seller" is a seller
2 10 registered under the agreement that is not a model 1, model 2,
2 11 or model 3 seller.

2 12 Sec. 5. Section 423.1, subsection 47, paragraph a,
2 13 subparagraph (6), Code 2009, is amended by striking the
2 14 subparagraph.

2 15 Sec. 6. Section 423.1, subsection 47, paragraph c, Code
2 16 2009, is amended to read as follows:

2 17 c. The sales price does not include and the sales tax shall
2 18 not apply to amounts received for charges included in paragraph
2 19 "a", subparagraphs (3) through ~~(7)~~ (6), if they are separately
2 20 contracted for, separately stated on the invoice, billing,
2 21 or similar document given to the purchaser, and the amounts
2 22 represent charges which are not the sales price of a taxable
2 23 sale or of the furnishing of a taxable service.

2 24 Sec. 7. Section 423.1, Code 2009, is amended by adding the
2 25 following new subsections:

2 26 NEW SUBSECTION. 52A. "State agency" means an authority,
2 27 board, commission, department, instrumentality, or other
2 28 administrative office or unit of this state, or any other state
2 29 entity reported in the Iowa comprehensive annual financial
2 30 report, including public institutions of higher education.

2 31 NEW SUBSECTION. 62. "Voting security" means a security to
2 32 which any of the following applies:

2 33 a. Confers upon the holder the right to vote for the
2 34 election of members of the board of directors or similar
2 35 governing body of the entity.



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3 1 b. Is convertible into, or entitles the holder to receive
3 2 upon its exercise, a security that confers such a right to
3 3 vote.

3 4 c. Is a general partnership interest.

3 5 Sec. 8. Section 423.2, subsection 1, paragraph a, Code 2009,
3 6 is amended to read as follows:

3 7 a. For the purposes of this subchapter, sales of the
3 8 following services are treated as if they were sales of
3 9 tangible personal property:

3 10 (1) Sales of engraving, photography, retouching, printing,
3 11 and binding services.

3 12 (2) Sales of vulcanizing, recapping, and retreading
3 13 services.

3 14 (3) Sales of prepaid telephone calling cards and
~~3 15 prepaid services that use an authorization numbers code.~~

3 16 (4) Sales of optional service or warranty contracts, except
3 17 residential service contracts regulated under chapter 523C,
3 18 which provide for the furnishing of labor and materials and
3 19 require the furnishing of any taxable service enumerated under
3 20 this section. The sales price is subject to tax even if some of
3 21 the services furnished are not enumerated under this section.
3 22 Additional sales, services, or use taxes shall not be levied
3 23 on services, parts, or labor provided under optional service
3 24 or warranty contracts which are subject to tax under this
3 25 subsection.

~~3 26 If the optional service or warranty contract is a computer
3 27 software maintenance or support service contract and there is
3 28 no separately stated fee for the taxable personal property
3 29 or for the nontaxable service, the tax imposed by this
3 30 subsection shall be imposed on fifty percent of the sales price
3 31 from the sale of such contract. If the contract provides for
3 32 technical support services only, no tax shall be imposed under
3 33 this subsection. The provisions of this subparagraph (4) also
3 34 apply to the use tax.~~

3 35 (5) Sales of optional service or warranty contracts for



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4 1 computer software maintenance or support services.
4 2 (a) If a service or warranty contract does not specify a fee
4 3 amount for nontaxable services or taxable personal property,
4 4 the tax imposed pursuant to this section shall be imposed upon
4 5 an amount equal to one-half of the sales price of the contract.
4 6 (b) If a service or warranty contract provides only for
4 7 technical support services, no tax shall be imposed pursuant to
4 8 this section.
4 9 (6) Subparagraphs (4) and (5) shall also apply to the use
4 10 tax imposed under section 423.5.
4 11 Sec. 9. Section 423.2, subsection 10, Code 2009, is amended
4 12 to read as follows:
4 13 10. a. Any person or that person's affiliate, which is
4 14 a retailer in this state or a retailer maintaining a place
4 15 of business in this state under this chapter, that enters into
4 16 a contract with an agency of this state must register, collect,
4 17 and remit Iowa sales tax under this chapter on all sales of
4 18 tangible personal property and enumerated services.
4 19 b. Every bid submitted and each contract executed by a
4 20 state agency shall contain a certification by the bidder or
4 21 contractor stating that the bidder or contractor is registered
4 22 with the department and will collect and remit Iowa sales tax
4 23 due under this chapter. In the certification, the bidder or
4 24 contractor shall also acknowledge that the state agency may
4 25 declare the contract or bid void if the certification is false.
4 26 Fraudulent certification, by act or omission, may result in
4 27 the state agency or its representative filing for damages for
4 28 breach of contract.
4 29 For the purposes of this subsection, the following
4 30 definitions apply:
4 31 a. "Affiliate" means any entity to which any of the
4 32 following applies:
4 33 (1) Directly, indirectly, or constructively controls
4 34 another entity.
4 35 (2) Is directly, indirectly, or constructively controlled



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~~5 1 by another entity.~~

~~5 2 (3) Is subject to the control of a common entity. A common
5 3 entity is one which owns directly or individually more than ten
5 4 percent of the voting securities of the entity.~~

~~5 5 b. "State agency" means an authority, board, commission,
5 6 department, instrumentality, or other administrative office or
5 7 unit of this state, or any other state entity reported in the
5 8 Iowa comprehensive annual financial report, including public
5 9 institutions of higher education.~~

~~5 10 e. "Voting security" means a security to which any of the
5 11 following applies:~~

~~5 12 (1) Confers upon the holder the right to vote for the
5 13 election of members of the board of directors or similar
5 14 governing body of the entity.~~

~~5 15 (2) Is convertible into, or entitles the holder to receive
5 16 upon its exercise, a security that confers such a right to
5 17 vote.~~

~~5 18 (3) Is a general partnership interest.~~

~~5 19 Sec. 10. Section 423.5, subsection 8, Code 2009, is amended
5 20 to read as follows:~~

~~5 21 8. Any person or that person's affiliate, which is a
5 22 retailer in this state or a retailer maintaining a place
5 23 of business in this state under this chapter, that enters
5 24 into a contract with an agency of this state must register,
5 25 collect, and remit Iowa use tax under this chapter on all sales
5 26 of tangible personal property and enumerated services. Every
5 27 bid submitted and each contract executed by a state agency
5 28 shall contain a certification by the bidder or contractor
5 29 stating that the bidder or contractor is registered with the
5 30 department and will collect and remit Iowa use tax due under
5 31 this chapter. In the certification, the bidder or contractor
5 32 shall also acknowledge that the state agency may declare the
5 33 contract or bid void if the certification is false. Fraudulent
5 34 certification, by act or omission, may result in the state
5 35 agency or its representative filing for damages for breach of~~



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6 1 contract.

6 2 For the purposes of this subsection, "affiliate", "state
~~6 3 agency", and "voting security" mean the same as defined in~~
~~6 4 section 423.2, subsection 10.~~

6 5 Sec. 11. Section 423.46, Code 2009, is amended to read as
6 6 follows:

6 7 423.46 Rate and base changes == liability for failure to
6 8 collect.

6 9 1. The department shall make a reasonable effort to provide
6 10 sellers with as much advance notice as practicable of a rate
6 11 change and to notify sellers of legislative changes in the tax
6 12 base and amendments to sales and use tax rules. ~~Failure of a~~
~~6 13 seller to receive notice or failure of this state to provide~~
~~6 14 notice or limit the effective date of a rate change shall not~~
~~6 15 relieve the seller of its obligation to collect sales or use~~
~~6 16 taxes for this state~~ Except as provided in subsection 2, a
6 17 seller shall not be relieved of the obligation to collect sales
6 18 or use taxes for this state by either a failure to receive such
6 19 notice or by a failure of the state to provide notice.

6 20 2. A seller will be relieved of liability for failing to
6 21 collect sales or use taxes for this state at the new rate under
6 22 all of the following conditions and to the following extent:

6 23 a. The department fails to provide for at least thirty
6 24 days between the enactment of the statute providing for a rate
6 25 change and the effective date of such rate change.

6 26 b. The seller continues to collect sales or use taxes at the
6 27 rate in effect immediately prior to the rate change.

6 28 c. The erroneous collection described in paragraph "b" does
6 29 not continue for more than thirty days after the effective date
6 30 of the rate change.

6 31 3. The relief from the obligation to collect sales or use
6 32 taxes described in subsection 2 shall not apply if a seller
6 33 knowingly or fraudulently fails to collect tax at the new rate
6 34 or if a seller has solicited purchasers on the basis of the
6 35 rate in effect immediately prior to the rate change.



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7 1 Sec. 12. Section 423.48, subsection 2, Code 2009, is amended
7 2 by adding the following new paragraph:

7 3 NEW PARAGRAPH. h. Upon the registration of a seller,
7 4 the department shall provide to the seller information
7 5 regarding the options available for the filing of returns and
7 6 remittances. Such information shall include information on
7 7 the requirements of filing simplified electronic returns and
7 8 remittances.

7 9 Sec. 13. Section 423.48, subsection 3, Code 2009, is amended
7 10 by adding the following new paragraph:

7 11 NEW PARAGRAPH. d. A model 2, model 3, or model 4 seller
7 12 making no sales sourced in the state in the preceding twelve
7 13 months may elect to be registered in the state as a seller that
7 14 anticipates making no sales sourced in the state. Making such
7 15 an election shall not relieve the seller of the obligation to
7 16 collect and remit sales or use taxes on sales sourced in the
7 17 state.

7 18 Sec. 14. Section 423.48, Code 2009, is amended by adding the
7 19 following new subsection:

7 20 NEW SUBSECTION. 4. The provisions of this section shall not
7 21 be construed to relieve a seller of the obligation to register
7 22 in the state if required to do so, and to collect and remit
7 23 sales or use taxes for at least thirty-six months and to meet
7 24 any other requirements necessary for amnesty in Iowa under the
7 25 terms of an agreement as provided in section 423.54.

7 26 Sec. 15. Section 423.49, Code 2009, is amended by striking
7 27 the section and inserting in lieu thereof the following:

7 28 423.49 Return requirements == electronic filing.

7 29 1. Except as provided in subsection 7, all sellers
7 30 registered under the agreement shall file a single return per
7 31 month for the state and all taxing jurisdictions within this
7 32 state.

7 33 2. The director shall by rule determine the date on which
7 34 returns shall be filed. The date shall not be earlier than the
7 35 twentieth day of the following month.



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8 1 3. The department shall provide to all registered and
8 2 unregistered sellers, except sellers of products qualifying for
8 3 exclusion from the provisions of section 308 of the agreement,
8 4 a simplified return that can be filed electronically.
8 5 a. The simplified return shall be provided in a form
8 6 approved by the governing board and shall not contain a field
8 7 unless that field has been approved by the governing board.
8 8 b. The simplified return shall contain two parts. The
8 9 first part shall contain information relating to remittances
8 10 and allocations. The second part shall contain information
8 11 relating to exempt sales.
8 12 c. The department shall notify the governing board if
8 13 the submission of the second part of the return is no longer
8 14 necessary.
8 15 d. The department shall not require a model 4 seller to
8 16 submit the second part of the simplified return but may provide
8 17 for another means of collecting the information contained in
8 18 the second part of the return as described in subsection 4,
8 19 paragraph "e".
8 20 4. a. A certified service provider shall file a simplified
8 21 return electronically on behalf of a model 1 seller and shall
8 22 file audit reports for the seller as provided for in article V
8 23 of the rules and procedures of the agreement.
8 24 b. A certified service provider shall file the first part of
8 25 the simplified return, as described in subsection 3, once per
8 26 month, as required pursuant to subsection 1.
8 27 c. A model 1 seller may file both the first and second parts
8 28 of the simplified return. Model 1 sellers filing both parts
8 29 shall also file audit reports as described in paragraph "a".
8 30 d. A model 4 seller may elect to file a simplified return.
8 31 Model 4 sellers electing to do so shall file the first part of
8 32 the return each month.
8 33 e. A model 4 seller required to register in the state may
8 34 submit the information collected in the second part of the
8 35 return in one of the following ways:



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9 1 (1) By filing monthly both the first and second parts
9 2 electronically on a simplified return as described in
9 3 subsection 3.
9 4 (2) By filing the second part together with the required
9 5 December filing of the first part. A seller filing the second
9 6 part of a return pursuant to this subparagraph shall include
9 7 information for all months of that calendar year and shall
9 8 report the information in an annual rather than a monthly
9 9 fashion.
9 10 (3) The department shall notify the governing board prior to
9 11 requiring the submission of the second part of the simplified
9 12 return pursuant to this paragraph "e".
9 13 5. The department shall adopt rules for the filing of
9 14 returns by a model 4 seller electing not to file a simplified
9 15 return pursuant to this section.
9 16 6. A seller which has previously elected to file a
9 17 simplified return shall provide at least three months' notice
9 18 of an intent to discontinue the filing of such returns.
9 19 7. a. A seller making the election under section 423.48,
9 20 subsection 3, paragraph "d", is exempt from the requirements of
9 21 this section and shall not be required to file a return.
9 22 b. The exemption allowed under paragraph "a" is only
9 23 applicable as long as a seller makes no taxable sales in this
9 24 state. If a seller makes a taxable sale in this state, the
9 25 seller shall file a return the month after such a sale is made.
9 26 8. A seller may file a return for more than one legal entity
9 27 at the same time only if such entities are affiliated.
9 28 9. The department shall adopt a standardized process for the
9 29 transmission and receipt of returns and related information.
9 30 The adoption of a procedure pursuant to this subsection is
9 31 subject to the approval of the governing board.
9 32 10. a. The department shall notify a seller registered
9 33 under the agreement that has no obligation to register in
9 34 this state of a failure to file a return required under this
9 35 section and allow the seller at least thirty days after such



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11 1 to "prepaid calling cards" to "prepaid calling services" and
11 2 clarifies certain language relating to service and warranty
11 3 contracts.

11 4 The bill requires the department of revenue to make
11 5 reasonable efforts to notify sellers after sales tax rate
11 6 changes and provides a safe harbor under certain circumstances
11 7 to sellers who do not receive such notice.

11 8 The bill clarifies that the changes made in the bill do not
11 9 affect a seller's obligation to register in the state and to
11 10 meet certain requirements for amnesty under the agreement.

11 11 The bill allows certain sellers to register in the state as
11 12 sellers who do not anticipate making any sales here.

11 13 The bill provides for the electronic filing of simplified
11 14 returns and remittances, in accordance with the terms of the
11 15 agreement.

11 16 The bill eliminates the requirement in Code section 423.49
11 17 that a remote seller file a return in the following month if it
11 18 accumulates more than \$1,000 of state and local sales taxes in
11 19 the preceding month.

11 20 The bill directs the department to adopt a standardized
11 21 process for the remittance of sales tax payments.

11 22 The bill takes effect upon enactment.

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