



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 26, 2010

## House Amendment 8632

PAG LIN

1 1 Amend the Senate amendment, H=8568, to House File  
1 2 2526, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 3, by striking lines 22 through 49.  
1 5 #2. By renumbering as necessary.

HAGENOW of Polk

WINDSCHITL of Harrison  
HF2526.2758 (2) 83  
pf/jp



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**House Amendment 8633**

PAG LIN

1 1 Amend the House amendment, S=5291, to Senate File  
 1 2 2367, as amended, passed, and reprinted by the Senate,  
 1 3 as follows:  
 1 4 #1. Page 1, by striking lines 3 and 4.  
 1 5 #2. Page 1, by striking lines 6 through 10 and  
 1 6 inserting:  
 1 7 <\_\_\_. Page 8, by striking line 34 and inserting:  
 1 8 <..... \$ 2,064,471>  
 1 9 \_\_\_\_\_. Page 9, by striking line 12 and inserting:  
 1 10 <..... \$ 127,167>  
 1 11 \_\_\_\_\_. Page 9, by striking line 17 and inserting:  
 1 12 <..... \$70,783>>  
 1 13 #3. Page 1, by striking lines 12 and 13 and  
 1 14 inserting:  
 1 15 <\_\_\_. Page 16, by striking line 20 and inserting  
 1 16 <..... \$4,997,742>>  
 1 17 #4. Page 1, by striking lines 16 and 17 and  
 1 18 inserting:  
 1 19 <\_\_\_. Page 22, by striking lines 25 and 26 and  
 1 20 inserting <information technology under a an existing  
 1 21 competitively procured contract let by another ~~agency~~>  
 1 22 \_\_\_\_\_. Page 22, line 27, by striking <or other> and  
 1 23 inserting ~~<or other>~~  
 1 24 \_\_\_\_\_. Page 22, line 29, after <entity.> by inserting  
 1 25 <The department, on its own behalf or on the behalf of  
 1 26 another participating agency or governmental entity,  
 1 27 may also procure information technology by leveraging  
 1 28 an existing competitively procured contract, or other  
 1 29 than a contract associated with the state board of  
 1 30 regents or an institution under the control of the  
 1 31 state board of regents.>>  
 1 32 #5. By striking page 1, line 19, through page 6,  
 1 33 line 22, and inserting <line 10.>  
 1 34 #6. Page 7, line 26, by striking <1.>  
 1 35 #7. Page 7, line 32, by striking <a.> and inserting  
 1 36 <1.>  
 1 37 #8. Page 7, line 37, by striking <b.> and inserting  
 1 38 <2.>  
 1 39 #9. Page 7, line 42, by striking <c.> and inserting  
 1 40 <3.>  
 1 41 #10. Page 7, line 45, by striking <d.> and inserting  
 1 42 <4.>  
 1 43 #11. Page 7, line 49, by striking <e.> and inserting  
 1 44 <5.>  
 1 45 #12. Page 8, by striking lines 1 through 34.  
 1 46 #13. By renumbering as necessary.  
 SF2367.2698.S (2) 83  
 jh



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## House Amendment 8634

PAG LIN

1 1 Amend the Senate amendment, H=8568, to House File  
1 2 2526, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 1, line 6, by striking <\$756,613> and  
1 5 inserting <\$943,813>  
1 6 #2. Page 1, line 10, by striking <\$355,000> and  
1 7 inserting <\$449,445>  
1 8 #3. Page 1, line 19, by striking <\$360,000> and  
1 9 inserting <\$449,445>  
1 10 #4. Page 1, line 33, by striking <\$41,613> and  
1 11 inserting <\$44,923>  
1 12 #5. Page 1, after line 34 by inserting:  
1 13 <\_\_\_\_. Page 6, line 2, by striking <2,710,062> and  
1 14 inserting <2,735,062>  
1 15 \_\_\_\_\_. Page 6, line 11, by striking <\$304,885> and  
1 16 inserting <\$329,885>>  
1 17 #6. Page 1, line 36, by striking <3,572,313> and  
1 18 inserting <3,597,313>  
1 19 #7. Page 1, after line 36 by inserting:  
1 20 <\_\_\_\_. Page 7, line 12, by striking <\$416,682> and  
1 21 inserting <\$441,682>>  
1 22 #8. By striking page 2, line 50, through page 3,  
1 23 line 6.  
1 24 #9. Page 3, line 26, after <modifications> by  
1 25 inserting <, to be effective July 1, 2011,>  
1 26 #10. Page 3, line 39, by striking <section> and  
1 27 inserting <subsection>  
1 28 #11. Page 4, line 16, by striking <\$211,721> and  
1 29 inserting <\$47,158>  
1 30 #12. Page 4, line 19, by striking <11,345,207> and  
1 31 inserting <11,295,207>  
1 32 #14. Page 4, by striking lines 25 through 34.  
1 33 #13. Page 4, by striking lines 41 through 45.  
1 34 #15. Page 6, by striking lines 1 through 8 and  
1 35 inserting <be transferred to the appropriation  
1 36 for medical assistance to be used to reduce the  
1 37 waiting lists for the medical assistance home and  
1 38 community-based services waivers, and the remainder  
1 39 shall be used for the purposes of continuing the  
1 40 initiative in the fiscal year.>>  
1 41 #16. Page 7, line 2, by striking <15,755,256> and  
1 42 inserting <18,120,812>  
1 43 #17. Page 7, after line 32 by inserting:  
1 44 <\_\_\_\_. Page 113, after line 17 by inserting:  
1 45 <Sec. \_\_\_\_\_. Section 135N.5, subsection 1, Code 2009,  
1 46 is amended to read as follows:  
1 47 1. The committee shall meet ~~no less than four~~  
~~1 48 times per year~~ as often as deemed necessary and is  
1 49 subject to chapters 21 and 22 relating to open meetings  
1 50 and public records. To the maximum extent possible,



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House Amendment 8634 continued

2 1 the committee shall coordinate meeting schedules and  
2 2 staffing with the center for congenital and inherited  
2 3 disorders advisory committee established by rule of the  
2 4 department pursuant to chapter 136A. >>  
2 5 #18. By renumbering as necessary.

HEDDENS of Story  
HF2526.2886 (2) 83  
pf/jp



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## House Amendment 8635

PAG LIN

1 1 Amend the Senate amendment, H=8539, to House File  
1 2 2525, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 1, by striking lines 15 through 35 and  
1 5 inserting <Assembly include a line item provision for  
1 6 the state fish and game protection fund that accounts  
1 7 for full-time equivalent positions supported by the  
1 8 fund.  
1 9 \_\_\_\_\_. The department of natural resources shall  
1 10 prepare a report to the governor and the general  
1 11 assembly providing a detailed accounting of revenue  
1 12 and expenditures involving the state fish and game  
1 13 protection fund. Prior to November 15, 2010, the  
1 14 department shall submit the report to the governor  
1 15 and general assembly, including the chairpersons and  
1 16 ranking members of the standing committees of the  
1 17 senate and house of representatives having jurisdiction  
1 18 over natural resources and the joint appropriations  
1 19 subcommittee on agriculture and natural resources. The  
1 20 report shall include all of the following:  
1 21 a. Information regarding the following four  
1 22 operational units: management, the law enforcement  
1 23 bureau, the fisheries bureau, and the wildlife bureau.  
1 24 The information shall include all of the following:  
1 25 (1) The allocation of full-time equivalent  
1 26 positions in each operational unit.  
1 27 (2) The title and description of each position in  
1 28 each operational unit.  
1 29 (3) A line item accounting of expenditures for each  
1 30 operational unit.  
1 31 b. A line item accounting of the balance in the  
1 32 fund to be carried forward on June 30, 2010.  
1 33 c. A line item accounting for sources of income  
1 34 deposited into the fund.  
1 35 d. A line item accounting of capital projects,  
1 36 including but not limited to land owned by the  
1 37 department, projected land purchases by the department,  
1 38 revenue generated from land owned by the department  
1 39 and its classified use, and income or losses from land  
1 40 leased by the department. The line item shall account  
1 41 for such land regardless of whether the land was  
1 42 acquired in whole or in part from moneys originating  
1 43 from the fund. The report shall also include a  
1 44 justification for each capital project.  
1 45 e. A description of all programs supported by the  
1 46 fund and a justification for each of the programs as a  
1 47 constitutionally allowable expenditure. >>  
1 48 #2. Page 3, after line 44 by inserting:  
1 49 <\_\_\_\_\_. Title page, line 3, after <effective> by  
1 50 inserting <and applicability>>



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House Amendment 8635 continued

2 1 #3. By renumbering as necessary.

REICHERT of Muscatine  
HF2525.2905 (3) 83  
da/jp



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House Amendment 8636

PAG LIN

1 1 Amend Senate File 2363, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, before line 1 by inserting:  
1 4 <DIVISION I  
1 5 TECHNICAL ADMINISTRATION>  
1 6 #2. Page 12, line 7, before <Act> by inserting  
1 7 <division of this>  
1 8 #3. Page 12, before line 9 by inserting:  
1 9 <DIVISION II  
1 10 WAIVER OF USE TAX PENALTIES AND INTEREST  
1 11 Sec. \_\_\_\_ Section 421.27, Code 2009, is amended by  
1 12 adding the following new subsections:  
1 13 NEW SUBSECTION. 1A. Waiver of penalty and interest  
1 14 for failure to file sales or use tax return or deposit  
1 15 form.  
1 16 a. The penalty described in subsection 1, or a  
1 17 portion thereof, if assessed against a taxpayer, and  
1 18 any interest assessed pursuant to section 423.40, or a  
1 19 portion thereof, may be waived by the department if all  
1 20 of the following conditions are met:  
1 21 (1) The taxpayer is a purchaser of tangible  
1 22 personal property or services which are subject to the  
1 23 sales and use taxes imposed under chapter 423.  
1 24 (2) The purchaser is subject to the penalties and  
1 25 interest pursuant to section 423.40 as a result of a  
1 26 failure to file a sales or use tax return pursuant to  
1 27 section 423.37.  
1 28 (3) The return the purchaser failed to file was  
1 29 required because of the failure of another taxpayer to  
1 30 pay or collect the taxes due under chapter 423.  
1 31 (4) The purchaser did not know of the other  
1 32 taxpayer's failure to pay or collect the taxes due  
1 33 under chapter 423.  
1 34 b. A waiver granted to a purchaser under this  
1 35 subsection does not apply to the taxpayer described in  
1 36 subparagraph (3).  
1 37 NEW SUBSECTION. 2A. Waiver of penalty and interest  
1 38 for failure to timely pay the tax shown due, or the tax  
1 39 required to be shown due, with the filing of a return or  
1 40 deposit form.  
1 41 a. The penalty described in subsection 2, or a  
1 42 portion thereof, if assessed against a taxpayer, and  
1 43 any interest assessed pursuant to section 423.40, or a  
1 44 portion thereof, may be waived by the department if all  
1 45 of the following conditions are met:  
1 46 (1) The taxpayer is a purchaser of tangible  
1 47 personal property or services which are subject to the  
1 48 sales and use taxes imposed under chapter 423.  
1 49 (2) The purchaser is subject to the penalties and  
1 50 interest pursuant to section 423.40 as a result of a



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House Amendment 8636 continued

2 1 failure to pay the amount shown due or required to be  
2 2 shown due on a sales or use tax return pursuant to  
2 3 section 423.37.  
2 4 (3) The failure to pay the amount shown due or  
2 5 required to be shown due was the result of the failure  
2 6 of another taxpayer to pay or collect the taxes due  
2 7 under chapter 423.  
2 8 (4) The purchaser did not know of the other  
2 9 taxpayer's failure to pay or collect the taxes due  
2 10 under chapter 423.  
2 11 b. A waiver granted to a purchaser under this  
2 12 subsection does not apply to the taxpayer described in  
2 13 subparagraph (3).  
2 14 Sec. \_\_\_\_ . REFUNDS. Refunds of interest or  
2 15 penalties which arise from claims resulting from the  
2 16 enactment of section 421.27, subsections 1A and 2A,  
2 17 in this division of this Act, for the assessment of  
2 18 interest or penalties occurring between January 1,  
2 19 2009, and the effective date of this division of this  
2 20 Act, shall be limited to fifty thousand dollars in the  
2 21 aggregate and shall not be allowed unless refund claims  
2 22 are filed prior to October 1, 2010, notwithstanding any  
2 23 other provision of law. If the amount of claims totals  
2 24 more than fifty thousand dollars in the aggregate, the  
2 25 department of revenue and finance shall prorate the  
2 26 fifty thousand dollars among all claimants in relation  
2 27 to the amounts of the claimants' valid claims.  
2 28 Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
2 29 APPLICABILITY. This division of this Act, being deemed  
2 30 of immediate importance, takes effect upon enactment  
2 31 and applies retroactively to January 1, 2009, for the  
2 32 assessment of interest or penalties on or after that  
2 33 date.>  
2 34 #4. By renumbering as necessary.

ISENHART of Dubuque  
SF2363.2752 (2) 83  
tw/sc



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## House Amendment 8637

PAG LIN

1 1 Amend the amendment, H=8634, to the Senate  
1 2 amendment, H=8568, to House File 2526, as amended,  
1 3 passed, and reprinted by the House, as follows:  
1 4 #1. Page 1, after line 33 by inserting:  
1 5 <\_\_\_\_. Page 4, after line 50 by inserting:  
1 6 <\_\_\_\_. Page 55, line 15, after <plan,> by inserting  
1 7 <a representative of an organization providing remedial  
1 8 services that is also licensed as a community mental  
1 9 health center for children and as a psychiatric medical  
1 10 institution for children,>  
1 11 \_\_\_\_\_. Page 60, by striking lines 2 through 4 and  
1 12 inserting <maintenance rate and the maximum adoption  
1 13 subsidy rate for>  
1 14 \_\_\_\_\_. Page 60, line 9, by striking <\$18.87.> and  
1 15 inserting <\$17.93. The maximum supervised apartment  
1 16 living foster care rate and the preparation for adult  
1 17 living program maintenance rate for children and young  
1 18 adults ages 16 and older shall be \$18.87.>>>  
1 19 #2. Page 1, line 42, by striking <18,120,812> and  
1 20 inserting <18,120,842>  
1 21 #3. By renumbering as necessary.

HEDDENS of Story  
HF2526.2932 (3) 83  
pf/jp



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House Amendment 8638

PAG LIN

1 1 Amend the Senate amendment, H=8568, to House File  
1 2 2526, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 7, after line 32 by inserting:  
1 5 <\_\_\_\_. Page 113, after line 17 by inserting:  
1 6 <Sec. \_\_\_\_\_. Section 135N.3, subsection 2, Code 2009,  
1 7 is amended to read as follows:  
1 8 2. The committee shall review and make  
1 9 recommendations to the ~~director~~ center for congenital  
1 10 and inherited disorders advisory committee established  
1 11 by rule of the department pursuant to chapter  
1 12 136A concerning but not limited to the following: >>  
1 13 #2. Page 7, line 37, by striking <, 135N.6,> and  
1 14 inserting <, 135N.6,>

HEDDENS of Story  
HF2526.2927 (2) 83  
pf/jp



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House Amendment 8639

PAG LIN

1 1 Amend the Senate amendment, H=8568, to House File  
1 2 2526, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 7, after line 32 by inserting:  
1 5 <\_\_\_\_. Page 113, after line 17 by inserting:  
1 6 <Sec. \_\_\_\_\_. Section 232.188, subsection 5, paragraph  
1 7 b, unnumbered paragraph 1, Code 2009, is amended to  
1 8 read as follows:  
1 9 Notwithstanding section 8.33, moneys designated for  
1 10 a project's decategorization services funding pool that  
1 11 remain unencumbered or unobligated at the close of the  
1 12 fiscal year shall not revert but shall remain available  
1 13 for expenditure as directed by the project's governance  
1 14 board for child welfare and juvenile justice systems  
1 15 enhancements and other purposes of the project ~~until~~  
~~1 16 the close of the succeeding fiscal year and for the~~  
~~1 17 next two succeeding fiscal years.~~ Such moneys shall  
1 18 be known as "carryover funding". Moneys may be made  
1 19 available to a funding pool from one or more of the  
1 20 following sources: >>  
1 21 #2. By renumbering as necessary.

L. MILLER of Scott

HEATON of Henry  
HF2526.2953 (1) 83  
jp/pf



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House Study Bill 742

HOUSE FILE

BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON OLDSON)

**A BILL FOR**

1 An Act relating to and making, reducing, and transferring  
2 appropriations to state departments and agencies from  
3 the rebuild Iowa infrastructure fund, the technology  
4 reinvestment fund, the revenue bonds capitals fund, the  
5 revenue bonds capitals II fund, the FY 2009 prison bonding  
6 fund, and other funds, creating the Iowa jobs II program,  
7 and the revenue bonds federal subsidy holdback fund,  
8 providing for related matters, and providing an effective  
9 date.  
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
    TLSB 6280YC (1) 83  
    rh/tm





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House Study Bill 742 continued

2 1 the city of Des Moines and local area businesses to provide  
2 2 a free shuttle service to the citizens of Iowa that includes  
2 3 transportation between the capitol complex and the downtown  
2 4 Des Moines area, notwithstanding section 8.57, subsection 6,  
2 5 paragraph "c":  
2 6 ..... \$ 200,000  
2 7 Details for the shuttle service, including the route to  
2 8 be served, shall be determined pursuant to an agreement to  
2 9 be entered into by the department with the Des Moines area  
2 10 regional transit authority (DART) and any other participating  
2 11 entities.  
2 12 Of the amount appropriated in this lettered paragraph, up to  
2 13 \$50,000 shall be used to encourage state employees to utilize  
2 14 transit services provided by the Des Moines area regional  
2 15 transit authority.  
2 16 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
2 17 For the administration of the watershed improvement review  
2 18 board established in section 466A.3, notwithstanding section  
2 19 8.57, subsection 6, paragraph "c":  
2 20 ..... \$ 50,000  
2 21 3. DEPARTMENT FOR THE BLIND  
2 22 For costs associated with universal access to audio  
2 23 information over the phone on demand for blind and print  
2 24 handicapped Iowans, notwithstanding section 8.57, subsection  
2 25 6, paragraph "c":  
2 26 ..... \$ 20,000  
2 27 4. DEPARTMENT OF CULTURAL AFFAIRS  
2 28 a. For continuation of the project recommended by the Iowa  
2 29 battle flag advisory committee to stabilize the condition of  
2 30 the battle flag collection, notwithstanding section 8.57,  
2 31 subsection 6, paragraph "c":  
2 32 ..... \$ 60,000  
2 33 b. For purposes of maintenance and repairs of historic  
2 34 sites:  
2 35 ..... \$ 40,000



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House Study Bill 742 continued

3 1       5. DEPARTMENT OF ECONOMIC DEVELOPMENT  
3 2       a. For deposit in the workforce training and economic  
3 3 development funds for each community college in section  
3 4 260C.18A, notwithstanding section 8.57, subsection 6, paragraph  
3 5 "c":  
3 6 ..... \$ 2,000,000  
3 7       b. To the 6th avenue corridor for improvements to the  
3 8 streetscape associated with the national mainstreet conference  
3 9 and for additional architectural and engineering design  
3 10 plans for economic development and community revitalization,  
3 11 notwithstanding section 8.57, subsection 6, paragraph "c":  
3 12 ..... \$ 100,000  
3 13       c. To develop site plans for the southeast Iowa regional  
3 14 economic and port authority including plans for infrastructure  
3 15 for economic development, notwithstanding section 8.57,  
3 16 subsection 6, paragraph "c":  
3 17 ..... \$ 50,000  
3 18       d. For equal distribution to regional sports authority  
3 19 districts certified by the department pursuant to section  
3 20 15E.321, notwithstanding section 8.57, subsection 6, paragraph  
3 21 "c":  
3 22 ..... \$ 500,000  
3 23       e. For administration and support of the world food prize  
3 24 including the Borlaug/Ruan scholar program, notwithstanding  
3 25 section 8.57, subsection 6, paragraph "c":  
3 26 ..... \$ 100,000  
3 27       6. DEPARTMENT OF EDUCATION  
3 28 To provide resources for structural and technological  
3 29 improvements to local libraries and for the enrich Iowa  
3 30 program, notwithstanding section 8.57, subsection 6, paragraph  
3 31 "c":  
3 32 ..... \$ 500,000  
3 33 Of the moneys appropriated in this subsection, \$50,000 shall  
3 34 be allocated equally to each library service area.  
3 35       7. DEPARTMENT OF NATURAL RESOURCES



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House Study Bill 742 continued

4 1     a. For floodplain management and dam safety,  
 4 2 notwithstanding section 8.57, subsection 6, paragraph "c":  
 4 3 ..... \$ 2,000,000  
 4 4     Of the amounts appropriated in this lettered paragraph,  
 4 5 up to \$400,000 is authorized for steam gages to be used  
 4 6 for tracking and predicting flood events and for compiling  
 4 7 necessary data relating to flood frequency analysis.  
 4 8     b. For costs associated with the construction of a permanent  
 4 9 structure for handicapped persons and senior citizens in a  
 4 10 county with a population between 37,150 and 37,250:  
 4 11 ..... \$ 40,000  
 4 12     c. For costs associated with the hiring and employment of an  
 4 13 asset manager at Honey creek resort state park, notwithstanding  
 4 14 section 8.57, subsection 6, paragraph "c":  
 4 15 ..... \$ 100,000  
 4 16     The department shall issue a request for proposals to  
 4 17 competitively procure the services of an asset manager which  
 4 18 shall be selected by the natural resource commission. The  
 4 19 asset manager shall have hospitality management experience  
 4 20 of at least five years including at least three years asset  
 4 21 management experience in a setting similar in size and quality  
 4 22 to the Honey creek resort state park with a similar type of  
 4 23 market. The duties and job responsibilities of the asset  
 4 24 manager shall include but are not limited to reviewing and  
 4 25 commenting on the resort's sales and marketing plan, providing  
 4 26 for the operation of the resort in a manner consistent with  
 4 27 the requirements and limitations set forth in the resort's  
 4 28 operating agreement, monitoring and supervising the resort  
 4 29 including site visits, and negotiating and recommending an  
 4 30 annual operating budget and budget plan. The asset manager  
 4 31 shall report to bond counsel, the governor, the Honey creek  
 4 32 authority, the department of natural resources, and the  
 4 33 legislative services agency.  
 4 34     8. DEPARTMENT OF PUBLIC DEFENSE  
 4 35     a. For major maintenance projects at national guard



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House Study Bill 742 continued

5 1 armories and facilities:  
5 2 ..... \$ 1,500,000  
5 3     b. For renovation and facility improvements at the Iowa  
5 4 Falls readiness center:  
5 5 ..... \$ 500,000  
5 6     c. For renovation and facility improvements at the Cedar  
5 7 Rapids armed forces readiness center:  
5 8 ..... \$ 200,000  
5 9     d. For renovation and facility improvements at the  
5 10 Middletown readiness center:  
5 11 ..... \$ 100,000  
5 12     9. DEPARTMENT OF PUBLIC HEALTH  
5 13     For a grant to an existing national affiliated volunteer eye  
5 14 organization that has an established program for children and  
5 15 adults and that is solely dedicated to preserving sight and  
5 16 preventing blindness through education, nationally certified  
5 17 vision screening and training, community and patient service  
5 18 programs, notwithstanding section 8.57, subsection 6, paragraph  
5 19 "c":  
5 20 ..... \$ 100,000  
5 21     10. IOWA FINANCE AUTHORITY  
5 22     For transfer to the Polk county housing trust fund for the  
5 23 construction of facilities to meet the specialized needs of  
5 24 adult persons with severe and profound disabilities who have  
5 25 high medical needs:  
5 26 ..... \$ 250,000  
5 27     11. STATE BOARD OF REGENTS  
5 28     a. For allocation by the state board of regents to the  
5 29 state university of Iowa, the Iowa state university of  
5 30 science and technology, and the university of northern Iowa to  
5 31 reimburse the institutions for deficiencies in the operating  
5 32 funds resulting from the pledging of tuition, student fees  
5 33 and charges, and institutional income to finance the cost of  
5 34 providing academic and administrative buildings and facilities  
5 35 and utility services at the institutions, notwithstanding



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House Study Bill 742 continued

6 1 section 8.57, subsection 6, paragraph "c":  
6 2 ..... \$ 24,305,412  
6 3     b. For the Iowa flood center at the state university of Iowa  
6 4 for use by the university's college of engineering, pursuant  
6 5 to section 466C.1, notwithstanding section 8.57, subsection 6,  
6 6 paragraph "c":  
6 7 ..... \$ 1,300,000  
6 8     c. To Iowa state university of science and technology to  
6 9 purchase veterinary surgical and other equipment to modernize  
6 10 the animal care facilities at the blank park zoo as part of  
6 11 a cooperative effort of blank park zoo and the college of  
6 12 veterinary medicine, notwithstanding section 8.57, subsection  
6 13 6, paragraph "c":  
6 14 ..... \$ 400,000  
6 15     12. TREASURER OF STATE  
6 16 For county fair infrastructure improvements for distribution  
6 17 in accordance with chapter 174 to qualified fairs which belong  
6 18 to the association of Iowa fairs:  
6 19 ..... \$ 1,060,000  
6 20     13. DEPARTMENT OF TRANSPORTATION  
6 21 For infrastructure improvements at general aviation airports  
6 22 within the state:  
6 23 ..... \$ 750,000  
6 24     14. DEPARTMENT OF VETERANS AFFAIRS  
6 25 For transfer to the Iowa finance authority for the  
6 26 continuation of the home ownership assistance program for  
6 27 persons who are or were eligible members of the armed forces of  
6 28 the United States, pursuant to section 16.54, notwithstanding  
6 29 section 8.57, subsection 6, paragraph "c":  
6 30 ..... \$ 1,000,000  
6 31     Sec. 2. There is appropriated from the rebuild Iowa  
6 32 infrastructure fund to the following departments and agencies  
6 33 for the following fiscal years, the following amounts, or so  
6 34 much thereof as is necessary, to be used for the purposes  
6 35 designated:





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8 1       2. DEPARTMENT OF CORRECTIONS  
8 2       For costs associated with the Iowa corrections offender  
8 3 network data system:  
8 4 ..... \$     500,000  
8 5       3. DEPARTMENT OF EDUCATION  
8 6       a. For maintenance and lease costs associated with  
8 7 connections for Part III of the Iowa communications network:  
8 8 ..... \$   2,727,000  
8 9       b. For the implementation of an educational data warehouse  
8 10 that will be utilized by teachers, parents, school district  
8 11 administrators, area education agency staff, department of  
8 12 education staff, and policymakers:  
8 13 ..... \$     600,000  
8 14       The department may use a portion of the moneys appropriated  
8 15 in this lettered paragraph for an e=transcript data system  
8 16 capable of tracking students throughout their education via  
8 17 interconnectivity with multiple schools.  
8 18       4. DEPARTMENT OF PUBLIC HEALTH  
8 19       For deposit in the county mental health, mental retardation,  
8 20 and developmental disabilities services fund created by section  
8 21 331.424A in a county with a population over 350,000 for a  
8 22 community mental health center created under chapter 230A which  
8 23 serves only adults:  
8 24 ..... \$     250,000  
8 25       5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION  
8 26       For replacement of equipment for the Iowa communications  
8 27 network:  
8 28 ..... \$   2,244,956  
8 29       The commission may continue to enter into contracts pursuant  
8 30 to section 8D.13 for the replacement of equipment and for  
8 31 operations and maintenance costs of the network.  
8 32       In addition to moneys appropriated in this subsection,  
8 33 the commission may use a financing agreement entered into by  
8 34 the treasurer of state in accordance with section 12.28 for  
8 35 the replacement of equipment for the network. For purposes



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9 1 of this subsection, the treasurer of state is not subject to  
9 2 the maximum principal limitation contained in section 12.28,  
9 3 subsection 6. Repayment of any amounts financed shall be made  
9 4 from receipts associated with fees charged for use of the  
9 5 network.

9 6 Sec. 5. REVERSION. For purposes of section 8.33, unless  
9 7 specifically provided otherwise, unencumbered or unobligated  
9 8 moneys made from an appropriation in this division of this Act  
9 9 shall not revert but shall remain available for expenditure for  
9 10 the purposes designated until the close of the fiscal year that  
9 11 ends three years after the end of the fiscal year for which the  
9 12 appropriation was made. However, if the project or projects  
9 13 for which such appropriation was made are completed in an  
9 14 earlier fiscal year, unencumbered or unobligated moneys shall  
9 15 revert at the close of that same fiscal year.

9 16 DIVISION III

9 17 REVENUE BONDS CAPITALS FUND == APPROPRIATIONS

9 18 Sec. 6. There is appropriated from the revenue bonds  
9 19 capitals fund created in section 12.88, to the following  
9 20 departments and agencies for the fiscal year beginning July  
9 21 1, 2010, and ending June 30, 2011, the following amounts, or  
9 22 so much thereof as is necessary, to be used for the purposes  
9 23 designated:

9 24 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

9 25 For projects related to major repairs and major maintenance  
9 26 for state buildings and facilities:  
9 27 ..... \$ 3,000,000

9 28 Moneys appropriated in this subsection shall not be used  
9 29 for purposes of the renovation of the Mercy capitol hospital  
9 30 building.

9 31 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

9 32 a. To the soil conservation division of the department  
9 33 established in section 161A.4 to provide financial assistance  
9 34 for the establishment of permanent soil and water conservation  
9 35 practices:



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10 1 ..... \$ 1,000,000  
 10 2     b. Not more than 5 percent of the moneys appropriated  
 10 3 in paragraph "a" may be allocated for cost sharing to abate  
 10 4 complaints filed under section 161A.47.  
 10 5     c. Of the moneys appropriated in paragraph "a", 5 percent  
 10 6 shall be allocated for financial incentives to establish  
 10 7 practices to protect watersheds above publicly owned lakes of  
 10 8 the state from soil erosion and sediment as provided in section  
 10 9 161A.73.  
 10 10    d. Not more than 30 percent of a soil and water conservation  
 10 11 district's allocation of moneys as financial incentives may be  
 10 12 provided for the purpose of establishing management practices  
 10 13 to control soil erosion on land that is row cropped, including  
 10 14 but not limited to no=till planting, ridge=till planting,  
 10 15 contouring, and contour strip=cropping as provided in section  
 10 16 161A.73.  
 10 17     e. The state soil conservation committee created in section  
 10 18 161A.4 may allocate moneys appropriated in paragraph "a"  
 10 19 to conduct research and demonstration projects to promote  
 10 20 conservation tillage and nonpoint source pollution control  
 10 21 practices.  
 10 22     f. The allocation of moneys as financial incentives as  
 10 23 provided in section 161A.73 may be used in combination with  
 10 24 moneys allocated by the department of natural resources.  
 10 25     g. Moneys appropriated in this subsection shall not be used  
 10 26 for administrative or planning purposes.  
 10 27     3. DEPARTMENT OF CULTURAL AFFAIRS  
 10 28 For grants for Iowa great places program projects:  
 10 29 ..... \$ 2,000,000  
 10 30     4. DEPARTMENT OF CORRECTIONS  
 10 31     a. For one=time costs associated with the opening of  
 10 32 community=based corrections facilities including the purchase  
 10 33 of equipment:  
 10 34 ..... \$ 1,519,048  
 10 35     b. For use by a city with a population between 198,000 and



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11 1 199,000 for a safety barrier to be constructed in the natural  
 11 2 environment between the fifth judicial district facility and  
 11 3 the blank park zoo:  
 11 4 ..... \$ 1,000,000  
 11 5 c. For project management costs at Fort Madison and  
 11 6 Mitchellville prisons associated with construction projects at  
 11 7 the department:  
 11 8 ..... \$ 2,200,000  
 11 9 5. DEPARTMENT OF NATURAL RESOURCES  
 11 10 For implementation of lake projects that have established  
 11 11 watershed improvement initiatives and community support in  
 11 12 accordance with the department's annual lake restoration plan  
 11 13 and report:  
 11 14 ..... \$ 7,000,000  
 11 15 Of the amount appropriated in this subsection, \$250,000  
 11 16 shall be allocated for dredging, reconstruction, and related  
 11 17 improvements of twin ponds adjacent to a nature center in a  
 11 18 county with a population between 13,050, and 13,100.  
 11 19 Of the amount appropriated in this subsection, \$2,000,000  
 11 20 shall be allocated for costs associated with dam construction;  
 11 21 shoreline protection; boat ramp, parking, and road  
 11 22 construction; and an in-lake fishing habitat development  
 11 23 project for a new state recreation area on a lake located in a  
 11 24 county with a population between 155,000 and 160,000.  
 11 25 6. STATE BOARD OF REGENTS  
 11 26 For phase II of the construction and renovation of the  
 11 27 veterinary medical facilities at Iowa state university of  
 11 28 science and technology, specifically the renovation and  
 11 29 modernization of the area formerly occupied by the large animal  
 11 30 area of the teaching hospital for expanded clinical services:  
 11 31 ..... \$ 13,000,000  
 11 32 7. IOWA STATE FAIR  
 11 33 For infrastructure improvements to the Iowa state  
 11 34 fairgrounds including but not limited to the construction of an  
 11 35 agricultural exhibition center on the Iowa state fairgrounds:



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12 1 ..... \$ 2,500,000

12 2 8. IOWA FINANCE AUTHORITY

12 3 For grants for purposes of the housing trust fund created in  
12 4 section 16.181:

12 5 ..... \$ 2,000,000

12 6 Sec. 7. TAX=EXEMPT STATUS == USE OF APPROPRIATIONS.

12 7 1. Payment of moneys from the appropriations in this  
12 8 division of this Act shall be made in a manner that does not  
12 9 adversely affect the tax-exempt status of any outstanding bonds  
12 10 issued by the treasurer of state.

12 11 2. Payment of moneys from the appropriations in this  
12 12 division of this Act shall not be used for administrative or  
12 13 planning purposes.

12 14 Sec. 8. REVERSION. For purposes of section 8.33, unless  
12 15 specifically provided otherwise, unencumbered or unobligated  
12 16 moneys made from an appropriation in this division of this Act  
12 17 shall not revert but shall remain available for expenditure for  
12 18 the purposes designated until the close of the fiscal year that  
12 19 ends three years after the end of the fiscal year for which the  
12 20 appropriation was made. However, if the project or projects  
12 21 for which such appropriation was made are completed in an  
12 22 earlier fiscal year, unencumbered or unobligated moneys shall  
12 23 revert at the close of that same fiscal year.

DIVISION IV

REVENUE BONDS CAPITALS II FUND == APPROPRIATIONS

12 26 Sec. 9. NEW SECTION. 12.88A Revenue bonds capitals II fund.

12 27 1. A revenue bonds capitals II fund is created and  
12 28 established as a separate and distinct fund in the state  
12 29 treasury. The treasurer of state shall act as custodian of the  
12 30 fund and disburse moneys contained in the fund.

12 31 2. Revenue for the revenue bonds capitals II fund shall  
12 32 include but is not limited to the following, which shall be  
12 33 deposited with the treasurer of state or the treasurer of  
12 34 state's designee as provided by any bond or security documents  
12 35 and credited to the fund:



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13 1     a. The net proceeds of bonds issued after July 1, 2010,  
13 2 pursuant to section 12.87 other than bonds issued for the  
13 3 purpose of refunding such bonds, and investment earnings on the  
13 4 net proceeds.

13 5     b. Interest attributable to investment of moneys in the fund  
13 6 or an account of the fund.

13 7     c. Moneys in the form of a devise, gift, bequest, donation,  
13 8 federal or other grant, reimbursement, repayment, judgment,  
13 9 transfer, payment, or appropriation from any source intended to  
13 10 be used for the purposes of the fund.

13 11     3. Moneys in the revenue bonds capitals II fund are not  
13 12 subject to section 8.33. Notwithstanding section 12C.7,  
13 13 subsection 2, interest or earnings on moneys in the fund shall  
13 14 be credited to the fund.

13 15     4. Annually, on or before January 15 of each year, a state  
13 16 agency that received an appropriation from the revenue bonds  
13 17 capitals II fund shall report to the legislative services  
13 18 agency and the department of management the status of all  
13 19 projects completed or in progress. The report shall include  
13 20 a description of the project, the work completed, the total  
13 21 estimated cost of the project, a list of all revenue sources  
13 22 being used to fund the project, the amount of funds expended,  
13 23 the amount of funds obligated, and the date the project was  
13 24 completed or an estimated completion date of the project, where  
13 25 applicable.

13 26     Sec. 10. There is appropriated from the revenue bonds  
13 27 capitals II fund created in section 12.88A to the following  
13 28 departments and agencies for the fiscal year beginning July  
13 29 1, 2010, and ending June 30, 2011, the following amounts, or  
13 30 so much thereof as is necessary, to be used for the purposes  
13 31 designated:

13 32     1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

13 33     a. To the soil conservation division of the department  
13 34 established in section 161A.4 to provide financial assistance  
13 35 for the establishment of permanent soil and water conservation



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14 1 practices:  
 14 2 ..... \$ 5,950,000  
 14 3 (1) Not more than 5 percent of the moneys appropriated in  
 14 4 this paragraph "a" may be allocated for cost sharing to abate  
 14 5 complaints filed under section 161A.47.  
 14 6 (2) Of the moneys appropriated in this paragraph "a",  
 14 7 5 percent shall be allocated for financial incentives to  
 14 8 establish practices to protect watersheds above publicly owned  
 14 9 lakes of the state from soil erosion and sediment as provided  
 14 10 in section 161A.73.  
 14 11 (3) Not more than 30 percent of a soil and water  
 14 12 conservation district's allocation of moneys as financial  
 14 13 incentives may be provided for the purpose of establishing  
 14 14 management practices to control soil erosion on land that is  
 14 15 row cropped, including but not limited to no-till planting,  
 14 16 ridge-till planting, contouring, and contour strip-cropping as  
 14 17 provided in section 161A.73.  
 14 18 (4) The state soil conservation committee created in  
 14 19 section 161A.4 may allocate moneys appropriated in paragraph  
 14 20 "a" to conduct research and demonstration projects to promote  
 14 21 conservation tillage and nonpoint source pollution control  
 14 22 practices.  
 14 23 (5) The allocation of moneys as financial incentives as  
 14 24 provided in section 161A.73 may be used in combination with  
 14 25 moneys allocated by the department of natural resources.  
 14 26 (6) Moneys appropriated in this paragraph "a" shall not be  
 14 27 used for administrative or planning purposes.  
 14 28 b. For grants under the conservation reserve enhancement  
 14 29 program to improve water quality and intercept nitrates:  
 14 30 ..... \$ 2,500,000  
 14 31 2. DEPARTMENT OF ECONOMIC DEVELOPMENT  
 14 32 a. For deposit into the community attraction and tourism  
 14 33 fund created in section 15F.204:  
 14 34 ..... \$ 12,000,000  
 14 35 b. For deposit into the river enhancement community



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15 1 attraction and tourism fund created in section 15F.205:  
 15 2 ..... \$ 4,000,000  
 15 3 Moneys appropriated for grants awarded in paragraphs "a" and  
 15 4 "b" shall be used to assist communities in the development and  
 15 5 creation of multiple purpose attractions or community service  
 15 6 facilities for public use.  
 15 7 c. For accelerated career education program capital  
 15 8 projects at community colleges that are authorized under  
 15 9 chapter 260G and that meet the definition of vertical  
 15 10 infrastructure in section 8.57, subsection 6, paragraph "c":  
 15 11 ..... \$ 5,500,000  
 15 12 d. For the main street Iowa program to be used as grants  
 15 13 for projects that have previously applied for funding  
 15 14 consideration, or have received partial funding for facade  
 15 15 master plans to rehabilitate storefronts in main street Iowa  
 15 16 districts, to complete streetscape projects where planning  
 15 17 and the majority of funding is already secured, for unfunded  
 15 18 main street challenge grant projects, and for other building  
 15 19 rehabilitation projects that are currently on the department's  
 15 20 highest priority list:  
 15 21 ..... \$ 8,450,000  
 15 22 Moneys appropriated in this lettered paragraph shall not be  
 15 23 used for administration or planning purposes.  
 15 24 Of the amount appropriated in this lettered paragraph,  
 15 25 \$300,000 shall be allocated to a city with a population between  
 15 26 25,100 and 25,200 in the last preceding certified federal  
 15 27 census for a redevelopment project that includes improvements  
 15 28 and modifications to streets and storm sewers in both the  
 15 29 downtown and mall areas of the city.  
 15 30 3. DEPARTMENT OF EDUCATION  
 15 31 For major renovation and major repair needs, including  
 15 32 health, life, and fire safety needs and for compliance with the  
 15 33 federal Americans with Disabilities Act, for state buildings  
 15 34 and facilities under the purview of the community colleges:  
 15 35 ..... \$ 2,000,000



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16 1       4. IOWA FINANCE AUTHORITY  
 16 2       a. For disaster relief and mitigation renovation and  
 16 3 construction projects:  
 16 4 ..... \$ 33,600,000  
 16 5       The moneys appropriated in this paragraph "a" shall be  
 16 6 allocated as follows:  
 16 7       (1) To a county with a population between 189,000 and  
 16 8 196,000 in the last preceding certified federal census, for all  
 16 9 of the following projects:  
 16 10       (a) For the renovation and expansion of an administrative  
 16 11 office building:  
 16 12 ..... \$ 4,400,000  
 16 13       (b) For the construction of an economic commerce building:  
 16 14 ..... \$ 1,200,000  
 16 15       (2) To a city with a population between 120,500 and 120,800  
 16 16 in the last preceding certified federal census, for the  
 16 17 following projects:  
 16 18       (a) For renovation of an existing public building to make  
 16 19 the building useful for city department offices:  
 16 20 ..... \$ 4,400,000  
 16 21       (b) For construction of a flood wall around an existing  
 16 22 courthouse:  
 16 23 ..... \$ 2,000,000  
 16 24       (3) To a city with a population between 29,100 and 29,200  
 16 25 in the last preceding certified federal census, for the  
 16 26 construction of a small business center:  
 16 27 ..... \$ 1,500,000  
 16 28       (4) To a city with a population between 198,000 and 199,000  
 16 29 in the last preceding certified federal census to be allocated  
 16 30 as follows:  
 16 31       (a) For site acquisition, design, engineering, and  
 16 32 construction of a fire training and logistics center:  
 16 33 ..... \$ 3,000,000  
 16 34       (b) For land acquisition, design, and construction of  
 16 35 sewers, structures, and pumping facilities necessary to



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17 1 separate and convey sewer flow within the riverpoint service  
 17 2 area:  
 17 3 ..... \$ 1,250,000  
 17 4 (c) For land acquisition, design, and construction of  
 17 5 sewers, structures, and pumping facilities necessary to  
 17 6 separate or convey sewer flow within the Court avenue service  
 17 7 area:  
 17 8 ..... \$ 3,050,000  
 17 9 (d) For bank stabilization, stream bed stabilization, and  
 17 10 erosion control on highly erodible ground that is impacting  
 17 11 utilities, road infrastructure, and water quality:  
 17 12 ..... \$ 700,000  
 17 13 (e) To improve utilization of two of the wastewater  
 17 14 reclamation authority's existing equalization basins for  
 17 15 the control of peak flows during wet weather events in the  
 17 16 authority's sewer system:  
 17 17 ..... \$ 500,000  
 17 18 (5) For a publicly owned acute care teaching hospital  
 17 19 located in a county with a population of over 350,000, for  
 17 20 the construction and renovation of patient access and care  
 17 21 facilities, equipment replacement and upgrades, and other  
 17 22 infrastructure improvements:  
 17 23 ..... \$ 1,000,000  
 17 24 (6) For a city with a population between 98,300 and 98,400  
 17 25 in the last preceding certified federal census, for flood  
 17 26 protection, replacement, and construction improvements to a  
 17 27 recreational sports facility:  
 17 28 ..... \$ 1,050,000  
 17 29 (7) For a city with a population between 68,700 and  
 17 30 68,800 in the last preceding certified federal census, for a  
 17 31 public works building that will allow the city to provide for  
 17 32 disaster-related services:  
 17 33 ..... \$ 5,000,000  
 17 34 (8) For a city with a population between 62,100 and  
 17 35 62,250 in the last preceding certified federal census, for



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18 1 the demolition, relocation, and reconstruction of a public  
 18 2 wastewater treatment plant and the development of a public  
 18 3 green space:  
 18 4 ..... \$ 2,000,000  
 18 5 (9) For a city with a population between 2,545 and 2,555 in  
 18 6 the last preceding certified federal census, for a streetscape  
 18 7 project that reconstructs existing horizontal infrastructure  
 18 8 and lighting systems utilizing sustainable development  
 18 9 practices:  
 18 10 ..... \$ 1,175,000  
 18 11 (10) For a city with a population between 2,200 and 2,220 in  
 18 12 the last preceding certified federal census, for construction  
 18 13 of a public city building:  
 18 14 ..... \$ 475,000  
 18 15 (11) For a city with a population between 2,558 and 2,565  
 18 16 in the last preceding certified federal census, for the  
 18 17 installation of backflow prevention devices for the city's  
 18 18 storm sewer system:  
 18 19 ..... \$ 600,000  
 18 20 (12) For a city with a population between 6,875 and 6,890  
 18 21 in the last preceding certified federal census, for the  
 18 22 construction of grade control structures and associated grading  
 18 23 to mitigate future water damage to residential structures:  
 18 24 ..... \$ 300,000  
 18 25 b. To the Iowa jobs board for a disaster prevention program  
 18 26 created in section 16.194A for grants for cities and counties  
 18 27 that apply smart planning principles and guidelines pursuant to  
 18 28 sections 18B.1 and 18B.2, if enacted by 2010 Iowa Acts, Senate  
 18 29 File 2265, sections 1 and 2:  
 18 30 ..... \$ 30,000,000  
 18 31 5. DEPARTMENT OF NATURAL RESOURCES  
 18 32 a. For state park infrastructure improvements:  
 18 33 ..... \$ 5,000,000  
 18 34 b. For implementation of lake projects that have  
 18 35 established watershed improvement initiatives and community



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19 1 support in accordance with the department's annual lake  
 19 2 restoration plan and report:  
 19 3 ..... \$ 3,000,000  
 19 4     6. STATE BOARD OF REGENTS  
 19 5     a. For costs associated with the construction and  
 19 6 establishment of the Iowa institute for biomedical discovery at  
 19 7 the state university of Iowa:  
 19 8 ..... \$ 10,000,000  
 19 9     b. For deposit into the alternate energy revolving loan  
 19 10 fund created in section 476.46 to encourage the development  
 19 11 of alternate energy production facilities and small hydro  
 19 12 facilities, as defined in section 476.42, within the state:  
 19 13 ..... \$ 5,000,000  
 19 14     Any award of loans to private individuals or organizations  
 19 15 must be for the public purpose of encouraging the development  
 19 16 of alternate energy production facilities and small hydro  
 19 17 facilities within the state in order to conserve finite and  
 19 18 expensive energy resources and to provide for their most  
 19 19 efficient use. Funds from bond proceeds shall not be used for  
 19 20 administration or planning purposes. These moneys, and any  
 19 21 loan repayments, shall be maintained in separate accounts and  
 19 22 shall only be used for these public purposes.  
 19 23     7 DEPARTMENT OF TRANSPORTATION  
 19 24     a. For grants for rail projects including wind energy rail  
 19 25 port projects that provide assistance consistent with the  
 19 26 purposes of section 327H.20A:  
 19 27 ..... \$ 7,500,000  
 19 28     Grants awarded pursuant to this lettered paragraph shall  
 19 29 meet all of the following selection criteria:  
 19 30     (1) Be located in or adjacent to a rail industrial park.  
 19 31     (2) Be a facility that serves multiple industrial clients  
 19 32 with one rail infrastructure investment.  
 19 33     (3) Accommodate building and loading complete unit train in  
 19 34 the rail port.  
 19 35     (4) Have connection tracks with adequate clearances to



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20 1 transport large components.  
 20 2 (5) Be located in an area with short unimpeded access for  
 20 3 oversized wind components to a divided four-lane highway.  
 20 4 Priority in the awarding of grants shall be given to  
 20 5 communities that have experienced exceptional economic  
 20 6 setbacks.  
 20 7 b. For the public transit infrastructure grant program in  
 20 8 section 324A.6A:  
 20 9 ..... \$ 2,000,000  
 20 10 c. For infrastructure improvements at the commercial air  
 20 11 service airports within the state:  
 20 12 ..... \$ 1,500,000  
 20 13 Fifty percent of the funds appropriated in this lettered  
 20 14 paragraph shall be allocated equally between each commercial  
 20 15 air service airport, forty percent of the funds shall be  
 20 16 allocated based on the percentage that the number of enplaned  
 20 17 passengers at each commercial air service airport bears to the  
 20 18 total number of enplaned passengers in the state during the  
 20 19 previous fiscal year, and ten percent of the funds shall be  
 20 20 allocated based on the percentage that the air cargo tonnage  
 20 21 at each commercial air service airport bears to the total air  
 20 22 cargo tonnage in the state during the previous fiscal year. In  
 20 23 order for a commercial air service airport to receive funding  
 20 24 under this lettered paragraph, the airport shall be required  
 20 25 to submit applications for funding of specific projects to the  
 20 26 department for approval by the state transportation commission.  
 20 27 d. For infrastructure projects relating to functionally  
 20 28 obsolete and structurally deficient bridges:  
 20 29 ..... \$ 10,000,000  
 20 30 8. TREASURER OF STATE  
 20 31 For transfer to the watershed improvement review board  
 20 32 created in section 466A.3 for grants associated with the  
 20 33 construction and restoration of wetland easements and flood  
 20 34 prevention projects:  
 20 35 ..... \$ 2,000,000





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22 1       Sec. 14. REVERSION. For purposes of section 8.33, unless  
22 2 specifically provided otherwise, unencumbered or unobligated  
22 3 moneys made from an appropriation in this division of this Act  
22 4 shall not revert but shall remain available for expenditure for  
22 5 the purposes designated until the close of the fiscal year that  
22 6 ends three years after the end of the fiscal year for which the  
22 7 appropriation was made. However, if the project or projects  
22 8 for which such appropriation was made are completed in an  
22 9 earlier fiscal year, unencumbered or unobligated moneys shall  
22 10 revert at the close of that same fiscal year.

DIVISION VI

GROW IOWA VALUES FUND

22 13       Sec. 15.       There is appropriated from the rebuild Iowa  
22 14 infrastructure fund to the department of economic development  
22 15 for deposit in the grow Iowa values fund, for the fiscal year  
22 16 beginning July 1, 2010, and ending June 30, 2011, the following  
22 17 amount, notwithstanding section 8.57, subsection 6, paragraph  
22 18 "c":

22 19 ..... \$ 38,000,000

22 20       Sec. 16. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In  
22 21 lieu of the \$50,000,000 appropriated for the fiscal year  
22 22 beginning July 1, 2010, and ending June 30, 2011, from  
22 23 the grow Iowa values fund to the department of economic  
22 24 development pursuant to section 15G.111, subsection 3, there is  
22 25 appropriated from the grow Iowa values fund to the department  
22 26 of economic development for the fiscal year beginning July 1,  
22 27 2010, and ending June 30, 2011, \$38,000,000 for the purposes of  
22 28 making expenditures pursuant to chapter 15G.

22 29       Sec. 17. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the  
22 30 amounts allocated pursuant to section 15G.111, subsections 4  
22 31 through 10, for the fiscal year beginning July 1, 2010, and  
22 32 ending June 30, 2011, of the \$38,000,000 appropriated to the  
22 33 department of economic development pursuant to this division of  
22 34 this Act, the department shall allocate the following amounts  
22 35 for the following purposes as described in section 15G.111,



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23 1 subsections 4 through 10:  
23 2 1. For departmental purposes, \$21,363,600.  
23 3 2. For the state board of regents institutions, \$3,800,000.  
23 4 3. For state parks, \$760,000.  
23 5 4. For deposit in the Iowa cultural trust fund, \$760,000.  
23 6 5. For community colleges, \$5,320,000.  
23 7 6. For regional financial assistance, \$760,000.  
23 8 Of the moneys allocated pursuant to this subsection and in  
23 9 lieu of the three hundred fifty thousand dollars transferred  
23 10 under section 15G.111, subsection 9, paragraph "a", the  
23 11 department shall transfer two hundred sixty=six thousand  
23 12 dollars to Iowa state university of science and technology, for  
23 13 purposes of providing financial assistance to establish small  
23 14 business development centers.  
23 15 7. For commercialization services, \$4,389,000.  
23 16 8. For targeted small business, \$847,400.  
23 17 Sec. 18. Section 15.247, subsection 3, Code Supplement  
23 18 2009, is amended to read as follows:  
23 19 3. a. All moneys designated for the targeted small business  
23 20 financial assistance program shall be credited to the program  
23 21 account. The department shall determine the actuarially  
23 22 sound reserve requirement for the amount of guaranteed loans  
23 23 outstanding.  
23 24 b. Of the moneys credited to the program account, the  
23 25 department may allocate an amount necessary for marketing and  
23 26 compliance and an amount for the provision of the mentoring  
23 27 services required under subsection 7.  
23 28 Sec. 19. Section 15G.110, Code Supplement 2009, is amended  
23 29 to read as follows:  
23 30 15G.110 Appropriation.  
23 31 1. For the fiscal period beginning July 1, 2005, and ending  
23 32 June 30, 2008, and for the fiscal period beginning July 1,  
23 33 ~~2010~~ 2011, and ending June 30, 2015, there is appropriated to  
23 34 the department of economic development each fiscal year fifty  
23 35 million dollars from the general fund of the state for deposit



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24 1 in the grow Iowa values fund.

24 2 2. For the fiscal period beginning July 1, 2008, and ending  
24 3 June 30, ~~2010~~ 2011, there is appropriated to the department of  
24 4 economic development each fiscal year fifty million dollars  
24 5 from the rebuild Iowa infrastructure fund for deposit in the  
24 6 grow Iowa values fund, notwithstanding section 8.57, subsection  
24 7 6, paragraph "c".

24 8 Sec. 20. Section 15G.111, subsection 2, paragraph b, Code  
24 9 Supplement 2009, is amended to read as follows:

24 10 b. Moneys credited to the fund are not subject to section  
24 11 8.33. Notwithstanding section 12C.7, interest or earnings on  
24 12 moneys in the fund shall be credited to the fund. Interest  
24 13 or earnings on moneys in the fund are appropriated to the  
24 14 department. Of the moneys appropriated to the department  
24 15 pursuant to this paragraph, the department shall make the  
24 16 following allocations:

24 17 (1) For each fiscal year of the fiscal period beginning  
24 18 July 1, 2010, and ending June 30, 2013, the department shall  
24 19 allocate not more than one hundred seventy-five thousand  
24 20 dollars for purposes of providing financial assistance to  
24 21 Iowa's councils of governments.

24 22 (2) For each fiscal year of the fiscal period beginning  
24 23 July 1, 2010, and ending June 30, 2013, the department shall  
24 24 allocate not more than two hundred thousand dollars for  
24 25 purposes of providing support and administrative assistance to  
24 26 the vision Iowa board, the community attraction and tourism  
24 27 program, and river enhancement community attraction and tourism  
24 28 projects.

24 29 (3) For each fiscal year of the fiscal period beginning  
24 30 July 1, 2010, and ending June 30, 2013, the department shall  
24 31 allocate the remaining amount of interest or earnings on moneys  
24 32 in the fund for purposes of providing financial assistance  
24 33 under the disaster recovery component of the grow Iowa values  
24 34 financial assistance program. All moneys allocated pursuant to  
24 35 this subparagraph that remain unexpended or unobligated at the



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25 1 end of the fiscal year beginning July 1, 2012, shall revert and  
25 2 be credited to the fund.

25 3 Sec. 21. Section 15G.111, subsection 4, unnumbered  
25 4 paragraph 1, Code Supplement 2009, is amended to read as  
25 5 follows:

25 6 Of the moneys appropriated to the department pursuant  
25 7 to subsection 3, the department shall allocate  
25 8 ~~thirty-two~~ twenty-eight million five hundred thousand dollars  
25 9 each fiscal year as follows:

25 10 Sec. 22. Section 15G.111, subsection 10, Code Supplement  
25 11 2009, is amended to read as follows:

25 12 10. ~~Commercialization~~ Innovation and commercialization  
25 13 services. Of the moneys appropriated to the department  
25 14 pursuant to subsection 3, the department shall allocate  
25 15 ~~three~~ five million five hundred thousand dollars for deposit in  
25 16 the innovation and commercialization development fund created  
25 17 in section 15.412.

25 18 Sec. 23. Section 15G.111, Code Supplement 2009, is amended  
25 19 by adding the following new subsection:

25 20 NEW SUBSECTION. 11. Targeted small businesses. Of the  
25 21 moneys appropriated to the department pursuant to subsection 3,  
25 22 the department shall allocate one million dollars for deposit  
25 23 in the targeted small business financial assistance program  
25 24 account established pursuant to section 15.247 within the  
25 25 strategic investment fund created in section 15.313.

DIVISION VII

ALTERNATIVE PUBLIC PROJECT DELIVERY PROGRAM

PART 1

25 29 Sec. 24. NEW SECTION. 262.34C Definitions.

25 30 As used in this division, unless the context clearly  
25 31 indicates otherwise:

25 32 1. "Alternative project delivery" means procuring and  
25 33 delivering design and construction services for a public  
25 34 project according to one of the selection procedures outlined  
25 35 in parts 2 and 3.



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26 1       2. "Construction documents" means the drawings,  
26 2 specifications, technical submissions, and other documents upon  
26 3 which a construction project is based.

26 4       3. "Construction management services" means an alternative  
26 5 project delivery method whereby services are provided by  
26 6 a construction manager in a manner similar to a general  
26 7 contractor, and which requires the construction manager to  
26 8 solicit bids for the trade packages or subcontracts developed  
26 9 for the public project and to enter into the trade contracts or  
26 10 subcontracts for the public project. Construction management  
26 11 services may include but are not limited to scheduling,  
26 12 value analysis, system analysis, constructability reviews,  
26 13 progress document reviews, subcontractor involvement,  
26 14 subcontractor bonding policy, budgeting and price guarantees,  
26 15 and construction coordination.

26 16       4. "Construction manager" means an individual, partnership,  
26 17 joint venture, corporation, or other legal entity that  
26 18 utilizes skill and knowledge of general contracting to  
26 19 perform construction management services and preconstruction  
26 20 services, procures and contracts with specialty contractors or  
26 21 subcontractors, and assumes the responsibility and the risk for  
26 22 construction delivery within a specified cost and schedule.

26 23       5. "Construction services" means the process of planning,  
26 24 building, equipping, altering, repairing, improving, or  
26 25 demolishing any structure or appurtenance thereto, including  
26 26 facilities, utilities, or other improvements to real property,  
26 27 but excluding highways, roads, bridges, dams, or stand-alone  
26 28 parking lots.

26 29       6. "Criteria consultant" means an individual employed  
26 30 or retained by the governmental entity to assist in the  
26 31 preparation of a request for qualifications and a request for  
26 32 proposals. If preparation of the design criteria package  
26 33 includes the practice of architecture as defined in section  
26 34 544A.16, professional architectural services as defined in  
26 35 section 544A.16, the practice of engineering as defined in



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27 1 section 542B.2, or the practice of landscape architecture as  
27 2 defined in section 544B.1, "criteria consultant" means a design  
27 3 professional.

27 4 7. "Design criteria package" means performance-oriented  
27 5 specifications for the public project sufficient to permit a  
27 6 design-builder to prepare a response to a request for proposals  
27 7 for a design-build public project.

27 8 8. "Design professional" means an individual who is  
27 9 licensed to practice architecture, engineering, or landscape  
27 10 architecture in this state.

27 11 9. "Design-build services" means a method of alternative  
27 12 project delivery for which both design and construction  
27 13 services are provided under one contract. "Design-build  
27 14 services" may include architecture, engineering, and related  
27 15 design services required for a given project and the labor,  
27 16 materials, and other construction services for the project.

27 17 10. "Design-builder" means an individual, partnership,  
27 18 joint venture, corporation, or other legal entity that  
27 19 furnishes design-build services, whether by itself or through  
27 20 subcontracts.

27 21 11. "Estimated total cost" means the estimated total cost to  
27 22 a governmental entity to construct a public project, including  
27 23 the cost of labor, materials, equipment, supplies, and fees.

27 24 12. "Faculty research project" means a construction or  
27 25 reconstruction project under the control of a governmental  
27 26 entity that is linked solely to a specific researcher or group  
27 27 of researchers and undertaken for the purpose of conducting  
27 28 research.

27 29 13. "Governmental entity" means the state board of regents  
27 30 or an institution under the control of the state board of  
27 31 regents.

27 32 14. "Guaranteed maximum cost" means the total cost of the  
27 33 project as defined in the public project contract between the  
27 34 governmental entity and the construction manager or between the  
27 35 governmental entity and the design-builder.



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28 1 15. "Job order contract" means a contract for construction  
28 2 services delivered on an on-call basis through fixed-price  
28 3 orders based on preestablished unit prices.  
28 4 16. "Preconstruction services" means a series of services  
28 5 including but not limited to review of design, scheduling,  
28 6 estimating, cost control, value engineering, constructability  
28 7 evaluation, and preparation and coordination of bid packages.  
28 8 17. "Public project" means a project under the control of  
28 9 a governmental entity that is paid for in whole or in part  
28 10 with funds of the governmental entity, including a building  
28 11 or improvement constructed or operated jointly with any other  
28 12 public or private agency that has an estimated total cost of  
28 13 more than one hundred thousand dollars. "Public project" may  
28 14 include planning, acquiring, designing, building, equipping,  
28 15 altering, repairing, improving, or demolishing any structure  
28 16 or appurtenance thereto, including facilities or other  
28 17 improvements to any real property owned by the governmental  
28 18 entity, but excluding highways, roads, bridges, dams,  
28 19 utilities, or stand-alone parking lots. However, a parking lot  
28 20 included as part of the site work of a public project may be  
28 21 included as part of a construction management services contract  
28 22 or a design-build services contract. Parking ramps and parking  
28 23 garages are not considered to be parking lots and may be a  
28 24 "public project" constructed utilizing alternative project  
28 25 delivery methods.  
28 26 18. "Selection plan" means a governmental entity's written  
28 27 procedure that establishes the alternative project delivery  
28 28 method for a public project and establishes the criteria for  
28 29 evaluating qualifications and proposals, including the scoring  
28 30 methodology relating to the selection of a construction manager  
28 31 or a design-builder for a public project.  
28 32 Sec. 25. NEW SECTION. 262.34D Alternative project delivery  
28 33 commission.  
28 34 1. An alternative project delivery commission is  
28 35 established consisting of seven members.



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29 1       2. Members of the commission shall consist of all of the  
29 2 following:  
29 3       a. One member appointed by the state board of regents.  
29 4       b. One member appointed by the Iowa chapter of the American  
29 5 institute of architects.  
29 6       c. One member appointed by the American council of  
29 7 engineering companies of Iowa.  
29 8       d. One member appointed by the Iowa chapter of the  
29 9 design=build institute of America.  
29 10      e. One member appointed by the master builders of Iowa.  
29 11      f. One member appointed by the mechanical contractors  
29 12 association of Iowa.  
29 13      g. One member appointed by the Iowa chapter of the national  
29 14 electrical contractors association.  
29 15       3. Members of the commission shall serve three=year  
29 16 staggered terms. The initial members appointed under  
29 17 subsection 2, paragraphs "a" and "e" shall serve a term of  
29 18 three years. The initial members appointed under subsection 2,  
29 19 paragraphs "b", "f", and "g" shall serve a term of two years.  
29 20 The initial members appointed under subsection 2, paragraphs  
29 21 "c" and "d" shall serve a term of one year. A vacancy on the  
29 22 commission shall be filled in the same manner as the original  
29 23 appointment.  
29 24       4. The member appointed by the state board of regents shall  
29 25 serve as the chairperson of the commission.  
29 26       5. Meetings of the commission may be called by the  
29 27 chairperson or by a majority of the members.  
29 28       6. A majority of the members of the commission constitutes a  
29 29 quorum. Any action taken by the commission must be adopted by  
29 30 the affirmative vote of a majority of its membership.  
29 31       7. A member shall not vote on a matter before the commission  
29 32 if the individual has a pecuniary or an equitable interest in  
29 33 the matter or conditions exist that would interfere with the  
29 34 member's ability to properly discharge the member's duties.  
29 35       8. The duties of the commission shall include all of the



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30 1 following:

30 2 a. Administer the alternative project delivery program  
30 3 created under section 262.34E.

30 4 b. Prepare and file with the governor and the general  
30 5 assembly on or before January 15, 2014, a report detailing  
30 6 the activities of the commission and summarizing each public  
30 7 project approved to utilize alternative project delivery.  
30 8 The report shall include information relating to the cost to  
30 9 the governmental entity, the duration of the public project,  
30 10 whether the goals of the public project were met, the quality  
30 11 of the work and services performed in completing the public  
30 12 project, the transparency of the alternative project delivery  
30 13 process, the impact of the alternative project delivery process  
30 14 on the persons contracted with to perform the work and services  
30 15 for the public project, whether the alternative project  
30 16 delivery process benefits the public interest, and any other  
30 17 information the commission deems relevant.

30 18 c. Adopt policies and procedures to carry out any duty  
30 19 specified in this division.

30 20 Sec. 26. NEW SECTION. 262.34E Alternative project delivery  
30 21 program.

30 22 1. The alternative project delivery commission shall  
30 23 administer an alternative project delivery program consistent  
30 24 with the requirements of this division.

30 25 2. The program shall consist of projects approved by the  
30 26 commission and undertaken by governmental entities using an  
30 27 alternative project delivery method authorized under parts 2  
30 28 and 3.

30 29 3. A governmental entity that is interested in undertaking a  
30 30 public project using alternative project delivery methods shall  
30 31 submit an application to the commission detailing the nature  
30 32 of the project and specifying an alternative project delivery  
30 33 method. Each application shall be on a form prescribed by the  
30 34 commission and may include additional materials requested by  
30 35 the commission.



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31 1       4. The commission shall review each application and shall  
31 2 select those public projects for inclusion in the program which  
31 3 are best suited to accomplish the purposes of the program.  
31 4       5. The commission shall monitor the selection process for  
31 5 each public project selected for inclusion in the program and  
31 6 may require the governmental entity to provide periodic updates  
31 7 on the public project following selection of a construction  
31 8 manager or design-builder for the public project.  
31 9       Sec. 27. NEW SECTION. 262.34F Alternative project delivery  
31 10 program selection factors.  
31 11       The alternative project delivery commission may recommend  
31 12 to the governmental entity the use of an alternative project  
31 13 delivery method for projects where the commission has  
31 14 determined such a method to be appropriate. In making such  
31 15 a determination, the committee shall consider the following  
31 16 factors:  
31 17       1. Whether the estimated total cost of the public project  
31 18 exceeds five million dollars.  
31 19       2. The likelihood that the alternative project delivery  
31 20 method selected will serve the public interest by providing a  
31 21 substantial savings of time or money as compared to the process  
31 22 under section 262.34.  
31 23       3. Whether the overlap of design and construction aspects  
31 24 of the public project is required to meet the needs of the  
31 25 governmental entity or the needs of the users of the public  
31 26 project.  
31 27       4. Whether the public project requires the use of an  
31 28 accelerated design and construction schedule as the result of  
31 29 an emergency situation.  
31 30       5. Whether the public project presents significant planning  
31 31 or technical complexities, or both, requiring the use of an  
31 32 integrated team of designers and constructors.  
31 33       6. Whether the use of an alternative project delivery method  
31 34 will substantially diminish competition for the public project.  
31 35       7. Whether the public project is a faculty research project.



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32 1       Sec. 28. NEW SECTION. 262.34G Public notice.  
32 2       For each alternative project delivery method under this  
32 3 division, a governmental entity shall publish public notices  
32 4 as follows:  
32 5       1. The notice shall be published at least once, not less  
32 6 than fifteen and not more than forty-five days before the date  
32 7 for filing submissions, if applicable, in a newspaper published  
32 8 at least once weekly and having general circulation in the  
32 9 geographic area served by the governmental entity and in a  
32 10 relevant trade publication.  
32 11       2. The notice may also be published in a relevant contractor  
32 12 organization publication and a relevant contractor plan room  
32 13 service with statewide circulation, provided that a notice  
32 14 is posted on an internet site sponsored by the governmental  
32 15 entity.  
32 16       3. In addition to relevant information regarding the public  
32 17 project, the notice shall specify the alternative project  
32 18 delivery method to be used for the public project.  
32 19       Sec. 29. NEW SECTION. 262.34H Public records.  
32 20       Each proposal received by a governmental entity under  
32 21 this division, together with the name of the proposer, after  
32 22 awarding or letting of the contract, is subject to public  
32 23 inspection upon request. The governmental entity shall, within  
32 24 five days after awarding or letting of the contract, publish  
32 25 notice of the name of the successful proposer including the  
32 26 proposer's scores received pursuant to the selection process  
32 27 under parts 2 or 3. In addition, such notice shall include  
32 28 the names of all proposers whose proposals were not selected,  
32 29 together with each proposer's scores.  
32 30       Sec. 30. NEW SECTION. 262.34I Prohibitions.  
32 31       1. The construction manager or design-builder executing  
32 32 the construction or design of a public project utilizing an  
32 33 alternative project delivery method under this division shall  
32 34 not provide any financing, funding, or facility operations  
32 35 after completion of the public project.



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33 1 2. A governmental entity shall not undertake all or a  
33 2 portion of a public project using services or labor provided  
33 3 under a job order contract.

33 4 PART 2

33 5 CONSTRUCTION MANAGEMENT PROJECT DELIVERY

33 6 Sec. 31. NEW SECTION. 262.34J Application to the  
33 7 commission.

33 8 1. If in the judgment of the board of regents it is  
33 9 desirable to use construction management services for the  
33 10 completion of a public project, the governmental entity shall  
33 11 prepare a selection plan and submit an application to the  
33 12 alternative project delivery commission pursuant to section  
33 13 262.34E, subsection 3. If the public project is selected by  
33 14 the alternative project delivery commission for inclusion  
33 15 in the program, the governmental entity shall select a  
33 16 construction manager in accordance with the procedures of this  
33 17 part.

33 18 2. A criteria consultant shall be employed or retained  
33 19 to assist the governmental entity in preparing a request for  
33 20 qualifications and a request for proposals. The criteria  
33 21 consultant may be an employee of the governmental entity, the  
33 22 design professional employed or retained under subsection  
33 23 3, or an individual retained specifically to assist the  
33 24 governmental entity with the public project. The request for  
33 25 qualifications and the request for proposals shall specify the  
33 26 selection criteria and scoring methodology included in the  
33 27 selection plan. The criteria consultant shall also assist the  
33 28 governmental entity in selecting a construction manager. A  
33 29 criteria consultant employed or retained by the governmental  
33 30 entity shall not submit a statement of qualifications or a  
33 31 proposal for the public project.

33 32 3. The governmental entity shall employ a design  
33 33 professional to design the public project, prepare the  
33 34 construction documents for the public project, and provide  
33 35 administrative services in connection with the design of the



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34 1 public project.  
34 2     Sec. 32. NEW SECTION. 262.34K Selection process == general  
34 3 procedure.  
34 4     The governmental entity shall select a construction manager  
34 5 for a public project pursuant to a two-phase selection process.  
34 6     1. Phase I of the selection process includes publication of  
34 7 a request for qualifications by the governmental entity, review  
34 8 of the statements of qualifications, and the selection of a  
34 9 minimum of two but not more than five construction managers to  
34 10 advance to phase II.  
34 11     2. Phase II includes a request for proposals, the receipt  
34 12 of proposals from those construction managers selected during  
34 13 phase I, an interview with each construction manager that  
34 14 submits a proposal, evaluation of each proposal, and selection  
34 15 of a construction manager for the public project.  
34 16     Sec. 33. NEW SECTION. 262.34L Phase I == request for  
34 17 qualifications, statement, evaluation, and selection.  
34 18     1. During phase I, the governmental entity shall  
34 19 publish notice of a request for qualifications pursuant  
34 20 to the requirements of section 262.34G. The request for  
34 21 qualifications shall specify a time, place, terms of contract,  
34 22 and other specific instructions for the submission of the  
34 23 statements of qualifications. The request for qualifications  
34 24 shall also include a general description of the public  
34 25 project, an estimated total cost of the public project and  
34 26 the anticipated public project schedule. A statement of  
34 27 qualifications not submitted according to the instructions  
34 28 shall be rejected and returned to the construction manager.  
34 29     2. Each construction manager shall submit a statement  
34 30 of qualifications that includes but is not limited to the  
34 31 following information:  
34 32     a. Similar project experience, including experience in the  
34 33 construction management method of alternative project delivery.  
34 34     b. Qualifications of proposed project personnel.  
34 35     c. References from similar projects.



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35 1 d. The construction manager's experience modification rating  
35 2 and a description of the construction manager's safety plan.

35 3 e. Bonding capacity and insurance. Construction managers  
35 4 submitting a statement of qualifications shall be capable of  
35 5 providing a bond according to the requirements of chapter 573  
35 6 and shall include evidence of such bonding capacity with their  
35 7 statement of qualifications. A statement of qualifications  
35 8 shall also include evidence of all required insurance. If  
35 9 a construction manager fails to include evidence of bonding  
35 10 capacity and required insurance, the construction manager shall  
35 11 be deemed unqualified for selection under phase I.

35 12 f. Other information requested by the governmental entity in  
35 13 accordance with the selection plan.

35 14 3. The governmental entity shall evaluate and score  
35 15 each statement of qualifications received according to the  
35 16 predetermined selection criteria and scoring methodology as  
35 17 outlined in the selection plan and specified in the request  
35 18 for qualifications. The cost or fees associated with a public  
35 19 project shall not be considered by the governmental entity when  
35 20 evaluating a statement of qualifications.

35 21 4. The governmental entity shall select a minimum of two and  
35 22 a maximum of five construction managers, who have the highest  
35 23 scores to proceed to phase II of the selection process. Scores  
35 24 assigned in the phase I evaluation process shall not carry  
35 25 forward to phase II. If two qualified construction managers  
35 26 cannot be identified, the selection process shall cease. The  
35 27 governmental entity shall have discretion to disqualify any  
35 28 construction manager that lacks the minimum qualifications  
35 29 required to perform the construction management services for  
35 30 the public project.

35 31 Sec. 34. NEW SECTION. 262.34M Phase II == request for  
35 32 proposals, proposal review, selection, and negotiation.

35 33 1. During phase II, each construction manager selected  
35 34 during phase I shall be given a request for proposals. The  
35 35 request for proposals shall include but is not limited to the



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36 1 following information:

36 2     a. The procedures to be followed in submitting proposals and

36 3 information relating to construction manager interviews under

36 4 subsection 2.

36 5     b. The selection criteria and scoring methodology for the

36 6 proposals.

36 7     c. Information related to the requirements, budget,

36 8 and schedule for the public project, including information

36 9 on available design requirements and specifications for

36 10 preconstruction services, and construction services.

36 11     d. The proposed terms and conditions for the public project

36 12 contract.

36 13     e. Other information requested by the governmental entity in

36 14 accordance with the selection plan.

36 15     2. After the deadline for submission of proposals

36 16 has passed, the governmental entity shall interview

36 17 each construction manager that has submitted a proposal

36 18 individually, allowing each construction manager to present the

36 19 construction manager's proposed team members, qualifications,

36 20 and proposal, and to answer questions from the governmental

36 21 entity.

36 22     3. The governmental entity shall score and rank each

36 23 construction manager's proposal based on the selection criteria

36 24 and scoring methodology specified in the request for proposals.

36 25 The governmental entity shall proceed to negotiate with and

36 26 attempt to enter into a preconstruction contract with the

36 27 construction manager receiving the highest score to serve

36 28 as the construction manager for the public project. If the

36 29 governmental entity is unable to negotiate a satisfactory

36 30 contract with the construction manager with the highest score,

36 31 negotiations with that construction manager shall be terminated

36 32 and the governmental entity shall undertake negotiations with

36 33 the construction manager receiving the second highest score.

36 34 If negotiations cannot be successfully completed with the

36 35 construction manager receiving the second highest score, the



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37 1 contract for the public project shall not be awarded under the  
37 2 request for proposals.

37 3 4. If the governmental entity determines that it is not in  
37 4 its best interest to proceed with the public project pursuant  
37 5 to the proposals offered, the governmental entity shall reject  
37 6 all proposals. If all proposals are rejected, the governmental  
37 7 entity may solicit new statements of qualifications and  
37 8 proposals using different design or budget criteria.

37 9 Sec. 35. NEW SECTION. 262.34N Contract == performance of  
37 10 certain services.

37 11 1. The contract to perform construction management services  
37 12 for a public project shall be prepared by the governmental  
37 13 entity and entered into between the governmental entity and the  
37 14 construction manager. The construction manager shall enter  
37 15 into a contract with each subcontractor performing construction  
37 16 services for the project. The construction manager shall  
37 17 provide security pursuant to chapter 573.

37 18 2. Solicitation for subcontractor bids shall be conducted  
37 19 by the construction manager, or the construction manager's  
37 20 designee, for all subcontracts and shall be awarded through a  
37 21 process determined by the construction manager.

37 22 PART 3

37 23 DESIGN=BUILD PROJECT DELIVERY

37 24 Sec. 36. NEW SECTION. 262.34O Application to the  
37 25 commission.

37 26 1. If in the judgment of the board of regents it is  
37 27 desirable to use design=build services for the completion of  
37 28 a public project, the governmental entity shall prepare a  
37 29 selection plan and submit an application to the alternative  
37 30 project delivery commission pursuant to section 262.34E,  
37 31 subsection 3. If the public project is selected by the  
37 32 alternative project delivery commission for inclusion in the  
37 33 program, the governmental entity shall select a design=builder  
37 34 in accordance with the procedures of this part.

37 35 2. A criteria consultant shall be employed or retained



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38 1 to assist the governmental entity in preparing a request for  
38 2 qualifications and a request for proposals. The criteria  
38 3 consultant may be an employee of the governmental entity or an  
38 4 individual retained specifically to assist the governmental  
38 5 entity with the public project. The request for qualifications  
38 6 and the request for proposals shall specify the selection  
38 7 criteria and scoring methodology included in the selection  
38 8 plan. The criteria consultant shall also assist the  
38 9 governmental entity in selecting a design-builder. A criteria  
38 10 consultant employed or retained by the governmental entity  
38 11 shall not submit a statement of qualifications or a proposal  
38 12 for the public project.

38 13     Sec. 37. NEW SECTION. 262.34P Selection process == general  
38 14 procedure.

38 15     The governmental entity shall select a design-builder for a  
38 16 public project pursuant to a two-phase selection process.

38 17     1. Phase I of the selection process includes publication  
38 18 of a request for qualifications by the governmental entity,  
38 19 review of the statements of qualifications, and the selection  
38 20 of a minimum of two but not more than five design-builders to  
38 21 advance to phase II.

38 22     2. Phase II includes a request for proposals, the receipt of  
38 23 proposals from those design-builders selected during phase I,  
38 24 including a separate cost and schedule proposal, an interview  
38 25 with each design-builder that submits a proposal, evaluation of  
38 26 each proposal, and selection of a design-builder for the public  
38 27 project.

38 28     Sec. 38. NEW SECTION. 262.34Q Phase I == request for  
38 29 qualifications, statement, evaluation, and selection.

38 30     1. During phase I, the governmental entity shall  
38 31 publish notice of a request for qualifications pursuant  
38 32 to the requirements of section 262.34G. The request for  
38 33 qualifications shall specify a time, place, terms of contract,  
38 34 and other specific instructions for the submission of the  
38 35 statements of qualifications. The request for qualifications



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39 1 shall also include a general description of the public  
39 2 project, an estimated total cost of the public project and  
39 3 the anticipated public project schedule. A statement of  
39 4 qualifications not submitted according to the instructions  
39 5 shall be rejected and returned to the design=builder.  
39 6 2. Each design=builder shall submit a statement of  
39 7 qualifications that includes but is not limited to the  
39 8 following information:  
39 9 a. Similar project experience, including experience in the  
39 10 design=build method of alternative project delivery.  
39 11 b. Qualifications of proposed project personnel.  
39 12 c. References from similar projects.  
39 13 d. The design=builder's experience modification rating and a  
39 14 description of the design=builder's safety plan.  
39 15 e. Bonding capacity and insurance. Design=builders  
39 16 submitting a statement of qualifications shall be capable of  
39 17 providing a bond according to the requirements of chapter 573  
39 18 and shall include evidence of such bonding capacity with their  
39 19 statement of qualifications. A statement of qualifications  
39 20 shall also include evidence of all required insurance. If a  
39 21 design=builder fails to include evidence of bonding capacity  
39 22 and required insurance, the design=builder shall be deemed  
39 23 unqualified for selection under phase I.  
39 24 f. Other information requested by the governmental entity in  
39 25 accordance with the selection plan.  
39 26 3. The governmental entity shall evaluate and score  
39 27 each statement of qualifications received according to the  
39 28 predetermined selection criteria and scoring methodology that  
39 29 were specified in the request for qualifications. The cost or  
39 30 fees associated with a public project shall not be considered  
39 31 by the governmental entity when evaluating a statement of  
39 32 qualifications.  
39 33 4. The governmental entity shall select a minimum of two  
39 34 and a maximum of five design=builders who have the highest  
39 35 scores to proceed to phase II. Scores assigned during phase



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40 1 I shall not carry forward to phase II. The governmental  
40 2 entity shall have discretion to disqualify any design=builder  
40 3 that lacks the minimum qualifications required to perform  
40 4 the design=build services for the public project. If two  
40 5 qualified design=builders cannot be identified, the selection  
40 6 process shall cease. If all design=builders are rejected, the  
40 7 governmental entity may solicit new proposals using different  
40 8 design and budget criteria.

40 9 Sec. 39. NEW SECTION. 262.34R Phase II == request for  
40 10 proposals, proposal review, selection, and negotiation.

40 11 1. During phase II, each design=builder selected during  
40 12 phase I shall be given a request for proposals. The request  
40 13 for proposals shall include but is not limited to the following  
40 14 information:

40 15 a. The procedures to be followed in submitting proposals  
40 16 and information relating to design=builder interviews under  
40 17 subsection 2.

40 18 b. The selection criteria and scoring methodology for the  
40 19 proposals.

40 20 c. Information related to the requirements, scope,  
40 21 specifications, budget, and schedule for the public project,  
40 22 including requirements and scope of preconstruction services  
40 23 and construction services.

40 24 d. A requirement for a statement that the design=builder  
40 25 will exercise responsible control over the design, protect  
40 26 the health, safety, and welfare of the public, and act in the  
40 27 governmental entity's best interest.

40 28 e. The proposed terms and conditions for the public project  
40 29 contract.

40 30 f. The requirements for the submission of a separate cost  
40 31 and schedule proposal.

40 32 g. Other information requested by the governmental entity in  
40 33 accordance with the selection plan.

40 34 2. Each design=builder selected during phase I may  
40 35 submit a proposal to the governmental entity. Each proposal



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41 1 submitted under this section shall not contain references to  
41 2 costs associated with work contained in the proposal. The  
41 3 governmental entity shall evaluate and score each proposal  
41 4 according to the selection criteria and scoring methodology  
41 5 specified in the request for proposals.  
41 6 3. Each design=builder selected during phase I shall also  
41 7 provide the governmental entity with a separate cost and  
41 8 schedule proposal. A proposal submitted under subsection 2 and  
41 9 the cost and schedule proposal may be submitted sequentially  
41 10 or concurrently, according to the requirements of the request  
41 11 for proposals. Failure to submit a cost and schedule proposal  
41 12 according to the delivery requirements of the request for  
41 13 proposals shall be grounds to reject the proposal.  
41 14 4. The cost and schedule proposal shall include all of the  
41 15 following:  
41 16 a. A guaranteed maximum cost for the public project.  
41 17 b. A bid security pursuant to chapter 573.  
41 18 c. A proposed contract time, in calendar days, for  
41 19 completing the public project.  
41 20 d. Any other information required by the request for  
41 21 proposals.  
41 22 5. After the deadline for submission of proposals  
41 23 has passed, the governmental entity shall interview each  
41 24 design=builder that has submitted a proposal individually,  
41 25 allowing each design=builder to present the design=builder's  
41 26 proposed team members, qualifications, and proposal, and to  
41 27 answer questions from the governmental entity.  
41 28 6. The cost and schedule proposals submitted under  
41 29 subsection 3 shall be opened only after all proposals submitted  
41 30 under subsection 2 have been evaluated and scored and after  
41 31 completion of all design=builder interviews under subsection 5.  
41 32 At the time that the cost and schedule proposals are opened,  
41 33 the governmental entity shall make public its scoring of the  
41 34 proposals submitted under subsection 2. Cost and schedule  
41 35 proposals shall be evaluated and scored according to selection



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42 1 criteria and scoring methodology specified in the request for  
42 2 proposals.  
42 3 7. The governmental entity shall select the design=builder  
42 4 receiving the highest score based on the selection criteria and  
42 5 scoring methodology specified in the request for proposals.  
42 6 The governmental entity shall proceed to negotiate with  
42 7 and attempt to enter into a contract with the selected  
42 8 design=builder to serve as the design=builder for the public  
42 9 project. The contract must include all applicable bond  
42 10 requirements under chapter 573. If the governmental entity is  
42 11 unable to negotiate a satisfactory contract with the selected  
42 12 design=builder, negotiations with that design=builder shall  
42 13 be terminated, and the governmental entity shall undertake  
42 14 negotiations with the design=builder receiving the second  
42 15 highest score. If negotiations cannot be successfully  
42 16 completed with the design=builder receiving the second highest  
42 17 score, the contract shall not be awarded under the request for  
42 18 proposals.  
42 19 8. If the governmental entity determines that it is not in  
42 20 its best interest to proceed with the public project pursuant  
42 21 to the proposals offered, the governmental entity shall reject  
42 22 all proposals. If all proposals are rejected, the governmental  
42 23 entity may solicit new statements of qualifications and  
42 24 proposals using different design or budget criteria.  
42 25 9. As an inducement to qualified design=builders, the  
42 26 governmental entity shall pay a fair and reasonable stipend,  
42 27 the amount of which shall be established in the request for  
42 28 proposals, to each design=builder who participates in phase  
42 29 II, but is not selected as the design=builder for the public  
42 30 project.

DIVISION VIII

FLOODPLAIN MAPPING

42 31  
42 32  
42 33 Sec. 40. FLOODPLAIN MAPPING. Using funds allocated to the  
42 34 department of natural resources for floodplain mapping from the  
42 35 appropriation made to the department of economic development in



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43 1 2009 Iowa Acts, chapter 183, section 67, of federal community  
43 2 development block grant funds awarded to the state under  
43 3 the federal Consolidated Security, Disaster Assistance, and  
43 4 Continuing Appropriations Act, 2009, Pub. L. No. 110=329, the  
43 5 department of economic development shall enter an agreement  
43 6 in an amount of not less than \$10,000,000 with the state  
43 7 university of Iowa for the development of new floodplain maps  
43 8 by June 30, 2014, by the Iowa flood center established pursuant  
43 9 to section 466C.1. The department of economic development  
43 10 shall structure the contract to be consistent with any plan  
43 11 for use of the funds approved by any federal agency, or, if  
43 12 necessary, follow any procedures necessary for approval of this  
43 13 contract.

43 14 Sec. 41. EFFECTIVE UPON ENACTMENT. This division of this  
43 15 Act, being deemed of immediate importance, takes effect upon  
43 16 enactment.

43 17 DIVISION IX

43 18 DEPARTMENT OF ADMINISTRATIVE SERVICES == OFFICE SPACE

43 19 Sec. 42. DEPARTMENT OF ADMINISTRATIVE SERVICES == OFFICE  
43 20 SPACE REQUEST FOR PROPOSALS.

43 21 1. The department of administrative services shall issue a  
43 22 request for proposals concerning the availability and cost of  
43 23 office space for state employees in downtown Des Moines and in  
43 24 other areas in close proximity to the state capitol complex.  
43 25 The department shall consider the advantages of locating state  
43 26 employees and their functions near the state capitol complex.

43 27 2. In issuing the request for proposals, the department  
43 28 shall examine current leases for office space within the  
43 29 greater Des Moines area, determine the current length and  
43 30 duration of those leases, and consider the number of state  
43 31 employees impacted by those leases.

43 32 3. The request for proposals shall ensure that any office  
43 33 space selected shall meet all of the following criteria:

43 34 a. The office space is located in a class A building.

43 35 b. The building which includes the office space has skywalk



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44 1 access.

44 2 c. The building which includes the office space is located  
44 3 within reasonable proximity to the free shuttle service route  
44 4 that includes transportation between the capitol complex and  
44 5 the downtown Des Moines area.

44 6 d. The entity leasing office space provides adequate  
44 7 parking to employees utilizing the office space which is within  
44 8 reasonable proximity to the office space.

44 9 e. The office space is energy efficient.

44 10 f. The office space provides adequate space and resources  
44 11 needed for the employees intending to occupy the office space.

44 12 4. The department of administrative services shall issue  
44 13 the request for proposals by December 1, 2010, and shall submit  
44 14 a written report to the general assembly concerning the request  
44 15 for proposals by January 14, 2011.

44 16 Sec. 43. DEPARTMENT OF ADMINISTRATIVE SERVICES == OFFICE  
44 17 SPACE == COST=BENEFIT ANALYSIS.

44 18 1. The department of administrative services shall conduct  
44 19 a cost=benefit analysis of utilizing existing class A office  
44 20 space for state employees in downtown Des Moines and other  
44 21 areas in close proximity to the state capitol complex in lieu  
44 22 of replacing or renovating the Wallace Building and prior to  
44 23 leasing any space in the mercy capitol hospital building. The  
44 24 cost=benefit analysis shall include consideration of any cost  
44 25 to the applicable local jurisdiction arising from the state's  
44 26 utilization of existing office space.

44 27 2. The department of administrative services shall submit  
44 28 a written report to the general assembly on the cost=benefit  
44 29 analysis by January 14, 2011.

44 30 DIVISION X

44 31 CHANGES TO PRIOR APPROPRIATIONS

44 32 Sec. 44. 2006 Iowa Acts, chapter 1179, section 4, subsection  
44 33 1, is amended to read as follows:

44 34 1. a. ~~Notwithstanding~~ Except as provided in paragraph

44 35 "b", notwithstanding section 8.33, moneys appropriated for the



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45 1 fiscal year beginning July 1, 2006, in this division of this  
45 2 Act that remain unencumbered or unobligated at the close of  
45 3 the fiscal year shall not revert but shall remain available  
45 4 for the purposes designated until the close of the fiscal year  
45 5 that begins July 1, 2009, or until the project for which the  
45 6 appropriation was made is completed, whichever is earlier.

45 7 b. Notwithstanding section 8.33, moneys appropriated for the  
45 8 fiscal year beginning July 1, 2006, in section 1, subsection 1,  
45 9 and section 1, subsection 11, paragraph "b" of this division of  
45 10 this Act that remain unencumbered or unobligated at the close  
45 11 of the fiscal year shall not revert but shall remain available  
45 12 for the purposes designated until the close of the fiscal year  
45 13 that begins July 1, 2010, or until the project for which the  
45 14 appropriation was made is completed, whichever is earlier.

45 15 Sec. 45. 2006 Iowa Acts, chapter 1179, section 18, is  
45 16 amended to read as follows:

45 17 SEC. 18. REVERSION.

45 18 1. Except as provided in subsections 2, ~~and~~ 3, and  
45 19 4, notwithstanding section 8.33, moneys appropriated from the  
45 20 endowment for Iowa's health restricted capitals fund for the  
45 21 fiscal years that begin July 1, 2005, and July 1, 2006, in this  
45 22 division of this Act that remain unencumbered or unobligated at  
45 23 the close of the fiscal year shall not revert but shall remain  
45 24 available for the purposes designated until the close of the  
45 25 fiscal year that begins July 1, 2009, or until the project for  
45 26 which the appropriation was made is completed, whichever is  
45 27 earlier.

45 28 2. Notwithstanding section 8.33, moneys appropriated from  
45 29 the endowment for Iowa's health restricted capitals fund  
45 30 for the fiscal year that begins July 1, 2006, and ends June  
45 31 30, 2007, in this division of this Act to the department of  
45 32 veterans affairs for capital improvement projects at the Iowa  
45 33 veterans home that remain unencumbered or unobligated at the  
45 34 close of the fiscal year shall not revert but shall remain  
45 35 available for expenditure for the purposes designated until the



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46 1 close of the fiscal year that begins July 1, 2010.  
 46 2 3. Notwithstanding section 8.33, moneys appropriated from  
 46 3 the endowment for Iowa's health restricted capitals fund  
 46 4 for the fiscal year beginning July 1, 2006, and ending June  
 46 5 30, 2007, in this division of this Act to the department of  
 46 6 education for major renovation and major repair needs at the  
 46 7 community colleges that remain unencumbered or unobligated at  
 46 8 the close of the fiscal year shall not revert but shall remain  
 46 9 available for expenditure for the purposes designated until  
 46 10 the close of the fiscal year beginning July 1, 2010, or until  
 46 11 the project for which appropriated is completed, whichever is  
 46 12 earlier.  
 46 13 4. Notwithstanding section 8.33, moneys appropriated from  
 46 14 the endowment for Iowa's health restricted capitals fund  
 46 15 for the fiscal year that begins July 1, 2006, and ends June  
 46 16 30, 2007, in this division of this Act to the department of  
 46 17 administrative services for upgrades to the Woodward state  
 46 18 resource center wastewater treatment system that remain  
 46 19 unencumbered or unobligated at the close of the fiscal year  
 46 20 shall not revert but shall remain available for expenditure  
 46 21 for the purposes designated until the close of the fiscal year  
 46 22 that begins July 1, 2011, or until the project for which the  
 46 23 appropriation is made is completed, whichever is earlier.  
 46 24 Sec. 46. 2007 Iowa Acts, chapter 219, section 7, subsection  
 46 25 1, as amended by 2009 Iowa Acts, chapter 170, section 20, and  
 46 26 2009 Iowa Acts, chapter 184, section 17, is amended to read as  
 46 27 follows:  
 46 28 1. For costs associated with the construction and  
 46 29 establishment of the Iowa institute for biomedical discovery at  
 46 30 the state university of Iowa:  
 46 31 FY 2008=2009..... \$ 0  
 46 32 FY 2009=2010..... \$ 0  
 46 33 FY 2010=2011..... \$ ~~10,000,000~~  
 46 34 0  
 46 35 Sec. 47. 2007 Iowa Acts, chapter 219, section 15, is amended



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47 1 to read as follows:

47 2 SEC. 15. REVERSION.

47 3 1. Notwithstanding Except as provided in subsection 2,  
47 4 notwithstanding section 8.33, moneys appropriated for the  
47 5 fiscal year beginning July 1, 2007, in this division of this  
47 6 Act that remain unencumbered or unobligated at the close of  
47 7 the fiscal year shall not revert but shall remain available  
47 8 for the purposes designated until the close of the fiscal year  
47 9 beginning July 1, 2009, or until the project for which the  
47 10 appropriation was made is completed, whichever is earlier.

47 11 2. Notwithstanding section 8.33, moneys appropriated  
47 12 for the fiscal year beginning July 1, 2007, in section 14,  
47 13 subsections 4 and 7 of this division of this Act that remain  
47 14 unencumbered or unobligated at the close of the fiscal year  
47 15 shall not revert but shall remain available for the purposes  
47 16 designated until the close of the fiscal year beginning July 1,  
47 17 2011, or until the project for which the appropriation was made  
47 18 is completed, whichever is earlier.

47 19 Sec. 48. 2008 Iowa Acts, chapter 1179, section 1, subsection  
47 20 1, paragraph 1, as enacted by 2009 Iowa Acts, chapter 184,  
47 21 section 21, is amended to read as follows:

47 22 1. For ~~heating, ventilating, and air conditioning~~  
47 23 ~~improvements~~ building security and firewall protection in the  
47 24 Hoover state office building:

47 25 ..... \$ 165,000

47 26 Sec. 49. 2008 Iowa Acts, chapter 1179, section 1, subsection  
47 27 4, paragraph b, as amended by 2009 Iowa Acts, chapter 81,  
47 28 section 1, is amended to read as follows:

47 29 b. For historical site preservation grants to be used for  
47 30 the restoration, preservation, and development of historic  
47 31 sites:

47 32 ..... \$ 1,000,000

47 33 In making grants pursuant to this lettered paragraph, the  
47 34 department shall consider the existence and amount of other  
47 35 funds available to an applicant for the designated project.



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48 1 A grant awarded from moneys appropriated in this lettered  
48 2 paragraph shall not exceed \$100,000 per project. Not more than  
48 3 \$200,000 may be awarded in the same county in the same round of  
48 4 grant reviews.

48 5 Of the amount appropriated in this lettered paragraph,  
48 6 \$20,000 shall be used for the administration and support of  
48 7 historic sites including the hiring and employment of seasonal  
48 8 workers, notwithstanding section 8.57, subsection 6, paragraph  
48 9 "c".

48 10 Sec. 50. 2008 Iowa Acts, chapter 1179, section 7, as amended  
48 11 by 2009 Iowa Acts, chapter 173, section 21, is amended to read  
48 12 as follows:

48 13 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is  
48 14 appropriated from the rebuild Iowa infrastructure fund to  
48 15 the department of economic development for the designated  
48 16 fiscal years the following amounts, or so much thereof as is  
48 17 necessary, to be used for the purposes designated:

48 18 For deposit into the river enhancement community attraction  
48 19 and tourism fund created in 2008 Iowa Acts, Senate File 2430,  
48 20 if enacted:

48 21	FY 2009=2010 .....	\$	0
48 22	FY 2010=2011 .....	\$	10,000,000
48 23	0		
48 24	FY 2011=2012 .....	\$	10,000,000
48 25	FY 2012=2013 .....	\$	10,000,000

~~48 26 Notwithstanding section 8.33, moneys appropriated in this~~  
~~48 27 section for the fiscal year beginning July 1, 2010, and ending~~  
~~48 28 June 30, 2011, shall not revert at the close of the fiscal year~~  
~~48 29 for which they are appropriated but shall remain available~~  
~~48 30 for the purpose designated until the close of the fiscal year~~  
~~48 31 that begins July 1, 2013, or until the project for which the~~  
~~48 32 appropriation was made is completed, whichever is earlier.~~

48 33 Notwithstanding section 8.33, moneys appropriated in this  
48 34 section for the fiscal year beginning July 1, 2011, and ending  
48 35 June 30, 2012, shall not revert at the close of the fiscal year



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49 1 for which they are appropriated but shall remain available  
 49 2 for the purpose designated until the close of the fiscal year  
 49 3 that begins July 1, 2014, or until the project for which the  
 49 4 appropriation was made is completed, whichever is earlier.  
 49 5     Notwithstanding section 8.33, moneys appropriated in this  
 49 6 section for the fiscal year beginning July 1, 2012, and ending  
 49 7 June 30, 2013, shall not revert at the close of the fiscal year  
 49 8 for which they are appropriated but shall remain available  
 49 9 for the purpose designated until the close of the fiscal year  
 49 10 that begins July 1, 2015, or until the project for which the  
 49 11 appropriation was made is completed, whichever is earlier.  
 49 12     Sec. 51.     2008 Iowa Acts, chapter 1179, section 15,  
 49 13 subsection 4, paragraph b, as amended by 2009 Iowa Acts,  
 49 14 chapter 184, section 25, is amended to read as follows:  
 49 15     b. To the public broadcasting division for the purchase and  
 49 16 installation of generators at transmitter sites:  
 49 17     ..... \$ 1,602,437  
 49 18     Of the amount appropriated in this lettered paragraph, up to  
 49 19 \$210,477 may be used for operational costs of the division for  
 49 20 FY 2008=2009, ~~and~~ up to \$1,000,000 may be used for operational  
 49 21 costs of the division for FY 2009=2010, and up to \$378,637  
 49 22 may be used for operational costs of the division for FY  
 49 23 2010=2011, notwithstanding section 8.57C, subsection 2.  
 49 24     Sec. 52.     2008 Iowa Acts, chapter 1179, section 15,  
 49 25 subsection 4, paragraph c, is amended to read as follows:  
 49 26     c. To the public broadcasting division for the replacement  
 49 27 and digital conversion of the Keosauqua translator:  
 49 28     ..... \$ 701,500  
 49 29     Of the amount appropriated in this lettered paragraph, up to  
 49 30 \$25,378 may be used for operational costs of the division for  
 49 31 FY 2010=2011, notwithstanding section 8.57C, subsection 2.  
 49 32     Sec. 53.     2008 Iowa Acts, chapter 1179, section 18,  
 49 33 subsection 3, as amended by 2009 Iowa Acts, chapter 173,  
 49 34 section 24, is amended to read as follows:  
 49 35     3. DEPARTMENT OF CORRECTIONS



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50 1 a. For expansion of the community-based corrections  
50 2 facility at Sioux City:  
50 3 ..... \$ 5,300,000  
50 4 b. For expansion of the community-based corrections  
50 5 facility at Ottumwa:  
50 6 ..... \$ 4,100,000  
50 7 c. For expansion of the community-based corrections  
50 8 facility at Waterloo:  
50 9 ..... \$ 6,000,000  
50 10 d. For expansion of the community-based corrections  
50 11 facility at Davenport:  
50 12 ..... \$ 2,100,000  
50 13 e. For expansion, including land acquisition, of the  
50 14 community-based corrections facility at Des Moines:  
50 15 ..... \$ 13,100,000  
50 16 ..... 0  
50 17 ~~The appropriation in this lettered paragraph is contingent~~  
50 18 ~~upon relocation of the sex offender treatment program from~~  
50 19 ~~the community-based corrections facility at Des Moines to~~  
50 20 ~~the property in northeast Des Moines identified by the fifth~~  
50 21 ~~judicial district in the facility and site study final report~~  
50 22 ~~submitted December 12, 2008.~~  
50 23 It is the intent of the general assembly that the funds  
50 24 appropriated in paragraphs "a" through "e" be used to expand  
50 25 the number of beds available through new construction and  
50 26 remodeling and for the expansion of existing facilities.  
50 27 f. For expansion of the Iowa correctional facility for women  
50 28 at Mitchellville including costs related to project management  
50 29 including the hiring and employment of a construction manager  
50 30 and a correctional specialist:  
50 31 ..... \$ 47,500,000  
50 32 g. For the remodeling of kitchens at the correctional  
50 33 facilities at Mount Pleasant and Rockwell City:  
50 34 ..... \$ 12,500,000  
50 35 Sec. 54. 2008 Iowa Acts, chapter 1179, section 22, is



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51 1 amended to read as follows:

51 2 SEC. 22. There is appropriated from the FY 2009 prison  
51 3 bonding fund created pursuant to section 12.79, as enacted in  
51 4 this Act, to the department of corrections for the fiscal year  
51 5 beginning July 1, 2008, and ending June 30, 2009, the following  
51 6 amount, or so much thereof as is necessary, to be used for the  
51 7 purpose designated:

51 8 For costs associated with the building of a new Iowa State  
51 9 Penitentiary at Fort Madison including costs related to  
51 10 project management including the hiring and employment of a  
51 11 construction manager and a correctional specialist:

51 12 ..... \$130,677,500

51 13 The appropriation made in this section constitutes approval  
51 14 by the general assembly for the issuance of bonds by the  
51 15 treasurer pursuant to section 12.80, as enacted in this Act.

51 16 Sec. 55. 2009 Iowa Acts, chapter 173, section 13, subsection  
51 17 1, is amended by adding the following new paragraph:

51 18 NEW PARAGRAPH. e. Of the moneys appropriated in  
51 19 this subsection, the department may award moneys for the  
51 20 establishment of drainage district pilot projects. Each  
51 21 drainage district pilot project shall be presented to the state  
51 22 soil conservation committee and the watershed improvement  
51 23 review board to ensure the project design, project goals,  
51 24 baseline data collection, project data collection standards,  
51 25 and data evaluation standards are appropriate for, and advance,  
51 26 the soil and water conservation goals of the state. Annual  
51 27 progress reports on each pilot project shall be presented  
51 28 to the state soil conservation committee and the watershed  
51 29 improvement review board to ensure the projects continue to  
51 30 advance the soil and water conservation goals of the state.  
51 31 All construction plans, monitoring plans, project data, and  
51 32 project data analysis shall be available for public review and  
51 33 study. Experts from the United States geological survey, the  
51 34 national laboratory for agriculture and the environment at  
51 35 Iowa state university, and other appropriate state and federal



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52 1 agencies may be consulted on any aspect of the program.  
 52 2     Sec. 56.     2009 Iowa Acts, chapter 173, section 13, subsection  
 52 3 2, is amended to read as follows:  
 52 4     2.   DEPARTMENT OF NATURAL RESOURCES  
 52 5     For watershed rebuilding and water quality projects:  
 52 6     ..... \$ 13,500,000  
 52 7     Of the moneys appropriated in this subsection, the  
 52 8 department may provide moneys to construct, reconstruct, or  
 52 9 repair infrastructure associated with the control and movement  
 52 10 of surface water, including but not limited to addressing  
 52 11 issues affected by combined sewer overflows, enrolling larger  
 52 12 contiguous areas in emergency watershed programs, improving  
 52 13 facilities or systems that provide water quality, mitigating  
 52 14 flood damage or the threat of flood damage in the areas most  
 52 15 severely affected by the 2008 flood, and improving or replacing  
 52 16 low-head dams. Any award of moneys made under this subsection  
 52 17 shall be in the form of a grant. Any grant awards for practices  
 52 18 on private property shall be for the public purposes of flood  
 52 19 control, watershed management, or improving water quality.  
 52 20     Sec. 57.     2009 Iowa Acts, chapter 173, section 13, subsection  
 52 21 4, paragraphs b, c, and d, are amended to read as follows:  
 52 22     b.   ~~For deposit into the public service shelter grant fund~~  
~~52 23 created in section 16.185 for grants for the construction,~~  
 52 24 renovation, and improvements to homeless shelters, emergency  
 52 25 shelters, and family and domestic violence shelters:  
 52 26     ..... \$ 10,000,000  
~~52 27     c.   For deposit into the disaster damage housing assistance~~  
~~52 28 grant fund created in section 16.186 for grants to ease and~~  
 52 29 speed recovery efforts from the natural disasters of 2008,  
 52 30 including stabilizing neighborhoods damaged by the natural  
 52 31 disasters, preventing population loss and neighborhood  
 52 32 deterioration, and improving the health, safety, and welfare of  
 52 33 persons living in such disaster-damaged neighborhoods:  
 52 34     ..... \$ 5,000,000  
 52 35     d.   ~~For deposit into the affordable housing assistance grant~~



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~~53 1 fund created in section 16.187 for grants for housing for~~  
53 2 certain elderly, disabled, and low-income persons and public  
53 3 servants in critical skills shortage areas of the state:  
53 4 ..... \$ 20,000,000  
53 5     Sec. 58.     2009 Iowa Acts, chapter 173, section 13, subsection  
53 6 5, unnumbered paragraph 1, as amended by 2009 Iowa Acts,  
53 7 chapter 183, section 71, is amended to read as follows:  
53 8     For broadband technology grants for the deployment and  
53 9 sustainability of high-speed broadband access:  
53 10 ..... \$ ~~25,000,000~~  
53 11 ..... 0  
53 12     Sec. 59.     2009 Iowa Acts, chapter 173, section 13, subsection  
53 13 6, is amended to read as follows:  
53 14     6.   DEPARTMENT OF TRANSPORTATION  
53 15     For ~~deposit into the bridge safety fund created in section~~  
~~53 16 313.68 to be used for infrastructure projects relating to~~  
53 17 functionally obsolete and structurally deficient bridges:  
53 18 ..... \$ ~~50,000,000~~  
53 19 ..... 40,000,000  
53 20     Sec. 60.     2009 Iowa Acts, chapter 173, section 13, is amended  
53 21 by adding the following new subsection:  
53 22     NEW SUBSECTION.   7.   DEPARTMENT OF ECONOMIC DEVELOPMENT  
53 23     For the main street Iowa program to be used as grants  
53 24 for projects that have previously applied for funding  
53 25 consideration, or have received partial funding for facade  
53 26 master plans to rehabilitate storefronts in main street Iowa  
53 27 districts, to complete streetscape projects where planning  
53 28 and the majority of funding is already secured, for unfunded  
53 29 main street challenge grant projects, and for other building  
53 30 rehabilitation projects that are currently on the department's  
53 31 highest priority list:  
53 32 ..... \$ 5,550,000  
53 33     Moneys appropriated in this subsection shall not be used for  
53 34 administration or planning purposes.  
53 35     Sec. 61.     2009 Iowa Acts, chapter 174, section 6, is



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54 1 repealed.

54 2     Sec. 62. 2009 Iowa Acts, chapter 184, section 1, subsection

54 3 3, paragraph d, is amended to read as follows:

54 4     d. For historical site preservation grants to be used for

54 5 the restoration, preservation, and development of historic

54 6 sites:

54 7     ..... \$ 1,000,000

54 8     In making grants pursuant to this lettered paragraph, the

54 9 department shall consider the existence and amount of other

54 10 funds available to an applicant for the designated project.

54 11 A grant awarded from moneys appropriated in this lettered

54 12 paragraph shall not exceed \$100,000 per project. Not more than

54 13 \$200,000 may be awarded in the same county in the same round of

54 14 grant reviews.

54 15     Of the amount appropriated in this lettered paragraph,

54 16 \$20,000 shall be used for the administration and support of

54 17 historic sites including the hiring and employment of seasonal

54 18 workers, notwithstanding section 8.57, subsection 6, paragraph

54 19 "c".

54 20     Sec. 63. 2009 Iowa Acts, chapter 184, section 1, subsection

54 21 12, paragraph a, is amended to read as follows:

54 22     12. DEPARTMENT OF TRANSPORTATION

54 23     a. ~~To provide funds for capital improvements and for related~~

54 24 ~~studies for expanding passenger rail services in Iowa For~~

54 25 deposit in the passenger rail service revolving fund created

54 26 in section 327J.2, notwithstanding section 8.57, subsection 6,

54 27 paragraph "c":

54 28     ..... \$ 3,000,000

54 29     Sec. 64. 2009 Iowa Acts, chapter 184, section 2, subsections

54 30 1, 2, 4, and 5, are amended by striking the subsections.

54 31     Sec. 65. 2009 Iowa Acts, chapter 184, section 2, subsection

54 32 6, paragraph a, is amended to read as follows:

54 33     a. For deposit into the railroad revolving loan and grant

54 34 fund created in section 327H.20A, notwithstanding section 8.57,

54 35 subsection 6, paragraph "c":



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55 1 ..... \$ 2,000,000

55 2 Of the amount appropriated in this lettered paragraph,

55 3 \$2,000,000 shall be allocated to a city with a population

55 4 between 98,300 and 98,400 in the last preceding certified

55 5 federal census, for a rail trans-load facility if a federal

55 6 match of funds is received.

55 7 Sec. 66. EFFECTIVE UPON ENACTMENT. This division, being

55 8 deemed of immediate importance, takes effect upon enactment.

55 9

DIVISION XI

55 10

MISCELLANEOUS CODE CHANGES

55 11 Sec. 67. Section 8.57, subsection 6, paragraph e, Code

55 12 Supplement 2009, is amended to read as follows:

55 13 e. (1) (a) (i) Notwithstanding provisions to the contrary

55 14 in sections 99D.17 and 99F.11, for the fiscal year beginning

55 15 July 1, 2000, and for each fiscal year thereafter, not more

55 16 than a total of sixty-six million dollars shall be deposited

55 17 in the general fund of the state in any fiscal year pursuant to

55 18 sections 99D.17 and 99F.11.

55 19 (ii) However, in lieu of the deposit in subparagraph

55 20 subdivision (i), for the fiscal year beginning July 1, 2010,

55 21 and for each fiscal year thereafter until the principal and

55 22 interest on all bonds issued by the treasurer of state pursuant

55 23 to section 12.87 are paid, as determined by the treasurer of

55 24 state, the first fifty-five million dollars of the moneys

55 25 directed to be deposited in the general fund of the state under

55 26 subparagraph subdivision (i) shall be deposited in the revenue

55 27 bonds debt service fund created in section 12.89, and the next

55 28 five three million seven hundred fifty thousand dollars of the

55 29 moneys directed to be deposited in the general fund of the

55 30 state under subparagraph subdivision (i) shall be deposited

55 31 in the revenue bonds federal subsidy holdback fund created

55 32 in section 12.89, and the next one million two hundred fifty

55 33 thousand dollars of the moneys directed to be deposited in the

55 34 general fund of the state under subparagraph subdivision (i)

55 35 shall be deposited in the general fund of the state.



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56 1 (b) The next fifteen million dollars of the moneys directed  
56 2 to be deposited in the general fund of the state in a fiscal  
56 3 year pursuant to sections 99D.17 and 99F.11 shall be deposited  
56 4 in the vision Iowa fund created in section 12.72 for the fiscal  
56 5 year beginning July 1, 2000, and for each fiscal year through  
56 6 the fiscal year beginning July 1, 2019.

56 7 (c) The next five million dollars of the moneys directed to  
56 8 be deposited in the general fund of the state in a fiscal year  
56 9 pursuant to sections 99D.17 and 99F.11 shall be deposited in  
56 10 the school infrastructure fund created in section 12.82 for the  
56 11 fiscal year beginning July 1, 2000, and for each fiscal year  
56 12 thereafter until the principal and interest on all bonds issued  
56 13 by the treasurer of state pursuant to section 12.81 are paid,  
56 14 as determined by the treasurer of state.

56 15 (d) (i) The total moneys in excess of the moneys deposited  
56 16 in the revenue bonds debt service fund, the revenue bonds  
56 17 federal holdback subsidy fund, the vision Iowa fund, the  
56 18 school infrastructure fund, and the general fund of the  
56 19 state in a fiscal year shall be deposited in the rebuild Iowa  
56 20 infrastructure fund and shall be used as provided in this  
56 21 section, notwithstanding section 8.60.

56 22 (ii) However, in lieu of the deposit in subparagraph  
56 23 subdivision (i), for the fiscal year beginning July 1, 2010,  
56 24 and for each fiscal year thereafter until the principal and  
56 25 interest on all bonds issued by the treasurer of state pursuant  
56 26 to section 12.87 are paid, as determined by the treasurer  
56 27 of state, ~~fifty-five~~ ~~sixty-four~~ million seven hundred fifty  
56 28 thousand dollars of the excess moneys directed to be deposited  
56 29 in the rebuild Iowa infrastructure fund under subparagraph  
56 30 subdivision (i) shall be deposited in the general fund of the  
56 31 state.

56 32 (2) If the total amount of moneys directed to be deposited  
56 33 in the general fund of the state under sections 99D.17 and  
56 34 99F.11 in a fiscal year is less than the total amount of moneys  
56 35 directed to be deposited in the revenue bonds debt service



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57 1 fund and the revenue bonds federal subsidy holdback fund in  
57 2 the fiscal year pursuant to this paragraph "e", the difference  
57 3 shall be paid from moneys deposited in the beer and liquor  
57 4 control fund created in section 123.53 in the manner provided  
57 5 in section 123.53, subsection 3.

57 6 (3) After the deposit of moneys directed to be deposited  
57 7 in the general fund of the state, ~~and~~ the revenue bonds debt  
57 8 service fund, and the revenue bonds federal subsidy holdback  
57 9 fund, as provided in subparagraph (1), subparagraph division

57 10 (a), if the total amount of moneys directed to be deposited  
57 11 in the general fund of the state under sections 99D.17 and  
57 12 99F.11 in a fiscal year is less than the total amount of  
57 13 moneys directed to be deposited in the vision Iowa fund and  
57 14 the school infrastructure fund in the fiscal year pursuant to  
57 15 this paragraph "e", the difference shall be paid from lottery  
57 16 revenues in the manner provided in section 99G.39, subsection  
57 17 3.

57 18 Sec. 68. Section 8.57, subsection 6, paragraph f, Code  
57 19 Supplement 2009, is amended to read as follows:

57 20 f. There is appropriated from the rebuild Iowa  
57 21 infrastructure fund to the secure an advanced vision for  
57 22 education fund created in section 423F.2, for each fiscal year  
57 23 of the fiscal period beginning July 1, 2008, and ending June  
57 24 30, ~~2014, 2010,~~ and for each fiscal year of the fiscal period  
57 25 beginning July 1, 2011, and ending June 30, 2014, the amount of  
57 26 the moneys in excess of the first forty-seven million dollars  
57 27 credited to the rebuild Iowa infrastructure fund during the  
57 28 fiscal year, not to exceed ten million dollars.

57 29 Sec. 69. Section 8.57A, subsection 4, Code 2009, is amended  
57 30 to read as follows:

57 31 4. a. There is appropriated from the rebuild Iowa  
57 32 infrastructure fund for the fiscal ~~year~~ years beginning July  
57 33 1, 2008, July 1, 2009, and July 1, 2011, and for each fiscal  
57 34 year thereafter, the sum of forty-two million dollars to  
57 35 the environment first fund, notwithstanding section 8.57,



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58 1 subsection 6, paragraph "c".

58 2 b. There is appropriated from the rebuild Iowa

58 3 infrastructure fund for the fiscal year beginning July 1, 2010,

58 4 and ending June 30, 2011, the sum of thirty-three million

58 5 dollars to the environment first fund, notwithstanding section

58 6 8.57, subsection 6, paragraph "c".

58 7 Sec. 70. Section 8.57C, subsection 3, Code Supplement 2009,

58 8 is amended to read as follows:

58 9 3. a. There is appropriated from the general fund of the

58 10 state for the fiscal years beginning July 1, 2006, July 1,

58 11 2007, July 1, ~~2010~~ 2011, and for each subsequent fiscal year

58 12 thereafter, the sum of seventeen million five hundred thousand

58 13 dollars to the technology reinvestment fund.

58 14 b. There is appropriated from the rebuild Iowa

58 15 infrastructure fund for the fiscal year beginning July 1, 2008,

58 16 and ending June 30, 2009, the sum of seventeen million five

58 17 hundred thousand dollars, and for the fiscal year beginning

58 18 July 1, 2009, and ending June 30, 2010, the sum of fourteen

58 19 million five hundred twenty-five thousand dollars to the

58 20 technology reinvestment fund, notwithstanding section 8.57,

58 21 subsection 6, paragraph "c".

58 22 c. There is appropriated from the rebuild Iowa

58 23 infrastructure fund for the fiscal year beginning July 1, 2010,

58 24 the sum of ten million dollars to the technology reinvestment

58 25 fund, notwithstanding section 8.57, subsection 6, paragraph

58 26 "c".

58 27 Sec. 71. Section 12.87, subsections 1 and 2, Code Supplement

58 28 2009, are amended to read as follows:

58 29 1. The treasurer of state is authorized to issue and sell

58 30 bonds on behalf of the state to provide funds for certain

58 31 infrastructure projects and for purposes of the Iowa jobs

58 32 program established in section 16.194. The treasurer of state

58 33 shall have all of the powers which are necessary or convenient

58 34 to issue, sell and secure bonds and carry out the treasurer of

58 35 state's duties, and exercise the treasurer of state's authority



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59 1 under this section and sections 12.88 through 12.90. The  
59 2 treasurer of state may issue and sell bonds in such amounts as  
59 3 the treasurer of state determines to be necessary to provide  
59 4 sufficient funds for certain infrastructure projects and the  
59 5 revenue bonds capitals fund, the revenue bonds capitals II  
59 6 fund, the payment of interest on the bonds, the establishment  
59 7 of reserves to secure the bonds, the payment of costs of  
59 8 issuance of the bonds, the payment of other expenditures of  
59 9 the treasurer of state incident to and necessary or convenient  
59 10 to carry out the issuance and sale of the bonds, and the  
59 11 payment of all other expenditures of the treasurer of state  
59 12 necessary or convenient to administer the funds and to carry  
59 13 out the purposes for which the bonds are issued and sold.  
59 14 The treasurer of state may issue and sell bonds in one or  
59 15 more series on the terms and conditions the treasurer of  
59 16 state determines to be in the best interest of the state, in  
59 17 accordance with this section in such amounts as the treasurer  
59 18 of state determines to be necessary to fund the purposes for  
59 19 which such bonds are issued and sold- as follows:  
59 20 a. The treasurer of state may issue and sell bonds in  
59 21 amounts which provide aggregate net proceeds of not more  
59 22 than ~~five hundred forty-five~~ six hundred ninety-five million  
59 23 dollars, excluding any bonds issued and sold to refund  
59 24 outstanding bonds issued under this section, as follows:  
59 25 a. (1) ~~The~~ On or after July 1, 2009, the treasurer of  
59 26 state may issue and sell bonds in amounts which provide  
59 27 aggregate net proceeds of not more than one hundred eighty-five  
59 28 million dollars for capital projects which qualify as vertical  
59 29 infrastructure projects as defined in section 8.57, subsection  
59 30 6, paragraph "c", to the extent practicable in any fiscal year  
59 31 and without limiting other qualifying capital expenditures.  
59 32 b. (2) ~~The~~ On or after July 1, 2009, the treasurer of state  
59 33 may issue and sell bonds in amounts which provide aggregate  
59 34 net proceeds of not more than three hundred sixty million  
59 35 dollars for purposes of the Iowa jobs program established



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60 1 in section 16.194 and for watershed flood rebuilding and  
60 2 prevention projects, soil conservation projects, sewer  
60 3 infrastructure projects, for certain housing and public service  
60 4 shelter projects and public broadband and alternative energy  
60 5 projects, and for projects relating to bridge safety and the  
60 6 rehabilitation of deficient bridges.

60 7 (3) On or after July 1, 2010, the treasurer of state may  
60 8 issue and sell bonds in amounts which provide aggregate net  
60 9 proceeds of not more than one hundred fifty million dollars  
60 10 for purposes of the Iowa jobs II program established in  
60 11 section 16.194A and for qualified projects in the departments  
60 12 of agriculture and land stewardship, economic development,  
60 13 education, natural resources, and transportation, and the Iowa  
60 14 finance authority, state board of regents, and treasurer of  
60 15 state.

60 16 2. Bonds issued and sold under this section are payable  
60 17 solely and only out of the moneys in the revenue bonds debt  
60 18 service fund, the revenue bonds federal subsidy holdback  
60 19 fund, and any bond reserve funds established pursuant to  
60 20 section 12.89, and only to the extent provided in the trust  
60 21 indenture, resolution, or other instrument authorizing their  
60 22 issuance. All moneys in the revenue bonds debt service fund,  
60 23 the revenue bonds federal subsidy holdback fund, and any bond  
60 24 reserve funds established pursuant to section 12.89 may be  
60 25 deposited with trustees or depositories in accordance with  
60 26 the terms of the trust indentures, resolutions, or other  
60 27 instruments authorizing the issuance of bonds and pledged by  
60 28 the treasurer of state to the payment thereof. Bonds issued  
60 29 and sold under this section shall contain a statement that the  
60 30 bonds are limited special obligations of the state and do not  
60 31 constitute a debt or indebtedness of the state or a pledge  
60 32 of the faith or credit of the state or a charge against the  
60 33 general credit or general fund of the state. The treasurer  
60 34 of state shall not pledge the credit or taxing power of this  
60 35 state or any political subdivision of this state or make bonds



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61 1 issued and sold pursuant to this section payable out of any  
61 2 moneys except those in the revenue bonds debt service fund,  
61 3 the revenue bonds federal subsidy holdback fund, and any bond  
61 4 reserve funds established pursuant to section 12.89.  
61 5 Sec. 72. Section 12.89, subsection 2, Code Supplement 2009,  
61 6 is amended by adding the following new paragraph:  
61 7 NEW PARAGRAPH. Od. Federal subsidies and any transfers  
61 8 from the revenue bonds federal subsidy holdback fund created  
61 9 pursuant to section 12.89A.  
61 10 Sec. 73. NEW SECTION. 12.89A Revenue bonds federal subsidy  
61 11 holdback fund.  
61 12 1. A revenue bonds federal subsidy holdback fund is created  
61 13 and established as a separate and distinct fund in the state  
61 14 treasury. The treasurer of state shall act as custodian of the  
61 15 fund and disburse moneys contained in the fund.  
61 16 2. The moneys in such fund shall include all of the  
61 17 following:  
61 18 a. The revenues required to be deposited in the fund  
61 19 pursuant to section 8.57, subsection 6, paragraph "e",  
61 20 subparagraphs (1) and (2).  
61 21 b. Interest attributable to investment moneys in the fund.  
61 22 c. Any other moneys from any other sources which may be  
61 23 legally available to the treasurer of state for the purpose of  
61 24 the fund.  
61 25 3. The moneys in the revenue bonds federal subsidy holdback  
61 26 fund are appropriated and shall be used or transferred to the  
61 27 revenue bonds debt service fund created in section 12.89,  
61 28 subsection 1, solely for the purpose of making payments of  
61 29 principal and interest on federal subsidy bonds when due, if  
61 30 the treasurer of state or the treasurer's designee has not  
61 31 received a federal subsidy scheduled to be received for such  
61 32 payment by the due date.  
61 33 4. The moneys on deposit in the revenue bonds federal  
61 34 subsidy holdback fund shall be used or transferred to the  
61 35 revenue bonds debt service fund created in section 12.89,



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62 1 subsection 1, solely for the purpose of making payments of  
62 2 principal and interest on federal subsidy bonds prior to any  
62 3 use or transfer of moneys on deposit in any bond reserve fund  
62 4 created for such federal subsidy bonds by the treasurer of  
62 5 state pursuant to section 12.89, subsection 3, paragraph "a".  
62 6 5. At any time during each fiscal year that there are moneys  
62 7 on deposit in the revenue bonds federal subsidy holdback fund  
62 8 that are not needed to pay principal and interest on federal  
62 9 subsidy bonds during such fiscal year as determined by the  
62 10 treasurer of state or the treasurer's designee, all moneys on  
62 11 deposit in the revenue bonds federal subsidy holdback account  
62 12 shall be credited to the rebuild Iowa infrastructure fund of  
62 13 the state.  
62 14 6. For purposes of this section:  
62 15 a. "Federal subsidy" means any payment from the federal  
62 16 government with respect to federal subsidy bonds.  
62 17 b. "Federal subsidy bonds" means any bonds issued and  
62 18 sold pursuant to section 12.87 for which a federal subsidy is  
62 19 expected to be paid on or before any date on which interest on  
62 20 such bonds is due and payable.  
62 21 Sec. 74. Section 15F.204, subsection 8, paragraph a,  
62 22 subparagraph (6), Code Supplement 2009, is amended by striking  
62 23 the subparagraph.  
62 24 Sec. 75. Section 15F.204, subsection 8, paragraph b,  
62 25 subparagraph (4), Code Supplement 2009, is amended by striking  
62 26 the subparagraph.  
62 27 Sec. 76. Section 16.181A, Code 2009, is amended to read as  
62 28 follows:  
62 29 16.181A Housing trust fund == appropriations.  
62 30 1. There is appropriated from the rebuild Iowa  
62 31 infrastructure fund to the Iowa finance authority for deposit  
62 32 in the housing trust fund created in section 16.181, for the  
62 33 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
62 34 and for each succeeding fiscal year, the sum of three million  
62 35 dollars.



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63 1 2. There is appropriated from the rebuild Iowa  
63 2 infrastructure fund to the Iowa finance authority for deposit  
63 3 in the housing trust fund created in section 16.181, for the  
63 4 fiscal year beginning July 1, 2010 and ending June 30, 2011,  
63 5 the sum of one million dollars.

63 6 Sec. 77. Section 16.192, subsections 2 and 4, Code  
63 7 Supplement 2009, are amended to read as follows:

63 8 2. Establish the Iowa jobs program pursuant to section  
63 9 16.194 and the Iowa jobs II program pursuant to section  
63 10 16.194A.

63 11 4. Award financial assistance in the form of grants under  
63 12 the Iowa jobs program pursuant to sections 16.194, 16.194A, and  
63 13 16.195.

63 14 Sec. 78. Section 16.193, subsection 2, Code Supplement  
63 15 2009, is amended to read as follows:

63 16 2. During the term of the Iowa jobs program established  
63 17 in section 16.194 and the Iowa jobs II program established  
63 18 in section 16.194A, two hundred thousand dollars of the  
63 19 moneys deposited in the rebuild Iowa infrastructure fund  
63 20 shall be allocated each fiscal year to the Iowa finance  
63 21 authority for purposes of administering the Iowa jobs program,  
63 22 notwithstanding section 8.57, subsection 6, paragraph "c".

63 23 Sec. 79. NEW SECTION. 16.194A Iowa jobs II program ==  
63 24 disaster prevention.

63 25 1. An Iowa jobs II program is created to assist in the  
63 26 development and completion of public construction projects  
63 27 relating to disaster prevention.

63 28 2. A city or county in this state or a regional transit  
63 29 district as defined in chapter 28M that applies the smart  
63 30 planning principles and guidelines pursuant to sections 18B.1  
63 31 and 18B.2, if enacted in 2010 Iowa Acts, Senate File 2265, may  
63 32 submit an application to the Iowa jobs board for financial  
63 33 assistance for a local infrastructure competitive grant for  
63 34 an eligible project under the program, notwithstanding any  
63 35 limitation on the state's percentage in funding as contained in



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64 1 section 29C.6, subsection 17.  
64 2 3. Financial assistance under the program shall be awarded  
64 3 in the form of grants.  
64 4 4. The board shall consider the following criteria in  
64 5 evaluating eligible projects to receive financial assistance  
64 6 under the program:  
64 7 a. The total number and quality of jobs to be created and  
64 8 the benefits likely to accrue to areas distressed by high  
64 9 unemployment.  
64 10 b. Financial feasibility, including the ability of projects  
64 11 to fund depreciation costs or replacement reserves, and the  
64 12 availability of other federal, state, local, and private  
64 13 sources of funds.  
64 14 c. Sustainability and energy efficiency.  
64 15 d. Benefits for disaster prevention.  
64 16 e. The project's readiness to proceed.  
64 17 5. An applicant must demonstrate local support for the  
64 18 project as defined by rule.  
64 19 6. Any award of financial assistance to a project shall be  
64 20 limited to up to seventy-five percent of the total cost of the  
64 21 development and completion of a public construction project  
64 22 relating to disaster prevention.  
64 23 7. In order for a project to be eligible to receive  
64 24 financial assistance from the board, the project must be a  
64 25 public construction project pursuant to subsection 1 with a  
64 26 demonstrated substantial local, regional, or statewide economic  
64 27 impact.  
64 28 8. The board shall not approve an application for assistance  
64 29 for any of the following purposes:  
64 30 a. To refinance a loan existing prior to the date of the  
64 31 initial financial assistance application.  
64 32 b. For a project that has previously received financial  
64 33 assistance under the program, unless the applicant demonstrates  
64 34 that the financial assistance would be used for a significant  
64 35 expansion of a project.



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65 1 9. Any portion of an amount allocated for projects  
65 2 that remains unexpended or unencumbered one year after the  
65 3 allocation has been made may be reallocated to another project  
65 4 category, at the discretion of the board. The board shall  
65 5 ensure that all bond proceeds be expended within three years  
65 6 from when the allocation was initially made.

65 7 10. The board shall ensure that funds obligated under  
65 8 this section are coordinated with other federal program funds  
65 9 received by the state, and that projects receiving funds are  
65 10 located in geographically diverse areas of the state.

65 11 Sec. 80. Section 16.195, subsection 2, Code Supplement  
65 12 2009, is amended to read as follows:

65 13 2. A review committee composed of members of the  
65 14 board as determined by the board shall review Iowa jobs  
65 15 program applications submitted to the board and make  
65 16 recommendations regarding the applications to the board. When  
65 17 reviewing the applications, the review committee and the  
65 18 authority shall consider the project criteria specified in  
65 19 ~~section~~ sections 16.194 and 16.194A. The board shall develop  
65 20 the appropriate level of transparency regarding project fund  
65 21 allocations.

65 22 Sec. 81. Section 26.3, subsection 2, Code Supplement 2009,  
65 23 is amended to read as follows:

65 24 2. A governmental entity shall have an engineer licensed  
65 25 under chapter 542B, a landscape architect licensed under  
65 26 chapter 544B, or an architect registered under chapter  
65 27 544A prepare plans and specifications, and calculate the  
65 28 estimated total cost of a proposed public improvement. A  
65 29 governmental entity shall ensure that a sufficient number  
65 30 of paper copies of the project's contract documents, including  
65 31 all drawings, plans, specifications, and estimated total costs  
65 32 of the proposed public improvement are made available for  
65 33 distribution at no charge to prospective bidders, subcontractor  
65 34 bidders, suppliers, and contractor plan room services. If  
65 35 a deposit is required as part of a paper contract documents



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66 1 distribution policy by the public owner, the deposit shall not  
66 2 exceed one thousand dollars per set which shall be refunded  
66 3 upon return of the contract documents within fourteen days  
66 4 after award of the project. If the contract documents are not  
66 5 returned in a timely manner and in a reusable condition, the  
66 6 deposit shall be forfeited.

66 7 Sec. 82. Section 123.53, subsections 3 and 4, Code  
66 8 Supplement 2009, are amended to read as follows:

66 9 3. Notwithstanding subsection 2, if gaming revenues under  
66 10 sections 99D.17 and 99F.11 are insufficient in a fiscal year to  
66 11 meet the total amount of such revenues directed to be deposited  
66 12 in the revenue bonds debt service fund and the revenue bonds  
66 13 federal subsidy holdback fund during the fiscal year pursuant  
66 14 to section 8.57, subsection 6, paragraph "e", the difference  
66 15 shall be paid from moneys deposited in the beer and liquor  
66 16 control fund prior to transfer of such moneys to the general  
66 17 fund pursuant to subsection 2 and prior to the transfer of such  
66 18 moneys pursuant to subsections 5 and 6. If moneys deposited in  
66 19 the beer and liquor control fund are insufficient during the  
66 20 fiscal year to pay the difference, the remaining difference  
66 21 shall be paid from moneys deposited in the beer and liquor  
66 22 control fund in subsequent fiscal years as such moneys become  
66 23 available.

66 24 4. The treasurer of state shall, each quarter, prepare  
66 25 an estimate of the gaming revenues and of the moneys to be  
66 26 deposited in the beer and liquor control fund that will become  
66 27 available during the remainder of the appropriate fiscal year  
66 28 for the purposes described in subsection 3. The department  
66 29 of management, the department of inspections and appeals, and  
66 30 the department of commerce shall take appropriate actions to  
66 31 provide that the sum of the amount of gaming revenues available  
66 32 to be deposited into the revenue bonds debt service fund during  
66 33 a fiscal year and the amount of moneys to be deposited in the  
66 34 beer and liquor control fund available to be deposited into  
66 35 the revenue bonds debt service fund and the revenue bonds



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67 1 federal subsidy holdback fund during such fiscal year will be  
67 2 sufficient to cover any anticipated deficiencies.

67 3 Sec. 83. Section 327H.20A, subsection 3, Code Supplement  
67 4 2009, is amended to read as follows:

67 5 3. Notwithstanding any other provision to the contrary,  
67 6 on or after July 1, 2006, moneys received as repayments for  
67 7 loans made pursuant to this chapter or chapter 327I, Code 2009,  
67 8 before, on, or after July 1, 2005, other than repayments of  
67 9 federal moneys subject to section 327H.21, shall be credited to  
67 10 the railroad revolving loan and grant fund. Notwithstanding  
67 11 section 8.33, moneys in the railroad revolving loan and grant  
67 12 fund shall not revert to the ~~general fund of the state fund~~  
67 13 from which it was appropriated but shall remain available  
67 14 indefinitely for expenditure under this section.

67 15 Sec. 84. Section 327J.2, subsection 3, Code Supplement  
67 16 2009, is amended to read as follows:

67 17 3. No reversion. Notwithstanding section 8.33, any balance  
67 18 in the fund on June 30 of any fiscal year shall not revert  
67 19 to the ~~general fund of the state fund~~ from which it was  
67 20 appropriated.

67 21 Sec. 85. REPEAL. Sections 8.57D, 12.90A, 12.90B, 12.90C,  
67 22 16.185, 16.186, 16.187, and 313.68, Code Supplement 2009, are  
67 23 repealed.

67 24 EXPLANATION

67 25 This bill makes appropriations to state departments and  
67 26 agencies from the rebuild Iowa infrastructure fund, the  
67 27 technology reinvestment fund, the revenue bonds capitals fund,  
67 28 the revenue bonds capitals II fund, the FY 2009 prison bonding  
67 29 fund, and other funds, creates the Iowa jobs II program and the  
67 30 revenue bonds federal subsidy holdback fund, and provides for  
67 31 related matters.

67 32 DIVISION I == REBUILD IOWA INFRASTRUCTURE FUND  
67 33 APPROPRIATIONS. This division appropriates project funding  
67 34 for FY 2010=2011 from the rebuild Iowa infrastructure fund,  
67 35 including projects for the departments of administrative



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68 1 services, agriculture and land stewardship, for the blind,  
68 2 cultural affairs, economic development, education, natural  
68 3 resources, public defense, public health, transportation, and  
68 4 veterans affairs, and to the Iowa finance authority, the state  
68 5 board of regents, and the treasurer of state.

68 6 The division appropriates project funding for FY 2011=2012,  
68 7 FY 2012=2013, and FY 2013=2014 from the rebuild Iowa  
68 8 infrastructure fund to the department of corrections and for  
68 9 FY 2011=2012, FY 2012=2013, FY 2013=2014, and FY 2014=2015  
68 10 from the rebuild Iowa infrastructure fund to the department of  
68 11 natural resources.

68 12 DIVISION II == TECHNOLOGY REINVESTMENT FUND ==  
68 13 APPROPRIATIONS. This division appropriates project funding  
68 14 for FY 2010=2011 from the technology reinvestment fund for  
68 15 the departments of administrative services, corrections,  
68 16 education, and public health, and the Iowa telecommunications  
68 17 and technology commission.

68 18 DIVISION III == REVENUE BONDS CAPITALS FUND ==  
68 19 APPROPRIATIONS. This division appropriates project funding  
68 20 for FY 2010=2011 from the revenue bonds capitals fund for the  
68 21 departments of administrative services, agriculture and land  
68 22 stewardship, cultural affairs, corrections, natural resources,  
68 23 and the Iowa state fair, state board of regents, and the Iowa  
68 24 finance authority.

68 25 DIVISION IV == REVENUE BONDS CAPITALS II FUND ==  
68 26 APPROPRIATIONS. The division creates a revenue bonds capitals  
68 27 II fund. Revenue for the revenue bonds capitals II fund shall  
68 28 include but is not limited to the net proceeds of certain bonds  
68 29 issued by the treasurer of state on or after July 1, 2010,  
68 30 interest attributable to investment of moneys in the fund or  
68 31 an account of the fund, and moneys in the form of a devise,  
68 32 gift, bequest, donation, federal or other grant, reimbursement,  
68 33 repayment, judgment, transfer, payment, or appropriation from  
68 34 any source intended to be used for the purposes of the fund.  
68 35 Annually, on or before January 15 of each year, a state agency



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69 1 that received an appropriation from the revenue bonds capitals  
69 2 II fund shall report to the legislative services agency and the  
69 3 department of management the status of all projects completed  
69 4 or in progress.

69 5 The division appropriates project funding for FY 2010=2011  
69 6 from the revenue bonds capitals II fund created in the bill to  
69 7 the departments of agriculture and land stewardship, economic  
69 8 development, education, natural resources, and transportation  
69 9 and to the Iowa finance authority including to the Iowa jobs  
69 10 board for purposes of the Iowa jobs II program, created in the  
69 11 bill, state board of regents, and treasurer of state.

69 12 DIVISION V == FY 2009 PRISON BONDING FUND. This division  
69 13 appropriates project funding for FY 2010=2011 to the department  
69 14 of corrections.

69 15 DIVISION VI == GROW IOWA VALUES FUND. Currently, the Code  
69 16 provides that for each fiscal year through the fiscal period  
69 17 ending June 30, 2015, the grow Iowa values fund is to receive  
69 18 an annual appropriation of \$50 million from either the general  
69 19 fund or the rebuild Iowa infrastructure fund. The division  
69 20 provides that the appropriation for FY 2010=2011 shall be  
69 21 from the rebuild Iowa infrastructure fund. The department is  
69 22 directed to allocate that \$50 million for certain purposes.  
69 23 This division appropriates \$38 million from the rebuild  
69 24 Iowa infrastructure fund to the grow Iowa values fund for  
69 25 FY 2010=2011. The division also decreases the FY 2010=2011  
69 26 standing appropriation from the grow Iowa values fund to the  
69 27 department of economic development from \$50 million to \$38  
69 28 million and makes conforming changes to certain allocations.

69 29 The division allows the department to allocate, of the  
69 30 moneys in the targeted small business financial assistance  
69 31 program account of the strategic investment fund, amounts  
69 32 necessary for marketing, compliance, and the provision of  
69 33 mentoring services.

69 34 Currently, the department must allocate \$3 million for  
69 35 deposit in the innovation and commercialization development



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70 1 fund. The division amends this allocation to require the  
70 2 department to allocate \$5.5 million for deposit in the  
70 3 innovation and commercialization development fund.  
70 4     The division also creates a new allocation of \$1 million for  
70 5 deposit in the targeted small business financial assistance  
70 6 program account within the strategic investment fund.  
70 7     Currently, the Code does not appropriate interest on moneys  
70 8 in the grow Iowa values fund. The division appropriates the  
70 9 interest to the department and directs the department to  
70 10 allocate it for certain purposes.  
70 11     DIVISION VII == ALTERNATIVE PUBLIC PROJECT DELIVERY PROGRAM.  
70 12 This division establishes a new division in Code chapter 262  
70 13 that creates an alternative project delivery commission and an  
70 14 alternative project delivery program for governmental entities.  
70 15 The bill defines governmental entity to be the board of regents  
70 16 and institutions under the control of the board of regents.  
70 17 The new division contains three parts.  
70 18     Part 1 establishes an alternative project delivery  
70 19 commission consisting of seven members, appointed by the board  
70 20 of regents and other specified design and construction industry  
70 21 associations. The part establishes quorum, meeting, voting,  
70 22 and conflict of interest requirements for the commission,  
70 23 designates the member appointed by the board of regents as  
70 24 the commission chairperson, and authorizes the commission to  
70 25 adopt policies and procedures to carry out the duties of the  
70 26 commission.  
70 27     Part 1 also establishes an alternative project delivery  
70 28 program under the authority of the alternative project delivery  
70 29 commission. The commission is responsible for selecting  
70 30 the public projects for inclusion in the program based on  
70 31 applications submitted by the governmental entities. The  
70 32 commission is required to prepare and file a report with the  
70 33 governor and the general assembly on or before January 15,  
70 34 2014. The report is required to detail the activities of the  
70 35 commission and provide information on each public project in



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71 1 the program.

71 2 Part 1 also specifies publication requirements for public  
71 3 notices provided by the governmental entity during the  
71 4 alternative project delivery procedures and provides that  
71 5 certain documents and information related to the alternative  
71 6 project delivery procedures must be made available for public  
71 7 inspection after the award or letting of the contract.

71 8 Parts 2 and 3 of the new division establish two alternative  
71 9 project delivery procedures for use by the governmental  
71 10 entities selected for inclusion in the program. For each  
71 11 alternative project delivery procedure, the governmental  
71 12 entity is required to employ or retain a criteria consultant  
71 13 to assist in the preparation of a request for qualifications  
71 14 and a request for proposals. Each of the alternative project  
71 15 delivery procedures is conducted in two phases.

71 16 Part 2 of the new division provides the requirements and  
71 17 procedures for construction management project delivery and for  
71 18 the selection of a construction manager. Under part 2, the  
71 19 governmental entity is required to employ a design professional  
71 20 to design the public project and prepare the construction  
71 21 documents for the public project. Phase I of the construction  
71 22 manager selection process includes publication of a request  
71 23 for qualifications by the governmental entity, review of the  
71 24 statements of qualifications, and the selection of a minimum  
71 25 of two but not more than five construction managers to advance  
71 26 to phase II. Phase II includes a request for proposals, the  
71 27 receipt of proposals from those construction managers selected  
71 28 during phase I, an interview with each construction manager  
71 29 that submits a proposal, evaluation of each proposal, and  
71 30 selection of a construction manager for the public project.

71 31 Part 3 of the new division provides the requirements and  
71 32 procedures for design-build project delivery and for the  
71 33 selection of a design-builder. Phase I of the design-builder  
71 34 selection process includes publication of a request for  
71 35 qualifications by the governmental entity, review of the



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72 1 statements of qualifications, and the selection of a minimum of  
72 2 two but not more than five design=builders to advance to phase  
72 3 II. Phase II includes a request for proposals, the receipt of  
72 4 proposals from those design=builders selected during phase I,  
72 5 including a separate cost and schedule proposal, an interview  
72 6 with each design=builder that submits a proposal, evaluation of  
72 7 each proposal, and selection of a design=builder for the public  
72 8 project.

72 9 DIVISION VIII == FLOODPLAIN MAPPING. This division provides  
72 10 for the use of funds allocated to the department of natural  
72 11 resources for floodplain mapping from the appropriation made  
72 12 to the department of economic development in 2009 Iowa Acts,  
72 13 chapter 183, section 67, of federal community development block  
72 14 grant funds awarded to the state under the federal Consolidated  
72 15 Security, Disaster Assistance, and Continuing Appropriations  
72 16 Act, 2009, Pub. L. No. 110=329, the department of economic  
72 17 development shall enter an agreement in an amount of not less  
72 18 than \$10,000,000 with the state university of Iowa for the  
72 19 development of new floodplain maps by June 30, 2014, by the  
72 20 Iowa flood center established pursuant to section 466C.1. The  
72 21 department of economic development shall structure the contract  
72 22 to be consistent with any plan for use of the funds approved  
72 23 by any federal agency, or, if necessary, follow any procedures  
72 24 necessary for approval of this contract.

72 25 DIVISION IX == DEPARTMENT OF ADMINISTRATIVE SERVICES ==  
72 26 OFFICE SPACE. This division requires the department of  
72 27 administrative services to issue a request for proposals  
72 28 by December 1, 2010, concerning the availability and cost  
72 29 of office space for state employees in downtown Des Moines  
72 30 and in other areas in close proximity to the state capitol  
72 31 complex. The department shall submit a written report to  
72 32 the general assembly concerning the request for proposals by  
72 33 January 14, 2011. The department is also required to conduct  
72 34 a cost=benefit analysis of utilizing existing office space in  
72 35 downtown Des Moines and other areas in close proximity to the



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73 1 state capitol complex in lieu of replacing or renovating the  
73 2 Wallace Building. The department shall submit a written report  
73 3 to the general assembly concerning the cost-benefit analysis by  
73 4 January 14, 2011.

73 5 DIVISION X == CHANGES TO PRIOR YEAR APPROPRIATIONS. This  
73 6 division makes changes to prior year appropriations for FY  
73 7 2006=2007 from the rebuild Iowa infrastructure fund for the  
73 8 department of public safety and from Iowa's health restricted  
73 9 capitals fund for the department of administrative services.  
73 10 The division makes changes to prior year appropriations  
73 11 for FY 2007=2008 from the rebuild Iowa infrastructure fund  
73 12 for the state board of regents and from the technology  
73 13 reinvestment fund for the department of human rights and the  
73 14 Iowa workforce development. The division makes changes to  
73 15 prior year appropriations for FY 2008=2009 from the technology  
73 16 reinvestment fund for the department of education, from the  
73 17 revenue bonds capitals fund for the department of corrections,  
73 18 from the rebuild Iowa infrastructure fund for the departments  
73 19 of administrative services and cultural affairs, and from the  
73 20 FY 2009 prison bonding fund for the department of corrections.  
73 21 The division makes changes to prior year appropriations for  
73 22 FY 2009=2010 from the revenue bonds capitals fund for the  
73 23 departments of agriculture and land stewardship, economic  
73 24 development, natural resources, transportation, and the  
73 25 Iowa telecommunications and technology commission, and from  
73 26 the rebuild Iowa infrastructure fund for the departments of  
73 27 cultural affairs and transportation.

73 28 The division makes changes to prior year appropriations  
73 29 for FY 2010=2011 from the rebuild Iowa infrastructure fund to  
73 30 the department of economic development and from the rebuild  
73 31 Iowa infrastructure fund to the departments of administrative  
73 32 services, corrections, state board of regents, and the Iowa  
73 33 state fair.

73 34 This division takes effect upon enactment.

73 35 DIVISION XI == MISCELLANEOUS CODE CHANGES. The division



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74 1 eliminates the standing FY 2010=2011 \$10 million appropriation  
74 2 from the rebuild Iowa infrastructure fund to the secure an  
74 3 advanced vision for education (SAVE) fund.  
74 4     The division reduces the FY 2010=2011 standing appropriation  
74 5 from the rebuild Iowa infrastructure fund to the environment  
74 6 first fund from \$42 million to \$33 million.  
74 7     The division appropriates \$10 million from the rebuild Iowa  
74 8 infrastructure fund to the technology reinvestment fund for FY  
74 9 2010=2011.  
74 10    The division makes changes to Code section 8.57 relating  
74 11 to the distribution of wagering tax allocations for purposes  
74 12 of pledging a revenue stream for revenue bonds issued on or  
74 13 after July 1, 2010, authorized under the bill. In addition,  
74 14 the division makes changes to Code section 123.53 relating to  
74 15 the beer and liquor control fund to provide for a secondary  
74 16 source of revenue funding for the revenue bonds relating to the  
74 17 revenue bonds federal subsidy holdback fund.  
74 18    The division authorizes the treasurer of state to issue and  
74 19 sell bonds in amounts which provide aggregate net proceeds of  
74 20 not more than \$150 million for purposes of an Iowa jobs grant  
74 21 program relating to disaster prevention for qualified projects  
74 22 in the departments of agriculture and land stewardship,  
74 23 economic development, education, and transportation, and the  
74 24 Iowa finance authority, the state board of regents, and the  
74 25 treasurer of state.  
74 26    The division creates a revenue bonds federal subsidy  
74 27 holdback fund comprised of the wagering tax revenues required  
74 28 to be deposited in the fund, interest attributable to  
74 29 investment moneys in the fund, and any other moneys from any  
74 30 other sources which may be legally available to the treasurer  
74 31 of state for the purpose of the fund. The moneys in the  
74 32 revenue bonds federal subsidy holdback fund are appropriated  
74 33 and shall be used or transferred to the revenue bonds debt  
74 34 service fund solely for the purpose of making payments of  
74 35 principal and interest on the federal subsidy bonds when due,



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75 1 if the treasurer of state or the treasurer's designee has not  
75 2 received a federal subsidy scheduled to be received for such  
75 3 payment by the due date. The moneys on deposit in the revenue  
75 4 bonds federal subsidy holdback fund are required to be used  
75 5 or transferred to the revenue bonds debt service fund solely  
75 6 for the purpose of making payments of principal and interest  
75 7 on federal subsidy bonds prior to any use or transfer of  
75 8 moneys on deposit in any bond reserve fund created for such  
75 9 federal subsidy bonds by the treasurer of state. At any time  
75 10 during each fiscal year that there are moneys on deposit in  
75 11 the revenue bonds federal subsidy holdback fund that are not  
75 12 needed to pay principal and interest on federal subsidy bonds  
75 13 during such fiscal year, all moneys on deposit in the revenue  
75 14 bonds federal subsidy holdback account shall be credited to  
75 15 the general fund. For purposes of the bill, "federal subsidy"  
75 16 means any payment from the federal government with respect to  
75 17 federal subsidy bonds and "federal subsidy bonds" means any  
75 18 bonds issued and sold pursuant to Code section 12.87 for which  
75 19 a federal subsidy is expected to be paid on or before any date  
75 20 on which interest on such bonds is due and payable.

75 21 The division eliminates standing appropriations for FY  
75 22 2010=2011 from the rebuild Iowa infrastructure fund to the  
75 23 community attraction and tourism fund and from the franchise  
75 24 tax revenues deposited in the general fund of the state to the  
75 25 community attraction and tourism fund.

75 26 The division eliminates standing appropriations from the  
75 27 rebuild Iowa infrastructure fund and the general fund for FY  
75 28 2010=2011 to the department of economic development for the  
75 29 community attraction and tourism program.

75 30 The division appropriates funds from the rebuild Iowa  
75 31 infrastructure fund to the Iowa finance authority for deposit  
75 32 into the housing trust fund for FY 2010=2011.

75 33 The division creates an Iowa jobs II program to assist  
75 34 in the development and completion of public construction  
75 35 projects relating to disaster prevention. A city or county



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76 1 in this state or a regional transit district as defined in  
76 2 chapter 28M that applies the smart planning principles and  
76 3 guidelines pursuant to Code sections 18B.1 and 18B.2 if  
76 4 enacted in 2010 Iowa Acts, Senate File 2265, may submit an  
76 5 application to the Iowa jobs board created in Code section  
76 6 16.191 for a local infrastructure competitive grant for an  
76 7 eligible project under the program. The board is required to  
76 8 consider certain criteria in evaluating eligible projects to  
76 9 receive financial assistance under the program. Any award  
76 10 of financial assistance to a project is limited to up to 75  
76 11 percent of the total cost of the total cost of the development  
76 12 and completion of a public construction project relating to  
76 13 disaster prevention.

76 14 The division amends Code section 26.3 relating to  
76 15 competitive bids for public improvement contracts. The  
76 16 division provides that a governmental entity shall ensure that  
76 17 a sufficient number of paper copies of the project's contract  
76 18 documents, including all drawings, plans, specifications, and  
76 19 estimated total costs of the proposed public improvement are  
76 20 made available for distribution at no charge to prospective  
76 21 bidders, subcontractor bidders, suppliers, and contractor plan  
76 22 room services. If a deposit is required as part of a paper  
76 23 contract documents distribution policy by the public owner,  
76 24 the deposit shall not exceed \$1,000 per set which shall be  
76 25 refunded upon return of the contract documents within 14 days  
76 26 after award of the project. If the contract documents are not  
76 27 returned in a timely manner and in a reusable condition, the  
76 28 deposit shall be forfeited.

76 29 The division makes technical changes relating to the  
76 30 reversion of funds provisions in Code sections 327H.20A  
76 31 (railroad revolving loan and grant fund) and 327J.2 (passenger  
76 32 rail service revolving fund).

76 33 The division repeals Code section 12.90A authorizing the  
76 34 treasurer of state to issue annual appropriation bonds on or  
76 35 after July 1, 2010, and makes conforming changes by repealing



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77 1 the annual appropriation bonds debt service fund (Code section  
77 2 12.90B), the appropriations bonds capitals fund (Code section  
77 3 12.90C), and the vertical infrastructure restricted capitals  
77 4 fund (Code section 8.57D).  
77 5 The division repeals the public service shelter grant  
77 6 fund (Code section 16.185), the disaster damage housing  
77 7 assistance grant fund (Code section 16.186), the affordable  
77 8 housing assistance grant fund (Code section 16.187), and the  
77 9 bridge safety fund (Code section 313.68), and makes conforming  
77 10 changes.

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## Senate Amendment 5333

PAG LIN

1 1 Amend Senate File 2375, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 3, by striking line 15 and inserting  
1 4 ~~<prepaid authorization numbers~~ services and prepaid  
1 5 wireless calling services.>  
1 6 #2. Page 6, line 33, by striking <knowingly or>  
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Senate Amendment 5334

PAG LIN

1 1 Amend Senate File 2356, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, by striking lines 2 through 17 and  
1 4 inserting:  
1 5 IOWACARE PROGRAM AND OTHER HEALTH CARE OPTIONS>  
1 6 #2. Page 2, line 6, after <network.> by inserting  
1 7 <In developing the phase-in plan the department shall  
1 8 consult with the medical assistance projections and  
1 9 assessment council created in section 249J.20. Any  
1 10 plan developed shall be approved by the council prior  
1 11 to implementation. The phase-in of the regional  
1 12 provider network shall be implemented in a manner that  
1 13 ensures that program expenditures do not exceed budget  
1 14 neutrality limits and funded program capacity, and that  
1 15 ensures compliance with the eligibility maintenance of  
1 16 effort requirements of the federal American Recovery  
1 17 and Reinvestment Act of 2009.>  
1 18 #3. Page 2, by striking lines 30 through 32 and  
1 19 inserting <such hospital has reached service capacity,  
1 20 the hospital and the>  
1 21 #4. Page 4, by striking lines 7 through 16.  
1 22 #5. Page 5, after line 24 by inserting:  
1 23 <Sec. \_\_\_\_ . IOWACARE POPULATION == OPTIMIZATION  
1 24 OF SERVICE DELIVERY AND OUTCOMES. The publicly owned  
1 25 acute care teaching hospital located in a county  
1 26 with a population over three hundred fifty thousand,  
1 27 the federally qualified health center located in  
1 28 such county, and the university of Iowa hospitals  
1 29 and clinics shall actively collaborate to optimize  
1 30 effective and efficient delivery of services that  
1 31 result in the best possible outcomes for IowaCare  
1 32 members.>  
1 33 #6. By striking page 5, line 25, through page 13,  
1 34 line 5, and inserting:  
1 35 <DIVISION ii  
1 36 IOWA INSURANCE INFORMATION EXCHANGE  
1 37 Sec. \_\_\_\_ . NEW SECTION. 505.32 Iowa insurance  
1 38 information exchange.  
1 39 1. Purpose. The purpose of this section is to  
1 40 establish an information clearinghouse where all Iowans  
1 41 can obtain information about health care coverage that  
1 42 is available in this state including availability of  
1 43 care delivered by safety-net providers and comparisons  
1 44 of benefits, premiums, and out-of-pocket costs.  
1 45 2. Definitions. As used in this section, unless  
1 46 the context otherwise requires:  
1 47 a. "Carrier" means an insurer providing accident  
1 48 and sickness insurance under chapter 509, 514, or  
1 49 514A and includes a health maintenance organization  
1 50 established under chapter 514B if payments received



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2 1 by the health maintenance organization are considered  
2 2 premiums pursuant to section 514B.31 and are taxed  
2 3 under chapter 432. "Carrier" also includes a  
2 4 corporation which becomes a mutual insurer pursuant  
2 5 to section 514.23 and any other person as defined in  
2 6 section 4.1, subsection 20, who is or may become liable  
2 7 for the tax imposed by chapter 432.  
2 8 b. "Commissioner" means the commissioner of  
2 9 insurance.  
2 10 c. "Creditable coverage" means the same as defined  
2 11 in section 513B.2.  
2 12 d. "Exchange" means the Iowa insurance information  
2 13 exchange.  
2 14 e. "Health insurance" means accident and sickness  
2 15 insurance authorized by chapter 509, 514, or 514A.  
2 16 f. (1) "Health insurance coverage" means health  
2 17 insurance coverage offered to individuals.  
2 18 (2) "Health insurance coverage" does not include any  
2 19 of the following:  
2 20 (a) Coverage for accident=only, or disability  
2 21 income insurance.  
2 22 (b) Coverage issued as a supplement to liability  
2 23 insurance.  
2 24 (c) Liability insurance, including general  
2 25 liability insurance and automobile liability insurance.  
2 26 (d) Workers' compensation or similar insurance.  
2 27 (e) Automobile medical=payment insurance.  
2 28 (f) Credit=only insurance.  
2 29 (g) Coverage for on=site medical clinic care.  
2 30 (h) Other similar insurance coverage, specified in  
2 31 federal regulations, under which benefits for medical  
2 32 care are secondary or incidental to other insurance  
2 33 coverage or benefits.  
2 34 (3) "Health insurance coverage" does not include  
2 35 benefits provided under a separate policy as follows:  
2 36 (a) Limited=scope dental or vision benefits.  
2 37 (b) Benefits for long=term care, nursing home care,  
2 38 home health care, or community=based care.  
2 39 (c) Any other similar limited benefits as provided  
2 40 by rule of the commissioner.  
2 41 (4) "Health insurance coverage" does not include  
2 42 benefits offered as independent noncoordinated benefits  
2 43 as follows:  
2 44 (a) Coverage only for a specified disease or  
2 45 illness.  
2 46 (b) A hospital indemnity or other fixed indemnity  
2 47 insurance.  
2 48 (5) "Health insurance coverage" does not include  
2 49 Medicare supplemental health insurance as defined under  
2 50 section 1882(g)(1) of the federal Social Security Act,



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3 1 coverage supplemental to the coverage provided under  
3 2 10 U.S.C. ch. 55 and similar supplemental coverage  
3 3 provided to coverage under group health insurance  
3 4 coverage.  
3 5 g. "Legislative health care coverage commission" or  
3 6 "commission" means the legislative health care coverage  
3 7 commission created in 2009 Iowa Acts, ch. 118, section  
3 8 1.  
3 9 h. "Medicare" means the federal government health  
3 10 insurance program established under Tit. XVIII of the  
3 11 federal Social Security Act.  
3 12 i. "Organized delivery system" means an organized  
3 13 delivery system as licensed by the director of public  
3 14 health.  
3 15 3. Iowa insurance information exchange  
3 16 established. An Iowa insurance information exchange is  
3 17 established in the insurance division of the department  
3 18 of commerce under the authority of the commissioner of  
3 19 insurance.  
3 20 a. The commissioner, in collaboration with the  
3 21 legislative health care coverage commission, shall  
3 22 develop a plan of operation for the exchange within  
3 23 one hundred eighty days from the effective date of  
3 24 this section. The plan shall create an information  
3 25 clearinghouse that provides resources where Iowans can  
3 26 obtain information about health care coverage that is  
3 27 available in the state.  
3 28 b. The commissioner shall keep records of all  
3 29 financial transactions related to the establishment  
3 30 and operation of the exchange and shall deliver an  
3 31 annual fiscal report of the costs of administering the  
3 32 exchange to the general assembly by December 15 of each  
3 33 year.  
3 34 4. Powers and duties of exchange.  
3 35 a. The commissioner shall report on the status of  
3 36 the exchange at all regular meetings of the legislative  
3 37 health care coverage commission, including progress in  
3 38 developing and implementing the exchange operationally,  
3 39 resources available through the exchange, information  
3 40 about utilization of the resources offered by  
3 41 the exchange, including demographic information  
3 42 that illustrates how and by whom the exchange is  
3 43 being utilized, and the costs of implementing and  
3 44 operating the exchange. The commissioner may make  
3 45 recommendations to the commission for including but not  
3 46 limited to the following:  
3 47 (1) Promotion of greater transparency in providing  
3 48 quality data on health care providers and health care  
3 49 coverage plans and in providing data on the cost of  
3 50 medical care that is easily accessible to the public.



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4 1 (2) Statutory options that improve seamlessness in  
4 2 the health care system in this state.

4 3 (3) Funding opportunities to increase health care  
4 4 coverage in the state, particularly for individuals who  
4 5 have been denied access to health insurance coverage.

4 6 b. The commissioner shall implement and maintain  
4 7 information on the insurance division internet site  
4 8 that is easily accessible and available to consumers  
4 9 and purchasers of health insurance coverage regarding  
4 10 each carrier licensed to do business in this state.  
4 11 The information provided shall be understandable to  
4 12 consumers and purchasers of health insurance coverage  
4 13 and shall include but is not limited to information  
4 14 regarding plan design, premium rate filings and  
4 15 approvals, health care cost information, and any  
4 16 other information specific to this state that the  
4 17 commissioner determines may be beneficial to consumers  
4 18 and purchasers of health insurance coverage. The  
4 19 commissioner may contract with outside vendors and  
4 20 entities to assist in providing this information on the  
4 21 internet site.

4 22 c. The exchange shall provide information about  
4 23 all public and private health care coverage that is  
4 24 available in this state including the cost to the  
4 25 public, and comparisons of benefits, premiums, and  
4 26 out-of-pocket costs.

4 27 (1) The commissioner may establish methodologies  
4 28 to provide uniform and consistent side-by-side  
4 29 comparisons of the health care coverage options that  
4 30 are offered by carriers, organized delivery systems,  
4 31 and public programs in this state including but not  
4 32 limited to benefits covered and not covered, the  
4 33 amount of coverage for each service, including copays  
4 34 and deductibles, administrative costs, and any prior  
4 35 authorization requirements for coverage.

4 36 (2) The commissioner may require each carrier,  
4 37 organized delivery system, and public program in this  
4 38 state to describe each health care coverage option  
4 39 offered by that carrier, organized delivery system, or  
4 40 public program in a manner so that the various options  
4 41 can be compared as provided in subparagraph (1).

4 42 d. The commissioner shall provide ongoing  
4 43 information to taxpayers about the costs of public  
4 44 health care programs to the state, including the  
4 45 administrative costs of the programs and the percentage  
4 46 and source of state and federal funding for the  
4 47 programs, utilizing information provided by the  
4 48 department of human services and the department of  
4 49 public health.

4 50 e. The exchange may provide information to assist



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5 1 Iowans with making an informed choice when selecting  
5 2 health care coverage.  
5 3 f. The commissioner may utilize independent  
5 4 consultants, as deemed necessary, to assist in carrying  
5 5 out the powers and duties of the exchange.  
5 6 g. The commissioner may periodically advertise  
5 7 the general availability of health care coverage  
5 8 information available from the exchange.  
5 9 5. Rules. The commissioner shall adopt rules  
5 10 pursuant to chapter 17A to implement the provisions of  
5 11 this section.>  
5 12 #7. Title page, by striking lines 1 through 4 and  
5 13 inserting <An Act relating to the health care including  
5 14 IowaCare program provisions and the creation of an Iowa  
5 15 insurance information exchange to promote transparency,  
5 16 quality, seamlessness, and informed choices relative  
5 17 to health care coverage.>  
5 18 #8. By renumbering as necessary.  
SF2356.2864.H (1) 83  
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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 2, after line 29 by inserting:  
1 4 <Sec. \_\_\_\_\_. Section 505.7, Code Supplement 2009, is  
1 5 amended by adding the following new subsection:  
1 6 NEW SUBSECTION. 10. a. The commissioner shall  
1 7 assess the costs of carrying out the insurance  
1 8 division's duties pursuant to section 505.8, subsection  
1 9 18, section 505.17, subsection 2, and sections 505.18  
1 10 and 505.19 that are directly attributable to the  
1 11 performance of the division's duties involving specific  
1 12 health insurance carriers licensed to do business in  
1 13 this state. Such expenses shall be charged to and paid  
1 14 by the specific health insurance carrier to whom the  
1 15 expenses are attributable and upon failure or refusal  
1 16 of any such carrier to pay such expenses, the same may  
1 17 be recovered in an action brought in the name of the  
1 18 state. In addition, the commissioner may revoke the  
1 19 certificate of authority of a health insurance carrier  
1 20 licensed to do business in this state that fails to pay  
1 21 such expenses attributable to that carrier.  
1 22 b. The commissioner shall assess the costs of  
1 23 carrying out the insurance division's duties generally  
1 24 pursuant to section 505.8, subsection 18, section  
1 25 505.17, subsection 2, and sections 505.18 and 505.19,  
1 26 and for implementation and maintenance of health  
1 27 insurance information for consumers on the insurance  
1 28 division internet site, that are not attributable to  
1 29 a specific health insurance carrier, to all health  
1 30 insurance carriers that are licensed to do business  
1 31 in this state on a proportionate basis as provided by  
1 32 rules adopted by the commissioner.  
1 33 Sec. \_\_\_\_\_. Section 505.8, Code Supplement 2009, is  
1 34 amended by adding the following new subsection:  
1 35 NEW SUBSECTION. 18. The commissioner shall  
1 36 annually convene a work group composed of the consumer  
1 37 advocate, health insurance carriers, health care  
1 38 providers, small employers that purchase health  
1 39 insurance under chapter 513B, and individual consumers  
1 40 in the state for the purpose of considering ways  
1 41 to reduce the cost of providing health insurance  
1 42 coverage and health care services, including but  
1 43 not limited to utilization of uniform billing codes,  
1 44 improvements to provider credentialing procedures,  
1 45 reducing out-of-state care expenses, annually assessing  
1 46 the impact of federal health care reform legislation  
1 47 on health care costs in the state and determining  
1 48 whether such legislation has reduced the cost of  
1 49 health insurance in the state, and the electronic  
1 50 delivery of explanation of benefits statements. The



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2 1 recommendations made by the work group shall be  
2 2 included in the annual report filed with the general  
2 3 assembly pursuant to section 505.18.  
2 4 Sec. \_\_\_\_\_. Section 505.17, Code 2009, is amended to  
2 5 read as follows:  
2 6 505.17 Confidential information.  
2 7 1. a. Information, records, and documents utilized  
2 8 for the purpose of, or in the course of, investigation,  
2 9 regulation, or examination of an insurance company or  
2 10 insurance holding company, received by the division  
2 11 from some other governmental entity which treats such  
2 12 information, records, and documents as confidential,  
2 13 are confidential and shall not be disclosed by the  
2 14 division and are not subject to subpoena. Such  
2 15 information, records, and documents do not constitute a  
2 16 public record under chapter 22.  
2 17 b. The disclosure of confidential information,  
2 18 administrative or judicial orders which contain  
2 19 confidential information, or information regarding  
2 20 other action of the division which is not a public  
2 21 record subject to disclosure, to other insurance and  
2 22 financial regulatory officials may be permitted by  
2 23 the commissioner provided that those officials are  
2 24 subject to, or agree to comply with, standards of  
2 25 confidentiality comparable to those imposed on the  
2 26 commissioner.  
2 27 2. Notwithstanding subsection 1, an application for  
2 28 a rate increase filed by a health insurance carrier and  
2 29 all information, records, and documents accompanying  
2 30 such an application or utilized for the purpose of,  
2 31 or in the course of consideration of the application  
2 32 by the commissioner, shall constitute a public record  
2 33 under chapter 22 except as provided in this subsection.  
2 34 a. The commissioner shall consider the written  
2 35 request of a health insurance carrier to keep  
2 36 confidential certain details of an application or  
2 37 accompanying information, records, and documents. If  
2 38 the request includes a sufficient explanation as to why  
2 39 public disclosure of such details would give an unfair  
2 40 advantage to competitors, the commissioner shall keep  
2 41 such details confidential. If the commissioner elects  
2 42 to keep certain details confidential, the commissioner  
2 43 shall release only the nonconfidential details in  
2 44 response to a request for records made pursuant to  
2 45 chapter 22. If confidential details are withheld from  
2 46 a request for records made pursuant to chapter 22, the  
2 47 commissioner shall release an explanation of why the  
2 48 information was deemed confidential and a summary of  
2 49 the nature of the information withheld and the reasons  
2 50 for withholding the information.



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3 1 b. In considering requests for confidential  
3 2 treatment, the commissioner shall narrowly construe the  
3 3 provisions of this subsection in order to appropriately  
3 4 balance an applicant's need for confidentiality  
3 5 against the public's right to information about the  
3 6 application.

3 7 c. The commissioner shall adopt rules establishing  
3 8 a process relating to requests to keep information  
3 9 confidential pursuant to this subsection which may  
3 10 include but are not limited to the following:

3 11 (1) The nature and extent of competition in the  
3 12 applicant's industry sector or service territory.

3 13 (2) The likelihood of adverse financial impact to  
3 14 the applicant if the information were to be released.

3 15 (3) Any other factor the commissioner reasonably  
3 16 considers relevant.

3 17 Sec. \_\_\_\_. NEW SECTION. 505.18 Annual report.

3 18 1. Consumers deserve to know the quality and cost  
3 19 of their health care insurance. Health care insurance  
3 20 transparency provides consumers with the information  
3 21 necessary, and the incentive, to choose health plans  
3 22 based on cost and quality. Reliable cost and quality  
3 23 information about health care insurance empowers  
3 24 consumer choice and consumer choice creates incentives  
3 25 at all levels, and motivates the entire health care  
3 26 delivery system to provide better health care and  
3 27 health care benefits at a lower cost. It is the  
3 28 purpose of this section to make information regarding  
3 29 the costs of health care insurance readily available to  
3 30 consumers through the consumer advocate bureau of the  
3 31 insurance division.

3 32 2. The commissioner in collaboration with the  
3 33 consumer advocate shall prepare and deliver a report  
3 34 to the governor and to the general assembly no later  
3 35 than November 15 of each year that provides findings  
3 36 regarding health spending costs for health insurance  
3 37 plans in the state for the previous fiscal year.

3 38 The commissioner may contract with outside vendors  
3 39 or entities to assist in providing the information  
3 40 contained in the annual report. The report shall  
3 41 provide, at a minimum, the following information:

3 42 a. Aggregate health insurance data concerning loss  
3 43 ratios of health insurance carriers licensed to do  
3 44 business in the state.

3 45 b. Rate increase data.

3 46 c. Health care expenditures in the state and the  
3 47 effect of such expenditures on health insurance premium  
3 48 rates.

3 49 d. A ranking and quantification of those factors  
3 50 that result in higher costs and those factors that



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4 1 result in lower costs for each health insurance plan  
4 2 offered in the state.  
4 3 e. The current capital and surplus and reserve  
4 4 amounts held in reserve by each health insurance  
4 5 carrier licensed to do business in the state.  
4 6 f. A listing of any apparent medical trends  
4 7 affecting health insurance costs in the state.  
4 8 g. Any additional data or analysis deemed  
4 9 appropriate by the commissioner to provide the  
4 10 general assembly with pertinent health insurance cost  
4 11 information.  
4 12 h. Recommendations made by the work group convened  
4 13 pursuant to section 505.8, subsection 18.  
4 14 Sec. \_\_\_\_\_. NEW SECTION. 505.19 Health insurance  
4 15 rate increase applications == public hearing and  
4 16 comment.  
4 17 1. All health insurance carriers licensed to  
4 18 do business in the state shall immediately notify  
4 19 policyholders of any application for a rate increase  
4 20 exceeding the average annual health spending growth  
4 21 rate stated in the most recent national health  
4 22 expenditure projection published by the centers for  
4 23 Medicare and Medicaid services of the United States  
4 24 department of health and human services, that is  
4 25 filed with the insurance division. Such notice shall  
4 26 specify the rate increase proposed that is applicable  
4 27 to each policyholder and shall include the ranking and  
4 28 quantification of those factors that are responsible  
4 29 for the amount of the rate increase proposed. The  
4 30 notice shall include information about how the  
4 31 policy holder can contact the consumer advocate for  
4 32 assistance.  
4 33 2. The commissioner shall hold a public hearing at  
4 34 the time a carrier files for proposed health insurance  
4 35 rate increases exceeding the average annual health  
4 36 spending growth rate as provided in subsection 1,  
4 37 prior to approval or disapproval of the proposed rate  
4 38 increases for that carrier by the commissioner.  
4 39 3. The consumer advocate shall solicit public  
4 40 comments on each proposed health insurance rate  
4 41 increase application if the increase exceeds the  
4 42 average annual health spending growth rate as provided  
4 43 in subsection 1, and shall post without delay all  
4 44 comments received on the insurance division's internet  
4 45 site prior to approval or disapproval of the proposed  
4 46 rate increase by the commissioner.  
4 47 4. The consumer advocate shall present the public  
4 48 testimony and comments received for consideration by  
4 49 the commissioner in determining whether to approve  
4 50 or disapprove such health insurance rate increase



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5 1 proposals.  
5 2 4A. a. For the purposes of this section, "health  
5 3 insurance" does not include any of the following:  
5 4 (1) Coverage for accident=only, or disability  
5 5 income insurance.  
5 6 (2) Coverage issued as a supplement to liability  
5 7 insurance.  
5 8 (3) Liability insurance, including general  
5 9 liability insurance and automobile liability insurance.  
5 10 (4) Workers' compensation or similar insurance.  
5 11 (5) Automobile medical=payment insurance.  
5 12 (6) Credit=only insurance.  
5 13 (7) Coverage for on=site medical clinic care.  
5 14 (8) Other similar insurance coverage, specified in  
5 15 federal regulations, under which benefits for medical  
5 16 care are secondary or incidental to other insurance  
5 17 coverage or benefits.  
5 18 b. For the purposes of this section, "health  
5 19 insurance" does not include benefits provided under a  
5 20 separate policy as follows:  
5 21 (1) Limited scope dental or vision benefits.  
5 22 (2) Benefits for long=term care, nursing home care,  
5 23 home health care, or community=based care.  
5 24 (3) Any other similar limited benefits as provided  
5 25 by rule of the commissioner.  
5 26 c. For the purposes of this section, "health  
5 27 insurance" does not include benefits offered as  
5 28 independent noncoordinated benefits as follows:  
5 29 (1) Coverage only for a specified disease or  
5 30 illness.  
5 31 (2) A hospital indemnity or other fixed indemnity  
5 32 insurance.  
5 33 d. For the purposes of this section, "health  
5 34 insurance" does not include Medicare supplemental  
5 35 health insurance as defined under { 1882(g)(1) of the  
5 36 federal Social Security Act, coverage supplemental  
5 37 to the coverage provided under 10 U.S.C. ch. 55, and  
5 38 similar supplemental coverage provided to coverage  
5 39 under group health insurance coverage.  
5 40 5. The commissioner shall adopt rules pursuant  
5 41 to chapter 17A to implement the provisions of this  
5 42 section.>  
5 43 #2. Page 11, after line 9, by inserting:  
5 44 <Sec. \_\_\_\_\_. NEW SECTION. 514C.26 Mental illness and  
5 45 substance abuse treatment coverage for veterans.  
5 46 1. Notwithstanding the uniformity of treatment  
5 47 requirements of section 514C.6, a group policy  
5 48 or contract providing for third=party payment or  
5 49 prepayment of health or medical expenses issued by  
5 50 a carrier, as defined in section 513B.2, or by an



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6 1 organized delivery system authorized under 1993 Iowa  
6 2 Acts, chapter 158, shall provide coverage benefits to  
6 3 an insured who is a veteran for treatment of mental  
6 4 illness and substance abuse if either of the following  
6 5 is satisfied:

6 6 a. The policy or contract is issued to an employer  
6 7 who on at least fifty percent of the employer's working  
6 8 days during the preceding calendar year employed  
6 9 more than fifty full-time equivalent employees.  
6 10 In determining the number of full-time equivalent  
6 11 employees of an employer, employers who are affiliated  
6 12 or who are able to file a consolidated tax return for  
6 13 purposes of state taxation shall be considered one  
6 14 employer.

6 15 b. The policy or contract is issued to a small  
6 16 employer as defined in section 513B.2, and such  
6 17 policy or contract provides coverage benefits for the  
6 18 treatment of mental illness and substance abuse.

6 19 2. Notwithstanding the uniformity of treatment  
6 20 requirements of section 514C.6, a plan established  
6 21 pursuant to chapter 509A for public employees shall  
6 22 provide coverage benefits to an insured who is a  
6 23 veteran for treatment of mental illness and substance  
6 24 abuse as defined in subsection 3.

6 25 3. For purposes of this section:

6 26 a. "Mental illness" means mental disorders as  
6 27 defined by the commissioner by rule.

6 28 b. "Substance abuse" means a pattern of pathological  
6 29 use of alcohol or a drug that causes impairment in  
6 30 social or occupational functioning, or that produces  
6 31 physiological dependency evidenced by physical  
6 32 tolerance or by physical symptoms when the alcohol or  
6 33 drug is withdrawn.

6 34 c. "Veteran" means the same as defined in section  
6 35 35.1.

6 36 4. The commissioner, by rule, shall define "mental  
6 37 illness" consistent with definitions provided in  
6 38 the most recent edition of the American psychiatric  
6 39 association's diagnostic and statistical manual of  
6 40 mental disorders, as the definitions may be amended  
6 41 from time to time. The commissioner may adopt the  
6 42 definitions provided in such manual by reference.

6 43 5. This section shall not apply to accident only,  
6 44 specified disease, short-term hospital or medical,  
6 45 hospital confinement indemnity, credit, dental, vision,  
6 46 Medicare supplement, long-term care, basic hospital  
6 47 and medical-surgical expense coverage as defined  
6 48 by the commissioner, disability income insurance  
6 49 coverage, coverage issued as a supplement to liability  
6 50 insurance, workers' compensation or similar insurance,



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7 1 or automobile medical payment insurance, or individual  
7 2 accident and sickness policies issued to individuals or  
7 3 to individual members of a member association.

7 4 6. A carrier, organized delivery system, or plan  
7 5 established pursuant to chapter 509A may manage the  
7 6 benefits provided through common methods including  
7 7 but not limited to providing payment of benefits  
7 8 or providing care and treatment under a capitated  
7 9 payment system, prospective reimbursement rate system,  
7 10 utilization control system, incentive system for the  
7 11 use of least restrictive and least costly levels of  
7 12 care, a preferred provider contract limiting choice of  
7 13 specific providers, or any other system, method, or  
7 14 organization designed to assure services are medically  
7 15 necessary and clinically appropriate.

7 16 7. a. A group policy or contract or plan covered  
7 17 under this section shall not impose an aggregate annual  
7 18 or lifetime limit on mental illness or substance abuse  
7 19 coverage benefits unless the policy or contract or  
7 20 plan imposes an aggregate annual or lifetime limit  
7 21 on substantially all medical and surgical coverage  
7 22 benefits.

7 23 b. A group policy or contract or plan covered  
7 24 under this section that imposes an aggregate annual  
7 25 or lifetime limit on substantially all medical  
7 26 and surgical coverage benefits shall not impose an  
7 27 aggregate annual or lifetime limit on mental illness  
7 28 or substance abuse coverage benefits which is less  
7 29 than the aggregate annual or lifetime limit imposed  
7 30 on substantially all medical and surgical coverage  
7 31 benefits.

7 32 8. A group policy or contract or plan covered  
7 33 under this section shall at a minimum allow for  
7 34 thirty inpatient days and fifty-two outpatient visits  
7 35 annually. The policy or contract or plan may also  
7 36 include deductibles, coinsurance, or copayments,  
7 37 provided the amounts and extent of such deductibles,  
7 38 coinsurance, or copayments applicable to other medical  
7 39 or surgical services coverage under the policy or  
7 40 contract or plan are the same. It is not a violation  
7 41 of this section if the policy or contract or plan  
7 42 excludes entirely from coverage benefits for the cost  
7 43 of providing the following:

7 44 a. Care that is substantially custodial in nature.

7 45 b. Services and supplies that are not medically  
7 46 necessary or clinically appropriate.

7 47 c. Experimental treatments.

7 48 9. This section applies to third-party payment  
7 49 provider policies or contracts and plans established  
7 50 pursuant to chapter 509A delivered, issued for



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8 1 delivery, continued, or renewed in this state on or  
8 2 after January 1, 2011.>  
8 3 #3. Page 16, by striking lines 9 through 27.  
8 4 #4. Page 18, after line 31 by inserting:  
8 5 <Sec. \_\_\_\_\_. 2009 Iowa Acts, chapter 118, section 1,  
8 6 is amended by adding the following new subsection:  
8 7 NEW SUBSECTION. 6A. The commission shall also  
8 8 complete an annual review of the cost of health  
8 9 insurance mandates currently imposed on health  
8 10 insurance regulated by the state and provide  
8 11 projections of the cost of any mandates that the  
8 12 commission determines may be considered by the general  
8 13 assembly during the upcoming legislative session. The  
8 14 review and projections shall be included in the annual  
8 15 reports provided by the commission to the general  
8 16 assembly pursuant to this section.  
8 17 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The following  
8 18 provisions of this Act, being deemed of immediate  
8 19 importance, take effect upon enactment:  
8 20 1. The section of this Act enacting section 505.7,  
8 21 subsection 10.  
8 22 2. The section of this Act enacting section 505.8,  
8 23 subsection 18.  
8 24 3. The section of this Act amending section 505.17.  
8 25 4. The sections of this Act enacting sections  
8 26 505.18 and 505.19.  
8 27 5. The section of this Act amending 2009 Iowa Acts,  
8 28 chapter 118, section 1.  
8 29 #5. Title page, line 4, after <Act,> by inserting <a  
8 30 health care and insurance cost work group, applications  
8 31 for health insurance rate increases, an internet  
8 32 consumer guide,>  
8 33 #6. Title page, line 5, after <associations,> by  
8 34 inserting <special health and accident insurance  
8 35 coverages,>  
8 36 #7. Title page, line 9, after <applicable> by  
8 37 inserting <and including effective date provisions>  
8 38 #8. By renumbering as necessary.  
SF2201.2878.H (1) 83  
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1 1 Amend Senate File 2265, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, line 6, after <decisions> by inserting  
1 4 <, except that a state agency, local government, or  
1 5 other public entity applying any of the following  
1 6 principles shall not implement or undertake a planning,  
1 7 zoning, development, or resources management decision  
1 8 that involves the use of eminent domain authority under  
1 9 chapter 6A or 6B>  
1 10 #2. Page 2, line 17, by striking <environmentally  
1 11 sensitive land,>  
1 12 #3. Page 3, by striking lines 1 through 11 and  
1 13 inserting:  
1 14 <a. (1) "Development" means any of the following:  
1 15 (a) Construction, reconstruction, renovation,  
1 16 mining, extraction, dredging, filling, excavation, or  
1 17 drilling activity or operation.  
1 18 (b) Man-made changes in the use or appearance of  
1 19 any structure or in the land itself.  
1 20 (c) The division or subdivision of land.  
1 21 (d) Any change in the intensity of use or the use  
1 22 of land.  
1 23 (2) "Development" does not include any of the  
1 24 following:  
1 25 (a) Activities on or uses of agricultural land,  
1 26 farm houses, or agricultural buildings or structures,  
1 27 unless such buildings or structures are located in the  
1 28 flood plain of a river or stream.  
1 29 (b) Installation, operation, and maintenance of  
1 30 soil and water conservation practices.  
1 31 (c) The choice of crops or a change in the choice  
1 32 of crops on agricultural land.>  
1 33 #4. By striking page 5, line 34, through page 6,  
1 34 line 4, and inserting <resources.>  
1 35 #5. Page 6, line 17, after <municipality> by  
1 36 inserting <or that pose a risk of catastrophic damage>  
1 37 #6. Page 6, line 19, by striking <consistent with>  
1 38 and inserting <after considering>  
1 39 #7. Page 7, after line 2 by inserting:  
1 40 <3. A municipality's comprehensive plan developed  
1 41 using the guidelines under this section shall address  
1 42 prevention and mitigation of, response to, and recovery  
1 43 from a catastrophic flood.>  
1 44 #8. Page 12, line 35, by striking <twenty=seven> and  
1 45 inserting <twenty=nine>  
1 46 #9. Page 13, line 4, by striking <Thirteen> and  
1 47 inserting <Fourteen>  
1 48 #10. Page 13, after line 32 by inserting:  
1 49 <(14) The chairperson of the utilities board within  
1 50 the utilities division of the department of commerce or



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Senate Amendment 5336 continued

2 1 the chairperson's designee.>  
2 2 #11. Page 13, by striking lines 33 and 34 and  
2 3 inserting:  
2 4 <b. Chairperson of the department of community  
2 5 and regional planning at Iowa state university or the  
2 6 chairperson's designee.>  
2 7 #12. Page 14, after line 13 by inserting:  
2 8 <Oj. President of the executive committee of the  
2 9 school administrators of Iowa or the president's  
2 10 designee.>  
2 11 #13. Page 14, line 16, by striking <latest  
2 12 preceding> and inserting <2000>  
2 13 #14. Page 14, line 19, by striking <latest  
2 14 preceding> and inserting <2000>  
2 15 #15. Page 14, line 23, by striking <latest  
2 16 preceding> and inserting <2000>  
2 17 #16. Page 14, line 26, by striking <latest  
2 18 preceding> and inserting <2000>  
2 19 #17. Page 14, line 29, by striking <latest  
2 20 preceding> and inserting <2000>  
2 21 #18. Page 14, line 33, by striking <latest  
2 22 preceding> and inserting <2000>  
2 23 #19. Page 15, line 13, after <governor.> by  
2 24 inserting <For the members of the task force designated  
2 25 in subsection 2, paragraphs "j" through "o", at least  
2 26 one member shall have experience in real estate,  
2 27 at least one member shall have experience in land  
2 28 development, and at least one member shall have  
2 29 experience in residential construction.>  
2 30 #20. Page 15, by striking line 32 and inserting:  
2 31 <8. The director of the department of management,  
2 32 or the director's designee,>  
2 33 #21. Page 16, after line 1 by inserting:  
2 34 <8A. The director of the department of management,  
2 35 or the director's designee, shall seek funding to  
2 36 support municipal comprehensive planning in this  
2 37 state.>  
2 38 #22. Page 16, line 3, by striking <rebuild Iowa  
2 39 office> and inserting <department of management>  
2 40 #23. Page 16, line 22, after <conduct> by inserting  
2 41 <local and regional>  
2 42 #24. Page 16, by striking lines 29 and 30 and  
2 43 inserting:  
2 44 <g. Review municipal comprehensive plans to  
2 45 determine the number of such plans that address the  
2 46 hazards identified in section 18B.2, subsection 2,  
2 47 paragraph "k", and the adequacy of such plans in  
2 48 addressing those hazards.  
2 49 h. Develop a set of recommendations that is  
2 50 consistent with>



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3 1 #25. Page 17, before line 17 by inserting:  
3 2 <i. (1) Develop a model ordinance for the  
3 3 regulation of a two-tenths percent floodplain  
3 4 by political subdivisions. The model ordinance  
3 5 shall include a definition of the term "two-tenths  
3 6 percent floodplain" as applicable to the ordinance's  
3 7 provisions.  
3 8 (2) The taskforce may consider all of the following  
3 9 in the model ordinance:  
3 10 (a) Requirements for the purchase of flood  
3 11 insurance for property.  
3 12 (b) Requirements for new development or  
3 13 modification or improvement of existing development to  
3 14 mitigate the effects of future flooding.  
3 15 (c) The effect of flood control levees.  
3 16 (d) The use of fill and offsets required for the  
3 17 use of fill.  
3 18 (e) Categories of development that should be  
3 19 prohibited.  
3 20 (f) Interaction with regulations by the federal  
3 21 emergency management agency.  
3 22 (g) Any other issues that the taskforce finds  
3 23 should be addressed in the model ordinance.>  
3 24 #26. Page 17, after line 20 by inserting:  
3 25 <12. The task force is dissolved on December 31,  
3 26 2012.>  
3 27 #27. By renumbering, redesignating, and correcting  
3 28 internal references as necessary.  
SF2265.2857.H (2) 83  
mb



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Senate Amendment 5337

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 42, after line 25 by inserting:  
1 4 <DIVISION \_\_\_\_  
1 5 DOG RACETRACKS == STUDY  
1 6 Sec. \_\_\_\_ RACING AND GAMING COMMISSION == DOG  
1 7 RACETRACKS STUDY. The racing and gaming commission  
1 8 shall study and issue a report on the viability of  
1 9 pari-mutuel dog racetracks in this state to include  
1 10 what, if any, economic impact greyhound racing has  
1 11 on the economy of the state and whether greyhound  
1 12 racing has fulfilled the purpose of facilitating the  
1 13 development and promotion of greyhound racing in the  
1 14 state. The report shall include the number of Iowa  
1 15 employees, payroll wages, and employment benefits, if  
1 16 any, of registered Iowa owners, breeders, and kennels,  
1 17 as verified by state payroll tax filings. The report  
1 18 shall include current and past numbers of registered  
1 19 owners, registered kennels, registered greyhounds,  
1 20 and the disbursement of purse supplement moneys to  
1 21 Iowa-registered owners and kennels as compared to  
1 22 out-of-state owners and kennels, and the status of  
1 23 greyhound racing in the United States to include the  
1 24 number of track closures. The report shall also detail  
1 25 the current generation of revenue to the state from  
1 26 live greyhound racing as compared to the cost incurred  
1 27 by licensees of dog racetracks for conducting live  
1 28 greyhound racing. The commission is authorized to hire  
1 29 a consultant to assist in the development of the study  
1 30 and preparation of the report. On or before January  
1 31 1, 2011, the commission shall file a report which  
1 32 contains the results of the study with the governor and  
1 33 the general assembly. The cost of the report shall be  
1 34 assessed on a proportionate basis to the dog racetracks  
1 35 located in Dubuque and Pottawattamie counties.>  
1 36 #2. By renumbering as necessary.

WALLY E. HORN  
HF2531.2848 (2) 83  
ec/jp



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## Senate Amendment 5338

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 40, after line 29 by inserting:  
1 4 <Sec. \_\_\_\_ Section 314.17, as amended by 2010 Iowa  
1 5 Acts, House File 2458, if enacted, is amended by adding  
1 6 the following new subsections:  
1 7 NEW SUBSECTION. 7. Within fifty feet of a drainage  
1 8 tile or tile intake.  
1 9 NEW SUBSECTION. 8. For access to a mailbox or for  
1 10 other accessibility purposes.  
1 11 NEW SUBSECTION. 9. On rights-of-way adjacent to  
1 12 agricultural demonstration or research plots.>  
1 13 #2. By renumbering as necessary.

DICK L. DEARDEN  
HF2531.2858 (1) 83  
tm/sc



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## Senate Amendment 5339

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 31, after line 23 by inserting:  
1 4 <Sec. \_\_\_\_\_. RENEWABLE BIOMASS. It is the intent of  
1 5 the general assembly that the Iowa power fund board  
1 6 and the department of economic development use moneys  
1 7 appropriated to the Iowa power fund and the department  
1 8 of economic development to encourage projects utilizing  
1 9 biomass made from renewable biomass to produce inputs  
1 10 for agricultural purposes that replace products that  
1 11 are produced using fossil fuels as the raw materials.  
1 12 The projects shall include but not be limited to  
1 13 products such as anhydrous ammonia.>  
1 14 #2. By renumbering as necessary.

WILLIAM HECKROTH

RICH OLIVE

NANCY J. BOETTGER  
HF2531.2860 (3) 83  
tm/jp



Iowa General Assembly  
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Senate Amendment 5340

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 46, after line 5 by inserting:  
1 4 <DIVISION \_\_\_\_  
1 5 CHOICE OF HEALTH CARE  
1 6 Sec. \_\_\_\_ NEW SECTION. 1.19 Right to choose health  
1 7 care.  
1 8 No law shall restrict a person's natural right and  
1 9 power to secure the blessings of liberty to choose  
1 10 private health care systems or private health care  
1 11 plans. No law shall interfere with the right of a  
1 12 person or entity to pay for lawful medical services  
1 13 to preserve life or health, and no law shall impose a  
1 14 penalty, tax, fee, or fine, of any type, for declining  
1 15 or failing to contract for health care coverage or for  
1 16 declining or failing to participate in any particular  
1 17 health care system or plan, except as required by a  
1 18 court of law where an individual or entity is a named  
1 19 party in a legal dispute. Nothing in this section  
1 20 shall be construed to expand, limit, or otherwise  
1 21 modify any determination of law regarding what  
1 22 constitutes lawful medical services within the state  
1 23 of Iowa.>  
1 24 #2. By renumbering as necessary.

BRAD ZAUN

STEVE KETTERING

SHAWN HAMERLINCK

JAMES F. HAHN

RANDY FEENSTRA

NANCY J. BOETTGER

KIM REYNOLDS



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TIM KAPUCIAN

RON WIECK

DAVID JOHNSON

MERLIN BARTZ

DAVID L. HARTSUCH

JAMES A. SEYMOUR

JERRY BEHN

PAUL McKINLEY  
HF2531.2852 (3) 83  
pf/jp



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Senate Amendment 5341

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. By striking page 1, line 19, through page 2,  
1 4 line 1, and inserting:  
1 5 <1. For the budget process applicable to the fiscal  
1 6 year beginning July 1, 2011, on or before October 1,  
1 7 2010, in lieu of the information specified in section  
1 8 8.23, subsection 1, unnumbered paragraph 1, and  
1 9 paragraph "a", all departments and establishments of  
1 10 state government shall transmit to the director of the  
1 11 department of management, in a format specified by the  
1 12 director, budgetary information utilizing a zero-base  
1 13 system.  
1 14 2. Each department and establishment of state  
1 15 government shall provide objective measurements for  
1 16 each program, service, and function administered by the  
1 17 department or establishment and shall report on the  
1 18 measurements and other results to the general assembly  
1 19 every two years. The initial report shall be submitted  
1 20 on or before December 15, 2011, and cover the period  
1 21 beginning July 1, 2009, and ending June 30, 2011.  
1 22 3. Each department and establishment of state  
1 23 government shall submit to the governor and general  
1 24 assembly at the time the budgetary information is  
1 25 submitted under subsection 1 a listing of the programs  
1 26 and duties that could be outsourced to private vendors  
1 27 and an explanation as to why the outsourcing has not  
1 28 occurred. Each department and establishment shall  
1 29 implement outsourcing of the programs that can be  
1 30 outsourced under applicable law and the outsourcing  
1 31 shall be completed on or before July 1, 2011.>  
1 32 #2. Page 6, after line 29 by inserting:  
1 33 <Sec. \_\_\_\_\_. Section 8.22A, Code 2009, is amended by  
1 34 adding the following new subsection:  
1 35 NEW SUBSECTION. 6. The revenue estimating  
1 36 conference shall utilize all relevant information to  
1 37 agree on a separate estimate of the rate of inflation  
1 38 for the fiscal year in progress and the succeeding  
1 39 fiscal year.  
1 40 Sec. \_\_\_\_\_. Section 8.54, subsection 3, Code 2009, is  
1 41 amended to read as follows:  
1 42 3. Except as otherwise provided in this section,  
1 43 the state general fund expenditure limitation for  
1 44 a fiscal year shall be ninety-nine percent of the  
1 45 adjusted revenue estimate. However, any percentage  
1 46 increase in the state general fund expenditure  
1 47 limitation amount calculated for a fiscal year over the  
1 48 limitation amount for the previous fiscal year shall  
1 49 not exceed the rate of inflation for the fiscal year as  
1 50 agreed to by the revenue estimating pursuant to section



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Senate Amendment 5341 continued

2 1 8.22A, subsection 6.>  
2 2 #3. By renumbering as necessary.

RANDY FEENSTRA  
HF2531.2861 (2) 83  
jp/tm



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Senate Amendment 5342

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 38, after line 11 by inserting:  
1 4 <Sec. \_\_\_\_ . NEW SECTION. 103.1A Term "commercial"  
1 5 applied.  
1 6 1. Whenever the term "commercial" is used in  
1 7 this chapter, it shall refer to a use, installation,  
1 8 structure, or premises associated with a place of  
1 9 business where goods, wares, services, or merchandise  
1 10 is stored or offered for sale on a wholesale or retail  
1 11 basis.  
1 12 2. The term "commercial" refers to a residence only  
1 13 if the residence is also used as place of business as  
1 14 provided in subsection 1.  
1 15 3. The term "commercial" does not refer to a use,  
1 16 installation, structure, or premises associated with  
1 17 any of the following:  
1 18 a. A farm.  
1 19 b. An industrial installation.  
1 20 Sec. \_\_\_\_ . Section 103.22, subsection 7, Code  
1 21 Supplement 2009, is amended to read as follows:  
1 22 7. Prohibit an owner of property from performing  
1 23 work on the owner's principal residence, if such  
1 24 residence is an existing dwelling rather than new  
1 25 construction and is not an apartment that is attached  
1 26 to any other apartment or building, as those terms are  
1 27 defined in section 499B.2, and is not larger than a  
1 28 single-family dwelling, ~~or farm property, excluding~~  
~~1 29 commercial or industrial installations or installations~~  
~~1 30 in public use buildings or facilities, or require~~  
1 31 such owner to be licensed under this chapter. In  
1 32 order to qualify for inapplicability pursuant to this  
1 33 subsection, a residence shall qualify for the homestead  
1 34 tax exemption.  
1 35 Sec. \_\_\_\_ . Section 103.22, Code Supplement 2009, is  
1 36 amended by adding the following new subsection:  
1 37 NEW SUBSECTION. 15. Apply to a person performing  
1 38 any installation on a farm, if the person is associated  
1 39 with the farm as a holder of a legal or equitable  
1 40 interest, a relative or employee of the holder, or  
1 41 an operator or manager of the farm. The provisions  
1 42 of this chapter do not require such person to be  
1 43 licensed. In addition, a permit is not required for  
1 44 an installation on a farm, and an installation on a  
1 45 farm is not required to be inspected. In order for  
1 46 a farm building to qualify under this subsection, it  
1 47 cannot regularly be open to the public as a place of  
1 48 business for the retail sale of goods, wares, services,  
1 49 or merchandise.>  
1 50 #2. By renumbering as necessary.



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JERRY BEHN

NANCY J. BOETTGER

RANDY FEENSTRA

JAMES F. HAHN

SHAWN HAMERLINCK

DAVID L. HARTSUCH

HUBERT HOUSER

DAVID JOHNSON

TIM KAPUCIAN

STEVE KETTERING

PAUL MCKINLEY

LARRY NOBLE

KIM REYNOLDS

JAMES A. SEYMOUR



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PAT WARD

RON WIECK

BRAD ZAUN  
HF2531.2811 (2) 83  
rn/jp



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Senate Amendment 5343

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 39, after line 18 by inserting:  
1 4 <Sec. \_\_\_\_\_. Section 237.3, subsection 2, paragraph  
1 5 f, Code Supplement 2009, is amended to read as follows:  
1 6 f. Housing, health, safety, and medical care  
1 7 policies for children receiving child foster care. The  
1 8 medical care policies shall include but are not limited  
1 9 to all of the following:  
1 10 (1) Provision by the department to the foster care  
1 11 provider at or before the time of a child's placement  
1 12 of the child's health records and any other information  
1 13 possessed or known about the health of the child or  
1 14 about a member of the child's family that pertains to  
1 15 the child's health.  
1 16 (2) If the health records supplied in accordance  
1 17 with the child's case permanency plan to the foster  
1 18 care provider are incomplete or the provider requests  
1 19 specific health information, provision for obtaining  
1 20 additional health information from the child's  
1 21 parent or other source and supplying the additional  
1 22 information to the foster care provider.  
1 23 (3) Provision for emergency health coverage of  
1 24 the child while the child is engaged in temporary  
1 25 out-of-state travel with the child's foster family.  
1 26 Sec. \_\_\_\_\_. Section 237.3, subsection 2, paragraph  
1 27 k, subparagraph (1), Code Supplement 2009, is amended  
1 28 to read as follows:  
1 29 (1) Receiving information prior to the child's  
1 30 placement regarding risk factors concerning the child  
1 31 that are known to the department, including but not  
1 32 limited to notice if the child is required to register  
1 33 under chapter 692A.>  
1 34 #2. By renumbering as necessary.

STEVEN SODDERS  
HF2531.2876 (4) 83  
jp/tm



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Senate Amendment 5344

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 46, after line 5 by inserting:  
1 4 <DIVISION \_\_\_\_  
1 5 WORKPLACE ACCOMODATIONS  
1 6 Sec. \_\_\_\_ . NEW SECTION. 91F.1 Short title.  
1 7 This chapter shall be known and may be cited as the  
1 8 "Family Friendly Workplace Act".  
1 9 Sec. \_\_\_\_ . NEW SECTION. 91F.2 Definitions.  
1 10 1. "Employer" means a person engaged in a business  
1 11 who has one or more employees and also includes the  
1 12 state of Iowa, a department or agency thereof, and any  
1 13 political subdivision of the state.  
1 14 2. "Reasonable efforts" means any effort that would  
1 15 not impose an undue hardship on the operation of the  
1 16 employer's business.  
1 17 3. "Undue hardship" means any action that requires  
1 18 significant difficulty, compromises the safety of other  
1 19 employees, requires temporary facility closure, or  
1 20 results in expenditures exceeding five hundred dollars,  
1 21 exclusive of the costs of additional labor or unpaid  
1 22 leave costs.  
1 23 Sec. \_\_\_\_ . NEW SECTION. 91F.3 Right to express  
1 24 breast milk in workplace == private location.  
1 25 1. An employer shall provide reasonable unpaid  
1 26 break time or permit an employee to use paid break  
1 27 time, meal time, or both, each day, to allow the  
1 28 employee to express breast milk for the employee's  
1 29 nursing child for up to two years after the child's  
1 30 birth.  
1 31 2. The employer shall make reasonable efforts  
1 32 to provide a place, other than a toilet stall, which  
1 33 is shielded from view and free from intrusion from  
1 34 coworkers and the public, that may be used by an  
1 35 employee to express breast milk in privacy.  
1 36 3. An employer who makes reasonable efforts  
1 37 to accommodate an employee who chooses to express  
1 38 breast milk in the workplace shall be deemed to be in  
1 39 compliance with the requirements of this section.  
1 40 4. The department of workforce development shall  
1 41 provide on its internet site information and links  
1 42 to other internet sites where employers can access  
1 43 information regarding methods to accommodate employees  
1 44 who express breast milk in the workplace. The  
1 45 department shall consult with appropriate organizations  
1 46 or associations to determine the appropriate  
1 47 information and internet site links so as to provide  
1 48 employers with the most accurate and useful information  
1 49 available.  
1 50 Sec. \_\_\_\_ . Section 91.5, Code 2009, is amended to



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Senate Amendment 5344 continued

2 1 read as follows:  
2 2 91.5 Other duties == jurisdiction in general.  
2 3 The commissioner shall have jurisdiction and it  
2 4 shall be the commissioner's duty to supervise the  
2 5 enforcement of:  
2 6 1. All laws relating to safety appliances  
2 7 and inspection thereof and health conditions in  
2 8 manufacturing and mercantile establishments, workshops,  
2 9 machine shops, other industrial concerns within the  
2 10 commissioner's jurisdiction and sanitation and shelter  
2 11 for railway employees.  
2 12 2. All laws of the state relating to child labor.  
2 13 3. All laws relating to employment agencies.  
2 14 4. All laws relating to expressing breast milk in  
2 15 the workplace.  
2 16 ~~4.~~ 5. Such other provisions of law as are now  
2 17 or shall hereafter be within the commissioner's  
2 18 jurisdiction.>  
2 19 #2. By renumbering as necessary.

PAM JOCHUM

DARYL BEALL  
HF2531.2867 (4) 83  
tm/jp



Iowa General Assembly  
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Senate Amendment 5345

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 46, after line 5 by inserting:  
1 4 <DIVISION \_\_\_\_  
1 5 INCOME TAX CHECKOFFS  
1 6 Sec. \_\_\_\_ . Section 235A.2, subsection 1, Code 2009,  
1 7 is amended to read as follows:  
1 8 1. A child abuse prevention program fund is  
1 9 created in the state treasury under the control of the  
1 10 department of human services. The fund is composed of  
1 11 moneys appropriated or available to and obtained or  
1 12 accepted by the treasurer of state for deposit in the  
1 13 fund. The fund shall include moneys transferred to  
1 14 the fund as provided in section ~~422.12K~~ 422.12F. All  
1 15 interest earned on moneys in the fund shall be credited  
1 16 to and remain in the fund. Section 8.33 does not apply  
1 17 to moneys in the fund.  
1 18 Sec. \_\_\_\_ . NEW SECTION. 422.12F Income tax checkoff  
1 19 for child abuse prevention program fund.  
1 20 1. A person who files an individual or a joint  
1 21 income tax return with the department of revenue under  
1 22 section 422.13 may designate one dollar or more to be  
1 23 paid to the child abuse prevention program fund created  
1 24 in section 235A.2. If the refund due on the return or  
1 25 the payment remitted with the return is insufficient to  
1 26 pay the additional amount designated by the taxpayer  
1 27 to the child abuse prevention program fund, the  
1 28 amount designated shall be reduced to the remaining  
1 29 amount remitted with the return. The designation of a  
1 30 contribution to the child abuse prevention program fund  
1 31 under this section is irrevocable.  
1 32 2. The director of revenue shall draft the income  
1 33 tax form to allow the designation of contributions  
1 34 to the child abuse prevention program fund on the  
1 35 tax return. The department of revenue, on or before  
1 36 January 31, shall transfer the total amount designated  
1 37 on the tax return forms due in the preceding calendar  
1 38 year to the child abuse prevention program fund.  
1 39 However, before a checkoff pursuant to this section  
1 40 shall be permitted, all liabilities on the books of  
1 41 the department of administrative services and accounts  
1 42 identified as owing under section 8A.504 and the  
1 43 political contribution allowed under section 68A.601  
1 44 shall be satisfied.  
1 45 3. The department of human services may authorize  
1 46 payment of moneys from the child abuse prevention  
1 47 program fund, in accordance with section 235A.2.  
1 48 4. The department of revenue shall adopt rules to  
1 49 administer this section.  
1 50 5. This section is subject to repeal under section



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Senate Amendment 5345 continued

2 1 422.12E.  
2 2 Sec. \_\_\_\_\_. NEW SECTION. 422.12G Joint income tax  
2 3 refund checkoff for veterans trust fund and volunteer  
2 4 fire fighter preparedness fund.  
2 5 1. A person who files an individual or a joint  
2 6 income tax return with the department of revenue under  
2 7 section 422.13 may designate one dollar or more to  
2 8 be paid jointly to the veterans trust fund created  
2 9 in section 35A.13 and to the volunteer fire fighter  
2 10 preparedness fund created in section 100B.13. If the  
2 11 refund due on the return or the payment remitted with  
2 12 the return is insufficient to pay the additional amount  
2 13 designated by the taxpayer, the amount designated  
2 14 shall be reduced to the remaining amount of refund or  
2 15 the remaining amount remitted with the return. The  
2 16 designation of a contribution under this section is  
2 17 irrevocable.  
2 18 2. The director of revenue shall draft the income  
2 19 tax form to allow the designation of contributions  
2 20 to the veterans trust fund and to the volunteer fire  
2 21 fighter preparedness fund as one checkoff on the  
2 22 tax return. The department of revenue, on or before  
2 23 January 31, shall transfer one-half of the total  
2 24 amount designated on the tax return forms due in the  
2 25 preceding calendar year to the veterans trust fund and  
2 26 the remaining one-half to the volunteer fire fighter  
2 27 preparedness fund. However, before a checkoff pursuant  
2 28 to this section shall be permitted, all liabilities on  
2 29 the books of the department of administrative services  
2 30 and accounts identified as owing under section 8A.504  
2 31 and the political contribution allowed under section  
2 32 68A.601 shall be satisfied.  
2 33 3. The department of revenue shall adopt rules to  
2 34 administer this section.  
2 35 4. This section is subject to repeal under section  
2 36 422.12E.  
2 37 Sec. \_\_\_\_\_. REPEAL. Section 422.12L, Code 2009, is  
2 38 repealed.  
2 39 Sec. \_\_\_\_\_. REPEAL. Section 422.12K, Code Supplement  
2 40 2009, is repealed.  
2 41 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. This division  
2 42 of this Act applies retroactively to January 1, 2010,  
2 43 for tax years beginning on or after that date.  
2 44 DIVISION \_\_\_\_  
2 45 VENTURE CAPITAL TAX CREDIT ==  
2 46 COMMUNITY=BASED SEED CAPITAL FUND  
2 47 Sec. \_\_\_\_\_. Section 422.11F, subsection 1, Code 2009,  
2 48 is amended by striking the subsection.  
2 49 Sec. \_\_\_\_\_. Section 422.33, subsection 12, paragraph  
2 50 a, Code Supplement 2009, is amended by striking the



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3 1 paragraph.  
3 2     Sec. \_\_\_\_\_. Section 422.60, subsection 5, paragraph  
3 3 a, Code Supplement 2009, is amended by striking the  
3 4 paragraph.  
3 5     Sec. \_\_\_\_\_. Section 432.12C, subsection 1, Code 2009,  
3 6 is amended by striking the subsection.  
3 7     Sec. \_\_\_\_\_. Section 533.329, subsection 2, paragraph  
3 8 h, Code Supplement 2009, is amended by striking the  
3 9 paragraph.  
3 10    Sec. \_\_\_\_\_. REPEAL. Sections 15E.41, 15E.42, 15E.43,  
3 11 15E.44, 15E.45, and 15E.46, Code 2009, are repealed.  
3 12    Sec. \_\_\_\_\_. TAX CREDIT CERTIFICATE VALIDITY. Tax  
3 13 credit certificates issued for future tax years for  
3 14 investments made on or before July 1, 2010, under  
3 15 the provisions repealed in this division of this Act  
3 16 are valid and may be claimed by a taxpayer after the  
3 17 effective date of this division of this Act in the tax  
3 18 year stated on the certificate.>  
3 19 #2. By renumbering as necessary.

JOE BOLKCOM  
HF2531.2871 (2) 83  
tm/jp



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## Senate Amendment 5346

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 37, after line 11 by inserting:  
1 4 <Sec. \_\_\_\_ Section 29A.103A, if enacted by 2010  
1 5 Iowa Acts, Senate File 2318, is amended to read as  
1 6 follows:  
1 7 29A.103A Professional liability insurance.  
1 8 An obligation or liability of a service member to  
1 9 pay a premium for professional liability insurance  
1 10 coverage shall be stayed for the service member during  
1 11 military service, or the payment of professional  
1 12 liability insurance coverage of a service member for  
1 13 the period of military service shall be refunded, and  
1 14 the service member shall be allowed to continue  
1 15 coverage and resume payment upon completion of military  
1 16 service, without penalty.>  
1 17 #2. By renumbering as necessary.

STEVE WARNSTADT  
HF2531.2863 (3) 83  
ec/jp



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1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 46, after line 5 by inserting:  
 1 4 <DIVISION \_\_\_\_  
 1 5 WAIVER OF PENALTIES AND INTEREST  
 1 6 Sec. \_\_\_\_ . WAIVER OF PENALTIES AND INTEREST ==  
 1 7 DISASTER-RELATED LOSSES == REFUNDS.  
 1 8 1. Notwithstanding sections 421.8, 421.27, and  
 1 9 422.25, if a taxpayer has filed a return for tax year  
 1 10 2008 relying in good faith on the expectation that the  
 1 11 state of Iowa would conform to the federal treatment  
 1 12 of disaster-related casualty losses under section  
 1 13 165(h) of the Internal Revenue Code, as modified by  
 1 14 the Heartland Disaster Relief Act of 2008, Pub. L.  
 1 15 No. 110=343, in computing net income for state tax  
 1 16 purposes, the director of revenue shall, for any  
 1 17 taxpayer amending the return in the time permitted by  
 1 18 statute, waive any penalty or interest due as a result  
 1 19 of either a failure to timely pay the tax due or the  
 1 20 filing of a defective or incorrect return.  
 1 21 2. If, prior to the effective date of this division  
 1 22 of this Act, a taxpayer paid penalties or interest as a  
 1 23 result of a good=faiht reliance on the state conforming  
 1 24 to section 165(h) of the Internal Revenue Code, the  
 1 25 department of revenue shall refund such penalties and  
 1 26 interest to the taxpayer.  
 1 27 Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
 1 28 APPLICABILITY. This division of this Act, being deemed  
 1 29 of immediate importance, takes effect upon enactment  
 1 30 and applies retroactively to January 1, 2008, for  
 1 31 tax years beginning on or after that date and before  
 1 32 January 1, 2009.>  
 1 33 #2. By renumbering as necessary.

ROBERT M. HOGG  
 HF2531.2850 (1) 83  
 tm/sc



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1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 38, after line 28 by inserting:  
 1 4 <Sec. \_\_\_\_\_. Section 157.8, subsection 2, Code 2009,  
 1 5 is amended to read as follows:  
 1 6 2. a. The number of instructors for each school  
 1 7 shall be based upon total enrollment, with a minimum  
 1 8 of two licensed instructors employed on a full-time  
 1 9 basis for up to thirty students and an additional  
 1 10 licensed instructor for each fifteen additional  
 1 11 students. ~~However, a A student instructor shall not~~  
 1 12 ~~be used to meet licensed instructor-to-student ratios.~~  
 1 13 A school operated by an area community college prior  
 1 14 to September 1, 1982, with only one instructor per  
 1 15 fifteen students is not subject to this paragraph  
 1 16 and may continue to operate with the ratio of one  
 1 17 licensed instructor to fifteen students and a student  
 1 18 instructor shall not be used to meet this requirement.  
 1 19 b. A school with less than thirty enrolled  
 1 20 students may have one licensed instructor on site in  
 1 21 the school if offering only clinic services or only  
 1 22 theory instruction in a single classroom and less than  
 1 23 fifteen students are present. If a school is offering  
 1 24 clinic services and theory instruction simultaneously  
 1 25 to less than fifteen students, at least two licensed  
 1 26 instructors must be on site. Schools with more than  
 1 27 thirty enrolled students shall meet the licensed  
 1 28 instructor-to-student ratio as provided in paragraph  
 1 29 "a".  
 1 30 ~~a.~~ c. A person employed as an instructor in  
 1 31 the cosmetology arts and sciences by a licensed  
 1 32 school shall be licensed in the practice and shall  
 1 33 possess a separate instructor's license which shall  
 1 34 be renewed biennially. An instructor shall file an  
 1 35 application with the department on forms prescribed  
 1 36 by the board. ~~Prior to licensure, an applicant for~~  
 1 37 ~~an instructor's license shall have been actively~~  
 1 38 ~~engaged in the practice for a period of two years and~~  
 1 39 ~~complete a course of study required by the board or~~  
 1 40 ~~an instructor's course at a school for cosmetology~~  
 1 41 ~~arts and sciences, and meet any other requirement~~  
 1 42 ~~established by the board. Requirements for licensure~~  
 1 43 ~~as an instructor shall be determined by the board by~~  
 1 44 ~~rule.~~  
 1 45 ~~b.~~ d. The application for an instructor's license  
 1 46 shall be accompanied by the biennial fee determined  
 1 47 pursuant to section 147.80.>  
 1 48 #2. By renumbering as necessary.



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PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 46, after line 5 by inserting:  
1 4 <DIVISION \_\_\_\_  
1 5 IOWA PUBLIC INFORMATION BOARD  
1 6 <Sec. \_\_\_\_\_. Section 21.6, subsection 3, paragraph d,  
1 7 Code 2009, is amended to read as follows:  
1 8 d. Shall issue an order removing a member of a  
1 9 governmental body from office if that member has  
1 10 engaged in a prior violation of this chapter for which  
1 11 damages were assessed against the member during the  
1 12 member's term. In making this determination, the court  
1 13 shall recognize violations for which damages were  
1 14 assessed by the Iowa public information board created  
1 15 in section 23.3.  
1 16 Sec. \_\_\_\_\_. Section 22.10, subsection 3, paragraph d,  
1 17 Code 2009, is amended to read as follows:  
1 18 d. Shall issue an order removing a person from  
1 19 office if that person has engaged in a prior violation  
1 20 of this chapter for which damages were assessed against  
1 21 the person during the person's term. In making this  
1 22 determination, the court shall recognize violations  
1 23 for which damages were assessed by the Iowa public  
1 24 information board created in section 23.3.  
1 25 Sec. \_\_\_\_\_. NEW SECTION. 23.1 Citation and purpose.  
1 26 This chapter may be cited as the "Iowa Public  
1 27 Information Board Act". The purpose of this chapter  
1 28 is to provide an alternative means by which to secure  
1 29 compliance with and enforcement of the requirements of  
1 30 chapters 21 and 22 through the provision by the Iowa  
1 31 public information board to all interested parties of  
1 32 an efficient, informal, and cost-effective process for  
1 33 resolving disputes.  
1 34 Sec. \_\_\_\_\_. NEW SECTION. 23.2 Definitions.  
1 35 1. "Board" means the Iowa public information board  
1 36 created in section 23.3.  
1 37 2. "Complainant" means a person who files a  
1 38 complaint with the board.  
1 39 3. "Complaint" means a written and signed document  
1 40 filed with the board alleging a violation of chapter  
1 41 21 or 22.  
1 42 4. "Custodian" means a government body, government  
1 43 official, or government employee designated as the  
1 44 lawful custodian of a government record pursuant to  
1 45 section 22.1.  
1 46 5. "Government body" means the same as defined in  
1 47 section 22.1.  
1 48 6. "Person" means an individual, partnership,  
1 49 association, corporation, legal representative,  
1 50 trustee, receiver, custodian, government body, or



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2 1 official, employee, agency, or political subdivision of  
2 2 this state.  
2 3 7. "Respondent" means any agency or other unit  
2 4 of state or local government, custodian, government  
2 5 official, or government employee who is the subject of  
2 6 a complaint.  
2 7 Sec. \_\_\_\_\_. NEW SECTION. 23.3 Board appointed.  
2 8 1. An Iowa public information board is created  
2 9 consisting of five members appointed by the governor,  
2 10 subject to confirmation by the senate. Membership  
2 11 shall be balanced as to political affiliation as  
2 12 provided in section 69.16 and gender as provided in  
2 13 section 69.16A. Members appointed to the board shall  
2 14 serve staggered, four-year terms, beginning and ending  
2 15 as provided by section 69.19. A quorum shall consist  
2 16 of three members.  
2 17 2. A vacancy on the board shall be filled by the  
2 18 governor by appointment for the unexpired part of the  
2 19 term. A board member may be removed from office by the  
2 20 governor for good cause. The board shall select one  
2 21 of its members to serve as chair and shall employ a  
2 22 director who shall serve as the executive officer of  
2 23 the board.  
2 24 Sec. \_\_\_\_\_. NEW SECTION. 23.4 Compensation and  
2 25 expenses.  
2 26 Board members shall be paid a per diem as specified  
2 27 in section 7E.6 and shall be reimbursed for actual and  
2 28 necessary expenses incurred while on official board  
2 29 business. Per diem and expenses shall be paid from  
2 30 funds appropriated to the board.  
2 31 Sec. \_\_\_\_\_. NEW SECTION. 23.5 Election of remedies.  
2 32 1. An aggrieved person, any taxpayer to or citizen  
2 33 of this state, the attorney general, or any county  
2 34 attorney may seek enforcement of the requirements of  
2 35 chapters 21 and 22 by electing either to file an action  
2 36 pursuant to section 17A.19, 21.6, or 22.10, whichever  
2 37 is applicable, or in the alternative, to file a timely  
2 38 complaint with the board.  
2 39 2. If more than one person seeks enforcement of  
2 40 chapter 21 or 22 with respect to the same incident  
2 41 involving an alleged violation, and one or more of  
2 42 such persons elects to do so by filing an action under  
2 43 section 17A.19, 21.6, or 22.10 and one or more of such  
2 44 persons elects to do so by filing a timely complaint  
2 45 with the board, the court in which the action was filed  
2 46 shall dismiss the action without prejudice, authorizing  
2 47 the complainant to file a complaint with respect to  
2 48 the same incident with the board without regard to the  
2 49 timeliness of the filing of the complaint at the time  
2 50 the action in court is dismissed.



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3 1 3. If a person files an action pursuant to section  
3 2 22.8 seeking to enjoin the inspection of a public  
3 3 record, the respondent or person requesting access to  
3 4 the record which is the subject of the request for  
3 5 injunction may remove the proceeding to the board for  
3 6 its determination by filing, within thirty days of the  
3 7 commencement of the judicial proceeding, a complaint  
3 8 with the board alleging a violation of chapter 22 in  
3 9 regard to the same matter.  
3 10 Sec. \_\_\_\_ . NEW SECTION. 23.6 Board powers and  
3 11 duties.  
3 12 The board shall have all of the following powers and  
3 13 duties:  
3 14 1. Employ such employees as are necessary to  
3 15 execute its authority, including administrative law  
3 16 judges, and attorneys to prosecute respondents in  
3 17 proceedings before the board and to represent the board  
3 18 in proceedings before a court. Notwithstanding section  
3 19 8A.412, all of the board's employees, except for the  
3 20 executive director and attorneys, shall be employed  
3 21 subject to the merit system provisions of chapter 8A,  
3 22 subchapter IV.  
3 23 2. Adopt rules with the force of law pursuant to  
3 24 chapter 17A calculated to implement, enforce, and  
3 25 interpret the requirements of chapters 21 and 22 and to  
3 26 implement any authority delegated to the board by this  
3 27 chapter.  
3 28 3. Issue, consistent with the requirements of  
3 29 section 17A.9, declaratory orders with the force of law  
3 30 determining the applicability of chapter 21 or 22 to  
3 31 specified fact situations and issue informal advice to  
3 32 any person concerning the applicability of chapters 21  
3 33 and 22.  
3 34 4. Receive complaints alleging violations of  
3 35 chapter 21 or 22, seek resolution of such complaints  
3 36 through informal assistance or through mediation and  
3 37 settlement, formally investigate such complaints,  
3 38 decide after such an investigation whether there is  
3 39 probable cause to believe a violation of chapter 21  
3 40 or 22 has occurred, and if probable cause has been  
3 41 found prosecute the respondent before the board in a  
3 42 contested case proceeding conducted according to the  
3 43 provisions of chapter 17A.  
3 44 5. Request and receive from a government body  
3 45 assistance and information as necessary in the  
3 46 performance of its duties. The board may examine  
3 47 a record of a government body that is the subject  
3 48 matter of a complaint, including any record that is  
3 49 confidential by law. Confidential records provided  
3 50 to the board by a governmental body shall continue



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4 1 to maintain their confidential status. Any member or  
4 2 employee of the board is subject to the same policies  
4 3 and penalties regarding the confidentiality of the  
4 4 document as an employee of the government body.

4 5 6. Issue subpoenas enforceable in court for the  
4 6 purpose of investigating complaints and to facilitate  
4 7 the prosecution and conduct of contested cases before  
4 8 the board.

4 9 7. After appropriate board proceedings, issue  
4 10 orders with the force of law, determining whether there  
4 11 has been a violation of chapter 21 or 22, requiring  
4 12 compliance with specified provisions of those chapters,  
4 13 imposing civil penalties equivalent to and to the same  
4 14 extent as those provided for in section 21.6 or 22.10,  
4 15 as applicable, on a respondent who has been found in  
4 16 violation of chapter 21 or 22, and imposing any other  
4 17 appropriate remedies calculated to declare, terminate,  
4 18 or remediate any violation of those chapters.

4 19 8. Represent itself in judicial proceedings  
4 20 to enforce or defend its orders and rules through  
4 21 attorneys on its own staff, through the office of the  
4 22 attorney general, or through other attorneys retained  
4 23 by the board, at its option.

4 24 9. Make training opportunities available to lawful  
4 25 custodians, government bodies, and other persons  
4 26 subject to the requirements of chapters 21 and 22 and  
4 27 require, in its discretion, appropriate persons who  
4 28 have responsibilities in relation to chapters 21 and 22  
4 29 to receive periodic training approved by the board.

4 30 10. Disseminate information calculated to inform  
4 31 members of the public about the public's right to  
4 32 access government information in this state including  
4 33 procedures to facilitate this access and including  
4 34 information relating to the obligations of government  
4 35 bodies under chapter 21 and lawful custodians under  
4 36 chapter 22 and other laws dealing with this subject.

4 37 11. Prepare and transmit to the governor and to the  
4 38 general assembly, at least annually, reports describing  
4 39 complaints received, board proceedings, investigations,  
4 40 hearings conducted, decisions rendered, and other work  
4 41 performed by the board.

4 42 12. Make recommendations to the governor and the  
4 43 general assembly by proposing legislation relating  
4 44 to issues involving public access to meetings of a  
4 45 governmental body and to records of a government body  
4 46 including but not limited to recommendations relating  
4 47 to the following issues:

4 48 a. The categorization of government records.  
4 49 b. Public employment applications.  
4 50 c. Information unduly invading personal privacy



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5 1 including personal information on mailing lists and  
5 2 opt-in provisions relating to such lists and personal  
5 3 information in confidential personnel records of a  
5 4 government body.  
5 5 d. Tentative, preliminary, or draft material.  
5 6 e. Serial meetings of less than a majority of a  
5 7 governmental body.  
5 8 f. Definitions of what constitutes a governmental  
5 9 body for purposes of chapter 21 and what constitutes a  
5 10 government body for purposes of chapter 22.  
5 11 13. Aid the general assembly in evaluating the  
5 12 impact of legislation affecting public access to  
5 13 government information.  
5 14 14. Conduct public hearings, conferences,  
5 15 workshops, and other meetings as necessary to address  
5 16 problems and suggest solutions concerning access to  
5 17 government information and proceedings.  
5 18 15. Review the collection, maintenance, and use of  
5 19 government records by lawful custodians to ensure that  
5 20 confidential records and information are handled to  
5 21 adequately protect personal privacy interests.  
5 22 Sec. \_\_\_\_\_. NEW SECTION. 23.7 Filing of complaints  
5 23 with the board.  
5 24 1. The board shall adopt rules with the force  
5 25 of law and pursuant to chapter 17A providing for the  
5 26 timing, form, content, and means by which any aggrieved  
5 27 person, any taxpayer to or citizen of this state,  
5 28 the attorney general, or any county attorney may file  
5 29 a complaint with the board alleging a violation of  
5 30 chapter 21 or 22. The complaint must be filed within  
5 31 sixty days from the time the alleged violation occurred  
5 32 or the complainant could have become aware of the  
5 33 violation with reasonable diligence. All complaints  
5 34 filed with the board shall be public records.  
5 35 2. All board proceedings in response to the filing  
5 36 of a complaint shall be conducted as expeditiously as  
5 37 possible.  
5 38 3. The board shall not charge a complainant any  
5 39 fee in relation to the filing of a complaint, the  
5 40 processing of a complaint, or any board proceeding or  
5 41 judicial proceeding resulting from the filing of a  
5 42 complaint.  
5 43 Sec. \_\_\_\_\_. NEW SECTION. 23.8 Initial processing of  
5 44 complaint.  
5 45 Upon receipt of a complaint alleging a violation  
5 46 of chapter 21 or 22, the board shall do either of the  
5 47 following:  
5 48 1. Determine that, on its face, the complaint  
5 49 is within the board's jurisdiction, appears legally  
5 50 sufficient, and could have merit. In such a case the



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6 1 board shall accept the complaint, and shall notify the  
6 2 parties of that fact in writing.

6 3 2. Determine that, on its face, the complaint is  
6 4 outside its jurisdiction, is legally insufficient, is  
6 5 frivolous, is without merit, involves harmless error,  
6 6 or relates to a specific incident that has previously  
6 7 been finally disposed of on its merits by the board or  
6 8 a court. In such a case the board shall decline to  
6 9 accept the complaint. If the board refuses to accept a  
6 10 complaint, the board shall provide the complainant with  
6 11 a written order explaining its reasons for the action.

6 12 Sec. \_\_\_\_ NEW SECTION. 23.9 Informal assistance ==  
6 13 mediation and settlement.

6 14 1. After accepting a complaint, the board shall  
6 15 promptly work with the parties through its employees  
6 16 to reach an informal, expeditious resolution of the  
6 17 complaint. If an informal resolution satisfactory to  
6 18 the parties cannot be reached, the board or the board's  
6 19 designee shall offer the parties an opportunity to  
6 20 resolve the dispute through mediation and settlement.

6 21 2. The mediation and settlement process shall  
6 22 enable the complainant to attempt to resolve the  
6 23 dispute with the aid of a neutral mediator employed and  
6 24 selected by the board, in its discretion, from either  
6 25 its own staff or an outside source.

6 26 3. Mediation shall be conducted as an informal,  
6 27 nonadversarial process and in a manner calculated  
6 28 to help the parties reach a mutually acceptable and  
6 29 voluntary settlement agreement. The mediator shall  
6 30 assist the parties in identifying issues and shall  
6 31 foster joint problem solving and the exploration of  
6 32 settlement alternatives.

6 33 Sec. \_\_\_\_ NEW SECTION. 23.10 Enforcement.

6 34 1. If any party declines mediation or settlement or  
6 35 if mediation or settlement fails to resolve the matter  
6 36 to the satisfaction of all parties, the board shall  
6 37 initiate a formal investigation concerning the facts  
6 38 and circumstances set forth in the complaint. The  
6 39 board shall, after an appropriate investigation, make  
6 40 a determination as to whether the complaint is within  
6 41 the board's jurisdiction and whether there is probable  
6 42 cause to believe that the facts and circumstances  
6 43 alleged in the complaint constitute a violation of  
6 44 chapter 21 or 22.

6 45 2. If the board finds the complaint is outside the  
6 46 board's jurisdiction or there is no probable cause to  
6 47 believe there has been a violation of chapter 21 or 22,  
6 48 the board shall issue a written order explaining the  
6 49 reasons for the board's conclusions and dismissing the  
6 50 complaint, and shall transmit a copy to the complainant



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7 1 and to the party against whom the complaint was filed.  
7 2 3. a. If the board finds the complaint is within  
7 3 the board's jurisdiction and there is probable cause  
7 4 to believe there has been a violation of chapter 21  
7 5 or 22, the board shall issue a written order to that  
7 6 effect and shall commence a contested case proceeding  
7 7 under chapter 17A against the respondent. An attorney  
7 8 selected by the director of the board shall prosecute  
7 9 the respondent in the contested case proceeding. At  
7 10 the termination of the contested case proceeding the  
7 11 board shall, by a majority vote of its members, render  
7 12 a final decision as to the merits of the complaint. If  
7 13 the board finds that the complaint has merit, the board  
7 14 may issue any appropriate order to ensure enforcement  
7 15 of chapter 21 or 22 including but not limited to  
7 16 an order requiring specified action or prohibiting  
7 17 specified action and any appropriate order to remedy  
7 18 any failure of the respondent to observe any provision  
7 19 of those chapters.  
7 20 b. If the board determines, by a majority vote of  
7 21 its members, that the respondent has violated chapter  
7 22 21 or 22, the board may also do any or all of the  
7 23 following:  
7 24 (1) Require the respondent to pay damages as  
7 25 provided for in section 21.6 or 22.10, whichever is  
7 26 applicable, to the extent that provision would make  
7 27 such damages payable if the complainant had sought to  
7 28 enforce a violation in court instead of through the  
7 29 board.  
7 30 (2) Void any action taken in violation of chapter  
7 31 21 if a court would be authorized to do so in similar  
7 32 circumstances pursuant to section 21.6.  
7 33 c. The board shall not have the authority to remove  
7 34 a person from public office for a violation of chapter  
7 35 21 or 22. The board may file an action under chapter  
7 36 21 or 22 to remove a person from office for violations  
7 37 that would subject a person to removal under those  
7 38 chapters.  
7 39 d. A final board order resulting from such  
7 40 proceedings may be enforced by the board in court  
7 41 and is subject to judicial review pursuant to section  
7 42 17A.19.  
7 43 Sec. \_\_\_\_\_. NEW SECTION. 23.11 Defenses in a  
7 44 contested case proceeding.  
7 45 A respondent may defend against a proceeding before  
7 46 the board charging a violation of chapter 21 or 22  
7 47 on the ground that if such a violation occurred it  
7 48 was only harmless error or that clear and convincing  
7 49 evidence demonstrated that grounds existed to justify  
7 50 a court to issue an injunction against disclosure



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8 1 pursuant to section 22.8.  
8 2 Sec. \_\_\_\_ . NEW SECTION. 23.12 Jurisdiction.  
8 3 The board shall not have jurisdiction over the  
8 4 judicial or legislative branches of state government or  
8 5 any entity, officer, or employee of those branches, or  
8 6 over the governor or the office of the governor.  
8 7 Sec. \_\_\_\_ . IOWA PUBLIC INFORMATION BOARD ==  
8 8 TRANSITION PROVISIONS.  
8 9 1. The initial members of the Iowa public  
8 10 information board established pursuant to this Act  
8 11 shall be appointed by September 1, 2010.  
8 12 2. Notwithstanding any provision of this Act to the  
8 13 contrary, the director of the board and employees of  
8 14 the board shall not be hired prior to July 1, 2011.  
8 15 3. Prior to January 15, 2011, the board shall  
8 16 submit a report to the governor and the general  
8 17 assembly. The report shall include a job description  
8 18 for the executive director of the board, goals for  
8 19 board operations, and performance measures to measure  
8 20 achievement of the board's goals.  
8 21 4. Implementation of the Iowa public information  
8 22 board is limited to the extent of the funding  
8 23 available. The legislative services agency shall  
8 24 provide transitional administrative support to the  
8 25 board for the fiscal year beginning July 1, 2010, and  
8 26 ending June 30, 2011.  
8 27 Sec. \_\_\_\_ . EFFECTIVE DATE. Except for the section  
8 28 of this Act establishing transition provisions for the  
8 29 Iowa public information board, this division of this  
8 30 Act takes effect July 1, 2011.>  
8 31 #2. By renumbering as necessary.

PAM JOCHUM

DARYL BEALL  
HF2531.2865 (3) 83  
tm/jp



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**Senate Amendment 5350**

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 38, by striking lines 12 through 28 and  
 1 4 inserting:  
 1 5 <Sec. \_\_\_\_ . Section 155A.6A, subsection 3, Code  
 1 6 2009, is amended to read as follows:  
 1 7 3. a. Beginning ~~July 1, 2009~~ December 31, 2012,  
 1 8 a person who is in the process of acquiring national  
 1 9 certification as a pharmacy technician and who is  
 1 10 in training to become a pharmacy technician shall  
 1 11 register with the board as a pharmacy technician. The  
 1 12 registration shall be issued for a period not to exceed  
 1 13 one year and shall not be renewable.  
 1 14 b. A person who is registered as a pharmacy  
 1 15 technician or a pharmacy technician trainee prior  
 1 16 to January 1, 2010, who has worked as a pharmacy  
 1 17 technician or pharmacy technician trainee for a minimum  
 1 18 of two thousand hours in the previous eighteen months  
 1 19 under the direction of a licensed pharmacist shall  
 1 20 have until December 31, 2013, to attain certification  
 1 21 pursuant to this section. The supervising pharmacist  
 1 22 shall be responsible for verifying with the Iowa board  
 1 23 of pharmacy that any person affected by this paragraph  
 1 24 continues to have a minimum of two thousand hours of  
 1 25 supervised training in any eighteen-month period of  
 1 26 time between January 1, 2010, and December 31, 2013.>  
 1 27 #2. Page 42, after line 25 by inserting:  
 1 28 <Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. This  
 1 29 provision of this division of this Act amending section  
 1 30 155A.6A, being deemed of immediate importance, takes  
 1 31 effect upon enactment.>  
 1 32 #3. By renumbering as necessary.

EUGENE S. FRAISE

THOMAS G. COURTNEY

WALLY E. HORN  
 HF2531.2883 (2) 83  
 tm/jp



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## Senate Amendment 5351

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 31, after line 23 by inserting:  
1 4 <Sec. \_\_\_\_ DEPARTMENT OF CULTURAL AFFAIRS. The  
1 5 department of cultural affairs, in its capacity as the  
1 6 state historic preservation officer and consulting  
1 7 party for the purpose of satisfying the requirements of  
1 8 the federal National Historic Preservation Act, shall  
1 9 be no more restrictive than the federal agency for  
1 10 which it is acting as such consulting party.>  
1 11 #2. By renumbering as necessary.

WILLIAM DOTZLER  
HF2531.2862 (1) 83  
tm/jp



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**Senate Amendment 5352**

PAG LIN

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1 1 Amend House File 2531, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 30, after line 33 by inserting:
1 4 <____. IOWA FINANCE AUTHORITY
1 5 a. To a county with a population between 189,000
1 6 and 196,000 in the last preceding certified federal
1 7 census for rehabilitation of a flood damaged public
1 8 service center:
1 9 ..... $ 4,500,000
1 10 b. To a city with a population between 120,500
1 11 and 120,800 in the last preceding certified federal
1 12 census for rehabilitation and renovation of a federal
1 13 courthouse and to meet federal flood mitigation
1 14 standards:
1 15 ..... $ 2,100,000>
1 16 #2. By renumbering as necessary.

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ROBERT M. HOGG

ROBERT E. DVORSKY

WALLY E. HORN

SWATI DANDEKAR  
HF2531.2902 (2) 83  
tm/jp



Iowa General Assembly  
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## Senate Amendment 5353

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. By striking page 35, line 23, through page 37,  
1 4 line 11.  
1 5 #2. By renumbering as necessary.

JERRY BEHN  
HF2531.2906 (1) 83  
tm/jp



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## Senate Amendment 5354

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 46, after line 5 by inserting:  
 1 4 <DIVISION \_\_\_\_  
 1 5 HEALTHCARE PROGRAMS AND APPROPRIATIONS  
 1 6 Section 1. Section 249J.7, Code 2009, is amended to  
 1 7 read as follows:  
 1 8 249J.7 Expansion population provider network.  
 1 9 1. a. Expansion population members shall only  
 1 10 be eligible to receive expansion population services  
 1 11 through a provider included in the expansion population  
 1 12 provider network. Except as otherwise provided  
 1 13 in this chapter, the expansion population provider  
 1 14 network shall be limited to a publicly owned acute care  
 1 15 teaching hospital located in a county with a population  
 1 16 over three hundred fifty thousand, the university of  
 1 17 Iowa hospitals and clinics, ~~and the state hospitals~~  
 1 18 ~~for persons with mental illness designated pursuant~~  
 1 19 ~~to section 226.1 with the exception of the programs~~  
 1 20 ~~at such state hospitals for persons with mental~~  
 1 21 ~~illness that provide substance abuse treatment, serve~~  
 1 22 ~~gero-psychiatric patients, or treat sexually violent~~  
 1 23 ~~predators and a regional provider network utilizing~~  
 1 24 ~~the federally qualified health centers or federally~~  
 1 25 ~~qualified health center look-alikes in the state, to~~  
 1 26 ~~provide primary care to members.~~  
 1 27 b. (1) The department shall develop a plan to  
 1 28 phase-in the regional provider network by determining  
 1 29 the most highly underserved areas on a statewide  
 1 30 and regional basis, and targeting these areas for  
 1 31 prioritization in implementing the regional provider  
 1 32 network. In developing the phase-in plan the  
 1 33 department shall consult with the medical assistance  
 1 34 projections and assessment council created in section  
 1 35 249J.20. Any plan developed shall be approved by  
 1 36 the council prior to implementation. The phase-in of  
 1 37 the regional provider network shall be implemented  
 1 38 in a manner that ensures that program expenditures  
 1 39 do not exceed budget neutrality limits and funded  
 1 40 program capacity, and that ensures compliance with the  
 1 41 eligibility maintenance of effort requirements of the  
 1 42 federal American Recovery and Reinvestment Act of 2009.  
 1 43 (2) Payment shall only be made to designated  
 1 44 participating primary care providers for eligible  
 1 45 primary care services provided to a member.  
 1 46 (3) The department shall adopt rules pursuant to  
 1 47 chapter 17A, in collaboration with the medical home  
 1 48 advisory council established pursuant to section  
 1 49 135.159, specifying requirements for medical homes  
 1 50 including certification, with which regional provider



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2 1 network participating providers shall comply, as  
2 2 appropriate.

2 3 (4) The department may also designate other private  
2 4 providers and hospitals to participate in the regional  
2 5 provider network, to provide primary and specialty  
2 6 care, subject to the availability of funds.

2 7 (5) Notwithstanding any provision to the contrary,  
2 8 the department shall develop a methodology to reimburse  
2 9 regional provider network participating providers  
2 10 designated under this subsection.

2 11 c. Tertiary care shall only be provided to eligible  
2 12 expansion population members residing in any county  
2 13 in the state at the university of Iowa hospitals and  
2 14 clinics.

2 15 d. Until such time as the publicly owned acute  
2 16 care teaching hospital located in a county with a  
2 17 population over three hundred fifty thousand notifies  
2 18 the department that such hospital has reached service  
2 19 capacity, the hospital and the university of Iowa  
2 20 hospitals and clinics shall remain the only expansion  
2 21 population providers for the residents of such county.

2 22 2. Expansion population services provided to  
2 23 expansion population members by ~~providers included in~~  
2 24 ~~the expansion population provider network~~ the publicly  
2 25 owned acute care teaching hospital located in a county  
2 26 with a population over three hundred fifty thousand and  
2 27 the university of Iowa hospitals and clinics shall be  
2 28 payable at the full benefit recipient rates.

2 29 3. Providers included in the expansion population  
2 30 provider network shall submit clean claims within  
2 31 twenty days of the date of provision of an expansion  
2 32 population service to an expansion population member.

2 33 4. Unless otherwise prohibited by law, a provider  
2 34 under the expansion population provider network may  
2 35 deny care to an individual who refuses to apply for  
2 36 coverage under the expansion population.

2 37 5. Notwithstanding the provision of section  
2 38 347.16, subsection 2, requiring the provision of free  
2 39 care and treatment to the persons described in that  
2 40 subsection, the publicly owned acute care teaching  
2 41 hospital described in subsection 1 may require any sick  
2 42 or injured person seeking care or treatment at that  
2 43 hospital to be subject to financial participation,  
2 44 including but not limited to copayments or premiums,  
2 45 and may deny nonemergent care or treatment to any  
2 46 person who refuses to be subject to such financial  
2 47 participation.

2 48 6. The department shall utilize up to seven million  
2 49 three hundred thousand dollars in certified public  
2 50 expenditures at the university of Iowa hospitals



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Senate Amendment 5354 continued

3 1 and clinics to maximize the availability of state  
 3 2 funding to provide necessary access to both primary  
 3 3 and specialty physician care to expansion population  
 3 4 members. The resulting savings to the state shall  
 3 5 be utilized to reimburse physician services provided  
 3 6 to expansion population members at the university of  
 3 7 Iowa hospitals and clinics and to reimburse providers  
 3 8 designated to participate in the regional provider  
 3 9 network for services provided to expansion population  
 3 10 members.

3 11 7. The department shall adopt rules to establish  
 3 12 clinical transfer and referral protocols to be used by  
 3 13 providers included in the expansion population provider  
 3 14 network.

3 15 Sec. \_\_\_\_\_. 2010 Iowa Acts, Senate File 2156, section  
 3 16 5, if enacted, is repealed.

3 17 Sec. \_\_\_\_\_. 2010 Iowa Acts, Senate File 2356, section  
 3 18 2, amending section 249J.7, if enacted, is repealed.

3 19 Sec. \_\_\_\_\_. 2010 Iowa Acts, House File 2526, section  
 3 20 11, subsection 13, if enacted, is amended to read as  
 3 21 follows:

3 22 13. The university of Iowa hospitals and clinics  
 3 23 shall either certify public expenditures or transfer to  
 3 24 the medical assistance appropriation an amount equal  
 3 25 to provide the nonfederal share for increased medical  
 3 26 assistance payments for inpatient hospital services of  
 3 27 ~~\$7,500,000~~ up to \$9,900,000. The university of Iowa  
 3 28 hospitals and clinics shall receive and retain 100  
 3 29 percent of the total increase in medical assistance  
 3 30 payments.

3 31 Sec. \_\_\_\_\_. 2010 Iowa Acts, House File 2526, section  
 3 32 41, subsection 3, unnumbered paragraph 2, if enacted,  
 3 33 is amended to read as follows:

3 34 For salaries, support, maintenance, equipment, and  
 3 35 miscellaneous purposes for the provision of medical and  
 3 36 surgical treatment of indigent patients, for provision  
 3 37 of services to members of the expansion population  
 3 38 pursuant to chapter 249J, and for medical education:  
 3 39 ..... \$12,000,000

14,000,000

3 40 Sec. \_\_\_\_\_. 2010 Iowa Acts, House File 2526, section  
 3 41 41, subsection 6, if enacted, is amended to read as  
 3 42 follows:

3 43 ~~6. Contingent upon enactment of 2010 Iowa Acts,~~  
~~3 44 Senate File 2356, there is appropriated from the~~  
~~3 45 IowaCare account created in section 249J.24 to the~~  
~~3 46 department of human services for the fiscal year~~  
~~3 47 beginning July 1, 2010, and ending June 30, 2011, the~~  
~~3 48 following amount, or so much thereof as is necessary to~~  
~~3 49 be used for the purposes designated:~~

3 50 For payment to nonparticipating providers for



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~~4 1 covered services provided in accordance with section~~  
~~4 2 249J.24A:~~  
4 3 ..... \$ 2,000,000  
4 4     Sec. \_\_\_\_\_. HOSPITAL HEALTH CARE ACCESS TRUST FUND ==  
4 5 APPROPRIATIONS. There is appropriated from the  
4 6 hospital health care access trust fund created in  
4 7 section 249M.4, if enacted by 2010 Iowa Acts, Senate  
4 8 File 2388, to the department of human services for the  
4 9 fiscal year beginning July 1, 2010, and ending June 30,  
4 10 2011, the following amounts, or so much thereof as is  
4 11 necessary, for the purposes designated:  
4 12     1. For the medical assistance program:  
4 13 ..... \$ 39,406,000  
4 14     Of the funds appropriated in this subsection,  
4 15 \$20,542,883 shall be used for reimbursement of  
4 16 hospitals under the medical assistance program in  
4 17 accordance with section 249M.4, if enacted by 2010 Iowa  
4 18 Acts, Senate File 2388.  
4 19     2. For deposit in the nonparticipating provider  
4 20 reimbursement fund created in section 249J.24A for the  
4 21 purposes of the fund:  
4 22 ..... \$ 594,000  
4 23     Sec. \_\_\_\_\_. NONPARTICIPATING PROVIDER REIMBURSEMENT  
4 24 FUND == APPROPRIATION. Contingent upon enactment of  
4 25 2010 Iowa Acts, Senate File 2388, there is appropriated  
4 26 from the nonparticipating provider reimbursement  
4 27 fund created in section 249J.24A to the department of  
4 28 human services for the fiscal year beginning July 1,  
4 29 2010, and ending June 30, 2011, the following amount,  
4 30 or so much thereof as is necessary, for the purposes  
4 31 designated:  
4 32     To reimburse nonparticipating providers in  
4 33 accordance with section 249J.24A:  
4 34 ..... \$ 2,000,000  
4 35     Sec. \_\_\_\_\_. MEDICAL ASSISTANCE PROGRAM ==  
4 36 APPROPRIATION REDUCTION. The appropriation from the  
4 37 general fund of the state to the department of human  
4 38 services for the medical assistance program for the  
4 39 fiscal year beginning July 1, 2010, and ending June 30,  
4 40 2011, as specified in 2010 Iowa Acts, House File 2526,  
4 41 section 11, if enacted, is reduced by \$18,863,117.>  
4 42 #2. By renumbering as necessary.

JOE BOLKCOM

JACK HATCH

AMANDA RAGAN  
HF2531.2843 (6) 83  
pf/rj



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Senate Amendment 5355

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 46, after line 5 by inserting:  
1 4 <DIVISION \_\_\_\_  
1 5 STATE EXPENDITURE LIMITATIONS  
1 6 Sec. \_\_\_\_ . Section 8.22A, Code 2009, is amended to  
1 7 read as follows:  
1 8 8.22A Revenue estimating conference.  
1 9 1. The state revenue estimating conference is  
1 10 created consisting of the governor or the governor's  
1 11 designee, the director of the legislative services  
1 12 agency or the director's designee, and a third member  
1 13 agreed to by the other two.  
1 14 2. The conference shall meet as often as deemed  
1 15 necessary, but shall meet at least quarterly. The  
1 16 conference may use sources of information deemed  
1 17 appropriate. At each meeting, the conference shall  
1 18 agree to estimates for both the current and succeeding  
1 19 fiscal years for the general fund of the state, lottery  
1 20 revenues to be available for disbursement, and from  
1 21 gambling revenues and from interest earned on the cash  
1 22 reserve fund and the economic emergency fund to be  
1 23 deposited in the rebuild Iowa infrastructure fund.  
1 24 3. ~~By~~ For purposes of the state general fund  
1 25 expenditure limitation and other expenditure  
1 26 limitations under section 8.54, by December 15 of each  
1 27 fiscal year the conference shall agree to a revenue  
1 28 estimate revenue estimates for the amounts of moneys  
1 29 subject to an expenditure limitation under section  
1 30 8.54 for the fiscal year beginning the following July  
1 31 ~~That~~ The estimate amounts shall be used by the  
1 32 governor in the preparation of the budget message  
1 33 under section 8.22 and by the general assembly in  
1 34 the budget process. If the conference agrees to a  
1 35 different estimate at a later meeting which projects  
1 36 a greater amount of revenue than the initial estimate  
1 37 amount agreed to by December 15, the governor and the  
1 38 general assembly shall continue to use the initial  
1 39 estimate amount in the budget process for that fiscal  
1 40 year. However, if the conference agrees to a different  
1 41 estimate at a later meeting which projects a lesser  
1 42 amount of revenue than the initial estimate amount,  
1 43 the governor and the general assembly shall use the  
1 44 lesser amount in the budget process for that fiscal  
1 45 year. As used in this subsection, "later meeting"  
1 46 means only those later meetings which are held prior  
1 47 to the conclusion of the regular session of the  
1 48 general assembly and, if the general assembly holds  
1 49 an extraordinary session prior to the commencement of  
1 50 the fiscal year to which the estimate applies, those



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2 1 later meetings which are held before or during the  
2 2 extraordinary session.  
2 3 4. At the meeting in which the conference agrees  
2 4 to the revenue estimate for the general fund of the  
2 5 state for the following fiscal year in accordance with  
2 6 the provisions of subsection 3, the conference shall  
2 7 agree to an estimate for tax refunds payable from that  
2 8 estimated revenue. The estimates required by this  
2 9 subsection shall be used in determining the adjusted  
2 10 revenue estimate under section 8.54.  
2 11 5. At the meeting in which the conference agrees  
2 12 to the revenue estimate for the general fund of the  
2 13 state for the succeeding fiscal year in accordance  
2 14 with the provisions of subsection 3, the conference  
2 15 shall also agree to the following estimates which shall  
2 16 be used by the governor in preparation of the budget  
2 17 message under section 8.22 and the general assembly in  
2 18 the budget process for the succeeding fiscal year:  
2 19 a. The amount of lottery revenues that will be  
2 20 deposited in the general fund for the following fiscal  
2 21 year ~~to be available for disbursement~~ following the  
2 22 deductions made pursuant to section 99G.39, subsection  
2 23 1. This estimate shall be included in the conference's  
2 24 estimate of general fund revenues and shall be  
2 25 calculated as the sum of the following, divided by  
2 26 seven, as agreed to by the conference:  
2 27 (1) The conference's estimate of the amount of  
2 28 lottery revenues to be deposited in the general fund  
2 29 for the succeeding fiscal year.  
2 30 (2) The conference's estimate of the amount of  
2 31 lottery revenues to be deposited in the general fund  
2 32 for the current fiscal year.  
2 33 (3) The actual amount of the lottery revenues  
2 34 deposited in the general fund for the five most  
2 35 recently completed fiscal years, adjusted for inflation  
2 36 through the close of the most recently completed fiscal  
2 37 year.  
2 38 b. The amount of revenue for the following fiscal  
2 39 year from gambling revenues and from interest earned on  
2 40 the cash reserve fund and the economic emergency fund  
2 41 to be deposited in the rebuild Iowa infrastructure fund  
2 42 under section 8.57, subsection 6, paragraph "e".  
2 43 c. The amount of accruals of those revenues  
2 44 collected by or due from entities other than the  
2 45 state on or before June 30 of the fiscal year but not  
2 46 remitted to the state until after June 30.  
2 47 d. The amount of accrued lottery revenues collected  
2 48 on or before June 30 of the fiscal year but not  
2 49 transferred to the general fund of the state until  
2 50 after June 30.



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3 1 6. At the meeting in which the conference agrees to  
3 2 the revenue estimates for the succeeding fiscal year  
3 3 in accordance with subsection 3, the conference shall  
3 4 agree to the amount available in the cash reserve fund  
3 5 as of the close of the previous fiscal year that may be  
3 6 appropriated for nonrecurring emergency expenditures as  
3 7 provided in section 8.56, subsection 5.

3 8 Sec. \_\_\_\_ . Section 8.54, Code 2009, is amended to  
3 9 read as follows:

3 10 8.54 General fund expenditure limitation and other  
3 11 expenditure limitations.

3 12 1. For the purposes of section 8.22A, this section,  
3 13 and sections 8.55 through 8.57:

3 14 a. "Adjusted revenue estimate" means the appropriate  
3 15 revenue estimate for the general fund for the following  
3 16 fiscal year as determined by the revenue estimating  
3 17 conference under section 8.22A, subsection 3, adjusted  
3 18 by subtracting estimated tax refunds payable from  
3 19 that estimated revenue, adding accruals determined in  
3 20 accordance with section 8.22A, subsection 5, and as  
3 21 determined by the conference, adding any new revenues  
3 22 which may be considered to be eligible for deposit in  
3 23 the general fund.

3 24 b. "Inflation" means the percentage change in the  
3 25 consumer price index for all urban consumers, midwest  
3 26 region, published by the United States department of  
3 27 labor, bureau of labor statistics.

3 28 c. "New revenues" means moneys which are received  
3 29 by the general fund of the state due to increased  
3 30 tax rates and fees or newly created taxes and fees  
3 31 over and above those moneys which are received due to  
3 32 state taxes and fees which are in effect as of January  
3 33 1 following the December state revenue estimating  
3 34 conference. "New revenues" also includes moneys  
3 35 received by the general fund of the state due to new  
3 36 transfers over and above those moneys received by the  
3 37 general fund of the state due to transfers which are  
3 38 in effect as of January 1 following the December state  
3 39 revenue estimating conference. The department of  
3 40 management shall obtain concurrence from the revenue  
3 41 estimating conference on the eligibility of transfers  
3 42 to the general fund of the state which are to be  
3 43 considered as new revenue in determining the state  
3 44 general fund expenditure limitation.

3 45 2. a. There is created a state general fund  
3 46 expenditure limitation for each fiscal year calculated  
3 47 as provided in this section.

3 48 b. There is created a gambling revenue expenditure  
3 49 limitation calculated as provided in this section. The  
3 50 limitation applies to revenues received by the state



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4 1 that are attributable to gambling and available for  
4 2 appropriation but are not credited to the general fund  
4 3 of state. The gambling revenue expenditure limitation  
4 4 does not include lottery revenue.

4 5 c. An expenditure limitation shall be used for the  
4 6 portion of the budget process commencing on the date  
4 7 the revenue estimating conference agrees to a revenue  
4 8 estimate for the following fiscal year in accordance  
4 9 with section 8.22A, subsection 3, and ending with  
4 10 the governor's final approval or disapproval of the  
4 11 appropriations bills applicable to that fiscal year  
4 12 that were passed prior to July 1 of that fiscal year in  
4 13 a regular or extraordinary legislative session.

4 14 3. Except as otherwise provided in this section,  
4 15 the state general fund expenditure limitation for  
4 16 a fiscal year shall be ninety-nine percent ~~of the~~  
4 17 ~~adjusted revenue estimate.~~ of the general fund average,  
4 18 as agreed to by the revenue estimating conference. The  
4 19 general fund average for a fiscal year is the sum of  
4 20 the following, divided by seven:

4 21 a. The adjusted revenue estimate for the succeeding  
4 22 fiscal year.

4 23 b. The revenue estimate for the current fiscal  
4 24 year, adjusted by subtracting estimated tax refunds  
4 25 payable from that estimated revenue and as determined  
4 26 by the conference, adding any new revenues which may be  
4 27 considered to be eligible for deposit in the general  
4 28 fund.

4 29 c. The net revenue for the general fund of the  
4 30 state for the five most recently completed fiscal  
4 31 years, adjusted by subtracting tax refunds paid from  
4 32 the revenue and adjusted for inflation through the  
4 33 close of the most recently completed fiscal year.

4 34 4. The gambling revenue expenditure limitation  
4 35 for a fiscal year shall be the sum of the following,  
4 36 divided by seven, as agreed to by the revenue  
4 37 estimating conference:

4 38 a. The gambling revenues estimate for the  
4 39 succeeding fiscal year.

4 40 b. The gambling revenues estimate for the current  
4 41 fiscal year.

4 42 c. The net gambling revenues for the five most  
4 43 recently completed fiscal years, adjusted for inflation  
4 44 through the close of the most recently completed fiscal  
4 45 year.

4 46 ~~4.~~ 5. The state general fund expenditure  
4 47 limitation amount and the gambling revenue expenditure  
4 48 limitation amount provided for in this section shall  
4 49 be used by the governor in the preparation of the  
4 50 budget under section 8.22 and approval of the budget



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5 1 and by the general assembly in the budget process.  
5 2 If a source for new revenues is proposed, the budget  
5 3 revenue projection used for that new revenue source  
5 4 for the period beginning on the effective date of the  
5 5 new revenue source and ending in the fiscal year in  
5 6 which the source is included in the revenue base shall  
5 7 be an amount determined by subtracting estimated tax  
5 8 refunds payable from the projected revenue from that  
5 9 new revenue source, multiplied by ninety-five percent.  
5 10 If a new revenue source is established and implemented  
5 11 that would affect an expenditure limitation amount,  
5 12 the original ~~state general fund~~ expenditure limitation  
5 13 amount provided for in subsection 3 shall be readjusted  
5 14 to include ninety-five percent of the estimated revenue  
5 15 from the new revenue source.

~~5 16 5. For fiscal years in which section 8.55,  
5 17 subsection 2, results in moneys being transferred  
5 18 to the general fund, the original state general  
5 19 fund expenditure limitation amount provided for in  
5 20 subsection 3 shall be readjusted to include the moneys  
5 21 which are so transferred.~~

5 22 6. The scope of the expenditure  
5 23 limitation limitations  
5 24 under ~~subsection 3~~ this section shall not encompass  
5 25 federal funds, donations, constitutionally dedicated  
5 26 moneys, moneys appropriated from the cash reserve  
5 27 fund or Iowa economic emergency fund, and moneys in  
5 28 expenditures from state retirement system moneys.

~~5 29 7. The governor shall transmit to the general  
5 30 assembly, in accordance with section 8.21, a  
5 31 budget which does not exceed the ~~state general fund~~  
5 32 expenditure limitation expenditure limitations under  
5 33 this section. The general assembly shall pass a  
5 34 budget which does not exceed the ~~state general fund~~  
5 35 expenditure limitation expenditure limitations. The  
5 36 governor shall not transmit a budget with recommended  
5 37 appropriations in excess of the ~~state general fund~~  
5 38 expenditure limitation expenditure limitations and  
5 39 the general assembly shall not pass a budget with  
5 40 appropriations in excess of the ~~state general fund~~  
5 41 expenditure limitation expenditure limitations. The  
5 42 governor shall not approve or disapprove appropriation  
5 43 bills or items of appropriation bills passed by the  
5 44 general assembly in a manner that would cause the  
5 45 final budget approved by the governor to exceed the  
5 46 ~~state general fund expenditure limitation expenditure~~  
5 47 limitations. In complying with the requirements  
5 48 of this subsection, the governor and the general  
5 49 assembly shall not rely on any anticipated reversion  
5 50 of appropriations in order to meet ~~the state general~~~~



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~~6 1 fund any expenditure limitation.~~  
6 2 Sec. \_\_\_\_\_. Section 8.55, subsection 2, paragraph a,  
6 3 Code 2009, is amended to read as follows:  
6 4 a. The maximum balance of the fund is the amount  
6 5 equal to ~~two~~ five and one-half percent of the adjusted  
6 6 revenue estimate for the fiscal year. If the amount of  
6 7 moneys in the Iowa economic emergency fund is equal to  
6 8 the maximum balance, moneys in excess of this amount  
6 9 shall be transferred to the ~~general fund~~ property tax  
6 10 equity and relief fund created in section 257.16A.  
6 11 Sec. \_\_\_\_\_. Section 8.56, subsections 2 and 3, Code  
6 12 2009, are amended to read as follows:  
6 13 2.a. Moneys shall be credited to the cash reserve  
6 14 fund from all of the following:  
6 15 (1) Appropriations made to the fund pursuant to  
6 16 section 8.57.  
6 17 (2) The state's share of the proceeds under chapter  
6 18 809A.  
6 19 (3) Moneys collected in the settlement or  
6 20 prosecution of a claim by the state that are not  
6 21 otherwise specifically allocated in accordance with law  
6 22 to another fund.  
6 23 (4) Other moneys designated by law or by the  
6 24 executive council as one-time revenues and which are  
6 25 not otherwise specifically allocated by law to another  
6 26 fund.  
6 27 b. The maximum balance of the cash reserve fund is  
6 28 the amount equal to the cash reserve goal percentage,  
6 29 as defined in section 8.57, multiplied by the adjusted  
6 30 revenue estimate for the general fund of the state for  
6 31 the current fiscal year.  
6 32 3. The moneys in the cash reserve fund shall only  
6 33 be used pursuant to an appropriation made by the  
6 34 general assembly. ~~An~~ Except as provided in subsection  
6 35 5, an appropriation shall be made in accordance with  
6 36 subsection 4 from the cash reserve fund only for the  
6 37 fiscal year in which the appropriation is made. The  
6 38 moneys shall only be appropriated by the general  
6 39 assembly for nonrecurring emergency expenditures and  
6 40 shall not be appropriated for payment of any collective  
6 41 bargaining agreement or arbitrator's decision  
6 42 negotiated or awarded under chapter 20. Except as  
6 43 provided in section 8.58, the cash reserve fund shall  
6 44 be considered a special account for the purposes of  
6 45 section 8.53 in determining the cash position of the  
6 46 general fund of the state for the payment of state  
6 47 obligations.  
6 48 Sec. \_\_\_\_\_. Section 8.56, Code 2009, is amended by  
6 49 adding the following new subsection:  
6 50 NEW SUBSECTION. 5. If the adjusted revenue



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7 1 estimate for the succeeding fiscal year is less than  
7 2 ninety=eight percent of the general fund average for  
7 3 that fiscal year under section 8.54, subsection 3, an  
7 4 appropriation for nonrecurring emergency expenditures  
7 5 from the cash reserve fund may be made to provide  
7 6 additional funding for the succeeding fiscal year.  
7 7 However, the amount of such appropriation shall not  
7 8 exceed the difference of ninety=eight percent of  
7 9 such general fund average minus the adjusted revenue  
7 10 estimate for the succeeding fiscal year. The amount of  
7 11 such appropriation shall not exceed twenty=five percent  
7 12 of the ending balance in the cash reserve fund in the  
7 13 most recently completed fiscal year.

7 14 Sec. \_\_\_\_\_. Section 284.3A, Code Supplement 2009, is  
7 15 amended by adding the following new subsection:

7 16 NEW SUBSECTION. 4. The teacher salary supplement  
7 17 district cost as calculated under section 257.10,  
7 18 subsection 9, and the area education agency teacher  
7 19 salary supplement district cost as calculated under  
7 20 section 257.37A, subsection 1, are not subject to a  
7 21 uniform reduction in accordance with section 8.31.  
7 22 Notwithstanding any provision of law to the contrary,  
7 23 if the governor orders budget reductions in accordance  
7 24 with section 8.31, a collective bargaining agreement  
7 25 negotiated under chapter 20 and in effect on the date  
7 26 the budget reduction was ordered shall be reopened  
7 27 and renegotiated by the boards of directors of school  
7 28 districts and area education agencies and the employee  
7 29 organizations representing the employees of the school  
7 30 districts and area education agencies.

7 31 Sec. \_\_\_\_\_. Section 809A.17, subsection 3, Code 2009,  
7 32 is amended to read as follows:

7 33 3. The state share of the cash proceeds from  
7 34 forfeited property shall be credited to the cash  
7 35 reserve fund. Forfeited property that is not cash  
7 36 or sold may be used by the department of justice in  
7 37 the enforcement of the criminal law. The department  
7 38 may give, sell, or trade forfeited property that is  
7 39 not cash or sold to any other state agency or to any  
7 40 other law enforcement agency within the state if, in  
7 41 the opinion of the attorney general, ~~it~~ the forfeited  
7 42 property will enhance law enforcement within the state.

7 43 Sec. \_\_\_\_\_. APPLICABILITY. This division of this Act  
7 44 applies beginning July 1, 2010, for the budget process  
7 45 for the succeeding fiscal year.>

7 46 #2. By renumbering as necessary.

STEVE KETTERING

MERLIN BARTZ



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JERRY BEHN

NANCY J. BOETTGER

RANDY FEENSTRA

JAMES F. HAHN

SHAWN HAMERLINCK

DAVID L. HARTSUCH

HUBERT HOUSER

DAVID JOHNSON

TIM KAPUCIAN

PAUL MCKINLEY

LARRY NOBLE

KIM REYNOLDS

JAMES A. SEYMOUR

PAT WARD

RON WIECK



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BRAD ZAUN  
HF2531.2842 (1) 83  
jp/tm



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## Senate Amendment 5356

PAG LIN

1 1 Amend the amendment, S=5343, to House File 2531,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 1, after line 33 by inserting:  
1 5 <Sec. \_\_\_\_\_. Section 237.3, Code Supplement 2009, is  
1 6 amended by adding the following new subsection:  
1 7 NEW SUBSECTION. 11. The department shall adopt  
1 8 rules prohibiting an individual foster parent licensee  
1 9 from providing child care to children as a child care  
1 10 home or child development home provider registered  
1 11 under chapter 237A at times when a child is present who  
1 12 is receiving foster care from the licensee and who has  
1 13 been found by the department to have committed abuse of  
1 14 another child.>  
1 15 #2. By renumbering as necessary.

DAVID L. HARTSUCH  
HF2531.2910 (1) 83  
jp/tm



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**Senate Amendment 5357**

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 32, after line 14 by inserting:  
1 4 <Sec. \_\_\_\_ . MH/MR/DD SERVICES FUND  
1 5 TRANSFER. Notwithstanding section 331.424A,  
1 6 subsection 5, and section 331.432, subsection 3, for  
1 7 the fiscal year beginning July 1, 2010, and ending  
1 8 June 30, 2011, a county may transfer moneys from other  
1 9 funds of the county to the county's mental health,  
1 10 mental retardation, and developmental disabilities  
1 11 services fund created in section 331.424A. A county  
1 12 transferring moneys from other funds of the county to  
1 13 the county's services fund pursuant to this section  
1 14 shall submit a report detailing the transfers made and  
1 15 funds affected. The county shall submit the report  
1 16 along with the county expenditure and information  
1 17 report submitted by December 1, 2010, in accordance  
1 18 with section 331.439.>  
1 19 #2. By renumbering as necessary.

JACK HATCH

ROBERT E. DVORSKY  
HF2531.2887 (4) 83  
jp/tm





Iowa General Assembly  
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Senate Amendment 5358 continued

2 1 represents a crime victim organization.  
2 2 b. The departments of human services, corrections,  
2 3 and public safety, the division on the status of  
2 4 African-Americans, the Iowa department of public  
2 5 health, the chairperson of the board of parole, the  
2 6 attorney general, the state public defender, and the  
2 7 governor's office of drug control policy, ~~and the chief~~  
~~2 8 justice of the supreme court shall each designate a~~  
2 9 person to serve on the council. ~~The person appointed~~  
~~2 10 by the Iowa department of public health shall be from~~  
~~2 11 the departmental staff who administer the comprehensive~~  
~~2 12 substance abuse program under chapter 125.~~  
2 13 c. The chief justice of the supreme court shall  
2 14 ~~appoint two additional members currently serving~~  
~~2 15 as district judges~~ designate one member who is a  
2 16 district judge and one member who is either a district  
2 17 associate judge or associate juvenile judge. Two  
~~2 18 members of the senate and two members of the house of~~  
~~2 19 representatives shall be ex officio members and shall~~  
~~2 20 be appointed by the majority and minority leaders~~  
~~2 21 of the senate and the speaker and minority leader~~  
~~2 22 of the house of representatives pursuant to section~~  
~~2 23 69.16 and shall serve terms as provided in section~~  
~~2 24 69.16B.~~ The chairperson and ranking member of the  
2 25 senate committee on judiciary shall be members. In  
2 26 alternating four-year intervals, the chairperson and  
2 27 ranking member of the house committee on judiciary  
2 28 or of the house committee on public safety shall be  
2 29 members, with the chairperson and ranking member of the  
2 30 house committee on public safety serving during the  
2 31 initial interval. Nonlegislative members appointed  
2 32 pursuant to this paragraph shall serve for four-year  
2 33 terms beginning and ending as provided in section 69.19  
2 34 unless the member ceases to serve as a district court  
2 35 judge.  
2 36 d. The Iowa county attorneys association shall  
2 37 designate a person to serve on the council.  
2 38 2. Members of the council shall receive  
2 39 reimbursement from the state for actual and necessary  
2 40 expenses incurred in the performance of their official  
2 41 duties. Members may also be eligible to receive  
2 42 compensation as provided in section 7E.6.  
2 43 Sec. \_\_\_\_\_. Section 216A.133, subsection 1, Code  
2 44 2009, is amended to read as follows:  
2 45 1. Identify issues and analyze the operation and  
2 46 impact of present criminal and juvenile justice policy  
2 47 and make recommendations for policy changes, ~~including~~  
~~2 48 recommendations pertaining to efforts to curtail~~  
~~2 49 criminal gang activity.~~  
2 50 Sec. \_\_\_\_\_. Section 216A.133, Code 2009, is amended



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Senate Amendment 5358 continued

3 1 by adding the following new subsections:  
3 2 NEW SUBSECTION. 8. Determine members of the public  
3 3 safety advisory board pursuant to section 216A.133A.  
3 4 NEW SUBSECTION. 9. Coordinate with the  
3 5 administrator to develop and make recommendations to  
3 6 the department director pursuant to section 216A.2.  
3 7 NEW SUBSECTION. 10. Serve as a liaison between the  
3 8 general public and the division.  
3 9 NEW SUBSECTION. 11. Establish advisory committees  
3 10 to study special issues.  
3 11 Sec. \_\_\_\_ NEW SECTION. 216A.133A Public safety  
3 12 advisory board ==  
3 13 duties.  
3 14 1. A public safety advisory board is established  
3 15 whose membership shall be determined by the criminal  
3 16 and juvenile justice planning advisory council and  
3 17 shall consist of current members of the council. Any  
3 18 actions taken by the board shall be considered separate  
3 19 and distinct from the council.  
3 20 2. The purpose of the board is to provide the  
3 21 general assembly with an analysis of current and  
3 22 proposed criminal code provisions.  
3 23 3. The duties of the board shall consist of the  
3 24 following:  
3 25 a. Reviewing and making recommendations relating  
3 26 to current sentencing provisions. In reviewing such  
3 27 provisions the board shall consider the impact on all  
3 28 of the following:  
3 29 (1) Potential disparity in sentencing.  
3 30 (2) Truth in sentencing.  
3 31 (3) Victims.  
3 32 (4) The proportionality of specific sentences.  
3 33 (5) Sentencing procedures.  
3 34 (6) Costs associated with the implementation  
3 35 of criminal code provisions, including costs to  
3 36 the judicial branch, department of corrections, and  
3 37 judicial district departments of correctional services,  
3 38 costs for representing indigent defendants, and costs  
3 39 incurred by political subdivisions of the state.  
3 40 (7) Best practices related to the department of  
3 41 corrections including recidivism rates, safety and  
3 42 efficient use of correctional staff, and compliance  
3 43 with correctional standards set by the federal  
3 44 government and other jurisdictions.  
3 45 (8) Best practices related to the Iowa child death  
3 46 review team established in section 135.43 and the Iowa  
3 47 domestic abuse death review team established in section  
3 48 135.109.  
3 49 b. Reviewing and making recommendations relating to  
3 50 proposed legislation, in accordance with paragraph "a",



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Senate Amendment 5358 continued

4 1 as set by rule by the general assembly or as requested  
4 2 by the executive or judicial branch proposing such  
4 3 legislation.

4 4 c. Providing expertise and advice to the  
4 5 legislative services agency, the department of  
4 6 corrections, the judicial branch, and others charged  
4 7 with formulating fiscal, correctional, or minority  
4 8 impact statements.

4 9 d. Reviewing data supplied by the division, the  
4 10 department of management, the legislative services  
4 11 agency, the Iowa supreme court, and other departments  
4 12 or agencies for the purpose of determining the  
4 13 effectiveness and efficiency of the collection of such  
4 14 data.

4 15 4. The board may call upon any department, agency,  
4 16 or office of the state, or any political subdivision  
4 17 of the state, for information or assistance as needed  
4 18 in the performance of its duties. The information or  
4 19 assistance shall be furnished to the extent that it is  
4 20 within the resources and authority of the department,  
4 21 agency, office, or political subdivision. This section  
4 22 does not require the production or opening of any  
4 23 records which are required by law to be kept private  
4 24 or confidential.

4 25 5. The board shall report to the legislative  
4 26 government oversight committee all sources of funding  
4 27 by December 1 of each year.

4 28 6. Membership on the board shall be bipartisan  
4 29 as provided in section 69.16 and gender balanced as  
4 30 provided in section 69.16A.

4 31 7. Meetings of the board shall be open to the  
4 32 public as provided in chapter 21.

4 33 8. Members of the board shall receive reimbursement  
4 34 from the state for actual and necessary expenses  
4 35 incurred in the performance of their official duties.  
4 36 Members may also be eligible to receive compensation as  
4 37 provided in section 7E.6.

4 38 Sec. \_\_\_\_\_. Section 216A.135, unnumbered paragraph 1,  
4 39 Code 2009, is amended to read as follows:

4 40 Beginning in 1989, and every five years thereafter,  
4 41 the division shall develop a twenty-year criminal  
4 42 and juvenile justice plan for the state which shall  
4 43 include ten-year, fifteen-year, and twenty-year  
4 44 goals and a comprehensive five-year plan for criminal  
4 45 and juvenile justice programs. The five-year plan  
4 46 shall be updated annually and each twenty-year plan  
4 47 and annual updates of the five-year plan shall be  
4 48 submitted to the governor and the general assembly by  
4 49 ~~February~~ December 1.

4 50 Sec. \_\_\_\_\_. APPOINTMENTS TO CRIMINAL AND JUVENILE



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Senate Amendment 5358 continued

5 1 JUSTICE PLANNING ADVISORY COUNCIL. The applicable  
5 2 provisions of chapter 69 shall apply to vacant  
5 3 positions on the criminal and juvenile justice planning  
5 4 advisory council occurring on or after July 1, 2010.>

KEITH A. KREIMAN  
HF2531.2855 (3) 83  
jm/jp



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**Senate Amendment 5359**

PAG LIN

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1 1 Amend House File 2531, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 30, after line 21 by inserting:
1 4 <Sec. ____ . MEDICAID FRAUD ACCOUNT == DEPARTMENT OF
1 5 INSPECTIONS AND APPEALS. There is appropriated from
1 6 the Medicaid fraud account created in section 249A.7
1 7 to the department of inspections and appeals for the
1 8 fiscal year beginning July 1, 2010, and ending June 30,
1 9 2011, the following amount or so much thereof as is
1 10 necessary, to be used for the purposes designated:
1 11 For salaries, support, maintenance, miscellaneous
1 12 purposes, administration, and other costs associated
1 13 with implementation of 2010 Iowa Acts, Senate File
1 14 2333, if enacted:
1 15 ..... $ 250,000>
1 16 #2. By renumbering as necessary.

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JEFF DANIELSON  
HF2531.2918 (2) 83  
jp/tm



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## Senate Amendment 5360

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 4, line 6, by striking <and area education  
1 4 agency>  
1 5 #2. Page 6, after line 29 by inserting:  
1 6 <Sec. \_\_\_\_\_. Section 257.35, subsection 5, Code  
1 7 Supplement 2009, is amended to read as follows:  
1 8 5. Notwithstanding subsection 1, and in addition to  
1 9 the reduction applicable pursuant to subsection 2, the  
1 10 state aid for area education agencies and the portion  
1 11 of the combined district cost calculated for these  
1 12 agencies for each fiscal year of the fiscal period  
1 13 beginning July 1, 2008, and ending June 30, ~~2010~~ 2011,  
1 14 shall be reduced by the department of management by two  
1 15 million five hundred thousand dollars. The reduction  
1 16 for each area education agency for each fiscal year of  
1 17 the fiscal period beginning July 1, 2008, and ending  
1 18 June 30, ~~2010~~ 2011, shall be prorated based on the  
1 19 reduction that the agency received in the fiscal year  
1 20 beginning July 1, 2003.>  
1 21 #3. Page 10, line 20, by striking <may> and  
1 22 inserting <shall not>  
1 23 #4. Page 13, line 21, after <officer,> by inserting  
1 24 <state debt coordinator,>  
1 25 #5. Page 28, after line 7 by inserting:  
1 26 <Sec. \_\_\_\_\_. 2010 Iowa Acts, Senate File 2366,  
1 27 section 16, if enacted, is amended to read as follows:  
1 28 SEC. 16. EFFECTIVE DATE == APPLICABILITY. ~~This~~  
~~1 29 section~~ The sections of this division of this Act  
1 30 providing for transfers involving the college student  
1 31 aid commission and the department of inspections and  
1 32 appeals are retroactively applicable to December 14,  
1 33 2009, and apply in lieu of the transfers made for the  
1 34 same purposes by the executive branch, as reported by  
1 35 the department of management in the transfer notices  
1 36 dated December 14, 2009.>  
1 37 #6. Page 29, after line 30 by inserting:  
1 38 <\_\_\_\_\_. The section of this division of this Act  
1 39 amending 2010 Iowa Acts, Senate File 2366, section 16.>  
1 40 #7. Page 30, after line 8 by inserting:  
1 41 <Sec. \_\_\_\_\_. DEPARTMENT OF CULTURAL AFFAIRS ==  
1 42 MERCHANT MARINE BONUS FUND. There is appropriated  
1 43 from the merchant marine bonus fund of the state to  
1 44 the department of cultural affairs for the fiscal year  
1 45 beginning July 1, 2010, and ending June 30, 2011, any  
1 46 moneys remaining in the fund after the appropriation  
1 47 made pursuant to 2010 Iowa Acts, House File 2526,  
1 48 to be used for any costs relating to a study of the  
1 49 U.S.S. Iowa and for departmental salaries, support,  
1 50 maintenance, and miscellaneous purposes.



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Senate Amendment 5360 continued

2 1 Notwithstanding section 8.33, moneys appropriated in  
 2 2 this section that remain unencumbered or unobligated  
 2 3 at the close of the fiscal year shall not revert but  
 2 4 shall remain available for expenditure for the purposes  
 2 5 designated until the close of the succeeding fiscal  
 2 6 year.>  
 2 7 #8. Page 30, after line 8 by inserting:  
 2 8 <Sec. \_\_\_\_ . IOWA COMPREHENSIVE PETROLEUM UNDERGROUND  
 2 9 STORAGE TANK FUND == APPROPRIATIONS. There is  
 2 10 appropriated from the Iowa comprehensive petroleum  
 2 11 underground storage tank fund created in section 455G.3  
 2 12 to the following departments and agencies for the  
 2 13 fiscal year beginning July 1, 2010, and ending June  
 2 14 30, 2011, the following amounts, or so much thereof as  
 2 15 is necessary, to be used for the purposes designated,  
 2 16 notwithstanding section 455G.3, subsection 1:  
 2 17 1. DEPARTMENT OF PUBLIC HEALTH == BOARD OF PHARMACY  
 2 18 a. For support of the Iowa pharmacy recovery  
 2 19 network:  
 2 20 ..... \$ 100,000  
 2 21 b. For continuation of the pharmaceutical  
 2 22 collection and disposal pilot program established  
 2 23 pursuant to 2009 Iowa Acts, chapter 175, section 9:  
 2 24 ..... \$ 150,000  
 2 25 2. DEPARTMENT OF ADMINISTRATIVE SERVICES  
 2 26 For costs associated with providing autism spectrum  
 2 27 disorders coverage pursuant to section 514C.26, as  
 2 28 enacted by this Act:  
 2 29 ..... \$ 140,000  
 2 30 3. STATE BOARD OF REGENTS  
 2 31 a. For the state school for the deaf:  
 2 32 ..... \$ 233,000  
 2 33 b. For Iowa braille and sight saving school:  
 2 34 ..... \$ 137,000  
 2 35 4. DEPARTMENT OF EDUCATION == VOCATIONAL  
 2 36 REHABILITATION SERVICES DIVISION  
 2 37 For a program for farmers with disabilities:  
 2 38 ..... \$ 97,000  
 2 39 The funds appropriated in this subsection shall  
 2 40 be used for the public purpose of providing a grant  
 2 41 to a national nonprofit organization with over 80  
 2 42 years of experience in assisting children and adults  
 2 43 with disabilities and special needs. The funds shall  
 2 44 be used for a nationally recognized program that  
 2 45 began in 1986 and has been replicated in at least 30  
 2 46 other states, but which is not available through any  
 2 47 other entity in this state, that provides assistance  
 2 48 to farmers with disabilities in all 99 counties to  
 2 49 allow the farmers to remain in their own homes and  
 2 50 be gainfully engaged in farming through provision



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Senate Amendment 5360 continued

3 1 of agricultural worksite and home modification  
3 2 consultations, peer support services, services to  
3 3 families, information and referral, and equipment  
3 4 loan services. Notwithstanding section 8.33, moneys  
3 5 appropriated in this section that remain unencumbered  
3 6 or unobligated at the close of the fiscal year shall  
3 7 not revert but shall remain available for expenditure  
3 8 for the purposes designated until the close of the  
3 9 succeeding fiscal year.>

3 10 #9. Page 30, after line 8 by inserting:

3 11 <Sec. \_\_\_\_ . FISCAL YEAR 2009=2010 ==  
3 12 APPROPRIATIONS. There is appropriated from the  
3 13 general fund of the state to the following departments  
3 14 and agencies for the fiscal year beginning July 1,  
3 15 2009, and ending June 30, 2010, the following amounts,  
3 16 or so much thereof as is necessary, to be used for the  
3 17 purposes designated:

3 18	1. DEPARTMENT OF MANAGEMENT	
3 19	For salaries, support, maintenance, and	
3 20	miscellaneous purposes:	
3 21	.....	\$ 200,000
3 22	2. DEPARTMENT OF REVENUE	
3 23	For the duties of the office of the state debt	
3 24	coordinator established in 2010 Iowa Acts, Senate	
3 25	File 2383, if enacted, including salaries, support,	
3 26	maintenance, services, advertising, miscellaneous	
3 27	purposes, and for not more than the following full-time	
3 28	equivalent positions:	
3 29	.....	\$ 300,000

.....

3 30 3.00  
3 31 For the period beginning on the effective date of  
3 32 the section establishing the debt amnesty program in  
3 33 2010 Iowa Acts, Senate File 2383, through November 30,  
3 34 2010, or when the program is ended, whichever is later,  
3 35 an amount of the proceeds collected by the program  
3 36 equal to the administrative, advertising, and other  
3 37 costs of the program shall be considered repayment  
3 38 receipts, as defined in section 8.2, and shall be used  
3 39 by the office of the state debt coordinator for those  
3 40 costs.

3 41 Notwithstanding section 8.33, moneys appropriated in  
3 42 this section that remain unencumbered or unobligated  
3 43 at the close of the fiscal year shall not revert but  
3 44 shall remain available for expenditure for the purposes  
3 45 designated until the close of the succeeding fiscal  
3 46 year.>

3 47 #10. Page 30, after line 21 by inserting:

3 48 <Sec. \_\_\_\_ . INSURANCE DIVISION. There is  
3 49 appropriated from the department of commerce revolving  
3 50 fund created in section 546.12 to the insurance



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Senate Amendment 5360 continued

4 1 division of the department of commerce for the fiscal  
 4 2 year beginning July 1, 2010, and ending June 30,  
 4 3 2011, the following amount, or so much thereof as is  
 4 4 necessary, to be used for the purposes designated:  
 4 5 For salaries, support, maintenance, miscellaneous  
 4 6 purposes, and for not more than the following full-time  
 4 7 equivalent positions:  
 4 8 ..... \$ 55,000  
 4 9 ..... FTEs 1.00>  
 4 10 #11. Page 30, after line 33 by inserting:  
 4 11 <\_\_\_. DEPARTMENT OF EDUCATION  
 4 12 a. To provide funding in addition to the amount  
 4 13 appropriated in 2010 Iowa Acts, Senate File 2376,  
 4 14 section 6, subsection 14, for allocation to eligible  
 4 15 school districts for the four-year-old preschool  
 4 16 program under chapter 256C:  
 4 17 ..... \$ 4,000,000  
 4 18 b. For school districts to provide direct  
 4 19 services to the most at-risk senior high school  
 4 20 students enrolled in school districts through direct  
 4 21 intervention by a jobs for America's graduates  
 4 22 specialist:  
 4 23 ..... \$ 540,000  
 4 24 \_\_\_\_\_. DEPARTMENT OF NATURAL RESOURCES  
 4 25 For operations, notwithstanding restrictions  
 4 26 otherwise applicable under 2010 Iowa Acts, House File  
 4 27 2525, relating to private buildings, if enacted:  
 4 28 ..... \$ 300,000  
 4 29 \_\_\_\_\_. DEPARTMENT OF HUMAN SERVICES  
 4 30 For funding of shelter care in addition to the  
 4 31 amount allocated for this purpose in the appropriation  
 4 32 for child and family services in 2010 Iowa Acts, House  
 4 33 File 2526, if enacted:  
 4 34 ..... \$ 500,000  
 4 35 \_\_\_\_\_. OFFICE OF ENERGY INDEPENDENCE  
 4 36 For deposit in the Iowa power fund:  
 4 37 ..... \$ 2,000,000>  
 4 38 #12. Page 31, line 18, after <agreement> by  
 4 39 inserting <executed on or before December 31, 2011>  
 4 40 #13. Page 31, line 22, after <subsection 8,> by  
 4 41 inserting <for its facilities described in section  
 4 42 327F.2 governed by the written agreement>  
 4 43 #14. Page 32, after line 14 by inserting:  
 4 44 <Sec. \_\_\_\_\_. INSTRUCTIONAL SUPPORT INCOME  
 4 45 SURTAX. For the budget year beginning July 1, 2010,  
 4 46 and ending June 30, 2011, the board of directors  
 4 47 of a school district shall determine and notify the  
 4 48 department of management by May 1, 2010, whether the  
 4 49 district will use the instructional support income  
 4 50 surtax to replace that portion of the instructional



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Senate Amendment 5360 continued

5 1 support state aid appropriation shortfall for the  
5 2 budget year beginning July 1, 2009. The amount of the  
5 3 instructional support income surtax imposed pursuant  
5 4 to this section shall not exceed the district's  
5 5 proportional share of \$13,103,950 appropriation  
5 6 shortfall. The income surtax rate imposed under  
5 7 this section shall be expressed as a percentage and,  
5 8 notwithstanding section 257.19, may be rounded to  
5 9 the nearest thousandths. Notwithstanding the income  
5 10 surtax percentage rate limitation in section 257.19 and  
5 11 section 298.14, the income surtax rate imposed under  
5 12 this section may exceed twenty percent if necessary to  
5 13 raise the district's proportional share of \$13,103,950.  
5 14 Revenue from the instructional support income surtax  
5 15 imposed pursuant to this section shall be in addition  
5 16 to any appropriation made in section 257.20.>  
5 17 #15. Page 32, after line 14 by inserting:  
5 18 <Sec. \_\_\_\_ . PUBLIC LIBRARY SUPPORT LEVY == ELECTION  
5 19 DATE.  
5 20 1. Notwithstanding the election date required under  
5 21 section 384.12, subsections 1 and 21, a city may submit  
5 22 a proposition relating to a public library property  
5 23 tax levy to the electorate on a date specified in  
5 24 section 39.2, subsection 4, paragraph "b", if all of  
5 25 the following conditions are met:  
5 26 a. The city is located in whole or in part in an  
5 27 area that the governor proclaimed a disaster emergency  
5 28 or the president of the United States declared a major  
5 29 disaster, as the result of a natural disaster occurring  
5 30 during the period of time beginning May 1, 2008, and  
5 31 ending August 1, 2008.  
5 32 b. The city contains a public library that was  
5 33 damaged by the natural disaster described in paragraph  
5 34 "a".  
5 35 2. An election under subsection 1 shall be held not  
5 36 later than August 2, 2011.>  
5 37 #16. Page 32, after line 27 by inserting:  
5 38 <Sec. \_\_\_\_ . LIMITED LIABILITY COMPANIES == BIENNIAL  
5 39 REPORTS.  
5 40 1. The biennial report fee, as determined by  
5 41 the secretary of state in accordance with section  
5 42 490A.1320, subsection 1, received for reports filed  
5 43 on or after July 1, 2006, shall be credited to the  
5 44 general fund of the state. The biennial report fee  
5 45 shall be due at the time the report is filed. On or  
5 46 after July 1, 2006, such biennial reports shall be  
5 47 due in even-numbered calendar years during the period  
5 48 beginning January 1, and ending April 1, and shall  
5 49 contain information relating to the two-year period  
5 50 immediately preceding the calendar year in which the



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6 1 report is filed.  
6 2 2. a. This section, being deemed of immediate  
6 3 importance, takes effect upon enactment and applies  
6 4 retroactively to July 1, 2006.  
6 5 b. A limited liability company that has not filed  
6 6 the biennial report for 2008 or 2010 shall file such  
6 7 report on or before June 30, 2010.>  
6 8 #17. Page 38, after line 11 by inserting:  
6 9 <Sec. \_\_\_\_ . Section 123.30, subsection 3, paragraph  
6 10 e, subparagraph (1), Code Supplement 2009, is amended  
6 11 to read as follows:  
6 12 (1) A class "E" liquor control license may be  
6 13 issued and shall authorize the holder to purchase  
6 14 alcoholic liquor from the division only and high  
6 15 alcoholic content beer from a class "AA" beer permittee  
6 16 only and to sell the alcoholic liquor and high  
6 17 alcoholic content beer to patrons for consumption  
6 18 off the licensed premises and to other liquor control  
6 19 licensees. A class "E" license shall not be issued  
6 20 to premises at which gasoline is sold. A holder of  
6 21 a class "E" liquor control license may hold other  
6 22 retail liquor control licenses or retail wine or beer  
6 23 permits, but the premises licensed under a class "E"  
6 24 liquor control license shall be separate from other  
6 25 licensed premises, though the separate premises may  
6 26 have a common entrance. However, the holder of a class  
6 27 "E" liquor control license may also hold a class "B"  
6 28 wine or class "C" beer permit or both for the premises  
6 29 licensed under a class "E" liquor control license.>  
6 30 #18. By striking page 39, line 33, through page 40,  
6 31 line 29.  
6 32 #19. Page 40, after line 29 by inserting:  
6 33 <Sec. \_\_\_\_ . NEW SECTION. 261D.4 Payment of dues.  
6 34 On an annual basis, the department of management  
6 35 shall apportion the dues assessed for membership in the  
6 36 midwestern higher education compact to various sectors  
6 37 of education including the department of education, the  
6 38 community college trustees, the Iowa association of  
6 39 independent colleges and universities, and the state  
6 40 board of regents. The apportionment shall be based on  
6 41 actual savings achieved in the previous fiscal year  
6 42 by each sector of education in a manner determined  
6 43 by the department of management. The department of  
6 44 management shall make payment on behalf of the state  
6 45 to the midwestern higher education compact commission  
6 46 and shall seek reimbursement from each sector of  
6 47 education based on the apportionment determined by the  
6 48 department.>  
6 49 #20. Page 40, after line 29 by inserting:  
6 50 <Sec. \_\_\_\_ . Section 321.482A, unnumbered paragraph



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7 1 1, Code 2009, is amended to read as follows:

7 2 Notwithstanding section 321.482, a person who is  
7 3 convicted of operating a motor vehicle in violation of  
7 4 section 321.256, 321.257, section 321.275, subsection  
7 5 4, section 321.297, 321.298, 321.299, 321.302, 321.303,  
7 6 321.304, 321.305, 321.306, 321.307, 321.308, section  
7 7 321.309, subsection 2, or section 321.311, 321.319,  
7 8 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,  
7 9 321.324A, 321.327, 321.329, or 321.333 causing serious  
7 10 injury to or the death of another person may be subject  
7 11 to the following penalties in addition to the penalty  
7 12 provided for a scheduled violation in section 805.8A or  
7 13 any other penalty provided by law:>

7 14 #21. Page 40, after line 29 by inserting:

7 15 <Sec. \_\_\_\_ . Section 421.27, subsection 6, Code 2009,  
7 16 is amended to read as follows:

7 17 6. Improper receipt of refund or credit. A person  
7 18 who makes an erroneous application for refund or  
7 19 credit shall be liable for any overpayment received  
7 20 or tax liability reduced plus interest at the rate  
7 21 in effect under section 421.7. In addition, a  
7 22 person who willfully makes a false or frivolous  
7 23 application for refund or credit with intent to evade  
7 24 tax or with intent to receive a refund or credit  
7 25 to which the person is not entitled is guilty of  
7 26 a fraudulent practice and is liable for a penalty  
7 27 equal to seventy-five percent of the refund or credit  
7 28 being claimed. ~~Repayments~~ Payments, penalties, and  
7 29 interest due under this subsection may be collected and  
7 30 enforced in the same manner as the tax imposed.>

7 31 #22. Page 40, after line 29 by inserting:

7 32 <Sec. \_\_\_\_ . Section 421C.3, subsection 15, if  
7 33 enacted by 2010 Iowa Acts, Senate File 2383, is amended  
7 34 to read as follows:

7 35 15. a. The director of revenue shall establish an  
7 36 account and shall deposit in the account all receipts  
7 37 received under the program established by the state  
7 38 debt coordinator. Not later than the fifteenth day of  
7 39 each month, the director shall deposit amounts received  
7 40 with the treasurer of state for deposit in the general  
7 41 fund of the state.

7 42 b. Of the amount of debt actually collected  
7 43 pursuant to the program, the department of revenue  
7 44 shall retain an amount, not to exceed the amount  
7 45 collected, that is sufficient to pay for salaries,  
7 46 support, maintenance, services, advertising, and other  
7 47 costs incurred by the coordinator relating to the  
7 48 program. Revenues retained by the office pursuant to  
7 49 this lettered paragraph shall be considered repayment  
7 50 receipts as defined in section 8.2.>



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8 1 #23. Page 42, after line 5 by inserting:  
8 2 <Sec. \_\_\_\_\_. NEW SECTION. 514C.26 Autism spectrum  
8 3 disorders coverage.  
8 4 1. Notwithstanding the uniformity of treatment  
8 5 requirements of section 514C.6, a group plan  
8 6 established pursuant to chapter 509A for employees  
8 7 of the state providing for third-party payment or  
8 8 prepayment of health, medical, and surgical coverage  
8 9 benefits shall provide coverage benefits to covered  
8 10 individuals under twenty-one years of age for the  
8 11 diagnostic assessment of autism spectrum disorders and  
8 12 for the treatment of autism spectrum disorders.  
8 13 2. As used in this section, unless the context  
8 14 otherwise requires:  
8 15 a. "Applied behavioral analysis" means the design,  
8 16 implementation, and evaluation of environmental  
8 17 modifications, using behavioral stimuli and  
8 18 consequences, to produce socially significant  
8 19 improvement in human behavior or to prevent loss of  
8 20 attained skill or function, including the use of direct  
8 21 observation, measurement, and functional analysis of  
8 22 the relations between environment and behavior.  
8 23 b. "Autism service provider" means a person,  
8 24 entity, or group providing treatment of autism spectrum  
8 25 disorders, pursuant to a treatment plan.  
8 26 c. "Autism spectrum disorders" means any of  
8 27 the pervasive developmental disorders including  
8 28 autistic disorder, Asperger's disorder, and pervasive  
8 29 developmental disorders not otherwise specified. The  
8 30 commissioner, by rule, shall define "autism spectrum  
8 31 disorders" consistent with definitions provided in  
8 32 the most recent edition of the American psychiatric  
8 33 association's diagnostic and statistical manual of  
8 34 mental disorders, as such definitions may be amended  
8 35 from time to time. The commissioner may adopt the  
8 36 definitions provided in such manual by reference.  
8 37 d. "Behavior specialist" means an individual,  
8 38 certified by the board of medicine, who designs,  
8 39 implements, or evaluates a behavior modification  
8 40 intervention component of a treatment plan, including  
8 41 those based on applied behavioral analysis, to produce  
8 42 socially significant improvements in human behavior or  
8 43 to prevent loss of attained skill or function, through  
8 44 skill acquisition and the reduction of problematic  
8 45 behavior.  
8 46 e. "Diagnostic assessment of autism spectrum  
8 47 disorders" means medically necessary assessment,  
8 48 evaluations, or tests performed by a licensed  
8 49 physician, licensed physician assistant, licensed  
8 50 psychologist, or licensed registered nurse practitioner



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9 1 to diagnose whether an individual has an autism  
9 2 spectrum disorder.

9 3 f. "Pharmacy care" means medications prescribed by  
9 4 a licensed physician, licensed physician assistant,  
9 5 or licensed registered nurse practitioner and any  
9 6 assessment, evaluation, or test prescribed or ordered  
9 7 by a licensed physician, licensed physician assistant,  
9 8 or licensed registered nurse practitioner to determine  
9 9 the need for or effectiveness of such medications.

9 10 g. "Psychiatric care" means direct or consultative  
9 11 services provided by a licensed physician who  
9 12 specializes in psychiatry.

9 13 h. "Psychological care" means direct or consultative  
9 14 services provided by a licensed psychologist.

9 15 i. "Rehabilitative care" means professional services  
9 16 and treatment programs, including applied behavioral  
9 17 analysis, provided by an autism service provider to  
9 18 produce socially significant improvement in human  
9 19 behavior or to prevent loss of attained skill or  
9 20 function.

9 21 j. "Therapeutic care" means services provided by  
9 22 a licensed speech pathologist, licensed occupational  
9 23 therapist, or licensed physical therapist.

9 24 k. "Treatment of autism spectrum disorders" means  
9 25 treatment that is identified in a treatment plan and  
9 26 includes medically necessary pharmacy care, psychiatric  
9 27 care, psychological care, rehabilitative care, and  
9 28 therapeutic care that is one of the following:

9 29 (1) Prescribed, ordered, or provided by a licensed  
9 30 physician, licensed physician assistant, licensed  
9 31 psychologist, licensed social worker, or licensed  
9 32 registered nurse practitioner.

9 33 (2) Provided by an autism service provider.

9 34 (3) Provided by a person, entity, or group that  
9 35 works under the direction of an autism service  
9 36 provider.

9 37 l. "Treatment plan" means a plan for the treatment  
9 38 of autism spectrum disorders developed by a licensed  
9 39 physician or licensed psychologist pursuant to a  
9 40 comprehensive evaluation or reevaluation performed  
9 41 in a manner consistent with the most recent clinical  
9 42 report or recommendations of the American academy of  
9 43 pediatrics, as determined by the commissioner by rule.

9 44 3. Coverage is required pursuant to this section in  
9 45 a maximum benefit amount of not more than thirty-six  
9 46 thousand dollars per year but shall not be subject  
9 47 to any limits on the number of visits to an autism  
9 48 service provider for treatment of autism spectrum  
9 49 disorders. Beginning in 2014, the commissioner  
9 50 shall, on or before April 1 of each calendar year,



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10 1 publish an adjustment to the maximum benefit required  
10 2 equal to the percentage change in the United States  
10 3 department of labor consumer price index for all urban  
10 4 consumers in the preceding year, and the published  
10 5 adjusted maximum benefit shall be applicable to group  
10 6 policies, contracts, or plans subject to this section  
10 7 that are issued or renewed on or after January 1 of  
10 8 the following calendar year. Payments made under a  
10 9 group plan subject to this section on behalf of a  
10 10 covered individual for treatment of a health condition  
10 11 unrelated to or distinguishable from the individual's  
10 12 autism spectrum disorder shall not be applied toward  
10 13 any maximum benefit established under this subsection.  
10 14 4. Coverage required pursuant to this section shall  
10 15 be subject to copayment, deductible, and coinsurance  
10 16 provisions, and any other general exclusions or  
10 17 limitations of a group plan to the same extent as other  
10 18 medical or surgical services covered by the group plan.  
10 19 5. Coverage required by this section shall be  
10 20 provided in coordination with coverage required for the  
10 21 treatment of autistic disorders pursuant to section  
10 22 514C.22.  
10 23 6. This section shall not be construed to limit  
10 24 benefits which are otherwise available to an individual  
10 25 under a group plan.  
10 26 7. This section shall not be construed to require  
10 27 coverage by a group plan of any service solely based on  
10 28 inclusion of the service in an individualized education  
10 29 program. Consistent with federal or state law and  
10 30 upon consent of the parent or guardian of a covered  
10 31 individual, the treatment of autism spectrum disorders  
10 32 may be coordinated with any services included in an  
10 33 individualized education program. However, coverage  
10 34 for the treatment of autism spectrum disorders shall  
10 35 not be contingent upon coordination of services with an  
10 36 individualized education program.  
10 37 8. This section shall not apply to accident-only,  
10 38 specified disease, short-term hospital or medical,  
10 39 hospital confinement indemnity, credit, dental, vision,  
10 40 Medicare supplement, long-term care, basic hospital  
10 41 and medical-surgical expense coverage as defined  
10 42 by the commissioner, disability income insurance  
10 43 coverage, coverage issued as a supplement to liability  
10 44 insurance, workers' compensation or similar insurance,  
10 45 or automobile medical payment insurance, or individual  
10 46 accident and sickness policies issued to individuals or  
10 47 to individual members of a member association.  
10 48 9. A plan established pursuant to chapter 509A for  
10 49 employees of the state may manage the benefits provided  
10 50 through common methods including but not limited to



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11 1 providing payment of benefits or providing care and  
11 2 treatment under a capitated payment system, prospective  
11 3 reimbursement rate system, utilization control system,  
11 4 incentive system for the use of least restrictive and  
11 5 costly levels of care, a preferred provider contract  
11 6 limiting choice of specific providers, or any other  
11 7 system, method, or organization designed to assure  
11 8 services are medically necessary and clinically  
11 9 appropriate.  
11 10 10. An insurer may review a treatment plan for  
11 11 treatment of autism spectrum disorders once every six  
11 12 months, subject to its utilization review requirements,  
11 13 including case management, concurrent review, and  
11 14 other managed care provisions. A more or less frequent  
11 15 review may be agreed upon by the insured and the  
11 16 licensed physician or licensed psychologist developing  
11 17 the treatment plan.  
11 18 11. For the purposes of this section, the results  
11 19 of a diagnostic assessment of autism spectrum disorder  
11 20 shall be valid for a period of not less than twelve  
11 21 months, unless a licensed physician or licensed  
11 22 psychologist determines that a more frequent assessment  
11 23 is necessary.  
11 24 12. The board of medicine shall adopt rules  
11 25 providing for the certification of behavior  
11 26 specialists.  
11 27 a. An applicant for a certificate as a behavior  
11 28 specialist shall submit a written application on  
11 29 forms provided by the board of medicine evidencing and  
11 30 insuring that the applicant meets all of the following  
11 31 requirements:  
11 32 (1) Is of good moral character.  
11 33 (2) Has received a master's or higher degree from  
11 34 a board-approved, accredited college or university,  
11 35 including a major course of study in school, clinical,  
11 36 or counseling psychology, special education, social  
11 37 work, speech therapy, occupational therapy, or another  
11 38 related field.  
11 39 (3) Has at least one year of experience involving  
11 40 functional behavior assessments, including the  
11 41 development and implementation of behavioral supports  
11 42 or treatment plans.  
11 43 (4) Has completed at least one thousand hours  
11 44 in direct clinical experience with individuals with  
11 45 behavioral challenges or at least one thousand hours  
11 46 experience in a related field with individuals with  
11 47 autism spectrum disorders.  
11 48 (5) Has completed relevant training programs,  
11 49 including professional ethics, autism-specific  
11 50 training, assessments training, instructional



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12 1 strategies and best practices, crisis intervention,  
 12 2 comorbidity and medications, family collaboration, and  
 12 3 addressing specific skill deficits training.  
 12 4     b. The board of medicine shall not issue a  
 12 5 certificate to an applicant who has been convicted of a  
 12 6 felony, of a controlled substance-related offense under  
 12 7 chapter 124 or of the laws of another jurisdiction  
 12 8 unless all of the following requirements have been met:  
 12 9     (1) At least ten years have elapsed from the date  
 12 10 of conviction of such an offense.  
 12 11     (2) The applicant satisfactorily demonstrates to  
 12 12 the board of medicine that the applicant has made  
 12 13 significant progress in personal rehabilitation since  
 12 14 the conviction such that certification of the applicant  
 12 15 would not be expected to create a substantial risk  
 12 16 of harm to the health and safety of patients or the  
 12 17 public, or a substantial risk of further criminal  
 12 18 violations.  
 12 19     (3) The applicant otherwise satisfies the  
 12 20 requirements of this subsection.

12 21     13. The commissioner shall adopt rules pursuant to  
 12 22 chapter 17A to implement and administer this section.

12 23     14. This section applies to plans established  
 12 24 pursuant to chapter 509A for employees of the state  
 12 25 that are delivered, issued for delivery, continued, or  
 12 26 renewed in this state on or after January 1, 2011.>  
 12 27 #24. Page 42, after line 20 by inserting:

12 28     <Sec. \_\_\_\_\_. 2010 Iowa Acts, Senate File 2378,  
 12 29 section 15, if enacted, is amended to read as follows:  
 12 30     SEC. 15. GAMING ENFORCEMENT. There is appropriated  
 12 31 from the gaming enforcement revolving fund created in  
 12 32 section 80.43 to the department of public safety for  
 12 33 the fiscal year beginning July 1, 2010, and ending June  
 12 34 30, 2011, the following amount, or so much thereof as  
 12 35 is necessary, to be used for the purposes designated:  
 12 36     For any direct and indirect support costs for  
 12 37 agents and officers of the division of criminal  
 12 38 investigation's excursion gambling boat, gambling  
 12 39 structure, and racetrack enclosure enforcement  
 12 40 activities, including salaries, support, maintenance,  
 12 41 miscellaneous purposes, and for not more than the  
 12 42 following full-time equivalent positions:

12 43 .....	\$	<del>8,851,775</del>
12 44 <u>9,315,306</u>		
12 45 .....	FTEs	115.00

12 46     However, for each additional license to conduct  
 12 47 gambling games on an excursion gambling boat, gambling  
 12 48 structure, or racetrack enclosure issued during the  
 12 49 period beginning July 1, 2009, through June 30, 2011,  
 12 50 there is appropriated from the gaming enforcement fund



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13 1 to the department of public safety for the fiscal year  
13 2 beginning July 1, 2010, and ending June 30, 2011, an  
13 3 additional amount of not more than \$521,000 to be used  
13 4 for not more than 6.00 additional full-time equivalent  
13 5 positions.>  
13 6 #25. Page 42, after line 20 by inserting:  
13 7 <Sec. \_\_\_\_ . REPEAL. 2010 Iowa Acts, House File  
13 8 2525, section 6, is repealed.>  
13 9 #26. Page 42, after line 25 by inserting:  
13 10 <Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. The provision  
13 11 of this division of this Act appropriating moneys from  
13 12 the general fund of the state to the department of  
13 13 management and to the department of revenue for fiscal  
13 14 year 2009=2010, being deemed of immediate importance,  
13 15 takes effect upon enactment.>  
13 16 #27. Page 42, after line 25 by inserting:  
13 17 <Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
13 18 APPLICABILITY. The provision of this division of this  
13 19 Act amending section 123.30, subsection 3, paragraph  
13 20 "e", subparagraph (1), being deemed of immediate  
13 21 importance, takes effect upon enactment, and is  
13 22 retroactively applicable to March 10, 2010.>  
13 23 #28. Page 42, after line 25 by inserting:  
13 24 <Sec. \_\_\_\_ . EFFECTIVE DATE. The provision of this  
13 25 division of this Act amending section 421.3, if enacted  
13 26 by 2010 Iowa Acts, Senate File 2383, takes effect on  
13 27 the effective date of section 421C.3.>  
13 28 #29. Page 42, after line 25 by inserting:  
13 29 <Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. The  
13 30 provision of this division of this Act relating to the  
13 31 instructional support income surtax, being deemed of  
13 32 immediate importance, takes effect upon enactment.>  
13 33 #30. By striking page 43, line 8, through page 44,  
13 34 line 28.  
13 35 #31. Page 46, after line 5 by inserting:  
13 36 <DIVISION \_\_\_\_  
13 37 WINE  
13 38 Section 1. Section 123.183, Code 2009, is amended  
13 39 to read as follows:  
13 40 123.183 Wine gallonage tax and related funds.  
13 41 1. In addition to the annual permit fee to be paid  
13 42 by each class "A" wine permittee, a wine gallonage tax  
13 43 shall be levied and collected from each class "A" wine  
13 44 permittee on all wine manufactured for sale and sold  
13 45 in this state at wholesale and on all wine imported  
13 46 into this state for sale at wholesale and sold in this  
13 47 state at wholesale. A wine gallonage tax shall also  
13 48 be levied and collected on the direct shipment of wine  

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13 49 pursuant to section 123.187. The rate of the wine  
13 50 gallonage tax is one dollar and seventy-five cents for



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14 1 each wine gallon. The same rate shall apply for the  
14 2 fractional parts of a wine gallon. The wine gallonage  
14 3 tax shall not be levied or collected on wine sold by  
14 4 one class "A" wine permittee to another class "A" wine  
14 5 permittee.

14 6 2. a. Revenue collected from the wine gallonage  
14 7 tax on wine manufactured for sale and sold in this  
14 8 state, and on wine subject to direct shipment as  
14 9 provided in section 123.187 by a wine manufacturer  
14 10 licensed or permitted pursuant to laws regulating  
14 11 alcoholic beverages in this state, shall be deposited  
14 12 in the wine gallonage tax fund as created in this  
14 13 section.

14 14 b. A wine gallonage tax fund is created in the  
14 15 office of the treasurer of state. Moneys deposited in  
14 16 the fund are appropriated to the department of economic  
14 17 development as provided in section 15E.117. Moneys in  
14 18 the fund are not subject to section 8.33.

14 19 3. The revenue collected from the wine gallonage  
14 20 tax on wine imported into this state for sale at  
14 21 wholesale and sold in this state at wholesale, and on  
14 22 wine subject to direct shipment as provided in section  
14 23 123.187 by a wine manufacturer licensed or permitted  
14 24 pursuant to laws regulating alcoholic beverages in  
14 25 another state, shall be deposited in the beer and  
14 26 liquor control fund created in section 123.53.

14 27 Sec. \_\_\_\_\_. Section 123.187, subsection 4, as enacted  
14 28 by 2010 Iowa Acts, Senate File 2088, section 100, is  
14 29 amended to read as follows:

14 30 4.a. In addition to the annual license fee,  
14 31 a wine direct shipper licensee shall remit to the  
14 32 division an amount equivalent to the wine gallonage  
14 33 tax on wine subject to direct shipment at the rate  
14 34 specified in section 123.183 for deposit as provided in  
14 35 section 123.183, subsections 2 and 3. The amount shall  
14 36 be remitted at the same time and in the same manner  
14 37 as provided in section 123.184, and the ten percent  
14 38 penalty specified therein shall be applicable.

14 39 b. Shipment of wine pursuant to this subsection  
14 40 does not require a refund value for beverage container  
14 41 control purposes under chapter 455C.>

14 42 #32. Page 46, after line 5 by inserting:

14 43 <DIVISION \_\_\_\_  
14 44 MEDICATION THERAPY MANAGEMENT  
14 45 Sec. \_\_\_\_\_. MEDICATION THERAPY MANAGEMENT == PILOT ==  
14 46 REPEAL.

14 47 1. As used in this section unless the context  
14 48 otherwise requires:

14 49 a. "Eligible employee" means an employee of the  
14 50 state, with the exception of an employee of the state



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15 1 board of regents or institutions under the state board  
15 2 of regents, for whom group health plans are established  
15 3 pursuant to chapter 509A providing for third-party  
15 4 payment or prepayment for health or medical expenses.  
15 5     b. "Medication therapy management" means a  
15 6 systematic process performed by a licensed pharmacist,  
15 7 designed to optimize therapeutic outcomes through  
15 8 improved medication use and reduced risk of adverse  
15 9 drug events, including all of the following services:  
15 10     (1) A medication therapy review and in-person  
15 11 consultation relating to all medications, vitamins, and  
15 12 herbal supplements currently being taken by an eligible  
15 13 individual.  
15 14     (2) A medication action plan, subject to the  
15 15 limitations specified in this section, communicated  
15 16 to the individual and the individual's primary care  
15 17 physician or other appropriate prescriber to address  
15 18 safety issues, inconsistencies, duplicative therapy,  
15 19 omissions, and medication costs. The medication action  
15 20 plan may include recommendations to the prescriber for  
15 21 changes in drug therapy.  
15 22     (3) Documentation and follow-up to ensure  
15 23 consistent levels of pharmacy services and positive  
15 24 outcomes.  
15 25     2. a. Prior to July 1, 2010, the department of  
15 26 administrative services shall utilize a request for  
15 27 proposals process to contract for the provision of  
15 28 medication therapy management services beginning July  
15 29 1, 2010, for eligible employees who meet any of the  
15 30 following criteria:  
15 31     (1) An individual who takes four or more  
15 32 prescription drugs to treat or prevent two or more  
15 33 chronic medical conditions.  
15 34     (2) An individual with a prescription drug therapy  
15 35 problem who is identified by the prescribing physician  
15 36 or other appropriate prescriber, and referred to a  
15 37 pharmacist for medication therapy management services.  
15 38     (3) An individual who meets other criteria  
15 39 established by the third-party payment provider  
15 40 contract, policy, or plan.  
15 41     b. The department of administrative services shall  
15 42 utilize an advisory committee comprised of an equal  
15 43 number of physicians and pharmacists to provide advice  
15 44 and oversight regarding the request for proposals and  
15 45 evaluation processes. The department shall appoint the  
15 46 members of the advisory council based upon designees  
15 47 of the Iowa pharmacy association, the Iowa medical  
15 48 society, and the Iowa osteopathic medical association.  
15 49     c. The contract shall require the company to  
15 50 provide annual reports to the general assembly



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16 1 detailing the costs, savings, estimated cost avoidance  
16 2 and return on investment, and patient outcomes  
16 3 related to the medication therapy management services  
16 4 provided. The company shall guarantee demonstrated  
16 5 annual savings, including any savings associated with  
16 6 cost avoidance at least equal to the program's costs  
16 7 with any shortfall amount refunded to the state. As  
16 8 a proof of concept in the program for the period  
16 9 beginning July 1, 2010, and ending June 30, 2011, the  
16 10 company shall offer a dollar-for-dollar guarantee for  
16 11 drug product costs savings alone. Prior to entering  
16 12 into a contract with a company, the department and  
16 13 the company shall agree on the terms, conditions,  
16 14 and applicable measurement standards associated  
16 15 with the demonstration of savings. The department  
16 16 shall verify the demonstrated savings reported by  
16 17 the company was performed in accordance with the  
16 18 agreed upon measurement standards. The company shall  
16 19 be prohibited from using the company's employees to  
16 20 provide the medication therapy management services and  
16 21 shall instead be required to contract with licensed  
16 22 pharmacies, pharmacists, or physicians.  
16 23 d. The fees for pharmacist-delivered medication  
16 24 therapy management services shall be separate from  
16 25 the reimbursement for prescription drug product or  
16 26 dispensing services; shall be determined by each  
16 27 third-party payment provider contract, policy, or plan;  
16 28 and must be reasonable based on the resources and time  
16 29 required to provide the service.  
16 30 e. A fee shall be established for physician  
16 31 reimbursement for services delivered for medication  
16 32 therapy management as determined by each third-party  
16 33 payment provider contract, policy, or plan, and must be  
16 34 reasonable based on the resources and time required to  
16 35 provide the service.  
16 36 f. If any part of the medication therapy management  
16 37 plan developed by a pharmacist incorporates services  
16 38 which are outside the pharmacist's independent scope  
16 39 of practice including the initiation of therapy,  
16 40 modification of dosages, therapeutic interchange, or  
16 41 changes in drug therapy, the express authorization  
16 42 of the individual's physician or other appropriate  
16 43 prescriber is required.  
16 44 3. This section is repealed December 31, 2011.  
16 45 Sec. \_\_\_\_\_. DEPARTMENT OF ADMINISTRATIVE SERVICES ==  
16 46 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE  
16 47 TANK FUND. There is appropriated from the Iowa  
16 48 comprehensive petroleum underground storage tank  
16 49 fund created in section 455G.3 to the department of  
16 50 administrative services for the fiscal year beginning



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17 1 July 1, 2010, and ending June 30, 2011, the following  
 17 2 amount, or so much thereof as is necessary, to be used  
 17 3 for the purposes of this division, notwithstanding  
 17 4 section 455G.3, subsection 1:  
 17 5 ..... \$ 543,000

17 6 Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. This division  
 17 7 of this Act, being deemed of immediate importance,  
 17 8 takes effect upon enactment.>

17 9 #33. Page 46, after line 5 by inserting:

17 10 <DIVISION \_\_\_\_  
 17 11 IOWA COMPREHENSIVE PETROLEUM  
 17 12 UNDERGROUND STORAGE TANK FUND

17 13 Sec. \_\_\_\_ . Section 455B.474, subsection 1, paragraph  
 17 14 d, subparagraph (2), unnumbered paragraph 1, Code  
 17 15 Supplement 2009, is amended to read as follows:

17 16 A site shall be classified as either high risk,  
 17 17 low risk, or no action required, as determined by a  
 17 18 certified groundwater professional.

17 19 Sec. \_\_\_\_ . Section 455B.474, subsection 1, paragraph  
 17 20 d, subparagraph (2), subparagraph division (a),  
 17 21 unnumbered paragraph 1, Code Supplement 2009, is  
 17 22 amended to read as follows:

17 23 A site shall be considered high risk when ~~it is~~  
 17 24 ~~determined a certified groundwater professional~~  
 17 25 determines that contamination from the site presents an  
 17 26 unreasonable risk to public health and safety or the  
 17 27 environment under any of the following conditions:

17 28 Sec. \_\_\_\_ . Section 455B.474, subsection 1, paragraph  
 17 29 d, subparagraph (2), subparagraph division (b),  
 17 30 unnumbered paragraph 1, Code Supplement 2009, is  
 17 31 amended to read as follows:

17 32 A site shall be considered low risk ~~under any of~~  
 17 33 ~~the following conditions~~ when a certified groundwater  
 17 34 professional determines that low risk conditions exist  
 17 35 as follows:

17 36 Sec. \_\_\_\_ . Section 455B.474, subsection 1, paragraph  
 17 37 d, subparagraph (2), subparagraph divisions (c) and  
 17 38 (e), Code Supplement 2009, are amended to read as  
 17 39 follows:

17 40 (c) A site shall be considered no action required  
 17 41 ~~if~~ and a no further action certificate shall be  
 17 42 issued by the department when a certified groundwater  
 17 43 professional determines that contamination is below  
 17 44 action level standards and high or low risk conditions  
 17 45 do not exist and are not likely to occur.

17 46 (e) A site cleanup report which classifies a  
 17 47 site as either high risk, low risk, or no action  
 17 48 required shall be submitted by a groundwater  
 17 49 professional to the department with a certification  
 17 50 that the report complies with the provisions of this



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18 1 chapter and rules adopted by the department. The  
18 2 report shall be determinative of the appropriate  
18 3 classification of the site. ~~However, if the report~~  
18 4 ~~is found to be~~ and the site shall be classified as  
18 5 indicated by the groundwater professional unless,  
18 6 within ninety days of receipt by the department,  
18 7 the department identifies material information in  
18 8 the report that is inaccurate or incomplete, and  
18 9 ~~if based upon inaccurate or incomplete~~ information  
18 10 in the report the risk classification of the site  
18 11 cannot be reasonably determined by the department  
18 12 based upon industry standards, ~~the department shall.~~  
18 13 If the department determines that the site cleanup  
18 14 report is inaccurate or incomplete, the department  
18 15 shall notify the groundwater professional of the  
18 16 inaccurate or incomplete information within ninety  
18 17 days of receipt of the report and shall work with  
18 18 the groundwater professional to obtain ~~the correct~~  
18 19 ~~information or additional information necessary~~  
18 20 to appropriately classify the site. However, from  
18 21 July 1, 2010, through June 30, 2011, the department  
18 22 shall have one hundred twenty days to notify the  
18 23 certified groundwater professional when a report is  
18 24 not accepted based on material information that is  
18 25 found to be inaccurate or incomplete. A groundwater  
18 26 professional who knowingly or intentionally makes a  
18 27 false statement or misrepresentation which results in  
18 28 a mistaken classification of a site shall be guilty of  
18 29 a serious misdemeanor and shall have the groundwater  
18 30 professional's certification revoked under this  
18 31 section.  
18 32 Sec. \_\_\_\_\_. Section 455B.474, subsection 1, paragraph  
18 33 f, subparagraphs (5), (6), and (7), Code Supplement  
18 34 2009, are amended to read as follows:  
18 35 (5) A corrective action design report submitted by  
18 36 a groundwater professional shall be accepted by the  
18 37 department and shall be primarily relied upon by the  
18 38 department to determine the corrective action response  
18 39 requirements of the site. ~~However, if the corrective~~  
18 40 ~~action design report is found to be~~ within ninety days  
18 41 of receipt of a corrective action design report, the  
18 42 department identifies material information in the  
18 43 corrective action design report that is inaccurate or  
18 44 incomplete, and if based upon information in the report  
18 45 the appropriate corrective action response cannot be  
18 46 reasonably determined by the department based upon  
18 47 industry standards, the department shall notify the  
18 48 groundwater professional that the corrective action  
18 49 design report is not accepted, and the department  
18 50 shall work with the groundwater professional to correct



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19 1 the material information or to obtain the additional  
19 2 information necessary to appropriately determine the  
19 3 corrective action response requirements as soon as  
19 4 practicable. However, from July 1, 2010, through June  
19 5 30, 2011, the department shall have one hundred twenty  
19 6 days to notify the certified groundwater professional  
19 7 when a corrective action design report is not accepted  
19 8 based on material information that is found to be  
19 9 inaccurate or incomplete. A groundwater professional  
19 10 who knowingly or intentionally makes a false statement  
19 11 or misrepresentation which results in an improper or  
19 12 incorrect corrective action response shall be guilty of  
19 13 a serious misdemeanor and shall have the groundwater  
19 14 professional's certification revoked under this  
19 15 section.

19 16 (6) Low risk sites shall be monitored as deemed  
19 17 necessary by the department consistent with industry  
19 18 standards. Monitoring shall not be required on a site  
19 19 which has received a no further action certificate.  
19 20 A site that has maintained less than the applicable  
19 21 target level for four consecutive sampling events shall  
19 22 be reclassified as a no action required site regardless  
19 23 of exit monitoring criteria and guidance.

19 24 (7) An owner or operator may elect to proceed with  
19 25 additional corrective action on the site. However,  
19 26 any action taken in addition to that required pursuant  
19 27 to this paragraph "f" shall be solely at the expense  
19 28 of the owner or operator and shall not be considered  
19 29 corrective action for purposes of section 455G.9,  
19 30 unless otherwise previously agreed to by the board  
19 31 and the owner or operator pursuant to section 455G.9,  
19 32 subsection 7. Corrective action taken by an owner or  
19 33 operator due to the department's failure to meet the  
19 34 time requirements provided in subparagraph (5), shall  
19 35 be considered corrective action for purposes of section  
19 36 455G.9.

19 37 Sec. \_\_\_\_\_. Section 455B.474, subsection 1, paragraph  
19 38 h, subparagraphs (1) and (3), Code Supplement 2009, are  
19 39 amended to read as follows:

19 40 (1) A no further action certificate shall be  
19 41 issued by the department for a site which has been  
19 42 classified as a no further action site or which  
19 43 has been reclassified pursuant to completion of a  
19 44 corrective action plan or monitoring plan to be a no  
19 45 further action site by a groundwater professional,  
19 46 unless within ninety days of receipt of the report  
19 47 submitted by the groundwater professional classifying  
19 48 the site, the department notifies the groundwater  
19 49 professional that the report and site classification  
19 50 are not accepted and the department identifies



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20 1 material information in the report that is inaccurate  
20 2 or incomplete which causes the department to be  
20 3 unable to accept the classification of the site.  
20 4 An owner or operator shall not be responsible for  
20 5 additional assessment, monitoring, or corrective  
20 6 action activities at a site that is issued a no further  
20 7 action certificate unless it is determined that the  
20 8 certificate was issued based upon false material  
20 9 statements that were knowingly or intentionally made  
20 10 by a groundwater professional and the false material  
20 11 statements resulted in the incorrect classification of  
20 12 the site.

20 13 (3) A certificate shall be recorded with the county  
20 14 recorder. The owner or operator of a site who has been  
20 15 issued a certificate under this paragraph "h" or a  
20 16 subsequent purchaser of the site shall not be required  
20 17 to perform further corrective action solely because  
20 18 action standards are changed at a later date. A  
20 19 certificate shall not prevent the department from  
20 20 ordering corrective action of a new release.

20 21 Sec. \_\_\_\_\_. Section 455B.479, Code 2009, is amended  
20 22 to read as follows:  
20 23 455B.479 Storage tank management fee.  
20 24 An owner or operator of an underground storage  
20 25 tank shall pay an annual storage tank management fee  
20 26 of sixty-five dollars per tank of over one thousand  
20 27 one hundred gallons capacity. ~~Twenty-three percent~~  
~~20 28 of the~~ The fees collected shall be deposited in the  
20 29 storage tank management account of the groundwater  
20 30 protection fund. ~~Seventy-seven percent of the fees~~  
~~20 31 collected shall be deposited in the Iowa comprehensive~~  
~~20 32 petroleum underground storage tank fund created in~~  
~~20 33 chapter 455C.~~

20 34 Sec. \_\_\_\_\_. Section 455E.11, subsection 2, paragraph  
20 35 d, Code Supplement 2009, is amended to read as follows:  
20 36 d. A storage tank management account. All fees  
20 37 collected pursuant to section 455B.473, subsection 5,  
20 38 and section 455B.479, shall be deposited in the storage  
20 39 tank management account, ~~except those moneys deposited~~  
~~20 40 into the Iowa comprehensive petroleum underground~~  
~~20 41 storage tank fund pursuant to section 455B.479. Funds.~~  
20 42 Moneys deposited in the account shall be expended for  
20 43 the following purposes:

20 44 (1) One thousand dollars is appropriated annually  
20 45 to the Iowa department of public health to carry out  
20 46 departmental duties under section 135.11, subsections  
20 47 19 and 20, and section 139A.21.

20 48 (2) ~~Twenty-three percent of the proceeds of the~~  
~~20 49 fees imposed pursuant to section 455B.473, subsection~~  
~~20 50 5, and section 455B.479 shall be deposited in the~~



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~~21 1 account annually, up to a maximum of three hundred  
21 2 fifty thousand dollars. If twenty-three percent of the  
21 3 proceeds exceeds three hundred fifty thousand dollars,  
21 4 the excess shall be deposited into the fund created in  
21 5 section 455C.3. Three hundred fifty thousand dollars  
21 6 is The moneys remaining in the account after the  
21 7 appropriation in subparagraph (1) are appropriated from  
21 8 the storage tank management account to the department  
21 9 of natural resources for the administration of a state  
21 10 storage tank program pursuant to chapter 455B, division  
21 11 IV, part 8, and for programs which reduce the potential  
21 12 for harm to the environment and the public health from  
21 13 storage tanks.~~

~~21 14 (3) The remaining funds in the account are  
21 15 appropriated annually to the Iowa comprehensive  
21 16 petroleum underground storage tank fund. Each fiscal  
21 17 year, the department of natural resources shall enter  
21 18 into an agreement with the Iowa comprehensive petroleum  
21 19 underground storage tank fund for the completion  
21 20 of administrative tasks during the fiscal year  
21 21 directly related to the evaluation and modification  
21 22 of risk based corrective action rules as necessary  
21 23 and processes that affect the administration in  
21 24 subparagraph (2).~~

21 25 Sec. \_\_\_\_ . Section 455G.3, Code 2009, is amended by  
21 26 adding the following new subsections:

21 27 NEW SUBSECTION. 6. For the fiscal year beginning  
21 28 July 1, 2010, and each fiscal year thereafter, there  
21 29 is appropriated from the Iowa comprehensive petroleum  
21 30 underground storage tank fund to the department of  
21 31 natural resources two hundred thousand dollars for  
21 32 purposes of technical review support to be conducted  
21 33 by nongovernmental entities for leaking underground  
21 34 storage tank assessments.

21 35 NEW SUBSECTION. 7. For the fiscal year beginning  
21 36 July 1, 2010, there is appropriated from the Iowa  
21 37 comprehensive petroleum underground storage tank fund  
21 38 to the department of natural resources one hundred  
21 39 thousand dollars for purposes of database modifications  
21 40 necessary to accept batched external data regarding  
21 41 underground storage tank inspections conducted by  
21 42 nongovernmental entities.

21 43 NEW SUBSECTION. 8. For the fiscal year beginning  
21 44 July 1, 2010, and each fiscal year thereafter, there  
21 45 is appropriated from the Iowa comprehensive petroleum  
21 46 underground storage tank fund to the department of  
21 47 agriculture and land stewardship two hundred fifty  
21 48 thousand dollars for the sole and exclusive purpose  
21 49 of inspecting fuel quality at pipeline terminals  
21 50 and renewable fuel production facilities, including



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22 1 salaries, support, maintenance, and miscellaneous  
22 2 purposes.

22 3 NEW SUBSECTION. 9. Beginning September 1, 2010,  
22 4 the board shall administer safety training, hazardous  
22 5 material training, environmental training, and  
22 6 underground storage tank operator training in the  
22 7 state to be provided by an entity approved by the  
22 8 department of natural resources. The training provided  
22 9 pursuant to this subsection shall be available to any  
22 10 tank operator in the state at an equal and reasonable  
22 11 cost and shall not be conditioned upon any other  
22 12 requirements. Each fiscal year, the board shall not  
22 13 expend more than two hundred fifty thousand dollars  
22 14 from the Iowa comprehensive petroleum underground  
22 15 storage tank fund for purposes of administering this  
22 16 subsection.

22 17 Sec. \_\_\_\_\_. Section 455G.4, subsection 1, paragraph  
22 18 a, subparagraphs (3) and (5), Code Supplement 2009, are  
22 19 amended to read as follows:

22 20 (3) ~~The commissioner of insurance, or the~~  
~~22 21 commissioner's designee. An employee of the department~~  
~~22 22 of management who has been designated as a risk manager~~  
~~22 23 by the director of the department of management.~~

22 24 (5) Two owners or operators appointed by the  
22 25 governor. ~~One of the owners or operators appointed~~  
~~22 26 pursuant to this subparagraph shall have been a~~  
~~22 27 petroleum systems insured through the underground~~  
~~22 28 storage tank insurance fund as it existed on June 30,~~  
~~22 29 2004, or a successor to the underground storage tank~~  
~~22 30 insurance fund and shall have been an insured through~~  
~~22 31 the insurance account of the comprehensive petroleum~~  
~~22 32 underground storage tank fund on or before October~~  
~~22 33 26, 1990. One of the owners or operators appointed~~  
~~22 34 pursuant to this subparagraph shall be self-insured. as~~  
~~22 35 follows:~~

22 36 (a) One member shall be an owner or operator who is  
22 37 self-insured.

22 38 (b) One member shall be a member of the petroleum  
22 39 marketers and convenience stores of Iowa or its  
22 40 designee.

22 41 Sec. \_\_\_\_\_. Section 455G.8, subsection 3, Code 2009,  
22 42 is amended by striking the subsection.

22 43 Sec. \_\_\_\_\_. Section 455G.9, subsection 1, paragraphs  
22 44 d, k, and l, Code 2009, are amended to read as follows:

22 45 d. One hundred percent of the costs of corrective  
22 46 action and third-party liability for a release situated  
22 47 on property acquired by a county for delinquent taxes  
22 48 pursuant to chapters 445 through 448, for which a  
22 49 responsible owner or operator able to pay, other  
22 50 than the county, cannot be found. A county is not



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23 1 a "responsible party" for a release in connection  
23 2 with property which it acquires in connection with  
23 3 delinquent taxes, and does not become a responsible  
23 4 party by sale or transfer of property so acquired. In  
23 5 such situations, the board may act as an agent for  
23 6 the county. Actual corrective action on the site  
23 7 shall be overseen by the department, the board, and  
23 8 a certified groundwater professional. Third-party  
23 9 liability specifically excludes any claim, cause of  
23 10 action, or suit, for personal injury including, but  
23 11 not limited to, loss of use or of private enjoyment,  
23 12 mental anguish, false imprisonment, wrongful entry or  
23 13 eviction, humiliation, discrimination, or malicious  
23 14 prosecution. Reasonable acquisition costs do not  
23 15 include any taxes or costs related to the collection  
23 16 of taxes.

23 17 k. Pursuant to an agreement between the board and  
23 18 the department of natural resources, assessment and  
23 19 corrective action arising out of releases at sites for  
23 20 which a no further action certificate has been issued  
23 21 pursuant to section 455B.474, when the department  
23 22 determines that an unreasonable risk to public health  
23 23 and safety may still exist or that previously reported  
23 24 upon applicable target levels have been exceeded. At  
23 25 a minimum, the agreement shall address eligible costs,  
23 26 contracting for services, and conditions under which  
23 27 sites may be reevaluated.

23 28 l. ~~Costs~~ Up to fifteen thousand dollars for the  
23 29 permanent closure of an underground storage tank  
23 30 system that was in place on the date an eligible claim  
23 31 was submitted under paragraph "a" that does not meet  
23 32 performance standards for new or upgraded tanks or  
23 33 is otherwise required to be closed pursuant to rules  
23 34 adopted by the environmental protection commission  
23 35 pursuant to section 455B.474. Reimbursement is limited  
23 36 to costs approved by the board prior to the closure  
23 37 activities.

23 38 Sec. \_\_\_\_\_. Section 455G.9, subsection 4, Code 2009,  
23 39 is amended to read as follows:

23 40 4. Minimum copayment schedule.

23 41 a. An owner or operator shall be required to pay  
23 42 the greater of five thousand dollars or eighteen  
23 43 percent of the first eighty thousand dollars of the  
23 44 total costs of corrective action for that release,  
23 45 except for claims pursuant to section 455G.21, where  
23 46 the claimant is not a responsible party or potentially  
23 47 responsible party for the site for which the claim is  
23 48 filed.

23 49 b. If a site's actual expenses exceed eighty  
23 50 thousand dollars, the remedial account shall pay the



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24 1 remainder, as required by federal regulations, of  
24 2 the total costs of the corrective action for that  
24 3 release, not to exceed one million dollars, except that  
24 4 a county shall not be required to pay a copayment in  
24 5 connection with a release situated on property acquired  
24 6 in connection with delinquent taxes, as provided in  
24 7 subsection 1, paragraph "d", unless subsequent to  
24 8 acquisition the county actively operates a tank on the  
24 9 property for purposes other than risk assessment, risk  
24 10 management, or tank closure.

24 11 Sec. \_\_\_\_\_. Section 455G.9, subsection 7, Code 2009,  
24 12 is amended to read as follows:

24 13 7. Expenses of cleanup not required. When an  
24 14 owner or operator who is eligible for benefits under  
24 15 this chapter is allowed by the department of natural  
24 16 resources to monitor in place, the expenses incurred  
24 17 for cleanup beyond the level required by the department  
24 18 of natural resources ~~are not~~ may be covered under any  
24 19 of the accounts established under the fund only if  
24 20 approved by the board as cost-effective relative to  
24 21 the department accepted monitoring plan or relative  
24 22 to the repeal date specified in section 424.19. The  
24 23 cleanup expenses incurred for work completed beyond  
24 24 what is required is the responsibility of the person  
24 25 contracting for the excess cleanup. The board shall  
24 26 seek to terminate the responsible party's environmental  
24 27 liabilities at such sites prior to the board ceasing  
24 28 operation.

24 29 Sec. \_\_\_\_\_. Section 455G.9, subsection 10, Code 2009,  
24 30 is amended to read as follows:

24 31 10. Expenses incurred by governmental subdivisions  
24 32 and public works utilities. The board ~~may~~ shall adopt  
24 33 rules for reimbursement for reasonable expenses  
24 34 incurred by a governmental subdivision or public  
24 35 works utility for sampling, treating, handling,  
24 36 or disposing, as required by the department, of  
24 37 petroleum-contaminated soil and groundwater encountered  
24 38 in a public right-of-way during installation,  
24 39 maintenance, or repair of a utility or public  
24 40 improvement. The board may seek full recovery from  
24 41 a responsible party liable for the release for such  
24 42 expenses and for all other costs and reasonable  
24 43 attorney fees and costs of litigation for which moneys  
24 44 are expended by the fund. Any expense described in  
24 45 this subsection incurred by the fund constitutes a lien  
24 46 upon the property from which the release occurred.  
24 47 A lien shall be recorded and an expense shall be  
24 48 collected in the same manner as provided in section  
24 49 424.11.

24 50 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT AND RETROACTIVE



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25 1 APPLICABILITY. The section of this division of this  
25 2 Act amending section 455G.9, subsection 4, being deemed  
25 3 of immediate importance, takes effect upon enactment  
25 4 and applies retroactively to January 1, 2010.

25 5 DIVISION \_\_\_\_  
25 6 BONDING AUTHORITY

25 7 Sec. \_\_\_\_ . Section 455G.2, subsection 1, Code 2009,  
25 8 is amended by striking the subsection.

25 9 Sec. \_\_\_\_ . Section 455G.2, subsection 3, Code 2009,  
25 10 is amended to read as follows:

25 11 3. "Bond" means a bond, note, or other obligation  
25 12 issued by the ~~authority~~ treasurer of state for the fund  
25 13 and the purposes of this chapter.

25 14 Sec. \_\_\_\_ . Section 455G.3, subsection 2, Code 2009,  
25 15 is amended to read as follows:

25 16 2. The board shall assist Iowa's owners and  
25 17 operators of petroleum underground storage tanks in  
25 18 complying with federal environmental protection agency  
25 19 technical and financial responsibility regulations  
25 20 by establishment of the Iowa comprehensive petroleum  
25 21 underground storage tank fund. The ~~authority~~ treasurer  
25 22 of state may issue its bonds, or series of bonds, to  
25 23 assist the board, as provided in this chapter.

25 24 Sec. \_\_\_\_ . Section 455G.6, subsections 7 through 9,  
25 25 Code Supplement 2009, are amended to read as follows:

25 26 7. The board may contract with the  
25 27 ~~authority~~ treasurer of state for the  
25 28 ~~authority~~ treasurer of state to issue bonds and do  
25 29 all things necessary with respect to the purposes  
25 30 of the fund, as set out in the contract between the  
25 31 board and the ~~authority~~ treasurer of state. The  
25 32 board may delegate to the ~~authority~~ treasurer of  
25 33 state and the ~~authority~~ treasurer of state shall  
25 34 then have all of the powers of the board which are  
25 35 necessary to issue and secure bonds and carry out the  
25 36 purposes of the fund, to the extent provided in the  
25 37 contract between the board and the ~~authority~~ treasurer  
25 38 of state. The ~~authority~~ treasurer of state may

25 39 issue the ~~authority's~~ treasurer of state's bonds  
25 40 in principal amounts which, in the opinion of the  
25 41 board, are necessary to provide sufficient funds for  
25 42 the fund, the payment of interest on the bonds, the  
25 43 establishment of reserves to secure the bonds, the  
25 44 costs of issuance of the bonds, other expenditures  
25 45 of the ~~authority~~ treasurer of state incident to and  
25 46 necessary or convenient to carry out the bond issue  
25 47 for the fund, and all other expenditures of the board  
25 48 necessary or convenient to administer the fund.  
25 49 The bonds are investment securities and negotiable  
25 50 instruments within the meaning of and for purposes of



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26 1 the uniform commercial code, chapter 554.  
26 2 8. Bonds issued under this section are payable  
26 3 solely and only out of the moneys, assets, or revenues  
26 4 of the fund, all of which may be deposited with  
26 5 trustees or depositories in accordance with bond  
26 6 or security documents and pledged by the board to  
26 7 the payment thereof, and are not an indebtedness  
26 8 of this state ~~or the authority~~, or a charge against  
26 9 the general credit or general fund of the state ~~or~~  
~~26 10 the authority~~, and the state shall not be liable for  
26 11 any financial undertakings with respect to the fund.  
26 12 Bonds issued under this chapter shall contain on their  
26 13 face a statement that the bonds do not constitute an  
26 14 indebtedness of the state ~~or the authority~~.

26 15 9. The proceeds of bonds issued by the  
26 16 ~~authority~~ treasurer of state and not required for  
26 17 immediate disbursement may be deposited with a trustee  
26 18 or depository as provided in the bond documents  
26 19 and invested in any investment approved by the  
26 20 ~~authority~~ treasurer of state and specified in the trust  
26 21 indenture, resolution, or other instrument pursuant  
26 22 to which the bonds are issued without regard to any  
26 23 limitation otherwise provided by law.

26 24 Sec. \_\_\_\_\_. Section 455G.6, subsection 10, paragraph  
26 25 b, Code Supplement 2009, is amended to read as follows:

26 26 b. Negotiable instruments under the laws of  
26 27 the state and may be sold at prices, at public or  
26 28 private sale, and in a manner, as prescribed by the  
26 29 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A  
26 30 and 75 do not apply to their sale or issuance of the  
26 31 bonds.

26 32 Sec. \_\_\_\_\_. Section 455G.6, subsection 12, Code  
26 33 Supplement 2009, is amended to read as follows:

26 34 12. Bonds must be authorized by a trust  
26 35 indenture, resolution, or other instrument of the  
26 36 ~~authority~~ treasurer of state, approved by the board.  
26 37 However, a trust indenture, resolution, or other  
26 38 instrument authorizing the issuance of bonds may  
26 39 delegate to an officer of the issuer the power to  
26 40 negotiate and fix the details of an issue of bonds.

26 41 Sec. \_\_\_\_\_. Section 455G.7, Code Supplement 2009, is  
26 42 amended to read as follows:

26 43 455G.7 Security for bonds == capital reserve fund ==  
26 44 irrevocable contracts.

26 45 1. a. For the purpose of securing one or more  
26 46 issues of bonds for the fund, the ~~authority~~ treasurer  
26 47 of state, with the approval of the board, may authorize  
26 48 the establishment of one or more special funds, called  
26 49 "capital reserve funds". The ~~authority~~ treasurer  
26 50 of state may pay into the capital reserve funds the



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



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28 1 5. To assure maintenance of the capital reserve  
28 2 funds, the ~~authority~~ treasurer of state shall, on  
28 3 or before July 1 of each calendar year, make and  
28 4 deliver to the governor the ~~authority's~~ treasurer of  
28 5 state's certificate stating the sum, if any, required  
28 6 to restore each capital reserve fund to the capital  
28 7 reserve fund requirement for that fund. Within  
28 8 thirty days after the beginning of the session of the  
28 9 general assembly next following the delivery of the  
28 10 certificate, the governor may submit to both houses  
28 11 printed copies of a budget including the sum, if any,  
28 12 required to restore each capital reserve fund to the  
28 13 capital reserve fund requirement for that fund. Any  
28 14 sums appropriated by the general assembly and paid  
28 15 to the ~~authority~~ treasurer of state pursuant to this  
28 16 section shall be deposited in the applicable capital  
28 17 reserve fund.

28 18 6. All amounts paid by the state pursuant to this  
28 19 section shall be considered advances by the state and,  
28 20 subject to the rights of the holders of any bonds of  
28 21 the ~~authority~~ treasurer of state that have previously  
28 22 been issued or will be issued, shall be repaid to the  
28 23 state without interest from all available revenues of  
28 24 the fund in excess of amounts required for the payment  
28 25 of bonds of the ~~authority~~ treasurer of state, the  
28 26 capital reserve fund, and operating expenses.

28 27 7. If any amount deposited in a capital reserve  
28 28 fund is withdrawn for payment of principal, premium,  
28 29 or interest on the bonds or sinking fund payments with  
28 30 respect to bonds thus reducing the amount of that fund  
28 31 to less than the capital reserve fund requirement, the  
28 32 ~~authority~~ treasurer of state shall immediately notify  
28 33 the governor and the general assembly of this event and  
28 34 shall take steps to restore the capital reserve fund  
28 35 to the capital reserve fund requirement for that fund  
28 36 from any amounts designated as being available for such  
28 37 purpose.

28 38 Sec. \_\_\_\_\_. Section 455G.8, subsection 2, Code 2009,  
28 39 is amended to read as follows:

28 40 2. Statutory allocations fund. The moneys  
28 41 credited from the statutory allocations fund under  
28 42 section 321.145, subsection 2, paragraph "a", shall  
28 43 be allocated, consistent with this chapter, among  
28 44 the fund's accounts, for debt service and other fund  
28 45 expenses, according to the fund budget, resolution,  
28 46 trust agreement, or other instrument prepared or  
28 47 entered into by the board or ~~authority~~ treasurer of  
28 48 state under direction of the board.

28 49 Sec. \_\_\_\_\_. REPEAL. Section 16.151, Code 2009, is  
28 50 repealed.







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Senate Amendment 5360 continued

- 31 1 reduced by 8.12 full-time equivalent positions.>
- 31 2 #36. By renumbering, redesignating, and correcting
- 31 3 internal references as necessary.

ROBERT E. DVORSKY  
HF2531.2904 (3) 83  
tm/jp



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## Senate Amendment 5361

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 35, line 26, before <As> by inserting <1.>  
1 4 #2. Page 36, after line 15 by inserting:  
1 5 <2. Parties who by agreement are utilizing a  
1 6 cooperative alternative bargaining process shall, at  
1 7 the outset of such process, agree upon a method and  
1 8 schedule for the completion of impasse procedures  
1 9 should they fail to reach a collective bargaining  
1 10 agreement through the use of such alternative  
1 11 bargaining process.>  
1 12 #3. By renumbering as necessary.

PAM JOCHUM  
HF2531.2903 (4) 83  
ec/jp



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## Senate Amendment 5362

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 42, after line 20 by inserting:  
1 4 <Sec. \_\_\_\_\_. 2010 Iowa Acts, House File 2526, section  
1 5 11, subsection 24, paragraph b, relating to the medical  
1 6 assistance waiver for the Iowa family planning network,  
1 7 if enacted, is amended to read as follows:  
1 8 b. Implementation of this subsection is contingent  
1 9 upon approval of the medical assistance waiver for  
1 10 the Iowa family planning network by the centers for  
1 11 Medicare and Medicaid services of the United States  
1 12 department of health and human services ~~and upon~~  
~~1 13 availability of funding as determined by the director~~  
~~1 14 of the department of human services.>~~

ROBERT E. DVORSKY

JACK HATCH  
HF2531.2917 (2) 83  
pf/jp



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**Senate Amendment 5363**

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 42, after line 25 by inserting:  
 1 4 <DIVISION \_\_\_\_  
 1 5 INTERSTATE HEALTH INSURANCE COMPACT  
 1 6 Sec. \_\_\_\_ INTERSTATE HEALTH INSURANCE COMPACT ==  
 1 7 RECOMMENDATIONS FOR LEGISLATION.  
 1 8 1. The commissioner of insurance, in collaboration  
 1 9 with the attorney general and the Iowa legislative  
 1 10 health care coverage commission shall develop  
 1 11 recommendations for legislation to allow the state  
 1 12 of Iowa to join with other states to establish an  
 1 13 interstate health insurance compact governing the sale  
 1 14 of private health benefit plans in the state that are  
 1 15 approved as to form and rate by member admitted states  
 1 16 that are members of the compact.  
 1 17 2. The recommendations for legislation shall allow  
 1 18 the state to accomplish, through the means of joint and  
 1 19 cooperative action among the compacting states, the  
 1 20 purposes of the compact including but not limited to  
 1 21 the following:  
 1 22 a. Promote and protect the interest of consumers of  
 1 23 health benefit plans in the small group market.  
 1 24 b. Develop uniform standards for insurance products  
 1 25 covered under the compact.  
 1 26 c. Establish an agreed method of confirming that  
 1 27 health benefit plans issued in the state of Iowa  
 1 28 qualify under the requirements of Title XIII of the  
 1 29 Code of Iowa or the requirements of one or more of the  
 1 30 compacting states.  
 1 31 d. Improve coordination of regulatory resources  
 1 32 and expertise between state insurance departments  
 1 33 regarding the setting of uniform standards and review  
 1 34 of insurance products covered under the compact.  
 1 35 e. Perform these and other related functions,  
 1 36 consistent with the state regulation of the business of  
 1 37 insurance and health benefit plans or policies.  
 1 38 3. The recommendations for legislation shall be  
 1 39 contained in a report by the commissioner of insurance  
 1 40 to the general assembly that is submitted by December  
 1 41 15, 2010.  
 1 42 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. This division  
 1 43 of this Act, being deemed of immediate importance,  
 1 44 takes effect upon enactment.>

JACK HATCH  
 HF2531.2913 (2) 83  
 av/jp



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Senate Amendment 5364

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 40, after line 29 by inserting:  
 1 4 <Sec. \_\_\_\_\_. Section 437A.3, Code Supplement 2009, is  
 1 5 amended by adding the following new subsections:  
 1 6 NEW SUBSECTION. 1A. "Biofuel" means any solid,  
 1 7 liquid, or gaseous fuel consisting of or derived from  
 1 8 renewable biological sources, including but not limited  
 1 9 to plants or animal waste.  
 1 10 NEW SUBSECTION. 1B. "Biofuel facility" means  
 1 11 a facility owned or operated by a person or entity  
 1 12 and used for the manufacture and distribution of any  
 1 13 biofuel.  
 1 14 Sec. \_\_\_\_\_. Section 437A.8, subsection 6, Code 2009,  
 1 15 is amended to read as follows:  
 1 16 6. Notwithstanding subsections 1 through 5, a  
 1 17 taxpayer engaged in the production of a biofuel or any  
 1 18 person owning a biofuel facility shall not be required  
 1 19 to file a return otherwise required by this section  
 1 20 or remit any replacement tax for any tax year in  
 1 21 which the taxpayer's replacement tax liability before  
 1 22 credits is three hundred dollars or less, provided  
 1 23 that all electric companies, electric cooperatives,  
 1 24 municipal utilities, and natural gas companies shall  
 1 25 file a return, regardless of the taxpayer's replacement  
 1 26 tax liability on, deliveries of natural gas to a  
 1 27 biofuel facility prior to January 1, 2010. However,  
 1 28 replacement tax remitted by a taxpayer prior to  
 1 29 January 1, 2010, for natural gas delivered to a biofuel  
 1 30 facility prior to January 1, 2010, shall not be subject  
 1 31 to refund.>  
 1 32 #2. By renumbering as necessary.

MICHAEL E. GRONSTAL

JOHN P. KIBBIE  
 HF2531.2888 (2) 83  
 tm/jp



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## Senate Amendment 5365

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 46, after line 5 by inserting:  
1 4 <DIVISION \_\_\_\_  
1 5 IRC COUPLING  
1 6 Sec. \_\_\_\_ . Section 15.335, subsection 1, paragraphs  
1 7 b and c, Code Supplement 2009, are amended to read as  
1 8 follows:

1 9 b. In lieu of the credit amount computed in  
1 10 paragraph "a", subparagraph (1), an eligible  
1 11 business may elect to compute the credit amount  
1 12 for qualified research expenses incurred in this  
1 13 state in a manner consistent with the alternative  
1 14 ~~incremental~~ simplified credit described in section  
1 15 ~~41(c)(4)~~ 41(c)(5) of the Internal Revenue Code. The  
1 16 taxpayer may make this election regardless of the  
1 17 method used for the taxpayer's federal income tax. The  
1 18 election made under this paragraph is for the tax year  
1 19 and the taxpayer may use another or the same method for  
1 20 any subsequent year.

1 21 c. For purposes of the alternate credit  
1 22 computation method in paragraph "b", the credit  
1 23 percentages applicable to qualified research  
1 24 expenses described in ~~clauses (i), (ii), and (iii)~~  
~~1 25 of section 41(c)(4)(A) 41(c)(5)(A) and clause (ii)~~  
~~1 26 of section 41(c)(5)(B) of the Internal Revenue Code~~  
~~1 27 are one and sixty-five hundredths percent, two and~~  
~~1 28 twenty hundredths percent, and two and seventy-five~~  
~~1 29 hundredths four and fifty-five hundredths percent and~~  
1 30 one and ninety-five hundredths percent, respectively.

1 31 Sec. \_\_\_\_ . Section 15.335, subsection 4, Code  
1 32 Supplement 2009, is amended to read as follows:  
1 33 4. a. For purposes of this section, "base amount",  
1 34 "basic research payment", and "qualified research  
1 35 expense" mean the same as defined for the federal  
1 36 credit for increasing research activities under section  
1 37 41 of the Internal Revenue Code, except that for the  
1 38 alternative ~~incremental~~ simplified credit such amounts  
1 39 are for research conducted within this state.

1 40 b. For purposes of this section, "Internal Revenue  
1 41 Code" means the Internal Revenue Code in effect on  
1 42 January 1, ~~2009~~ 2010.

1 43 Sec. \_\_\_\_ . Section 15A.9, subsection 8, paragraphs  
1 44 b, c, and e, Code Supplement 2009, are amended to read  
1 45 as follows:

1 46 b. In lieu of the credit amount computed in  
1 47 paragraph "a", subparagraph (1), subparagraph division  
1 48 (a), a business may elect to compute the credit amount  
1 49 for qualified research expenses incurred in this  
1 50 state within the zone in a manner consistent with the



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2 1 alternative ~~incremental~~ simplified credit described in  
2 2 section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code.  
2 3 The taxpayer may make this election regardless of the  
2 4 method used for the taxpayer's federal income tax. The  
2 5 election made under this paragraph is for the tax year  
2 6 and the taxpayer may use another or the same method for  
2 7 any subsequent year.

2 8 c. For purposes of the alternate credit  
2 9 computation method in paragraph "b", the credit  
2 10 percentages applicable to qualified research expenses  
2 11 described in ~~clauses (i), (ii), and (iii) of section~~  
2 12 ~~41(e)(4)(A)~~ 41(c)(5)(A) and clause (ii) of section  
2 13 41(c)(5)(B) of the Internal Revenue Code are ~~three and~~  
2 14 ~~thirty hundredths percent, four and forty hundredths~~  
2 15 ~~percent, and five and fifty hundredths~~ four and  
2 16 fifty-five hundredths percent and one and ninety-five  
2 17 hundredths percent, respectively.

2 18 e. (1) For the purposes of this subsection,  
2 19 "base amount", "basic research payment", and "qualified  
2 20 research expense" mean the same as defined for the  
2 21 federal credit for increasing research activities under  
2 22 section 41 of the Internal Revenue Code, except that  
2 23 for the alternative ~~incremental~~ simplified credit such  
2 24 amounts are for research conducted within this state  
2 25 within the zone.

2 26 (2) For purposes of this subsection, "Internal  
2 27 Revenue Code" means the Internal Revenue Code in effect  
2 28 on January 1, ~~2009~~ 2010.

2 29 Sec. \_\_\_\_\_. Section 422.3, subsection 5, Code 2009,  
2 30 is amended to read as follows:

2 31 5. "Internal Revenue Code" means the Internal  
2 32 Revenue Code of 1954, prior to the date of its  
2 33 redesignation as the Internal Revenue Code of 1986  
2 34 by the Tax Reform Act of 1986, or means the Internal  
2 35 Revenue Code of 1986 as amended to and including  
2 36 January 1, ~~2008~~ 2010.

2 37 Sec. \_\_\_\_\_. Section 422.7, subsection 53, Code  
2 38 Supplement 2009, is amended by striking the subsection.

2 39 Sec. \_\_\_\_\_. Section 422.9, subsection 2, paragraph i,  
2 40 Code Supplement 2009, is amended to read as follows:

2 41 i. The deduction for state sales and use taxes  
2 42 is allowable only if the taxpayer elected to deduct  
2 43 the state sales and use taxes in lieu of state income  
2 44 taxes under section 164 of the Internal Revenue Code.  
2 45 A deduction for state sales and use taxes is not  
2 46 allowed if the taxpayer has taken the deduction for  
2 47 state income taxes or claimed the standard deduction  
2 48 under section 63 of the Internal Revenue Code. This  
2 49 paragraph applies to taxable years beginning after  
2 50 December 31, 2003, and before January 1, ~~2006~~ 2008, and



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3 1 to taxable years beginning after December 31, 2008, and  
3 2 before January 1, 2010.

3 3 Sec. \_\_\_\_\_. Section 422.10, subsection 1, paragraphs  
3 4 b and c, Code Supplement 2009, are amended to read as  
3 5 follows:

3 6 b. In lieu of the credit amount computed in  
3 7 paragraph "a", subparagraph (1), subparagraph division  
3 8 (a), a taxpayer may elect to compute the credit amount  
3 9 for qualified research expenses incurred in this  
3 10 state in a manner consistent with the alternative  
3 11 ~~incremental~~ simplified credit described in section  
3 12 ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code. The  
3 13 taxpayer may make this election regardless of the  
3 14 method used for the taxpayer's federal income tax. The  
3 15 election made under this paragraph is for the tax year  
3 16 and the taxpayer may use another or the same method for  
3 17 any subsequent year.

3 18 c. For purposes of the alternate credit  
3 19 computation method in paragraph "b", the credit  
3 20 percentages applicable to qualified research expenses  
3 21 described in ~~clauses (i), (ii), and (iii) of section~~  
3 22 ~~41(e)(4)(A)~~ section 41(c)(5)(A) and clause (ii) of  
3 23 section 41(c)(5)(B) of the Internal Revenue Code  
3 24 ~~are one and sixty-five hundredths percent, two and~~  
3 25 ~~twenty hundredths percent, and two and seventy-five~~  
3 26 ~~hundredths four and fifty-five hundredths percent and~~  
3 27 one and ninety-five hundredths percent, respectively.

3 28 Sec. \_\_\_\_\_. Section 422.10, subsection 3, Code  
3 29 Supplement 2009, is amended to read as follows:

3 30 3. a. For purposes of this section, "base amount",  
3 31 "basic research payment", and "qualified research  
3 32 expense" mean the same as defined for the federal  
3 33 credit for increasing research activities under section  
3 34 41 of the Internal Revenue Code, except that for the  
3 35 alternative ~~incremental~~ simplified credit such amounts  
3 36 are for research conducted within this state.

3 37 b. For purposes of this section, "Internal Revenue  
3 38 Code" means the Internal Revenue Code in effect on  
3 39 January 1, ~~2009~~ 2010.

3 40 Sec. \_\_\_\_\_. Section 422.32, subsection 7, Code  
3 41 Supplement 2009, is amended to read as follows:

3 42 7. "Internal Revenue Code" means the Internal  
3 43 Revenue Code of 1954, prior to the date of its  
3 44 redesignation as the Internal Revenue Code of 1986  
3 45 by the Tax Reform Act of 1986, or means the Internal  
3 46 Revenue Code of 1986 as amended to and including  
3 47 January 1, ~~2008~~ 2010.

3 48 Sec. \_\_\_\_\_. Section 422.33, subsection 5, paragraphs  
3 49 b, c, and d, Code Supplement 2009, are amended to read  
3 50 as follows:



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4 1 b. In lieu of the credit amount computed in  
4 2 paragraph "a", subparagraph (1), a corporation  
4 3 may elect to compute the credit amount for  
4 4 qualified research expenses incurred in this  
4 5 state in a manner consistent with the alternative  
4 6 ~~incremental~~ simplified credit described in section  
4 7 ~~41(c)(4)~~ 41(c)(5) of the Internal Revenue Code. The  
4 8 taxpayer may make this election regardless of the  
4 9 method used for the taxpayer's federal income tax. The  
4 10 election made under this paragraph is for the tax year  
4 11 and the taxpayer may use another or the same method for  
4 12 any subsequent year.

4 13 c. For purposes of the alternate credit  
4 14 computation method in paragraph "b", the credit  
4 15 percentages applicable to qualified research expenses  
4 16 described in ~~clauses (i), (ii), and (iii) of section~~  
4 17 ~~41(c)(4)(A)~~ section 41(c)(5)(A) and clause (ii) of  
4 18 section 41(c)(5)(B) of the Internal Revenue Code  
4 19 ~~are one and sixty-five hundredths percent, two and~~  
4 20 ~~twenty hundredths percent, and two and seventy-five~~  
4 21 ~~hundredths~~ four and fifty-five hundredths percent and  
4 22 one and ninety-five hundredths percent, respectively.

4 23 d. (1) For purposes of this subsection, "base  
4 24 amount", "basic research payment", and "qualified  
4 25 research expense" mean the same as defined for the  
4 26 federal credit for increasing research activities under  
4 27 section 41 of the Internal Revenue Code, except that  
4 28 for the alternative ~~incremental~~ simplified credit such  
4 29 amounts are for research conducted within this state.

4 30 (2) For purposes of this subsection, "Internal  
4 31 Revenue Code" means the Internal Revenue Code in effect  
4 32 on January 1, ~~2009~~ 2010.

4 33 Sec. \_\_\_\_\_. Section 422.35, subsection 24, Code  
4 34 Supplement 2009, is amended by striking the subsection.

4 35 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
4 36 APPLICABILITY.

4 37 1. This Act, being deemed of immediate importance,  
4 38 takes effect upon enactment.

4 39 2. The sections of this Act amending sections  
4 40 15.335, 15A.9, 422.3, 422.9, subsection 2, paragraph  
4 41 "i", 422.10, 422.32, and 422.33 apply retroactively to  
4 42 January 1, 2009, for tax years beginning on or after  
4 43 that date.

4 44 3. The sections of this Act amending sections  
4 45 422.7, subsection 53, and 422.35, subsection 24, apply  
4 46 retroactively to January 1, 2008, for tax years ending  
4 47 on or after that date.>

4 48 #2. By renumbering as necessary.

RANDY FEENSTRA  
HF2531.2845 (2) 83  
tm/sc



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Senate Amendment 5366

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 46, after line 5 by inserting:  
1 4 <DIVISION \_\_\_\_  
1 5 SALES TAXES  
1 6 Sec. \_\_\_\_ . Section 423.3, Code Supplement 2009, is  
1 7 amended by adding the following new subsection:  
1 8 NEW SUBSECTION. 96. The sales price from the sale  
1 9 of a membership at a health, wellness, or fitness  
1 10 facility.>  
1 11 #2. By renumbering as necessary.

BRAD ZAUN

PAT WARD  
HF2531.2846 (4) 83  
tm/sc



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**Senate Amendment 5367**

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 46, after line 5 by inserting:  
 1 4 <DIVISION \_\_\_\_  
 1 5 CONFORMANCE WITH FEDERAL TAX LAW  
 1 6 Sec. \_\_\_\_ . NEW SECTION. 421.31 Intent to conform  
 1 7 to federal tax law == annual resolution == notice by the  
 1 8 department.  
 1 9 1. The general assembly recognizes that consistency  
 1 10 and predictability in state tax laws facilitates  
 1 11 compliance by taxpayers and assists administration by  
 1 12 the department of revenue. Therefore, it is the intent  
 1 13 of the general assembly that the state should conform  
 1 14 each year to the most recent provisions of the Internal  
 1 15 Revenue Code.  
 1 16 2. The general assembly shall annually reach a  
 1 17 decision as to whether to conform to the most recent  
 1 18 provisions of the Internal Revenue Code and shall by  
 1 19 February 15 of each year adopt a resolution stating  
 1 20 such decision.  
 1 21 3. Upon adoption of a resolution by the general  
 1 22 assembly pursuant to subsection 2, the department shall  
 1 23 notify taxpayers of whether the state will conform to  
 1 24 the Internal Revenue Code by causing notice of the  
 1 25 resolution to be published as widely as possible.  
 1 26 4. If the governor vetoes legislation passed by the  
 1 27 general assembly conforming Iowa law to the Internal  
 1 28 Revenue Code, the department shall cause notice of such  
 1 29 an action to be published as soon as possible.>  
 1 30 #2. By renumbering as necessary.

RANDY FEENSTRA  
 HF2531.2844 (2) 83  
 tm/sc



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## Senate Amendment 5368

PAG LIN

1 1 Amend the amendment, S=5347, to House File 2531,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 1, by striking lines 6 through 26 and  
1 5 inserting:  
1 6 <Sec. \_\_\_\_ . WAIVER OF PENALTIES AND INTEREST ==  
1 7 REFUNDS.  
1 8 1. Notwithstanding sections 421.8, 421.27, and  
1 9 422.25, if a taxpayer has filed a return for tax  
1 10 year 2008 relying in good faith on the expectation  
1 11 that the state of Iowa would conform to the federal  
1 12 Internal Revenue Code in computing net income for state  
1 13 tax purposes, the director of revenue shall, for any  
1 14 taxpayer amending the return in the time permitted by  
1 15 statute, waive any penalty or interest due as a result  
1 16 of either a failure to timely pay the tax due or the  
1 17 filing of a defective or incorrect return.  
1 18 2. If, prior to the effective date of this Act,  
1 19 a taxpayer paid penalties or interest as a result of  
1 20 a good faith reliance on the state conforming to the  
1 21 Internal Revenue Code, the department of revenue shall  
1 22 refund such penalties and interest to the taxpayer.>  
1 23 #2. By renumbering as necessary.

RANDY FEENSTRA  
HF2531.2926 (2) 83  
tm/jp



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Senate Amendment 5369

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 30, after line 21 by inserting:  
 1 4 <Sec. \_\_\_\_ TAIWAN TRADE OFFICE == IOWA  
 1 5 COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE  
 1 6 TANK FUND. There is appropriated from the Iowa  
 1 7 comprehensive petroleum underground storage tank fund  
 1 8 to the department of economic development for the  
 1 9 fiscal year beginning July 1, 2010, and ending June 30,  
 1 10 2011, the following amount, or so much thereof as is  
 1 11 necessary, to be used for the purposes designated:  
 1 12 Notwithstanding section 455G.3, subsection 1, for  
 1 13 establishing a trade office in Taipei, Taiwan:  
 1 14 ..... \$ 100,000  
 1 15 If the department cannot arrange for matching moneys  
 1 16 from another source in an amount at least equal to  
 1 17 the appropriation made in this section, the moneys  
 1 18 appropriated in this section shall revert to the Iowa  
 1 19 comprehensive petroleum underground storage tank fund.>  
 1 20 #2. By renumbering as necessary.

WILLIAM DOTZLER  
 HF2531.2914 (2) 83  
 tm/jp



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## Senate Amendment 5370

PAG LIN

1 1 Amend Senate File 2379 as follows:  
1 2 #1. Page 1, by striking lines 1 through 14.  
1 3 #2. Page 2, by striking lines 4 through 7 and  
1 4 inserting <forwarding to the federal bureau of  
1 5 investigation information that a person has been  
1 6 disqualified from possessing, shipping, transporting,  
1 7 or receiving a firearm pursuant to section 724.31.>  
1 8 #3. Page 2, after line 7 by inserting:  
1 9 <Sec. \_\_\_\_ Section 602.8102, Code 2009, is amended  
1 10 by adding the following new subsection:  
1 11 NEW SUBSECTION. 125A. Forward information that a  
1 12 person has been disqualified from possessing, shipping,  
1 13 transporting, or receiving a firearm pursuant to  
1 14 section 724.31 to the department of public safety.>  
1 15 #4. Page 2, by striking lines 10 through 30 and  
1 16 inserting:  
1 17 <A permit issued under this chapter is invalid if  
1 18 the person to whom the permit is issued is intoxicated  
1 19 as provided in section 321J.2, subsection 1.>  
1 20 #5. Page 3, line 8, after <permit.> by inserting  
1 21 <Such permits shall not be issued for a particular  
1 22 weapon and shall not contain information about a  
1 23 particular weapon including the make, model, or serial  
1 24 number of the weapon or any ammunition used in that  
1 25 weapon.>  
1 26 #6. Page 3, by striking lines 24 and 25 and  
1 27 inserting:  
1 28 ~~<3. 2. The person is not Is~~ addicted to the use of  
1 29 ~~alcohol or any controlled substance.>~~  
1 30 #7. Page 3, by striking line 26 and inserting:  
1 31 ~~<4. 3. The person has no history of repeated~~  
1 32 ~~acts of violence. Probable cause exists to believe,~~  
1 33 ~~based upon documented specific actions of the person,~~  
1 34 ~~where at least one of the actions occurred within two~~  
1 35 ~~years immediately preceding the date of the permit~~  
1 36 ~~application, that the person is likely to use a weapon~~  
1 37 ~~unlawfully or in such other manner as would endanger~~  
1 38 ~~the person's self or others.>>~~  
1 39 #8. Page 3, line 29, by striking <2.> and inserting  
1 40 4.>  
1 41 #9. Page 3, line 30, by striking <3.> and inserting  
1 42 5.>  
1 43 #10. Page 3, line 33, after <708.7> by inserting  
1 44 <not involving the use of a firearm or explosive>  
1 45 #11. By striking page 3, line 34, through page 4,  
1 46 line 31, and inserting:  
1 47 <6. Is prohibited by federal law from shipping,  
1 48 transporting, possessing, or receiving a firearm.>  
1 49 #12. Page 5, by striking lines 2 and 3 and  
1 50 inserting:



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2 1 <a. Completion of any national rifle association  
2 2 handgun safety training course.>

2 3 #13. Page 5, by striking line 4 and inserting:

2 4 b. Completion of any handgun safety training>

2 5 #14. Page 5, line 8, by striking <school> and

2 6 inserting <school,>

2 7 #15. Page 5, by striking lines 12 and 13 and

2 8 inserting:

2 9 <c. Completion of any handgun safety training  
2 10 course offered for security guards,>

2 11 #16. Page 5, line 15, after <agency> by inserting  
2 12 <approved by the department of public safety>

2 13 #17. Page 5, by striking lines 16 and 17.

2 14 #18. Page 5, line 18, by striking <e.> and inserting  
2 15 d.>

2 16 #19. Page 5, by striking lines 29 through 32.

2 17 #20. Page 5, line 33, by striking <g.> and inserting  
2 18 e.>

2 19 #21. Page 6, by striking lines 12 and 13.

2 20 #22. Page 6, line 26, by striking <age> and  
2 21 inserting <~~age~~ date of birth>

2 22 #23. Page 7, by striking lines 11 through 15 and  
2 23 inserting:

2 24 <3. A person who ~~knowingly~~ makes what the person  
2 25 knows to be a false statement of material fact on  
2 26 the an application submitted under this section or who  
2 27 submits what the person knows to be any materially  
2 28 falsified or forged documentation in connection with  
2 29 such an application commits a class "D" felony.>

2 30 #24. Page 7, by striking line 21 and inserting  
2 31 <Applications ~~from~~ for professional permits to carry  
2 32 weapons for persons who are nonresidents of the state,>

2 33 #25. Page 7, by striking lines 27 through 29  
2 34 and inserting <sections 724.6 to 724.10 have been  
2 35 satisfied. However, for renewal of a permit the  
2 36 training program requirements in section 724.9 ~~may be~~  
2 37 waived for renewal permits, subsection 1, shall apply  
2 38 or the renewal applicant may choose to qualify on a  
2 39 firing range under the supervision of an instructor  
2 40 certified by the national rifle association or  
2 41 the department of public safety or another state's  
2 42 department of public safety, state police department,  
2 43 or similar certifying body. Such training or  
2 44 qualification must occur within the twelve-month period  
2 45 prior to the expiration of the applicant's current  
2 46 permit.>

2 47 #26. Page 7, before line 30 by inserting:

2 48 <1A. Neither the sheriff nor the commissioner shall  
2 49 require an applicant for a permit to carry weapons to  
2 50 provide information identifying a particular weapon in



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3 1 the application including the make, model, or serial  
3 2 number of the weapon or any ammunition used in that  
3 3 particular weapon.>  
3 4 #27. Page 7, line 30, by striking <ten> and  
3 5 inserting <ten fifty>  
3 6 #28. Page 7, line 33, by striking <five> and  
3 7 inserting <five twenty=five>  
3 8 #29. Page 8, by striking line 4 and inserting <equal  
3 9 to ~~two~~ ten dollars for each permit issued and ~~one~~  
3 10 ~~dollar~~ five dollars>  
3 11 #30. Page 8, line 10, after <shall> by inserting  
3 12 <not>  
3 13 #31. Page 8, by striking lines 12 through 26 and  
3 14 inserting:  
3 15 <3. The sheriff or commissioner of public safety  
3 16 shall approve or deny an initial or renewal application  
3 17 submitted under this section within thirty days of  
3 18 receipt of the application. A person whose application  
3 19 for a permit under this chapter is denied may seek  
3 20 review of the denial under section 724.21A. The failure  
3 21 to approve or deny an initial or renewal application  
3 22 shall result in a decision of approval.>  
3 23 #32. By striking page 8, line 27, through page 9,  
3 24 line 5, and inserting:  
3 25 <Sec. \_\_\_\_ . NEW SECTION. 724.11A Recognition.  
3 26 A valid permit or license issued by another state to  
3 27 any nonresident of this state shall be considered to  
3 28 be a valid permit or license to carry weapons issued  
3 29 pursuant to this chapter, except that such permit or  
3 30 license shall not be considered to be a substitute for  
3 31 an annual permit to acquire pistols or revolvers issued  
3 32 pursuant to section 724.15.>  
3 33 #33. Page 9, line 8, after <weapons> by inserting <=  
3 34 criminal history background check>  
3 35 #34. Page 9, after line 31 by inserting:  
3 36 <The issuing officer may annually conduct a  
3 37 background check concerning a person issued a permit by  
3 38 obtaining criminal history data from the department of  
3 39 public safety.>  
3 40 #35. Page 10, by striking lines 8 and 9 and  
3 41 inserting:  
3 42 <e. b. ~~The person is not~~ Is addicted to the use of  
3 43 ~~alcohol or~~ a controlled substance.>  
3 44 #36. Page 10, line 15, by striking <b.> and  
3 45 inserting <c.>  
3 46 #37. By striking page 10, line 16, through page 11,  
3 47 line 13, and inserting:  
3 48 <d. Is prohibited by federal law from shipping,  
3 49 transporting, possessing, or receiving a firearm.>  
3 50 #38. Page 12, by striking lines 4 through 7 and



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4 1 inserting <revolvers during the period that the permit  
4 2 remains valid. If the issuing officer determines  
4 3 that the applicant has become disqualified under  
4 4 the provisions of subsection 1, the issuing officer  
4 5 may immediately ~~invalidate~~ revoke the permit and  
4 6 shall provide a written statement of the reasons for  
4 7 revocation, and the applicant shall have the right to  
4 8 appeal the revocation as provided in section 724.21A.>

4 9 #39. Page 12, line 21, by striking <commissioner>  
4 10 and inserting <issuing officer>

4 11 #40. Page 13, line 8, by striking <age> and  
4 12 inserting <~~age~~ date>

4 13 #41. Page 13, by striking lines 21 through 25 and  
4 14 inserting <"D" ~~felony~~. A person who makes what the  
4 15 person knows to be a false statement of material fact  
4 16 on an application submitted under this section or who  
4 17 submits what the person knows to be any materially  
4 18 falsified or forged documentation in connection with  
4 19 such an application commits a class "D" felony.>

4 20 #42. By striking page 13, line 26, through page 14,  
4 21 line 22, and inserting:

4 22 <Sec. \_\_\_\_ NEW SECTION. 724.21A Denial,  
4 23 suspension, or revocation of permit to carry weapons or  
4 24 permit to acquire pistols or revolvers.

4 25 1. In any case where the sheriff or the  
4 26 commissioner of public safety denies an application  
4 27 for or suspends or revokes a permit to carry weapons  
4 28 or an annual permit to acquire pistols or revolvers,  
4 29 the sheriff or commissioner shall provide a written  
4 30 statement of the reasons for the denial, suspension,  
4 31 or revocation and the applicant or permit holder  
4 32 shall have the right to appeal the denial, suspension,  
4 33 or revocation to an administrative law judge in the  
4 34 department of inspections and appeals within thirty  
4 35 days of receiving written notice of the denial,  
4 36 suspension, or revocation.

4 37 2. The applicant or permit holder may file an  
4 38 appeal with an administrative law judge by filing a  
4 39 copy of the denial, suspension, or revocation notice  
4 40 with a written statement that clearly states the  
4 41 applicant's reasons rebutting the denial, suspension,  
4 42 or revocation along with a fee of ten dollars.  
4 43 Additional supporting information relevant to the  
4 44 proceedings may also be included.

4 45 3. The administrative law judge shall, within  
4 46 forty-five days of receipt of the request for an  
4 47 appeal, set a hearing date. The hearing may be held  
4 48 by telephone or video conference at the discretion  
4 49 of the administrative law judge. The administrative  
4 50 law judge shall receive witness testimony and other



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5 1 evidence relevant to the proceedings at the hearing.  
5 2 The hearing shall be conducted pursuant to chapter 17A.  
5 3 4. Upon conclusion of the hearing, the  
5 4 administrative law judge shall order that the denial,  
5 5 suspension, or revocation of the permit be either  
5 6 rescinded or sustained. An applicant, permit holder,  
5 7 or issuing officer aggrieved by the final judgment of  
5 8 the administrative law judge shall have the right to  
5 9 judicial review in accordance with the terms of the  
5 10 Iowa administrative procedure Act, chapter 17A.  
5 11 5. The standard of review under this section shall  
5 12 be clear and convincing evidence that the issuing  
5 13 officer's written statement of the reasons for the  
5 14 denial, suspension, or revocation constituted probable  
5 15 cause to deny an application or to suspend or revoke  
5 16 a permit.  
5 17 6. The department of inspections and appeals shall  
5 18 adopt rules pursuant to chapter 17A as necessary to  
5 19 carry out the provisions of this section.  
5 20 7. In any case where the issuing officer denies an  
5 21 application for, or suspends or revokes a permit to  
5 22 carry weapons or an annual permit to acquire pistols or  
5 23 revolvers solely because of an adverse determination  
5 24 by the national instant criminal background check  
5 25 system, the applicant or permit holder shall not seek  
5 26 relief under this section but may pursue relief of  
5 27 the national instant criminal background check system  
5 28 determination pursuant to Pub. L. No. 103=159, sections  
5 29 103(f) and (g) and 104 and 28 C.F.R. { 25.10, or other  
5 30 applicable law. The outcome of such proceedings shall  
5 31 be binding on the issuing officer.>  
5 32 #43. Page 14, by striking lines 23 through 34.  
5 33 #44. Page 15, lines 34 and 35, by striking <orders,  
5 34 commitments, or findings == disabilities> and inserting  
5 35 orders or commitments == firearms>  
5 36 #45. Page 16, by striking lines 1 through 19 and  
5 37 inserting:  
5 38 <1. A court order referred to in subsection 2 shall  
5 39 include information informing the person who is the  
5 40 subject of the order not to ship, possess, receive,  
5 41 or transport or cause the transport of firearms or  
5 42 ammunition. The clerk of the district court shall  
5 43 forward only such information as is necessary to  
5 44 identify a person subject to an order in subsection  
5 45 2 to the department of public safety, which in turn  
5 46 shall forward the information to the federal bureau  
5 47 of investigation or its successor agency for the sole  
5 48 purpose of inclusion in the national instant criminal  
5 49 background check system database.>  
5 50 #46. Page 16, line 22, by striking <or treatment>



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6 1 #47. Page 16, line 25, by striking <or treatment>  
6 2 #48. Page 16, by striking lines 27 through 31.  
6 3 #49. Page 16, line 32, by striking <h.> and  
6 4 inserting <d.>  
6 5 #50. By striking page 16, line 34, through page 17,  
6 6 line 34, and inserting:  
6 7 <3. a. A person who is the subject of a court  
6 8 order listed in subsection 2 and who has been released  
6 9 from commitment may petition the court that issued  
6 10 the order or the court in the county where the person  
6 11 resides no earlier than two years from the date of the  
6 12 issuance of the order for relief from the disabilities  
6 13 imposed by 18 U.S.C. section 922(d)(4) and (g)(4).  
6 14 A copy of the petition shall also be served on the  
6 15 director of human services and the county attorney at  
6 16 the county attorney's office of the county in which  
6 17 the original order occurred, and the director or the  
6 18 county attorney may appear, support, object to, and  
6 19 present evidence relevant to the relief sought by the  
6 20 petitioner. A court considering a petition under this  
6 21 section shall receive evidence concerning all of the  
6 22 following:  
6 23 (1) The circumstances surrounding the original  
6 24 issuance of the order in subsection 2.  
6 25 (2) The petitioner's mental health and criminal  
6 26 history.  
6 27 (3) The petitioner's reputation and character.  
6 28 (4) Any changes in the petitioner's condition  
6 29 or circumstances since the issuance of the order in  
6 30 subsection 2 that are relevant to the relief sought.  
6 31 b. The court shall grant a petition filed pursuant  
6 32 to paragraph "a" if the court finds by a preponderance  
6 33 of the evidence that the petitioner will not be likely  
6 34 to act in a manner dangerous to the public safety and  
6 35 that the granting of the relief would not be contrary  
6 36 to the public interest. The petitioner may appeal a  
6 37 denial of the requested relief and the review shall be  
6 38 de novo. A person may file a petition for relief under  
6 39 this subsection not more than once every two years.  
6 40 c. If a court issues an order granting a petition  
6 41 for relief under paragraph "b", the clerk of the  
6 42 district court shall immediately forward a copy of the  
6 43 order to the department of public safety which, upon  
6 44 receipt, shall immediately forward such information as  
6 45 is necessary to the federal bureau of investigation or  
6 46 its successor agency to update the national instant  
6 47 criminal background check system database with the  
6 48 relief from disabilities.>  
6 49 #51. Page 17, after line 34 by inserting:  
6 50 <Sec. \_\_\_\_ . TRANSITION PROVISIONS. A permit issued



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7 1 under chapter 724 prior to January 1, 2011, remains  
7 2 effective and continues in effect as issued for the  
7 3 twelve=month period following its issuance. This Act  
7 4 does not preclude the permit holder from seeking to  
7 5 renew the permit under this Act prior to the expiration  
7 6 of the twelve=month period.  
7 7 Sec. \_\_\_\_ . EFFECTIVE DATE. This Act takes effect  
7 8 January 1, 2011.>  
7 9 #52. Title page, line 5, after <penalties> by  
7 10 inserting <and an effective date>  
7 11 #53. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
KEITH KREIMAN, CHAIRPERSON  
SF2379.2874 (3) 83  
rj/rj



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Senate Amendment 5371

PAG LIN

1 1 Amend Senate File 2379 as follows:

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

1 4 <Section 1. Section 80A.13, Code 2009, is amended  
 1 5 to read as follows:

1 6 80A.13 Campus weapon requirements.

1 7 An individual employed by a college or university,  
 1 8 or by a private security business holding a contract  
 1 9 with a college or university, who performs private  
 1 10 security duties on a college or university campus and  
 1 11 who carries a weapon while performing these duties  
 1 12 shall meet all of the following requirements:

1 13 1. ~~File with the sheriff of the county in which  
 1 14 the campus is located evidence that the individual has  
 1 15 successfully completed an approved firearms training  
 1 16 program under section 724.9. This requirement does not  
 1 17 apply to armored car personnel.~~

1 18 2. ~~Possess a permit to carry weapons issued by the  
 1 19 sheriff of the county in which the campus is located  
 1 20 under sections 724.6 through 724.11. This requirement  
 1 21 does not apply to armored car personnel.~~

1 22 3. File file with the sheriff of the county in  
 1 23 which the campus is located a sworn affidavit from  
 1 24 the employer outlining the nature of the duties to be  
 1 25 performed and justification of the need to go armed.

1 26 Sec. 2. Section 724.4, Code 2009, is amended to  
 1 27 read as follows:

1 28 724.4 Carrying weapons.

1 29 1. Except as otherwise provided in this section, a  
 1 30 person who goes armed with a dangerous weapon ~~concealed~~  
 1 31 ~~on or about the person, or who, within the limits of~~  
 1 32 ~~any city, goes armed with a pistol or revolver, or~~  
 1 33 ~~any loaded firearm of any kind, whether concealed~~  
 1 34 ~~or not, or who knowingly carries or transports in a~~  
 1 35 ~~vehicle a pistol or revolver, commits an aggravated~~  
 1 36 ~~misdemeanor with the intent to commit a crime of~~  
 1 37 violence commits a class "D" felony. This subsection  
 1 38 applies regardless of whether the dangerous weapon  
 1 39 is concealed or not concealed on or about the person  
 1 40 and regardless of whether the dangerous weapon is  
 1 41 transported in a vehicle. For purposes of this  
 1 42 subsection, "crime of violence" means a felony which  
 1 43 has, as an element of the offense, the use of physical  
 1 44 force by one person against another person.

1 45 2. A person who goes armed with a knife concealed  
 1 46 on or about the person, if the person uses the knife  
 1 47 in the commission of a crime, commits an aggravated  
 1 48 misdemeanor.

1 49 3. A person who goes armed with a knife concealed  
 1 50 on or about the person, if the person does not use the



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2 1 knife in the commission of a crime:

2 2 a. If the knife has a blade exceeding eight inches  
2 3 in length, commits an aggravated misdemeanor.

2 4 b. If the knife has a blade exceeding five inches  
2 5 but not exceeding eight inches in length, commits a  
2 6 serious misdemeanor.

2 7 4. Subsections 1 through 3 do not apply to any of  
2 8 the following:

2 9 a. A person who for any lawful purpose goes armed  
2 10 with a dangerous weapon in the person's own dwelling  
2 11 or place of business, or on land owned or possessed by  
2 12 the person.

2 13 b. A peace officer, when the officer's duties  
2 14 require the person to carry such weapons.

~~2 15 e. A member of the armed forces of the United  
2 16 States or of the national guard or person in the  
2 17 service of the United States, when the weapons are  
2 18 carried in connection with the person's duties as such.~~

~~2 19 d. A correctional officer, when the officer's  
2 20 duties require, serving under the authority of the Iowa  
2 21 department of corrections.~~

2 22 e. c. A person who for any lawful purpose carries  
2 23 an unloaded pistol, revolver, or other dangerous weapon  
2 24 inside a closed and fastened container or securely  
2 25 wrapped package which is too large to be concealed on  
2 26 the person.

~~2 27 f. A person who for any lawful purpose carries or  
2 28 transports an unloaded pistol or revolver in a vehicle  
2 29 inside a closed and fastened container or securely  
2 30 wrapped package which is too large to be concealed on  
2 31 the person or inside a cargo or luggage compartment  
2 32 where the pistol or revolver will not be readily  
2 33 accessible to any person riding in the vehicle or  
2 34 common carrier.~~

~~2 35 g. A person while the person is lawfully engaged in  
2 36 target practice on a range designed for that purpose or  
2 37 while actually engaged in lawful hunting.~~

2 38 h. d. A person who carries a knife used in hunting  
2 39 or fishing, while actually engaged in lawful hunting  
2 40 or fishing.

~~2 41 i. A person who has in the person's possession  
2 42 and who displays to a peace officer on demand a valid  
2 43 permit to carry weapons which has been issued to the  
2 44 person, and whose conduct is within the limits of that  
2 45 permit. A person shall not be convicted of a violation  
2 46 of this section if the person produces at the person's  
2 47 trial a permit to carry weapons which was valid at  
2 48 the time of the alleged offense and which would have  
2 49 brought the person's conduct within this exception if  
2 50 the permit had been produced at the time of the alleged~~



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3 1 offense.

3 2 ~~j.~~ e. A law enforcement officer from another state

3 3 when the officer's duties require the officer to carry

3 4 the weapon and the officer is in this state for any of

3 5 the following reasons:

3 6 (1) The extradition or other lawful removal of a

3 7 prisoner from this state.

3 8 (2) Pursuit of a suspect in compliance with chapter

3 9 806.

3 10 (3) Activities in the capacity of a law enforcement

3 11 officer with the knowledge and consent of the chief

3 12 of police of the city or the sheriff of the county in

3 13 which the activities occur or of the commissioner of

3 14 public safety.

3 15 ~~k.~~ f. A person engaged in the business of

3 16 transporting prisoners under a contract with the

3 17 Iowa department of corrections or a county sheriff,

3 18 a similar agency from another state, or the federal

3 19 government.

3 20 Sec. 3. Section 724.4B, subsection 2, paragraph a,

3 21 Code 2009, is amended to read as follows:

3 22 a. A person listed under section 724.4, subsection

3 23 4, ~~paragraphs~~ paragraph "b" ~~through "f", "c", or~~

3 24 ~~"j" "e".~~

3 25 Sec. 4. Section 724.6, subsection 1, Code

3 26 Supplement 2009, is amended to read as follows:

3 27 1. A person ~~may be issued a permit to carry weapons~~

3 28 ~~when the person's employment who is employed in a~~

3 29 ~~private investigation business or private security~~

3 30 ~~business licensed under chapter 80A, or a person's~~

3 31 ~~employment~~ as a peace officer, correctional officer,

3 32 security guard, bank messenger or other person

3 33 transporting property of a value requiring security, or

3 34 in police work, whose employment reasonably justifies

3 35 that person going armed, shall be issued a professional

3 36 permit to carry weapons if the person applies for

3 37 the permit and meets the requirements of sections

3 38 724.8 through 724.10. The permit shall be on a form

3 39 prescribed and published by the commissioner of public

3 40 safety, shall identify the holder, and shall state

3 41 the nature of the employment requiring the holder to

3 42 go armed. A permit so issued, other than to a peace

3 43 officer, shall authorize the person to whom it is

3 44 issued to go armed anywhere in the state, ~~only~~ while

3 45 engaged in the employment, and while going to and from

3 46 the place of the employment. A permit issued to a

3 47 certified peace officer shall authorize that peace

3 48 officer to go armed anywhere in the state at all times.

3 49 Permits shall expire ~~twelve months~~ five years after the

3 50 date when issued except that permits issued to peace



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4 1 officers and correctional officers are valid through  
4 2 the officer's period of employment unless otherwise  
4 3 canceled. When the employment is terminated, the  
4 4 holder of the permit shall surrender it to the issuing  
4 5 officer for cancellation.

4 6 Sec. 5. Section 724.7, Code 2009, is amended to  
4 7 read as follows:

4 8 724.7 Nonprofessional permit to carry weapons.

4 9 ~~Any person who can reasonably justify going armed~~  
~~4 10 may not otherwise prohibited from possessing or~~  
~~4 11 transporting a firearm and who meets the requirements~~  
4 12 in sections 724.8 through 724.10 shall be issued a  
4 13 nonprofessional permit to carry weapons if the person  
4 14 applies for such permit. Such permits shall be on a  
4 15 form prescribed and published by the commissioner of  
4 16 public safety, which shall be readily distinguishable  
4 17 from the professional permit, and shall identify the  
4 18 holder thereof, and state the reason for the issuance  
4 19 of the permit, and the limits of the authority granted  
~~4 20 by such permit. All permits so issued shall be for a~~  
4 21 definite five-year period as established by the issuing  
~~4 22 officer, but in no event shall exceed a period of~~  
~~4 23 twelve months.~~

4 24 Sec. 6. Section 724.8, subsection 5, Code 2009, is  
4 25 amended to read as follows:

4 26 5. ~~The issuing officer reasonably determines that~~  
~~4 27 the applicant does not constitute a danger to any~~  
~~4 28 person person is not otherwise prohibited by state or~~  
4 29 federal law from possessing or transporting a firearm.

4 30 Sec. 7. Section 724.9, Code 2009, is amended to  
4 31 read as follows:

4 32 724.9 Firearm training program.

4 33 A training program to qualify persons in the safe  
4 34 use of firearms shall be provided by the issuing  
4 35 officer of permits, as provided in section 724.11.  
4 36 ~~The commissioner of public safety shall approve~~  
~~4 37 the training program, and the county sheriff or~~  
4 38 the commissioner of public safety conducting the  
4 39 training program within their respective jurisdictions  
~~4 40 may shall contract with a private organization or~~  
~~4 41 use the services of other agencies, or may use a~~  
~~4 42 combination of the two, to provide such training a~~  
4 43 private individual or a professional organization who  
4 44 shall conduct the training consistent with training  
4 45 standards set forth by the national rifle association.  
4 46 Any person eligible to be issued a permit to carry  
4 47 weapons may enroll in such course. A fee sufficient  
4 48 to cover the cost of the program may be charged each  
4 49 person attending. Certificates of completion, on a  
4 50 form prescribed and published by the commissioner



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Senate Amendment 5371 continued

5 1 of public safety, shall be issued to each person who  
5 2 successfully completes the program. ~~No~~ A person shall  
5 3 not be issued either a professional or nonprofessional  
5 4 permit unless the person has received a certificate of  
5 5 completion or is a certified peace officer. ~~No peace~~  
~~5 6 officer or correctional officer, except a certified~~  
~~5 7 peace officer, shall go armed with a pistol or revolver~~  
~~5 8 unless the officer has received a certificate of~~  
~~5 9 completion, provided that this requirement shall not~~  
~~5 10 apply to persons who are employed in this state as~~  
~~5 11 peace officers on January 1, 1978 until July 1, 1978,~~  
~~5 12 or to peace officers of other jurisdictions exercising~~  
~~5 13 their legal duties within this state.~~  
5 14 Sec. 8. Section 724.11, Code 2009, is amended to  
5 15 read as follows:  
5 16 724.11 Issuance of permit to carry weapons.  
5 17 ~~Applications for permits~~ An application for a  
5 18 permit to carry weapons, if made, shall be made to the  
5 19 sheriff of the county in which the applicant resides.  
5 20 Applications from persons who are nonresidents of  
5 21 the state, or whose need to go armed arises out  
5 22 of employment by the state, shall be made to the  
5 23 commissioner of public safety. In either case,  
5 24 the issuance of the permit shall be by ~~and at the~~  
~~5 25 discretion of the sheriff or commissioner, who~~  
5 26 shall, before issuing the permit, determine that the  
5 27 requirements of sections ~~724.6 to 724.8~~ through 724.10  
5 28 have been satisfied and the person is not otherwise  
5 29 prohibited by state or federal law from possessing or  
~~5 30 transporting a firearm. However, the training program~~  
~~5 31 requirements in section 724.9 may be waived for renewal~~  
~~5 32 permits.~~ The issuing officer shall collect a fee  
5 33 of ~~ten~~ fifty dollars, except from a duly appointed  
5 34 peace officer or correctional officer, for each permit  
5 35 issued. Renewal permits or duplicate permits shall be  
5 36 issued for a fee of five dollars. The issuing officer  
5 37 shall notify the commissioner of public safety of the  
5 38 issuance of any permit at least monthly and forward to  
5 39 the commissioner an amount equal to two dollars for  
5 40 each permit issued and one dollar for each renewal  
5 41 or duplicate permit issued. All such fees received  
5 42 by the commissioner shall be paid to the treasurer  
5 43 of state and deposited in the operating account of  
5 44 the department of public safety to offset the cost of  
5 45 administering this chapter. Any unspent balance as of  
5 46 June 30 of each year shall revert to the general fund  
5 47 as provided by section 8.33.  
5 48 Sec. 9. NEW SECTION. 724.11A Reciprocity.  
5 49 A person possessing a valid out-of-state permit to  
5 50 carry a weapon shall be entitled to the privileges and



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6 1 subject to the restrictions prescribed by this chapter  
6 2 provided the state that issued the license recognizes  
6 3 weapons permits issued in Iowa and provided the person  
6 4 possessing such permit is not otherwise prohibited from  
6 5 possessing a firearm.  
6 6 Sec. 10. REPEAL. Section 724.5, Code 2009, is  
6 7 repealed.>  
6 8 #2. Title page, by striking lines 1 through 5  
6 9 and inserting <An Act relating to permits to carry  
6 10 weapons.>

DAVID L. HARTSUCH

JERRY BEHN

STEVE KETTERING

KIM REYNOLDS  
SF2379.2428 (3) 83  
rh/rj



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## Senate Amendment 5372

PAG LIN

1 1 Amend Senate File 2379 as follows:  
1 2 #1. Page 3, after line 13 by inserting:  
1 3 <Sec. \_\_\_\_ . NEW SECTION. 724.7A Unlawful use of a  
1 4 nonprofessional permit to carry weapons.  
1 5 A person issued a nonprofessional permit to carry  
1 6 weapons pursuant to section 724.7 who carries a firearm  
1 7 and who uses or displays such firearm while committing  
1 8 an offense which is an aggravated misdemeanor or a  
1 9 felony under chapter 708, 708A, 709, 710, 711, 712,  
1 10 or 713, shall, if convicted of such an offense, be  
1 11 sentenced to twice the term otherwise imposed by law,  
1 12 and no such judgment, sentence, or part thereof shall  
1 13 be deferred or suspended.>  
1 14 #2. By renumbering as necessary.

STEVEN SODDERS  
SF2379.2728 (2) 83  
rh/rj



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## Senate Amendment 5373

PAG LIN

1 1 Amend Senate File 2379 as follows:  
1 2 #1. Page 5, by striking lines 2 and 3 and inserting:  
1 3 <a. Completion, on an annual basis, of any national  
1 4 rifle association firearms safety or firearms training  
1 5 course that specifically includes instruction on the  
1 6 use of deadly force.>  
1 7 #2. By renumbering as necessary.

STEVEN SODDERS  
SF2379.2737 (1) 83  
rh/rj



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## Senate Amendment 5374

PAG LIN

1 1 Amend Senate File 2379 as follows:  
1 2 #1. Page 9, line 9, before <An> by inserting <1.>  
1 3 #2. Page 9, line 29, after <application.> by  
1 4 inserting:  
1 5 <2. A person issued a permit to carry weapons  
1 6 under this chapter shall have the permit revoked for a  
1 7 period of five years if the person interacts with a law  
1 8 enforcement officer acting in their official capacity  
1 9 and fails to notify the law enforcement officer that  
1 10 the person is carrying a concealed weapon.  
1 11 3.>  
1 12 #3. By renumbering as necessary.

STEVEN SODDERS  
SF2379.2767 (3) 83  
rh/nh



**Iowa General Assembly  
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**Senate Amendment 5375**

PAG LIN

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1 1 Amend the amendment, S=5360, to House File 2531,
1 2 as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 3, after line 9 by inserting:
1 5 <5. DEPARTMENT OF COMMERCE == DIVISION OF INSURANCE
1 6 For costs associated with establishing the Iowa
1 7 insurance information exchange pursuant to section
1 8 505.32, if enacted by 2010 Iowa Acts, Senate File 2356:
1 9 ..... $ 150,000>
1 10 #2. By renumbering as necessary.
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JACK HATCH  
HF2531.2920 (1) 83  
pf/tm



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## Senate Amendment 5376

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 45, line 1, after <of Iowa,> by inserting  
1 4 <the Iowa renewable fuels association,>

DARYL BEALL

AMANDA RAGAN

TOM HANCOCK  
HF2531.2911 (4) 83  
tm/jp



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Senate Amendment 5377

PAG LIN

1 1 Amend the amendment, S=5360, to House File 2531,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 3, after line 9 by inserting:  
1 5 <\_\_\_\_. DEPARTMENT OF HUMAN SERVICES  
1 6 For restoring for the fiscal year beginning July 1,  
1 7 2010, a portion of the reimbursement rate reduction  
1 8 that was applied in the previous fiscal year to  
1 9 adoption, family foster care, group foster care, and  
1 10 supervised apartment living services providers, to  
1 11 implement appropriations reductions applied pursuant to  
1 12 executive order number 19 issued October 8, 2010:  
1 13 ..... \$ 1,000,000  
1 14 The department shall increase the reimbursement  
1 15 rates otherwise specified in 2010 Iowa Acts, House File  
1 16 2526, if enacted, for the designated services providers  
1 17 by an equal percentage in order to fully utilize the  
1 18 amount appropriated in this subsection.>  
1 19 #2. By renumbering as necessary.

JACK HATCH

AMANDA RAGAN

BECKY SCHMITZ  
HF2531.2940 (2) 83  
jp/tm



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**Senate Amendment 5378**

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 4, by striking lines 8 through 13 and  
 1 4 inserting:  
 1 5 <Sec. \_\_\_\_\_. INSTRUCTIONAL SUPPORT STATE AID ==  
 1 6 APPROPRIATION. In lieu of the appropriation provided  
 1 7 in section 257.20, there is appropriated from the  
 1 8 school infrastructure fund created in section 12.82,  
 1 9 subsection 1, to the department of education for the  
 1 10 fiscal year beginning July 1, 2010, and ending June 30,  
 1 11 2011, the following amount, or so much thereof as is  
 1 12 necessary, to be used for the purposes designated:  
 1 13 For paying instructional support state aid for  
 1 14 fiscal year 2010=2011:  
 1 15 ..... \$ 7,500,000  
 1 16 Notwithstanding section 257.20, subsection 3, the  
 1 17 appropriation made in this lettered paragraph shall  
 1 18 be allocated in the same manner as the allocation of  
 1 19 the appropriation was made for the same purpose in the  
 1 20 previous fiscal year.>  
 1 21 #2. By renumbering as necessary.

WILLIAM HECKROTH  
 HF2531.2939 (2) 83  
 tm/jp



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Senate Amendment 5379

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 46, after line 5 by inserting:  
1 4 <DIVISION \_\_\_\_  
1 5 WITHHOLDING TAX CREDITS  
1 6 Sec. \_\_\_\_ . WITHHOLDING CREDIT PROGRAM REPORT AND  
1 7 PLAN.  
1 8 1. It is the intent of the general assembly that  
1 9 the withholding credit provisions of the industrial new  
1 10 jobs training program in chapter 260E, the accelerated  
1 11 career education program in chapter 260G, and the  
1 12 targeted jobs withholding credit program in section  
1 13 403.19A be implemented and administered in an accurate  
1 14 and transparent way.  
1 15 2. The department of revenue shall, in conjunction  
1 16 with the community colleges, the pilot project cities,  
1 17 and the department of economic development, engage in  
1 18 a comprehensive review and evaluation of the programs  
1 19 described in subsection 1.  
1 20 3. After conducting the review and evaluation under  
1 21 subsection 2, the department of revenue, in conjunction  
1 22 with the community colleges, the pilot project cities,  
1 23 and the department of economic development, shall  
1 24 develop a plan under which the withholding credits  
1 25 provided for in the programs described in subsection  
1 26 1 are remitted first to the department of revenue and  
1 27 then transferred to the community colleges and pilot  
1 28 project cities only after the proper amount of such  
1 29 credits has been verified by the department of revenue.  
1 30 The plan shall provide for implementation of changes to  
1 31 the programs as of July 1, 2011.  
1 32 4. The department of revenue shall submit a report  
1 33 containing the results of the program review conducted  
1 34 under subsection 2 and the plan developed under  
1 35 subsection 3 to the governor and the general assembly  
1 36 by December 15, 2010.>  
1 37 #2. Page 46, after line 5 by inserting:  
1 38 <DIVISION \_\_\_\_  
1 39 LIABILITY DEFERRAL  
1 40 Sec. \_\_\_\_ . REPLACEMENT TAX LIABILITY ==  
1 41 DEFERRAL. Replacement tax imposed for the consumption  
1 42 of natural gas pursuant to section 437A.5, subsection  
1 43 2, and otherwise owed for a tax year beginning on or  
1 44 before January 1, 2008, by a consumer who bypasses a  
1 45 natural gas company, together with interest thereon,  
1 46 shall be deferred until July 1, 2011. During the  
1 47 deferral period, the consumer shall remain liable  
1 48 for replacement tax due for tax years beginning on or  
1 49 after January 1, 2009. Upon expiration of the deferral  
1 50 period, a consumer shall be liable for any replacement



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Senate Amendment 5379 continued

2 1 tax assessed for a tax year beginning on or before  
2 2 January 1, 2008, and any and all rights to protest that  
2 3 assessment shall be preserved. The utility replacement  
2 4 tax task force established in section 437A.15,  
2 5 subsection 7, shall conduct an analysis and review  
2 6 concerning consumer tax liability pursuant to this  
2 7 section, and shall submit recommendations resulting  
2 8 from the analysis and review to the department and the  
2 9 general assembly by January 1, 2011.  
2 10 Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. This division  
2 11 of this Act, being deemed of immediate importance,  
2 12 takes effect upon enactment.>  
2 13 #3. By renumbering as necessary.

MICHAEL E. GRONSTAL

JOHN P. KIBBIE  
HF2531.2928 (3) 83  
tm/jp



Iowa General Assembly  
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## Senate Amendment 5380

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 30, after line 21 by inserting:  
1 4 <Sec. \_\_\_\_ . SCHOOL READY CHILDREN GRANT  
1 5 REQUIREMENT. For the fiscal year beginning July 1,  
1 6 2010, and ending June 30, 2011, the early childhood  
1 7 Iowa state board may grant a school ready children  
1 8 grant waiver as to the required percentage of family  
1 9 support program to be committed to a home visitation  
1 10 component to an early childhood Iowa area that is  
1 11 funding the teaching interventions to empower and  
1 12 strengthen families program and is more than 10 percent  
1 13 away from meeting the required percentage.>  
1 14 #2. By renumbering as necessary.

ROBERT M. HOGG  
HF2531.2943 (3) 83  
jp/jp



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## Senate Amendment 5381

PAG LIN

1 1 Amend the Senate amendment, H=8380, to House File  
1 2 2284, as passed by the House, as follows:

1 3 #1. Page 1, by striking lines 16 through 21 and  
1 4 inserting:

1 5 <\_\_\_\_. By striking page 5, line 8, through page 6,  
1 6 line 1, and inserting:

1 7 <Sec. \_\_\_\_\_. Section 157.8, subsection 2, Code 2009,  
1 8 is amended to read as follows:

1 9 2. a. The number of instructors for each school  
1 10 shall be based upon total enrollment, with a minimum  
1 11 of two licensed instructors employed on a full-time  
1 12 basis for up to thirty students and an additional  
1 13 licensed instructor for each fifteen additional  
1 14 students. A student instructor shall not be used to

~~1 15 meet licensed instructor-to-student ratios. However,~~  
~~1 16 a~~ A school operated by an area community college prior  
1 17 to September 1, 1982, with only one instructor per  
1 18 fifteen students is not subject to this paragraph  
1 19 and may continue to operate with the ratio of one  
1 20 licensed instructor to fifteen students. A student  
1 21 instructor may not be used to meet this requirement.

1 22 b. A school with less than thirty students  
1 23 enrolled may have one licensed instructor on site in  
1 24 the school if offering only clinic services or only  
1 25 theory instruction in a single classroom and less than  
1 26 fifteen students are present. If a school is offering  
1 27 clinic services and theory instruction simultaneously  
1 28 to less than fifteen students, at least two licensed  
1 29 instructors must be on site. Schools with more than  
1 30 thirty students enrolled shall meet the licensed  
1 31 instructor-to-student ratio as provided in paragraph  
1 32 "a".

1 33 ~~a.~~ c. A person employed as an instructor in  
1 34 the cosmetology arts and sciences by a licensed  
1 35 school shall be licensed in the practice and shall  
1 36 possess a separate instructor's license which shall  
1 37 be renewed biennially. An instructor shall file an  
1 38 application with the department on forms prescribed  
1 39 by the board. ~~Prior to licensure, an applicant for~~  
~~1 40 an instructor's license shall have been actively~~  
~~1 41 engaged in the practice for a period of two years and~~  
~~1 42 complete a course of study required by the board or~~  
~~1 43 an instructor's course at a school for cosmetology~~  
~~1 44 arts and sciences, and meet any other requirement~~  
~~1 45 established by the board.~~ Requirements for licensure  
1 46 as an instructor shall be determined by the board by  
1 47 rule.

1 48 ~~b.~~ d. The application for an instructor's license  
1 49 shall be accompanied by the biennial fee determined  
1 50 pursuant to section 147.80. >>



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Senate Amendment 5381 continued

2 1 #2. By renumbering as necessary.  
H8380.2925.H (4) 83



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Senate Amendment 5382

PAG LIN

1 1 Amend the Senate amendment, H=8539, to House File  
1 2 2525, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 1, by striking lines 15 through 35 and  
1 5 inserting <Assembly include a line item provision for  
1 6 the state fish and game protection fund that accounts  
1 7 for full-time equivalent positions supported by the  
1 8 fund.  
1 9 \_\_\_\_\_. The department of natural resources shall  
1 10 prepare a report to the governor and the general  
1 11 assembly providing a detailed accounting of revenue  
1 12 and expenditures involving the state fish and game  
1 13 protection fund. Prior to November 15, 2010, the  
1 14 department shall submit the report to the governor  
1 15 and general assembly, including the chairpersons and  
1 16 ranking members of the standing committees of the  
1 17 senate and house of representatives having jurisdiction  
1 18 over natural resources and the joint appropriations  
1 19 subcommittee on agriculture and natural resources. The  
1 20 report shall include all of the following:  
1 21 a. Information regarding the following four  
1 22 operational units: management, the law enforcement  
1 23 bureau, the fisheries bureau, and the wildlife bureau.  
1 24 The information shall include all of the following:  
1 25 (1) The allocation of full-time equivalent  
1 26 positions in each operational unit.  
1 27 (2) The title and description of each position in  
1 28 each operational unit.  
1 29 (3) A line item accounting of expenditures for each  
1 30 operational unit.  
1 31 b. A line item accounting of the balance in the  
1 32 fund to be carried forward on June 30, 2010.  
1 33 c. A line item accounting for sources of income  
1 34 deposited into the fund.  
1 35 d. A line item accounting of capital projects,  
1 36 including but not limited to land owned by the  
1 37 department, projected land purchases by the department,  
1 38 revenue generated from land owned by the department  
1 39 and its classified use, and income or losses from land  
1 40 leased by the department. The line item shall account  
1 41 for such land regardless of whether the land was  
1 42 acquired in whole or in part from moneys originating  
1 43 from the fund. The report shall also include a  
1 44 justification for each capital project.  
1 45 e. A description of all programs supported by the  
1 46 fund and a justification for each of the programs as a  
1 47 constitutionally allowable expenditure. >>  
1 48 #2. Page 2, line 1, after <266.39> by inserting <,  
1 49 in consultation with the Iowa cooperative extension  
1 50 service in agriculture and home economics as provided



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Senate Amendment 5382 continued

2 1 in chapter 266, at Iowa state university of science and  
2 2 technology>  
2 3 #3. Page 2, line 7, after <agriculture> by inserting  
2 4 <, in consultation with the Iowa cooperative extension  
2 5 service in agriculture and home economics,>  
2 6 #4. Page 2, line 40, by striking <twenty=five> and  
2 7 inserting <fifty>  
2 8 #5. By striking page 2, line 43, through page 3,  
2 9 line 1.  
2 10 #6. Page 3, line 2, by striking <(D)> and inserting  
2 11 <(B)>  
2 12 #7. Page 3, line 2, by striking <twenty=five> and  
2 13 inserting <fifty>  
2 14 #8. Page 3, line 4, after <projects> by inserting  
2 15 <including the deconstruction, renovation, or removal  
2 16 of derelict buildings. Eligible communities are  
2 17 limited to cities of five thousand or fewer in  
2 18 population. Eligible costs shall include but are not  
2 19 limited to asbestos abatement and removal, the recovery  
2 20 and processing of recyclable or reusable material from  
2 21 derelict buildings and reimbursement for purchased  
2 22 recycled content materials used in the renovation  
2 23 of buildings. Special consideration may be given to  
2 24 communities that hire the unemployed to deconstruct  
2 25 structures, clean up the properties and, if there is no  
2 26 immediate buyer for the properties, turn the properties  
2 27 into green spaces. Any business entity or individual  
2 28 engaged in the removal or abatement of asbestos must  
2 29 have obtained a valid license or permit as required in  
2 30 chapter 88B>  
2 31 #9. Page 3, after line 44 by inserting:  
2 32 <\_\_\_. Title page, line 3, after <effective> by  
2 33 inserting <and applicability>>  
2 34 #10. By renumbering as necessary.  
H8539.2931.H (2) 83  
mb



Iowa General Assembly  
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## Senate Amendment 5383

PAG LIN

1 1 Amend the amendment, S=5344, to House File 2531,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. By striking page 1, line 6, through page 2, line  
1 5 18, and inserting:  
1 6 <Sec. \_\_\_\_ . BREAST=FEEDING IN THE WORKPLACE. It  
1 7 is the intent of the general assembly that the state  
1 8 shall not enact more stringent provisions than those  
1 9 provided in federal House Resolution 3590, the Patient  
1 10 Protection and Affordable Care Act, section 4207,  
1 11 amending section 7 of the Fair Labor Standards Act of  
1 12 1938, 29 U.S.C. { 207, relating to employers providing  
1 13 time and locations for employees to express breast  
1 14 milk.>  
1 15 #2. By renumbering as necessary.

NANCY J. BOETTGER  
HF2531.2948 (2) 83  
tm/jp



Iowa General Assembly  
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**Senate Amendment 5384**

PAG LIN

1 1 Amend the amendment, S=5354 to House File 2531,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 4, line 36, by striking <The> and inserting  
1 5 <Contingent upon enactment of 2010 Iowa Acts, Senate  
1 6 File 2388, the>  
1 7 #2. Page 4, after line 41 by inserting:  
1 8 <Sec. \_\_\_\_ . CONTINGENT IMPLEMENTATION.  
1 9 Implementation of the provisions of this division  
1 10 of this Act making appropriations from the hospital  
1 11 health care access trust fund and the nonparticipating  
1 12 provider reimbursement fund and reducing the medical  
1 13 assistance program appropriation are contingent upon  
1 14 the department of human services receiving approval of  
1 15 the requests relating to medical assistance waivers  
1 16 and state plan amendments necessary to implement the  
1 17 hospital health care access trust fund if enacted by  
1 18 2010 Iowa Acts, Senate File 2388.>

JOE BOLKCOM  
HF2531.2947 (3) 83  
pf/jp



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## Senate Amendment 5385

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
 1 2 reprinted by the Senate, as follows:  
 1 3 #1. Page 40, after line 29 by inserting:  
 1 4 <Sec. \_\_\_\_ Section 321.463, subsection 5, paragraph  
 1 5 c, Code Supplement 2009, is amended to read as follows:  
 1 6 c. (1) The maximum gross weight allowed to be  
 1 7 carried on a ~~livestock or construction~~ commercial  
 1 8 motor vehicle, other than a special truck, on  
 1 9 noninterstate highways, provided the vehicle is  
 1 10 operated by a person with a commercial driver's license  
 1 11 valid for the vehicle operated unless section 321.176A  
 1 12 applies, is as follows:

1 13 NONINTERSTATE HIGHWAYS  
 1 14 MAXIMUM GROSS WEIGHT TABLE  
 1 15 ~~LIVESTOCK OR CONSTRUCTION~~ COMMERCIAL MOTOR VEHICLE

1 16	Distance	6 Axles	7 Axles
1 17	in feet		
1 18			
1 19	44	80,500	80,500
1 20	45	81,000	81,500
1 21	46	81,500	82,500
1 22	47	82,000	83,500
1 23	48	83,000	84,000
1 24	49	83,500	85,000
1 25	50	84,000	86,000
1 26	51	84,500	87,000
1 27	52	85,000	88,000
1 28	53	86,000	88,500
1 29	54	86,500	89,500
1 30	55	87,000	90,500
1 31	56	87,500	91,500
1 32	57	88,000	92,000
1 33	58	89,000	93,000
1 34	59	89,500	94,000
1 35	60	90,000	95,000
1 36	61		95,500
1 37	62		96,000

1 38 (2) Notwithstanding any provision of this section  
 1 39 to the contrary, the maximum gross weight allowed to  
 1 40 be carried on a noninterstate highway by a livestock  
 1 41 vehicle with five axles, a minimum distance in feet  
 1 42 between the centers of the first and fifth axles of  
 1 43 sixty-one feet, and a minimum distance between the  
 1 44 two rear axles of at least eight feet and one inch is  
 1 45 eighty-six thousand pounds.>  
 1 46 #2. By renumbering as necessary.

TIM KAPUCIAN

KIM REYNOLDS



**Iowa General Assembly  
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DAVID JOHNSON

STEVEN SODDERS  
HF2531.2944 (3) 83  
jp/tm



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Senate Amendment 5386

PAG LIN

1 1 Amend House File 2531, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 42, after line 5 by inserting:  
1 4 <Sec. \_\_\_\_\_. Section 600C.1, Code 2009, is amended by  
1 5 striking the section and inserting in lieu thereof the  
1 6 following:  
1 7 600C.1 Grandparent and great-grandparent visitation.  
1 8 1. The grandparent or great-grandparent of a  
1 9 minor child may petition the court for grandchild or  
1 10 great-grandchild visitation when the parent of the  
1 11 minor child, who is the child of the grandparent or the  
1 12 grandchild of the great-grandparent, is deceased.  
1 13 2. The court shall consider a fit parent's  
1 14 objections to granting visitation under this section.  
1 15 A rebuttable presumption arises that a fit parent's  
1 16 decision to deny visitation to a grandparent or  
1 17 great-grandparent is in the best interest of a minor  
1 18 child.  
1 19 3. The court may grant visitation to the  
1 20 grandparent or great-grandparent under this section  
1 21 if the court finds all of the following by clear and  
1 22 convincing evidence:  
1 23 a. It is in the best interest of the child to grant  
1 24 such visitation.  
1 25 b. The grandparent or great-grandparent has  
1 26 established a substantial relationship with the child  
1 27 prior to the filing of the petition.  
1 28 c. That the presumption that the parent who is  
1 29 being asked to temporarily relinquish care, custody,  
1 30 and control of the child to provide visitation is fit  
1 31 to make the decision regarding visitation is overcome  
1 32 by demonstrating one of the following:  
1 33 (1) The parent is unfit to make such decision.  
1 34 (2) The parent's judgment has been impaired and the  
1 35 relative benefit to the child of granting visitation  
1 36 greatly outweighs any effect on the parent-child  
1 37 relationship. Impaired judgment of a parent may be  
1 38 evidenced by any of, but not limited to, the following:  
1 39 (a) Neglect of the child.  
1 40 (b) Abuse of the child.  
1 41 (c) Violence toward the child.  
1 42 (d) Indifference or absence of feeling toward the  
1 43 child.  
1 44 (e) Demonstrated unwillingness and inability to  
1 45 promote the emotional and physical well-being of the  
1 46 child.  
1 47 (f) Drug abuse.  
1 48 (g) A diagnosis of mental illness.  
1 49 4. In determining the best interest of the child,  
1 50 the court shall consider all of the following:



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Senate Amendment 5386 continued

- 2 1 a. The prior interaction and interrelationships of  
2 2 the child with the child's parents, siblings, and other  
2 3 persons related by consanguinity or affinity, compared  
2 4 to the child's relationship with the grandparent or  
2 5 great-grandparent.
- 2 6 b. The geographical location of the grandparent's  
2 7 or great-grandparent's residence and the distance  
2 8 between the grandparent's or great-grandparent's  
2 9 residence and the child's residence.
- 2 10 c. The child's and parent's available time,  
2 11 including but not limited to the parent's employment  
2 12 schedule, the child's school schedule, the amount of  
2 13 time that will be available for the child to spend with  
2 14 siblings, and the child's and the parent's holiday and  
2 15 vacation schedules.
- 2 16 d. The age of the child.
- 2 17 e. If the court has interviewed the child in  
2 18 chambers as provided in this section regarding the  
2 19 wishes and concerns of the child as to visitation  
2 20 by the grandparent or great-grandparent or as to a  
2 21 specific visitation schedule, the wishes and concerns  
2 22 of the child, as expressed to the court.
- 2 23 f. The health and safety of the child.
- 2 24 g. The mental and physical health of all parties.
- 2 25 h. Whether the grandparent or great-grandparent  
2 26 previously has been convicted of or pleaded guilty to  
2 27 any criminal offense involving any act that resulted  
2 28 in a child being an abused child or a neglected child;  
2 29 whether the grandparent or great-grandparent previously  
2 30 has been convicted of or pleaded guilty to a crime  
2 31 involving a victim who at the time of the commission  
2 32 of the offense was a member of the family or household  
2 33 that is the subject of the current proceeding; and  
2 34 whether there is reason to believe that the grandparent  
2 35 or great-grandparent has acted in a manner resulting in  
2 36 a child having ever been found to be an abused child  
2 37 or a neglected child.
- 2 38 i. The wishes and concerns of the child's parent,  
2 39 as expressed by the parent to the court.
- 2 40 j. Any other factor in the best interest of the  
2 41 child.
- 2 42 5. For the purposes of this subsection "substantial  
2 43 relationship" includes but is not limited to any of the  
2 44 following:
- 2 45 a. The child has lived with the grandparent or  
2 46 great-grandparent for at least six months.
- 2 47 b. The grandparent or great-grandparent has  
2 48 voluntarily and in good faith supported the child  
2 49 financially in whole or in part for a period of not  
2 50 less than six months.



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3 1 c. The grandparent or great-grandparent has had  
3 2 frequent visitation including occasional overnight  
3 3 visitation with the child for a period of not less than  
3 4 one year.

3 5 6. If the court interviews any child concerning  
3 6 the child's wishes and concerns regarding parenting  
3 7 time or visitation, the interview shall be conducted  
3 8 in chambers, and only the child, the child's attorney,  
3 9 the judge, any necessary court personnel, and, in the  
3 10 judge's discretion, the attorney of the parent shall  
3 11 be permitted to be present in the chambers during the  
3 12 interview. A person shall not obtain or attempt to  
3 13 obtain from a child a written or recorded statement or  
3 14 affidavit setting forth the wishes and concerns of the  
3 15 child regarding parenting time or visitation.

3 16 7. For the purposes of this section, "court" means  
3 17 the district court or the juvenile court if that court  
3 18 currently has jurisdiction over the child in a pending  
3 19 action. If an action is not pending, the district  
3 20 court has jurisdiction.

3 21 8. Notwithstanding any provision of this chapter  
3 22 to the contrary, venue for any action to establish,  
3 23 enforce, or modify visitation under this section shall  
3 24 be in the county where the child resides if no final  
3 25 custody order determination relating to the grandchild  
3 26 or great-grandchild has been entered by any other  
3 27 court. If a final custody order has been entered by  
3 28 any other court, venue shall be located exclusively in  
3 29 the county where the most recent final custody order  
3 30 was entered. If any other custodial proceeding is  
3 31 pending when an action to establish, enforce, or modify  
3 32 visitation under this section is filed, venue shall be  
3 33 located exclusively in the county where the pending  
3 34 custodial proceeding was filed.

3 35 9. Notice of any proceeding to establish, enforce,  
3 36 or modify visitation under this section shall be  
3 37 personally served upon the parent of the child  
3 38 whose interests are affected by a proceeding brought  
3 39 pursuant to this section and all grandparents or  
3 40 great-grandparents who have previously obtained a final  
3 41 order or commenced a proceeding under this section.

3 42 10. The court shall not enter any temporary order  
3 43 to establish, enforce, or modify visitation under this  
3 44 section.

3 45 11. An action brought under this section is subject  
3 46 to chapter 598B, and in an action brought to establish,  
3 47 enforce, or modify visitation under this section,  
3 48 each party shall submit in its first pleading or in an  
3 49 attached affidavit all information required by section  
3 50 598B.209.



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4 1 12. A grandparent or great-grandparent shall not  
4 2 petition for visitation under this section more than  
4 3 once every two years absent a showing of good cause.  
4 4 13. The court shall not issue an order restricting  
4 5 the movement of the child if such restriction is  
4 6 solely for the purpose of allowing the grandparent  
4 7 or great-grandparent the opportunity to exercise the  
4 8 grandparent's or great-grandparent's visitation under  
4 9 this section.>  
4 10 #2. By renumbering as necessary.

KEITH A. KREIMAN

STEVEN SODDERS

DAVID L. HARTSUCH  
HF2531.2946 (1) 83  
jp/tm



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## Senate Amendment 5387

PAG LIN

1 1 Amend the amendment, S=5370, to Senate File 2379 as  
1 2 follows:  
1 3 #1. Page 6, lines 42 and 43, by striking <a copy of  
1 4 the order> and inserting <only such information as is  
1 5 necessary to identify a person granted relief>

KEITH A. KREIMAN  
SF2379.2950 (2) 83  
rj/rj



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## Senate Amendment 5388

PAG LIN

1 1 Amend the amendment, S=5345, to House File 2531,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. By striking page 2, line 44, through page 3,  
1 5 line 18.

JOE BOLKCOM  
HF2531.2954 (1) 83  
tm/jp



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## Senate Amendment 5389

PAG LIN

1 1 Amend the amendment, S=5360, to House File 2531,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 8, by striking lines 24 and 25 and  
1 5 inserting <or group providing treatment of autism  
1 6 spectrum disorders. An autism service provider  
1 7 that provides treatment of autism spectrum disorders  
1 8 that includes applied behavioral analysis shall be  
1 9 certified as a behavior analyst by the behavior analyst  
1 10 certification board or shall be a health professional  
1 11 licensed under chapter 147.>  
1 12 #2. Page 8, by striking lines 37 through 45.  
1 13 #3. Page 9, by striking lines 41 through 43 and  
1 14 inserting <in consultation with the patient and the  
1 15 patient's representative.>  
1 16 #4. By striking page 11, line 24, through page 12,  
1 17 line 20.  
1 18 #5. By renumbering as necessary.

DARYL BEALL  
S5360.2952 (1) 83  
av/jp



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## Senate Amendment 5390

PAG LIN

1 1 Amend the amendment, S=5385, to House File 2531,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 1, lines 11 and 12, by striking <unless  
1 5 section 321.176A applies>  

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1 6 #2. By renumbering as necessary.

THOMAS RIELLY  
HF2531.2958 (4) 83  
dea/nh



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## Senate Amendment 5391

PAG LIN

1 1 Amend the amendment, S=5385, to House File 2531,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 1, lines 11 and 12, by striking <section  
1 5 321.176A applies,> and inserting <the vehicle is a  
1 6 livestock vehicle,>  
1 7 #2. By renumbering as necessary.

THOMAS RIELLY  
S5385.2963 (2) 83  
dea/nh



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## Senate Amendment 5392

PAG LIN

1 1 Amend the Senate amendment, H=8568, to House File  
1 2 2526, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 1, line 6, by striking <\$756,613> and  
1 5 inserting <\$943,813>  
1 6 #2. Page 1, line 10, by striking <\$355,000> and  
1 7 inserting <\$449,445>  
1 8 #3. Page 1, line 19, by striking <\$360,000> and  
1 9 inserting <\$449,445>  
1 10 #4. Page 1, line 33, by striking <\$41,613> and  
1 11 inserting <\$44,923>  
1 12 #5. Page 1, after line 34 by inserting:  
1 13 <\_\_\_\_. Page 6, line 2, by striking <2,710,062> and  
1 14 inserting <2,735,062>  
1 15 \_\_\_\_\_. Page 6, line 11, by striking <\$304,885> and  
1 16 inserting <\$329,885>>  
1 17 #6. Page 1, after line 36 by inserting:  
1 18 <\_\_\_\_. Page 7, line 12, by striking <\$416,682> and  
1 19 inserting <\$441,682>>  
1 20 #7. Page 1, line 36, by striking <3,572,313> and  
1 21 inserting <3,597,313>  
1 22 #8. By striking page 2, line 50, through page 3,  
1 23 line 6.  
1 24 #9. Page 3, line 26, after <modifications> by  
1 25 inserting <, to be effective July 1, 2011,>  
1 26 #10. Page 3, line 39, by striking <section> and  
1 27 inserting <subsection>  
1 28 #11. Page 4, line 16, by striking <\$211,721> and  
1 29 inserting <\$47,158>  
1 30 #12. Page 4, line 19, by striking <11,345,207> and  
1 31 inserting <11,295,207>  
1 32 #13. Page 4, by striking lines 25 through 34.  
1 33 #14. Page 4, by striking lines 41 through 45.  
1 34 #15. Page 4, after line 50 by inserting:  
1 35 <\_\_\_\_. Page 55, line 15, after <plan,> by inserting  
1 36 <a representative of an organization providing remedial  
1 37 services that is also licensed as a community mental  
1 38 health center for children and as a psychiatric medical  
1 39 institution for children,>  
1 40 \_\_\_\_\_. Page 60, by striking lines 2 through 4 and  
1 41 inserting <maintenance rate and the maximum adoption  
1 42 subsidy rate for>  
1 43 \_\_\_\_\_. Page 60, line 9, by striking <\$18.87.> and  
1 44 inserting <\$17.93. The maximum supervised apartment  
1 45 living foster care rate and the preparation for adult  
1 46 living program maintenance rate for children and young  
1 47 adults ages 16 and older shall be \$18.87.>>  
1 48 #16. Page 6, by striking lines 1 through 8 and  
1 49 inserting <be transferred to the appropriation  
1 50 for medical assistance to be used to reduce the



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Senate Amendment 5392 continued

2 1 waiting lists for the medical assistance home and  
 2 2 community-based services waivers, and the remainder  
 2 3 shall be used for the purposes of continuing the  
 2 4 initiative in the fiscal year.>  
 2 5 #17. Page 7, line 2, by striking <15,755,256> and  
 2 6 inserting <18,120,842>  
 2 7 #18. Page 7, after line 32 by inserting:  
 2 8 <\_\_\_. Page 113, after line 17 by inserting:  
 2 9 <Sec. \_\_\_. Section 135N.5, subsection 1, Code 2009,  
 2 10 is amended to read as follows:  
 2 11 1. The committee shall meet ~~no less than four~~  
~~2 12 times per year as often as deemed necessary~~ and is  
 2 13 subject to chapters 21 and 22 relating to open meetings  
 2 14 and public records. To the maximum extent possible,  
 2 15 the committee shall coordinate meeting schedules and  
 2 16 staffing with the center for congenital and inherited  
 2 17 disorders advisory committee established by rule of the  
 2 18 department pursuant to chapter 136A. >>  
 2 19 #19. Page 7, after line 32 by inserting:  
 2 20 <\_\_\_. Page 113, after line 17 by inserting:  
 2 21 <Sec. \_\_\_. Section 135N.3, subsection 2, Code 2009,  
 2 22 is amended to read as follows:  
 2 23 2. The committee shall review and make  
 2 24 recommendations to the ~~director~~ center for congenital  
 2 25 and inherited disorders advisory committee established  
 2 26 by rule of the department pursuant to chapter  
 2 27 136A concerning but not limited to the following: >>  
 2 28 #20. Page 7, after line 32 by inserting:  
 2 29 <\_\_\_. Page 113, after line 17 by inserting:  
 2 30 <Sec. \_\_\_. Section 232.188, subsection 5, paragraph  
 2 31 b, unnumbered paragraph 1, Code 2009, is amended to  
 2 32 read as follows:  
 2 33 Notwithstanding section 8.33, moneys designated for  
 2 34 a project's decategorization services funding pool that  
 2 35 remain unencumbered or unobligated at the close of the  
 2 36 fiscal year shall not revert but shall remain available  
 2 37 for expenditure as directed by the project's governance  
 2 38 board for child welfare and juvenile justice systems  
 2 39 enhancements and other purposes of the project ~~until~~  
~~2 40 the close of the succeeding fiscal year and for the~~  
 2 41 next two succeeding fiscal years. Such moneys shall  
 2 42 be known as "carryover funding". Moneys may be made  
 2 43 available to a funding pool from one or more of the  
 2 44 following sources: >>  
 2 45 #21. Page 7, line 37, by striking <, 135N.6,> and  
 2 46 inserting <, 135N.6,>  
 2 47 #22. By renumbering as necessary.  
 HF2526.2962.H (2) 83  
 mb



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**Senate Resolution 115 - Introduced**

PAG LIN

SENATE RESOLUTION NO.

BY COURTNEY

1 1 A Resolution requesting the legislative council to act  
1 2 in support of the Iowa board of pharmacy contracting  
1 3 to convene a task force on medical marijuana.

1 4 WHEREAS, the board of pharmacy performed a careful  
1 5 evaluation and held hearings around the state in 2009  
1 6 prior to developing a recommendation regarding the  
1 7 usage of marijuana for medicinal purposes; and

1 8 WHEREAS, in February 2010 the board of pharmacy  
1 9 unanimously recommended reclassifying the drug to  
1 10 allow its use for pain, nausea, and other symptoms from  
1 11 diseases such as cancer, acquired immune deficiency  
1 12 syndrome (AIDS), and multiple sclerosis; and

1 13 WHEREAS, the board of pharmacy recommended formation  
1 14 of a task force to make recommendations regarding the  
1 15 administration of a medical marijuana program; NOW  
1 16 THEREFORE,

1 17 BE IT RESOLVED BY THE SENATE, That the legislative  
1 18 council is requested to act in support of the board  
1 19 of pharmacy contracting to convene a task force on  
1 20 medical marijuana to meet during the 2010 legislative  
1 21 interim; and

1 22 BE IT FURTHER RESOLVED, That the task force be  
1 23 charged to study and make recommendations regarding  
1 24 reclassifying marijuana from schedule I of Iowa's  
1 25 controlled substances law under Code chapter 124 into  
1 26 schedule II of the law, and for implementation and  
1 27 administration of a medical marijuana program; and

1 28 BE IT FURTHER RESOLVED, That the voting membership



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Senate Resolution 115 - Introduced continued

- 2 1 of the task force should include but not be limited to  
2 2 all of the following:
- 2 3 1. A representative of a seriously ill patient.
  - 2 4 2. A representative of law enforcement.
  - 2 5 3. A representative of the attorney general.
  - 2 6 4. A representative of a human immunodeficiency  
2 7 virus (HIV) organization or a physician caring for a  
2 8 patient with AIDS.
  - 2 9 5. A representative of substance abuse treatment  
2 10 providers.
  - 2 11 6. A person who is living with a serious illness  
2 12 or a representative of a hospice or palliative care  
2 13 provider.
  - 2 14 7. A representative of the Iowa board of nursing.
  - 2 15 8. A representative of the Iowa board of medicine.
  - 2 16 9. Two representatives of the Iowa board of  
2 17 pharmacy.
  - 2 18 10. A physician who is caring for a patient with  
2 19 cancer.

2 20 BE IT FURTHER RESOLVED, That, in addition to the  
2 21 voting membership, four legislative members from  
2 22 both political parties and both houses of the general  
2 23 assembly should be appointed to act as ex officio,  
2 24 nonvoting members of the task force; and

2 25 BE IT FURTHER RESOLVED, That the task force be  
2 26 directed to submit a report, including findings and  
2 27 recommendations, to the governor, general assembly, and  
2 28 board of pharmacy on or before December 15, 2010.

LSB 6282XS (3) 83

jp/nh



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**Senate Study Bill 3258**

SENATE FILE

BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON DVORSKY)

**A BILL FOR**

1 An Act relating to and making, reducing, and transferring  
2 appropriations to state departments and agencies from  
3 the rebuild Iowa infrastructure fund, the technology  
4 reinvestment fund, the revenue bonds capitals fund, the  
5 revenue bonds capitals II fund, the FY 2009 prison bonding  
6 fund, and other funds, creating the Iowa jobs II program,  
7 and the revenue bonds federal subsidy holdback fund,  
8 providing for related matters, and providing an effective  
9 date.  
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
    TLSB 6280XC (12) 83  
    rh/tm





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Senate Study Bill 3258 continued

2 1 the city of Des Moines and local area businesses to provide  
 2 2 a free shuttle service to the citizens of Iowa that includes  
 2 3 transportation between the capitol complex and the downtown  
 2 4 Des Moines area, notwithstanding section 8.57, subsection 6,  
 2 5 paragraph "c":  
 2 6 ..... \$ 200,000  
 2 7 Details for the shuttle service, including the route to  
 2 8 be served, shall be determined pursuant to an agreement to  
 2 9 be entered into by the department with the Des Moines area  
 2 10 regional transit authority (DART) and any other participating  
 2 11 entities.  
 2 12 Of the amount appropriated in this lettered paragraph, up to  
 2 13 \$50,000 shall be used to encourage state employees to utilize  
 2 14 transit services provided by the Des Moines area regional  
 2 15 transit authority.  
 2 16 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
 2 17 For the administration of the watershed improvement review  
 2 18 board established in section 466A.3, notwithstanding section  
 2 19 8.57, subsection 6, paragraph "c":  
 2 20 ..... \$ 50,000  
 2 21 3. DEPARTMENT FOR THE BLIND  
 2 22 For costs associated with universal access to audio  
 2 23 information over the phone on demand for blind and print  
 2 24 handicapped Iowans, notwithstanding section 8.57, subsection  
 2 25 6, paragraph "c":  
 2 26 ..... \$ 20,000  
 2 27 4. DEPARTMENT OF CULTURAL AFFAIRS  
 2 28 a. For continuation of the project recommended by the Iowa  
 2 29 battle flag advisory committee to stabilize the condition of  
 2 30 the battle flag collection, notwithstanding section 8.57,  
 2 31 subsection 6, paragraph "c":  
 2 32 ..... \$ 60,000  
 2 33 b. For purposes of maintenance and repairs of historic  
 2 34 sites:  
 2 35 ..... \$ 40,000



**Iowa General Assembly  
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Senate Study Bill 3258 continued

3 1       5. DEPARTMENT OF ECONOMIC DEVELOPMENT  
3 2       a. For deposit in the workforce training and economic  
3 3 development funds for each community college in section  
3 4 260C.18A, notwithstanding section 8.57, subsection 6, paragraph  
3 5 "c":  
3 6 ..... \$ 2,000,000  
3 7       b. To the 6th avenue corridor for improvements to the  
3 8 streetscape associated with the national mainstreet conference  
3 9 and for additional architectural and engineering design  
3 10 plans for economic development and community revitalization,  
3 11 notwithstanding section 8.57, subsection 6, paragraph "c":  
3 12 ..... \$ 100,000  
3 13       c. To develop site plans for the southeast Iowa regional  
3 14 economic and port authority including plans for infrastructure  
3 15 for economic development, notwithstanding section 8.57,  
3 16 subsection 6, paragraph "c":  
3 17 ..... \$ 50,000  
3 18       d. For equal distribution to regional sports authority  
3 19 districts certified by the department pursuant to section  
3 20 15E.321, notwithstanding section 8.57, subsection 6, paragraph  
3 21 "c":  
3 22 ..... \$ 500,000  
3 23       e. For administration and support of the world food prize  
3 24 including the Borlaug/Ruan scholar program, notwithstanding  
3 25 section 8.57, subsection 6, paragraph "c":  
3 26 ..... \$ 100,000  
3 27       6. DEPARTMENT OF EDUCATION  
3 28 To provide resources for structural and technological  
3 29 improvements to local libraries and for the enrich Iowa  
3 30 program, notwithstanding section 8.57, subsection 6, paragraph  
3 31 "c":  
3 32 ..... \$ 500,000  
3 33 Of the moneys appropriated in this subsection, \$50,000 shall  
3 34 be allocated equally to each library service area.  
3 35       7. DEPARTMENT OF NATURAL RESOURCES



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Senate Study Bill 3258 continued

4 1 a. For floodplain management and dam safety,  
 4 2 notwithstanding section 8.57, subsection 6, paragraph "c":  
 4 3 ..... \$ 2,000,000  
 4 4 Of the amounts appropriated in this lettered paragraph,  
 4 5 up to \$400,000 is authorized for steam gages to be used  
 4 6 for tracking and predicting flood events and for compiling  
 4 7 necessary data relating to flood frequency analysis.  
 4 8 b. For costs associated with the construction of a permanent  
 4 9 structure for handicapped persons and senior citizens in a  
 4 10 county with a population between 37,150 and 37,250:  
 4 11 ..... \$ 40,000  
 4 12 c. For costs associated with the hiring and employment of an  
 4 13 asset manager at Honey creek resort state park, notwithstanding  
 4 14 section 8.57, subsection 6, paragraph "c":  
 4 15 ..... \$ 100,000  
 4 16 The department shall issue a request for proposals to  
 4 17 competitively procure the services of an asset manager which  
 4 18 shall be selected by the natural resource commission. The  
 4 19 asset manager shall have hospitality management experience  
 4 20 of at least five years including at least three years asset  
 4 21 management experience in a setting similar in size and quality  
 4 22 to the Honey creek resort state park with a similar type of  
 4 23 market. The duties and job responsibilities of the asset  
 4 24 manager shall include but are not limited to reviewing and  
 4 25 commenting on the resort's sales and marketing plan, providing  
 4 26 for the operation of the resort in a manner consistent with  
 4 27 the requirements and limitations set forth in the resort's  
 4 28 operating agreement, monitoring and supervising the resort  
 4 29 including site visits, and negotiating and recommending an  
 4 30 annual operating budget and budget plan. The asset manager  
 4 31 shall report to bond counsel, the governor, the Honey creek  
 4 32 authority, the department of natural resources, and the  
 4 33 legislative services agency.  
 4 34 8. DEPARTMENT OF PUBLIC DEFENSE  
 4 35 a. For major maintenance projects at national guard



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Senate Study Bill 3258 continued

5 1 armories and facilities:  
5 2 ..... \$ 1,500,000  
5 3     b. For renovation and facility improvements at the Iowa  
5 4 Falls readiness center:  
5 5 ..... \$ 500,000  
5 6     c. For renovation and facility improvements at the Cedar  
5 7 Rapids armed forces readiness center:  
5 8 ..... \$ 200,000  
5 9     d. For renovation and facility improvements at the  
5 10 Middletown readiness center:  
5 11 ..... \$ 100,000  
5 12     9. DEPARTMENT OF PUBLIC HEALTH  
5 13     For a grant to an existing national affiliated volunteer eye  
5 14 organization that has an established program for children and  
5 15 adults and that is solely dedicated to preserving sight and  
5 16 preventing blindness through education, nationally certified  
5 17 vision screening and training, community and patient service  
5 18 programs, notwithstanding section 8.57, subsection 6, paragraph  
5 19 "c":  
5 20 ..... \$ 100,000  
5 21     10. IOWA FINANCE AUTHORITY  
5 22     For transfer to the Polk county housing trust fund for the  
5 23 construction of facilities to meet the specialized needs of  
5 24 adult persons with severe and profound disabilities who have  
5 25 high medical needs:  
5 26 ..... \$ 250,000  
5 27     11. STATE BOARD OF REGENTS  
5 28     a. For allocation by the state board of regents to the  
5 29 state university of Iowa, the Iowa state university of  
5 30 science and technology, and the university of northern Iowa to  
5 31 reimburse the institutions for deficiencies in the operating  
5 32 funds resulting from the pledging of tuition, student fees  
5 33 and charges, and institutional income to finance the cost of  
5 34 providing academic and administrative buildings and facilities  
5 35 and utility services at the institutions, notwithstanding



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Senate Study Bill 3258 continued

6 1 section 8.57, subsection 6, paragraph "c":  
6 2 ..... \$ 24,305,412  
6 3     b. For the Iowa flood center at the state university of Iowa  
6 4 for use by the university's college of engineering, pursuant  
6 5 to section 466C.1, notwithstanding section 8.57, subsection 6,  
6 6 paragraph "c":  
6 7 ..... \$ 1,300,000  
6 8     c. To Iowa state university of science and technology to  
6 9 purchase veterinary surgical and other equipment to modernize  
6 10 the animal care facilities at the blank park zoo as part of  
6 11 a cooperative effort of blank park zoo and the college of  
6 12 veterinary medicine, notwithstanding section 8.57, subsection  
6 13 6, paragraph "c":  
6 14 ..... \$ 400,000  
6 15     12. TREASURER OF STATE  
6 16 For county fair infrastructure improvements for distribution  
6 17 in accordance with chapter 174 to qualified fairs which belong  
6 18 to the association of Iowa fairs:  
6 19 ..... \$ 1,060,000  
6 20     13. DEPARTMENT OF TRANSPORTATION  
6 21 For infrastructure improvements at general aviation airports  
6 22 within the state:  
6 23 ..... \$ 750,000  
6 24     14. DEPARTMENT OF VETERANS AFFAIRS  
6 25 For transfer to the Iowa finance authority for the  
6 26 continuation of the home ownership assistance program for  
6 27 persons who are or were eligible members of the armed forces of  
6 28 the United States, pursuant to section 16.54, notwithstanding  
6 29 section 8.57, subsection 6, paragraph "c":  
6 30 ..... \$ 1,000,000  
6 31     Sec. 2. There is appropriated from the rebuild Iowa  
6 32 infrastructure fund to the following departments and agencies  
6 33 for the following fiscal years, the following amounts, or so  
6 34 much thereof as is necessary, to be used for the purposes  
6 35 designated:



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7 1     1. DEPARTMENT OF CORRECTIONS  
7 2     For project management costs at Fort Madison and  
7 3 Mitchellville prison, associated with construction projects at  
7 4 the department, notwithstanding section 8.57, subsection 6,  
7 5 paragraph "c":  
7 6 FY 2011=2012..... \$ 4,500,000  
7 7 FY 2012=2013..... \$ 1,000,000  
7 8 FY 2013=2014..... \$ 200,000  
7 9     2. DEPARTMENT OF NATURAL RESOURCES  
7 10    For state park infrastructure improvements:  
7 11 FY 2011=2012..... \$ 5,000,000  
7 12 FY 2012=2013..... \$ 5,000,000  
7 13 FY 2013=2014..... \$ 5,000,000  
7 14 FY 2014=2015..... \$ 5,000,000  
7 15    Sec. 3. REVERSION. For purposes of section 8.33, unless  
7 16 specifically provided otherwise, unencumbered or unobligated  
7 17 moneys made from an appropriation in this division of this Act  
7 18 shall not revert but shall remain available for expenditure for  
7 19 the purposes designated until the close of the fiscal year that  
7 20 ends three years after the end of the fiscal year for which the  
7 21 appropriation was made. However, if the project or projects  
7 22 for which such appropriation was made are completed in an  
7 23 earlier fiscal year, unencumbered or unobligated moneys shall  
7 24 revert at the close of that same fiscal year.  
7 25                                   DIVISION II  
7 26                                   TECHNOLOGY REINVESTMENT FUND  
7 27    Sec. 4. There is appropriated from the technology  
7 28 reinvestment fund created in section 8.57C to the following  
7 29 departments and agencies for the fiscal year beginning July  
7 30 1, 2010, and ending June 30, 2011, the following amounts, or  
7 31 so much thereof as is necessary, to be used for the purposes  
7 32 designated:  
7 33     1. DEPARTMENT OF ADMINISTRATIVE SERVICES  
7 34     For technology improvement projects:  
7 35 ..... \$ 3,793,654



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8 1       2. DEPARTMENT OF CORRECTIONS  
8 2       For costs associated with the Iowa corrections offender  
8 3 network data system:  
8 4 ..... \$     500,000  
8 5       3. DEPARTMENT OF EDUCATION  
8 6       a. For maintenance and lease costs associated with  
8 7 connections for Part III of the Iowa communications network:  
8 8 ..... \$   2,727,000  
8 9       b. For the implementation of an educational data warehouse  
8 10 that will be utilized by teachers, parents, school district  
8 11 administrators, area education agency staff, department of  
8 12 education staff, and policymakers:  
8 13 ..... \$     600,000  
8 14       The department may use a portion of the moneys appropriated  
8 15 in this lettered paragraph for an e-transcript data system  
8 16 capable of tracking students throughout their education via  
8 17 interconnectivity with multiple schools.  
8 18       4. DEPARTMENT OF PUBLIC HEALTH  
8 19       For deposit in the county mental health, mental retardation,  
8 20 and developmental disabilities services fund created by section  
8 21 331.424A in a county with a population over 350,000 for a  
8 22 community mental health center created under chapter 230A which  
8 23 serves only adults:  
8 24 ..... \$     250,000  
8 25       5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION  
8 26       For replacement of equipment for the Iowa communications  
8 27 network:  
8 28 ..... \$   2,244,956  
8 29       The commission may continue to enter into contracts pursuant  
8 30 to section 8D.13 for the replacement of equipment and for  
8 31 operations and maintenance costs of the network.  
8 32       In addition to moneys appropriated in this subsection,  
8 33 the commission may use a financing agreement entered into by  
8 34 the treasurer of state in accordance with section 12.28 for  
8 35 the replacement of equipment for the network. For purposes



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9 1 of this subsection, the treasurer of state is not subject to  
9 2 the maximum principal limitation contained in section 12.28,  
9 3 subsection 6. Repayment of any amounts financed shall be made  
9 4 from receipts associated with fees charged for use of the  
9 5 network.

9 6 Sec. 5. REVERSION. For purposes of section 8.33, unless  
9 7 specifically provided otherwise, unencumbered or unobligated  
9 8 moneys made from an appropriation in this division of this Act  
9 9 shall not revert but shall remain available for expenditure for  
9 10 the purposes designated until the close of the fiscal year that  
9 11 ends three years after the end of the fiscal year for which the  
9 12 appropriation was made. However, if the project or projects  
9 13 for which such appropriation was made are completed in an  
9 14 earlier fiscal year, unencumbered or unobligated moneys shall  
9 15 revert at the close of that same fiscal year.

9 16 DIVISION III

9 17 REVENUE BONDS CAPITALS FUND == APPROPRIATIONS

9 18 Sec. 6. There is appropriated from the revenue bonds  
9 19 capitals fund created in section 12.88, to the following  
9 20 departments and agencies for the fiscal year beginning July  
9 21 1, 2010, and ending June 30, 2011, the following amounts, or  
9 22 so much thereof as is necessary, to be used for the purposes  
9 23 designated:

9 24 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

9 25 For projects related to major repairs and major maintenance  
9 26 for state buildings and facilities:  
9 27 ..... \$ 3,000,000

9 28 Moneys appropriated in this subsection shall not be used  
9 29 for purposes of the renovation of the Mercy capitol hospital  
9 30 building.

9 31 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

9 32 a. To the soil conservation division of the department  
9 33 established in section 161A.4 to provide financial assistance  
9 34 for the establishment of permanent soil and water conservation  
9 35 practices:



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10 1 ..... \$ 1,000,000  
 10 2     b. Not more than 5 percent of the moneys appropriated  
 10 3 in paragraph "a" may be allocated for cost sharing to abate  
 10 4 complaints filed under section 161A.47.  
 10 5     c. Of the moneys appropriated in paragraph "a", 5 percent  
 10 6 shall be allocated for financial incentives to establish  
 10 7 practices to protect watersheds above publicly owned lakes of  
 10 8 the state from soil erosion and sediment as provided in section  
 10 9 161A.73.  
 10 10    d. Not more than 30 percent of a soil and water conservation  
 10 11 district's allocation of moneys as financial incentives may be  
 10 12 provided for the purpose of establishing management practices  
 10 13 to control soil erosion on land that is row cropped, including  
 10 14 but not limited to no=till planting, ridge=till planting,  
 10 15 contouring, and contour strip=cropping as provided in section  
 10 16 161A.73.  
 10 17     e. The state soil conservation committee created in section  
 10 18 161A.4 may allocate moneys appropriated in paragraph "a"  
 10 19 to conduct research and demonstration projects to promote  
 10 20 conservation tillage and nonpoint source pollution control  
 10 21 practices.  
 10 22     f. The allocation of moneys as financial incentives as  
 10 23 provided in section 161A.73 may be used in combination with  
 10 24 moneys allocated by the department of natural resources.  
 10 25     g. Moneys appropriated in this subsection shall not be used  
 10 26 for administrative or planning purposes.  
 10 27     3. DEPARTMENT OF CULTURAL AFFAIRS  
 10 28       For grants for Iowa great places program projects:  
 10 29 ..... \$ 2,000,000  
 10 30     4. DEPARTMENT OF CORRECTIONS  
 10 31       a. For one=time costs associated with the opening of  
 10 32 community=based corrections facilities including the purchase  
 10 33 of equipment:  
 10 34 ..... \$ 1,519,048  
 10 35       b. For use by a city with a population between 198,000 and



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11 1 199,000 for a safety barrier to be constructed in the natural  
 11 2 environment between the fifth judicial district facility and  
 11 3 the blank park zoo:  
 11 4 ..... \$ 1,000,000  
 11 5 c. For project management costs at Fort Madison and  
 11 6 Mitchellville prisons associated with construction projects at  
 11 7 the department:  
 11 8 ..... \$ 2,200,000  
 11 9 5. DEPARTMENT OF NATURAL RESOURCES  
 11 10 For implementation of lake projects that have established  
 11 11 watershed improvement initiatives and community support in  
 11 12 accordance with the department's annual lake restoration plan  
 11 13 and report:  
 11 14 ..... \$ 7,000,000  
 11 15 Of the amount appropriated in this subsection, \$250,000  
 11 16 shall be allocated for dredging, reconstruction, and related  
 11 17 improvements of twin ponds adjacent to a nature center in a  
 11 18 county with a population between 13,050, and 13,100.  
 11 19 Of the amount appropriated in this subsection, \$2,000,000  
 11 20 shall be allocated for costs associated with dam construction;  
 11 21 shoreline protection; boat ramp, parking, and road  
 11 22 construction; and an in-lake fishing habitat development  
 11 23 project for a new state recreation area on a lake located in a  
 11 24 county with a population between 155,000 and 160,000.  
 11 25 6. STATE BOARD OF REGENTS  
 11 26 For phase II of the construction and renovation of the  
 11 27 veterinary medical facilities at Iowa state university of  
 11 28 science and technology, specifically the renovation and  
 11 29 modernization of the area formerly occupied by the large animal  
 11 30 area of the teaching hospital for expanded clinical services:  
 11 31 ..... \$ 13,000,000  
 11 32 7. IOWA STATE FAIR  
 11 33 For infrastructure improvements to the Iowa state  
 11 34 fairgrounds including but not limited to the construction of an  
 11 35 agricultural exhibition center on the Iowa state fairgrounds:



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12 1 ..... \$ 2,500,000

12 2 8. IOWA FINANCE AUTHORITY

12 3 For grants for purposes of the housing trust fund created in  
12 4 section 16.181:

12 5 ..... \$ 2,000,000

12 6 Sec. 7. TAX=EXEMPT STATUS == USE OF APPROPRIATIONS.

12 7 1. Payment of moneys from the appropriations in this  
12 8 division of this Act shall be made in a manner that does not  
12 9 adversely affect the tax-exempt status of any outstanding bonds  
12 10 issued by the treasurer of state.

12 11 2. Payment of moneys from the appropriations in this  
12 12 division of this Act shall not be used for administrative or  
12 13 planning purposes.

12 14 Sec. 8. REVERSION. For purposes of section 8.33, unless  
12 15 specifically provided otherwise, unencumbered or unobligated  
12 16 moneys made from an appropriation in this division of this Act  
12 17 shall not revert but shall remain available for expenditure for  
12 18 the purposes designated until the close of the fiscal year that  
12 19 ends three years after the end of the fiscal year for which the  
12 20 appropriation was made. However, if the project or projects  
12 21 for which such appropriation was made are completed in an  
12 22 earlier fiscal year, unencumbered or unobligated moneys shall  
12 23 revert at the close of that same fiscal year.

DIVISION IV

REVENUE BONDS CAPITALS II FUND == APPROPRIATIONS

12 26 Sec. 9. NEW SECTION. 12.88A Revenue bonds capitals II fund.

12 27 1. A revenue bonds capitals II fund is created and  
12 28 established as a separate and distinct fund in the state  
12 29 treasury. The treasurer of state shall act as custodian of the  
12 30 fund and disburse moneys contained in the fund.

12 31 2. Revenue for the revenue bonds capitals II fund shall  
12 32 include but is not limited to the following, which shall be  
12 33 deposited with the treasurer of state or the treasurer of  
12 34 state's designee as provided by any bond or security documents  
12 35 and credited to the fund:



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13 1       a. The net proceeds of bonds issued after July 1, 2010,  
13 2 pursuant to section 12.87 other than bonds issued for the  
13 3 purpose of refunding such bonds, and investment earnings on the  
13 4 net proceeds.

13 5       b. Interest attributable to investment of moneys in the fund  
13 6 or an account of the fund.

13 7       c. Moneys in the form of a devise, gift, bequest, donation,  
13 8 federal or other grant, reimbursement, repayment, judgment,  
13 9 transfer, payment, or appropriation from any source intended to  
13 10 be used for the purposes of the fund.

13 11       3. Moneys in the revenue bonds capitals II fund are not  
13 12 subject to section 8.33. Notwithstanding section 12C.7,  
13 13 subsection 2, interest or earnings on moneys in the fund shall  
13 14 be credited to the fund.

13 15       4. Annually, on or before January 15 of each year, a state  
13 16 agency that received an appropriation from the revenue bonds  
13 17 capitals II fund shall report to the legislative services  
13 18 agency and the department of management the status of all  
13 19 projects completed or in progress. The report shall include  
13 20 a description of the project, the work completed, the total  
13 21 estimated cost of the project, a list of all revenue sources  
13 22 being used to fund the project, the amount of funds expended,  
13 23 the amount of funds obligated, and the date the project was  
13 24 completed or an estimated completion date of the project, where  
13 25 applicable.

13 26       Sec. 10. There is appropriated from the revenue bonds  
13 27 capitals II fund created in section 12.88A to the following  
13 28 departments and agencies for the fiscal year beginning July  
13 29 1, 2010, and ending June 30, 2011, the following amounts, or  
13 30 so much thereof as is necessary, to be used for the purposes  
13 31 designated:

13 32       1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

13 33       a. To the soil conservation division of the department  
13 34 established in section 161A.4 to provide financial assistance  
13 35 for the establishment of permanent soil and water conservation



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14 1 practices:  
 14 2 ..... \$ 5,950,000  
 14 3 (1) Not more than 5 percent of the moneys appropriated in  
 14 4 this paragraph "a" may be allocated for cost sharing to abate  
 14 5 complaints filed under section 161A.47.  
 14 6 (2) Of the moneys appropriated in this paragraph "a",  
 14 7 5 percent shall be allocated for financial incentives to  
 14 8 establish practices to protect watersheds above publicly owned  
 14 9 lakes of the state from soil erosion and sediment as provided  
 14 10 in section 161A.73.  
 14 11 (3) Not more than 30 percent of a soil and water  
 14 12 conservation district's allocation of moneys as financial  
 14 13 incentives may be provided for the purpose of establishing  
 14 14 management practices to control soil erosion on land that is  
 14 15 row cropped, including but not limited to no-till planting,  
 14 16 ridge-till planting, contouring, and contour strip-cropping as  
 14 17 provided in section 161A.73.  
 14 18 (4) The state soil conservation committee created in  
 14 19 section 161A.4 may allocate moneys appropriated in paragraph  
 14 20 "a" to conduct research and demonstration projects to promote  
 14 21 conservation tillage and nonpoint source pollution control  
 14 22 practices.  
 14 23 (5) The allocation of moneys as financial incentives as  
 14 24 provided in section 161A.73 may be used in combination with  
 14 25 moneys allocated by the department of natural resources.  
 14 26 (6) Moneys appropriated in this paragraph "a" shall not be  
 14 27 used for administrative or planning purposes.  
 14 28 b. For grants under the conservation reserve enhancement  
 14 29 program to improve water quality and intercept nitrates:  
 14 30 ..... \$ 2,500,000  
 14 31 2. DEPARTMENT OF ECONOMIC DEVELOPMENT  
 14 32 a. For deposit into the community attraction and tourism  
 14 33 fund created in section 15F.204:  
 14 34 ..... \$ 12,000,000  
 14 35 b. For deposit into the river enhancement community



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15 1 attraction and tourism fund created in section 15F.205:  
 15 2 ..... \$ 4,000,000  
 15 3 Moneys appropriated for grants awarded in paragraphs "a" and  
 15 4 "b" shall be used to assist communities in the development and  
 15 5 creation of multiple purpose attractions or community service  
 15 6 facilities for public use.  
 15 7 c. For accelerated career education program capital  
 15 8 projects at community colleges that are authorized under  
 15 9 chapter 260G and that meet the definition of vertical  
 15 10 infrastructure in section 8.57, subsection 6, paragraph "c":  
 15 11 ..... \$ 5,500,000  
 15 12 d. For the main street Iowa program to be used as grants  
 15 13 for projects that have previously applied for funding  
 15 14 consideration, or have received partial funding for facade  
 15 15 master plans to rehabilitate storefronts in main street Iowa  
 15 16 districts, to complete streetscape projects where planning  
 15 17 and the majority of funding is already secured, for unfunded  
 15 18 main street challenge grant projects, and for other building  
 15 19 rehabilitation projects that are currently on the department's  
 15 20 highest priority list:  
 15 21 ..... \$ 8,450,000  
 15 22 Moneys appropriated in this lettered paragraph shall not be  
 15 23 used for administration or planning purposes.  
 15 24 Of the amount appropriated in this lettered paragraph,  
 15 25 \$300,000 shall be allocated to a city with a population between  
 15 26 25,100 and 25,200 in the last preceding certified federal  
 15 27 census for a redevelopment project that includes improvements  
 15 28 and modifications to streets and storm sewers in both the  
 15 29 downtown and mall areas of the city.  
 15 30 3. DEPARTMENT OF EDUCATION  
 15 31 For major renovation and major repair needs, including  
 15 32 health, life, and fire safety needs and for compliance with the  
 15 33 federal Americans with Disabilities Act, for state buildings  
 15 34 and facilities under the purview of the community colleges:  
 15 35 ..... \$ 2,000,000



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16 1 4. IOWA FINANCE AUTHORITY  
16 2 a. For disaster relief and mitigation renovation and  
16 3 construction projects:  
16 4 ..... \$ 33,600,000  
16 5 The moneys appropriated in this paragraph "a" shall be  
16 6 allocated as follows:  
16 7 (1) To a county with a population between 189,000 and  
16 8 196,000 in the last preceding certified federal census, for all  
16 9 of the following projects:  
16 10 (a) For the renovation and expansion of an administrative  
16 11 office building:  
16 12 ..... \$ 4,400,000  
16 13 (b) For the construction of an economic commerce building:  
16 14 ..... \$ 1,200,000  
16 15 (2) To a city with a population between 120,500 and 120,800  
16 16 in the last preceding certified federal census, for the  
16 17 following projects:  
16 18 (a) For renovation of an existing public building to make  
16 19 the building useful for city department offices:  
16 20 ..... \$ 4,400,000  
16 21 (b) For construction of a flood wall around an existing  
16 22 courthouse:  
16 23 ..... \$ 2,000,000  
16 24 (3) To a city with a population between 29,100 and 29,200  
16 25 in the last preceding certified federal census, for the  
16 26 construction of a small business center:  
16 27 ..... \$ 1,500,000  
16 28 (4) To a city with a population between 198,000 and 199,000  
16 29 in the last preceding certified federal census to be allocated  
16 30 as follows:  
16 31 (a) For site acquisition, design, engineering, and  
16 32 construction of a fire training and logistics center:  
16 33 ..... \$ 3,000,000  
16 34 (b) For land acquisition, design, and construction of  
16 35 sewers, structures, and pumping facilities necessary to



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17 1 separate and convey sewer flow within the riverpoint service  
 17 2 area:  
 17 3 ..... \$ 1,250,000  
 17 4 (c) For land acquisition, design, and construction of  
 17 5 sewers, structures, and pumping facilities necessary to  
 17 6 separate or convey sewer flow within the Court avenue service  
 17 7 area:  
 17 8 ..... \$ 3,050,000  
 17 9 (d) For bank stabilization, stream bed stabilization, and  
 17 10 erosion control on highly erodible ground that is impacting  
 17 11 utilities, road infrastructure, and water quality:  
 17 12 ..... \$ 700,000  
 17 13 (e) To improve utilization of two of the wastewater  
 17 14 reclamation authority's existing equalization basins for  
 17 15 the control of peak flows during wet weather events in the  
 17 16 authority's sewer system:  
 17 17 ..... \$ 500,000  
 17 18 (5) For a publicly owned acute care teaching hospital  
 17 19 located in a county with a population of over 350,000, for  
 17 20 the construction and renovation of patient access and care  
 17 21 facilities, equipment replacement and upgrades, and other  
 17 22 infrastructure improvements:  
 17 23 ..... \$ 1,000,000  
 17 24 (6) For a city with a population between 98,300 and 98,400  
 17 25 in the last preceding certified federal census, for flood  
 17 26 protection, replacement, and construction improvements to a  
 17 27 recreational sports facility:  
 17 28 ..... \$ 1,050,000  
 17 29 (7) For a city with a population between 68,700 and  
 17 30 68,800 in the last preceding certified federal census, for a  
 17 31 public works building that will allow the city to provide for  
 17 32 disaster-related services:  
 17 33 ..... \$ 5,000,000  
 17 34 (8) For a city with a population between 62,100 and  
 17 35 62,250 in the last preceding certified federal census, for



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18 1 the demolition, relocation, and reconstruction of a public  
 18 2 wastewater treatment plant and the development of a public  
 18 3 green space:  
 18 4 ..... \$ 2,000,000  
 18 5 (9) For a city with a population between 2,545 and 2,555 in  
 18 6 the last preceding certified federal census, for a streetscape  
 18 7 project that reconstructs existing horizontal infrastructure  
 18 8 and lighting systems utilizing sustainable development  
 18 9 practices:  
 18 10 ..... \$ 1,175,000  
 18 11 (10) For a city with a population between 2,200 and 2,220 in  
 18 12 the last preceding certified federal census, for construction  
 18 13 of a public city building:  
 18 14 ..... \$ 475,000  
 18 15 (11) For a city with a population between 2,558 and 2,565  
 18 16 in the last preceding certified federal census, for the  
 18 17 installation of backflow prevention devices for the city's  
 18 18 storm sewer system:  
 18 19 ..... \$ 600,000  
 18 20 (12) For a city with a population between 6,875 and 6,890  
 18 21 in the last preceding certified federal census, for the  
 18 22 construction of grade control structures and associated grading  
 18 23 to mitigate future water damage to residential structures:  
 18 24 ..... \$ 300,000  
 18 25 b. To the Iowa jobs board for a disaster prevention program  
 18 26 created in section 16.194A for grants for cities and counties  
 18 27 that apply smart planning principles and guidelines pursuant to  
 18 28 sections 18B.1 and 18B.2, if enacted by 2010 Iowa Acts, Senate  
 18 29 File 2265, sections 1 and 2:  
 18 30 ..... \$ 30,000,000  
 18 31 5. DEPARTMENT OF NATURAL RESOURCES  
 18 32 a. For state park infrastructure improvements:  
 18 33 ..... \$ 5,000,000  
 18 34 b. For implementation of lake projects that have  
 18 35 established watershed improvement initiatives and community



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19 1 support in accordance with the department's annual lake  
 19 2 restoration plan and report:  
 19 3 ..... \$ 3,000,000  
 19 4 6. STATE BOARD OF REGENTS  
 19 5 a. For costs associated with the construction and  
 19 6 establishment of the Iowa institute for biomedical discovery at  
 19 7 the state university of Iowa:  
 19 8 ..... \$ 10,000,000  
 19 9 b. For deposit into the alternate energy revolving loan  
 19 10 fund created in section 476.46 to encourage the development  
 19 11 of alternate energy production facilities and small hydro  
 19 12 facilities, as defined in section 476.42, within the state:  
 19 13 ..... \$ 5,000,000  
 19 14 Any award of loans to private individuals or organizations  
 19 15 must be for the public purpose of encouraging the development  
 19 16 of alternate energy production facilities and small hydro  
 19 17 facilities within the state in order to conserve finite and  
 19 18 expensive energy resources and to provide for their most  
 19 19 efficient use. Funds from bond proceeds shall not be used for  
 19 20 administration or planning purposes. These moneys, and any  
 19 21 loan repayments, shall be maintained in separate accounts and  
 19 22 shall only be used for these public purposes.  
 19 23 7 DEPARTMENT OF TRANSPORTATION  
 19 24 a. For grants for rail projects including wind energy rail  
 19 25 port projects that provide assistance consistent with the  
 19 26 purposes of section 327H.20A:  
 19 27 ..... \$ 7,500,000  
 19 28 Grants awarded pursuant to this lettered paragraph shall  
 19 29 meet all of the following selection criteria:  
 19 30 (1) Be located in or adjacent to a rail industrial park.  
 19 31 (2) Be a facility that serves multiple industrial clients  
 19 32 with one rail infrastructure investment.  
 19 33 (3) Accommodate building and loading complete unit train in  
 19 34 the rail port.  
 19 35 (4) Have connection tracks with adequate clearances to



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20 1 transport large components.  
 20 2 (5) Be located in an area with short unimpeded access for  
 20 3 oversized wind components to a divided four-lane highway.  
 20 4 Priority in the awarding of grants shall be given to  
 20 5 communities that have experienced exceptional economic  
 20 6 setbacks.  
 20 7 b. For the public transit infrastructure grant program in  
 20 8 section 324A.6A:  
 20 9 ..... \$ 2,000,000  
 20 10 c. For infrastructure improvements at the commercial air  
 20 11 service airports within the state:  
 20 12 ..... \$ 1,500,000  
 20 13 Fifty percent of the funds appropriated in this lettered  
 20 14 paragraph shall be allocated equally between each commercial  
 20 15 air service airport, forty percent of the funds shall be  
 20 16 allocated based on the percentage that the number of enplaned  
 20 17 passengers at each commercial air service airport bears to the  
 20 18 total number of enplaned passengers in the state during the  
 20 19 previous fiscal year, and ten percent of the funds shall be  
 20 20 allocated based on the percentage that the air cargo tonnage  
 20 21 at each commercial air service airport bears to the total air  
 20 22 cargo tonnage in the state during the previous fiscal year. In  
 20 23 order for a commercial air service airport to receive funding  
 20 24 under this lettered paragraph, the airport shall be required  
 20 25 to submit applications for funding of specific projects to the  
 20 26 department for approval by the state transportation commission.  
 20 27 d. For infrastructure projects relating to functionally  
 20 28 obsolete and structurally deficient bridges:  
 20 29 ..... \$ 10,000,000  
 20 30 8. TREASURER OF STATE  
 20 31 For transfer to the watershed improvement review board  
 20 32 created in section 466A.3 for grants associated with the  
 20 33 construction and restoration of wetland easements and flood  
 20 34 prevention projects:  
 20 35 ..... \$ 2,000,000





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22 1       Sec. 14. REVERSION. For purposes of section 8.33, unless  
22 2 specifically provided otherwise, unencumbered or unobligated  
22 3 moneys made from an appropriation in this division of this Act  
22 4 shall not revert but shall remain available for expenditure for  
22 5 the purposes designated until the close of the fiscal year that  
22 6 ends three years after the end of the fiscal year for which the  
22 7 appropriation was made. However, if the project or projects  
22 8 for which such appropriation was made are completed in an  
22 9 earlier fiscal year, unencumbered or unobligated moneys shall  
22 10 revert at the close of that same fiscal year.

DIVISION VI

GROW IOWA VALUES FUND

22 13       Sec. 15.       There is appropriated from the rebuild Iowa  
22 14 infrastructure fund to the department of economic development  
22 15 for deposit in the grow Iowa values fund, for the fiscal year  
22 16 beginning July 1, 2010, and ending June 30, 2011, the following  
22 17 amount, notwithstanding section 8.57, subsection 6, paragraph  
22 18 "c":

22 19 ..... \$ 38,000,000

22 20       Sec. 16. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In  
22 21 lieu of the \$50,000,000 appropriated for the fiscal year  
22 22 beginning July 1, 2010, and ending June 30, 2011, from  
22 23 the grow Iowa values fund to the department of economic  
22 24 development pursuant to section 15G.111, subsection 3, there is  
22 25 appropriated from the grow Iowa values fund to the department  
22 26 of economic development for the fiscal year beginning July 1,  
22 27 2010, and ending June 30, 2011, \$38,000,000 for the purposes of  
22 28 making expenditures pursuant to chapter 15G.

22 29       Sec. 17. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the  
22 30 amounts allocated pursuant to section 15G.111, subsections 4  
22 31 through 10, for the fiscal year beginning July 1, 2010, and  
22 32 ending June 30, 2011, of the \$38,000,000 appropriated to the  
22 33 department of economic development pursuant to this division of  
22 34 this Act, the department shall allocate the following amounts  
22 35 for the following purposes as described in section 15G.111,



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23 1 subsections 4 through 10:  
23 2 1. For departmental purposes, \$21,363,600.  
23 3 2. For the state board of regents institutions, \$3,800,000.  
23 4 3. For state parks, \$760,000.  
23 5 4. For deposit in the Iowa cultural trust fund, \$760,000.  
23 6 5. For community colleges, \$5,320,000.  
23 7 6. For regional financial assistance, \$760,000.  
23 8 Of the moneys allocated pursuant to this subsection and in  
23 9 lieu of the three hundred fifty thousand dollars transferred  
23 10 under section 15G.111, subsection 9, paragraph "a", the  
23 11 department shall transfer two hundred sixty=six thousand  
23 12 dollars to Iowa state university of science and technology, for  
23 13 purposes of providing financial assistance to establish small  
23 14 business development centers.  
23 15 7. For commercialization services, \$4,389,000.  
23 16 8. For targeted small business, \$847,400.  
23 17 Sec. 18. Section 15.247, subsection 3, Code Supplement  
23 18 2009, is amended to read as follows:  
23 19 3. a. All moneys designated for the targeted small business  
23 20 financial assistance program shall be credited to the program  
23 21 account. The department shall determine the actuarially  
23 22 sound reserve requirement for the amount of guaranteed loans  
23 23 outstanding.  
23 24 b. Of the moneys credited to the program account, the  
23 25 department may allocate an amount necessary for marketing and  
23 26 compliance and an amount for the provision of the mentoring  
23 27 services required under subsection 7.  
23 28 Sec. 19. Section 15G.110, Code Supplement 2009, is amended  
23 29 to read as follows:  
23 30 15G.110 Appropriation.  
23 31 1. For the fiscal period beginning July 1, 2005, and ending  
23 32 June 30, 2008, and for the fiscal period beginning July 1,  
23 33 ~~2010~~ 2011, and ending June 30, 2015, there is appropriated to  
23 34 the department of economic development each fiscal year fifty  
23 35 million dollars from the general fund of the state for deposit



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24 1 in the grow Iowa values fund.

24 2 2. For the fiscal period beginning July 1, 2008, and ending  
24 3 June 30, ~~2010~~ 2011, there is appropriated to the department of  
24 4 economic development each fiscal year fifty million dollars  
24 5 from the rebuild Iowa infrastructure fund for deposit in the  
24 6 grow Iowa values fund, notwithstanding section 8.57, subsection  
24 7 6, paragraph "c".

24 8 Sec. 20. Section 15G.111, subsection 2, paragraph b, Code  
24 9 Supplement 2009, is amended to read as follows:

24 10 b. Moneys credited to the fund are not subject to section  
24 11 8.33. Notwithstanding section 12C.7, interest or earnings on  
24 12 moneys in the fund shall be credited to the fund. Interest  
24 13 or earnings on moneys in the fund are appropriated to the  
24 14 department. Of the moneys appropriated to the department  
24 15 pursuant to this paragraph, the department shall make the  
24 16 following allocations:

24 17 (1) For each fiscal year of the fiscal period beginning  
24 18 July 1, 2010, and ending June 30, 2013, the department shall  
24 19 allocate not more than one hundred seventy-five thousand  
24 20 dollars for purposes of providing financial assistance to  
24 21 Iowa's councils of governments.

24 22 (2) For each fiscal year of the fiscal period beginning  
24 23 July 1, 2010, and ending June 30, 2013, the department shall  
24 24 allocate not more than two hundred thousand dollars for  
24 25 purposes of providing support and administrative assistance to  
24 26 the vision Iowa board, the community attraction and tourism  
24 27 program, and river enhancement community attraction and tourism  
24 28 projects.

24 29 (3) For each fiscal year of the fiscal period beginning  
24 30 July 1, 2010, and ending June 30, 2013, the department shall  
24 31 allocate the remaining amount of interest or earnings on moneys  
24 32 in the fund for purposes of providing financial assistance  
24 33 under the disaster recovery component of the grow Iowa values  
24 34 financial assistance program. All moneys allocated pursuant to  
24 35 this subparagraph that remain unexpended or unobligated at the



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25 1 end of the fiscal year beginning July 1, 2012, shall revert and  
25 2 be credited to the fund.

25 3 Sec. 21. Section 15G.111, subsection 4, unnumbered  
25 4 paragraph 1, Code Supplement 2009, is amended to read as  
25 5 follows:

25 6 Of the moneys appropriated to the department pursuant  
25 7 to subsection 3, the department shall allocate  
25 8 ~~thirty-two~~ twenty-eight million five hundred thousand dollars  
25 9 each fiscal year as follows:

25 10 Sec. 22. Section 15G.111, subsection 10, Code Supplement  
25 11 2009, is amended to read as follows:

25 12 10. ~~Commercialization~~ Innovation and commercialization  
25 13 services. Of the moneys appropriated to the department  
25 14 pursuant to subsection 3, the department shall allocate  
25 15 ~~three~~ five million five hundred thousand dollars for deposit in  
25 16 the innovation and commercialization development fund created  
25 17 in section 15.412.

25 18 Sec. 23. Section 15G.111, Code Supplement 2009, is amended  
25 19 by adding the following new subsection:

25 20 NEW SUBSECTION. 11. Targeted small businesses. Of the  
25 21 moneys appropriated to the department pursuant to subsection 3,  
25 22 the department shall allocate one million dollars for deposit  
25 23 in the targeted small business financial assistance program  
25 24 account established pursuant to section 15.247 within the  
25 25 strategic investment fund created in section 15.313.

DIVISION VII

ALTERNATIVE PUBLIC PROJECT DELIVERY PROGRAM

PART 1

25 29 Sec. 24. NEW SECTION. 262.34C Definitions.

25 30 As used in this division, unless the context clearly  
25 31 indicates otherwise:

25 32 1. "Alternative project delivery" means procuring and  
25 33 delivering design and construction services for a public  
25 34 project according to one of the selection procedures outlined  
25 35 in parts 2 and 3.



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26 1       2. "Construction documents" means the drawings,  
26 2 specifications, technical submissions, and other documents upon  
26 3 which a construction project is based.

26 4       3. "Construction management services" means an alternative  
26 5 project delivery method whereby services are provided by  
26 6 a construction manager in a manner similar to a general  
26 7 contractor, and which requires the construction manager to  
26 8 solicit bids for the trade packages or subcontracts developed  
26 9 for the public project and to enter into the trade contracts or  
26 10 subcontracts for the public project. Construction management  
26 11 services may include but are not limited to scheduling,  
26 12 value analysis, system analysis, constructability reviews,  
26 13 progress document reviews, subcontractor involvement,  
26 14 subcontractor bonding policy, budgeting and price guarantees,  
26 15 and construction coordination.

26 16       4. "Construction manager" means an individual, partnership,  
26 17 joint venture, corporation, or other legal entity that  
26 18 utilizes skill and knowledge of general contracting to  
26 19 perform construction management services and preconstruction  
26 20 services, procures and contracts with specialty contractors or  
26 21 subcontractors, and assumes the responsibility and the risk for  
26 22 construction delivery within a specified cost and schedule.

26 23       5. "Construction services" means the process of planning,  
26 24 building, equipping, altering, repairing, improving, or  
26 25 demolishing any structure or appurtenance thereto, including  
26 26 facilities, utilities, or other improvements to real property,  
26 27 but excluding highways, roads, bridges, dams, or stand-alone  
26 28 parking lots.

26 29       6. "Criteria consultant" means an individual employed  
26 30 or retained by the governmental entity to assist in the  
26 31 preparation of a request for qualifications and a request for  
26 32 proposals. If preparation of the design criteria package  
26 33 includes the practice of architecture as defined in section  
26 34 544A.16, professional architectural services as defined in  
26 35 section 544A.16, the practice of engineering as defined in



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27 1 section 542B.2, or the practice of landscape architecture as  
27 2 defined in section 544B.1, "criteria consultant" means a design  
27 3 professional.

27 4 7. "Design criteria package" means performance-oriented  
27 5 specifications for the public project sufficient to permit a  
27 6 design-builder to prepare a response to a request for proposals  
27 7 for a design-build public project.

27 8 8. "Design professional" means an individual who is  
27 9 licensed to practice architecture, engineering, or landscape  
27 10 architecture in this state.

27 11 9. "Design-build services" means a method of alternative  
27 12 project delivery for which both design and construction  
27 13 services are provided under one contract. "Design-build  
27 14 services" may include architecture, engineering, and related  
27 15 design services required for a given project and the labor,  
27 16 materials, and other construction services for the project.

27 17 10. "Design-builder" means an individual, partnership,  
27 18 joint venture, corporation, or other legal entity that  
27 19 furnishes design-build services, whether by itself or through  
27 20 subcontracts.

27 21 11. "Estimated total cost" means the estimated total cost to  
27 22 a governmental entity to construct a public project, including  
27 23 the cost of labor, materials, equipment, supplies, and fees.

27 24 12. "Faculty research project" means a construction or  
27 25 reconstruction project under the control of a governmental  
27 26 entity that is linked solely to a specific researcher or group  
27 27 of researchers and undertaken for the purpose of conducting  
27 28 research.

27 29 13. "Governmental entity" means the state board of regents  
27 30 or an institution under the control of the state board of  
27 31 regents.

27 32 14. "Guaranteed maximum cost" means the total cost of the  
27 33 project as defined in the public project contract between the  
27 34 governmental entity and the construction manager or between the  
27 35 governmental entity and the design-builder.



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28 1 15. "Job order contract" means a contract for construction  
28 2 services delivered on an on-call basis through fixed-price  
28 3 orders based on preestablished unit prices.

28 4 16. "Preconstruction services" means a series of services  
28 5 including but not limited to review of design, scheduling,  
28 6 estimating, cost control, value engineering, constructability  
28 7 evaluation, and preparation and coordination of bid packages.

28 8 17. "Public project" means a project under the control of  
28 9 a governmental entity that is paid for in whole or in part  
28 10 with funds of the governmental entity, including a building  
28 11 or improvement constructed or operated jointly with any other  
28 12 public or private agency that has an estimated total cost of  
28 13 more than one hundred thousand dollars. "Public project" may  
28 14 include planning, acquiring, designing, building, equipping,  
28 15 altering, repairing, improving, or demolishing any structure  
28 16 or appurtenance thereto, including facilities or other  
28 17 improvements to any real property owned by the governmental  
28 18 entity, but excluding highways, roads, bridges, dams,  
28 19 utilities, or stand-alone parking lots. However, a parking lot  
28 20 included as part of the site work of a public project may be  
28 21 included as part of a construction management services contract  
28 22 or a design-build services contract. Parking ramps and parking  
28 23 garages are not considered to be parking lots and may be a  
28 24 "public project" constructed utilizing alternative project  
28 25 delivery methods.

28 26 18. "Selection plan" means a governmental entity's written  
28 27 procedure that establishes the alternative project delivery  
28 28 method for a public project and establishes the criteria for  
28 29 evaluating qualifications and proposals, including the scoring  
28 30 methodology relating to the selection of a construction manager  
28 31 or a design-builder for a public project.

28 32 Sec. 25. NEW SECTION. 262.34D Alternative project delivery  
28 33 commission.

28 34 1. An alternative project delivery commission is  
28 35 established consisting of seven members.



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29 1       2. Members of the commission shall consist of all of the  
29 2 following:  
29 3       a. One member appointed by the state board of regents.  
29 4       b. One member appointed by the Iowa chapter of the American  
29 5 institute of architects.  
29 6       c. One member appointed by the American council of  
29 7 engineering companies of Iowa.  
29 8       d. One member appointed by the Iowa chapter of the  
29 9 design=build institute of America.  
29 10      e. One member appointed by the master builders of Iowa.  
29 11      f. One member appointed by the mechanical contractors  
29 12 association of Iowa.  
29 13      g. One member appointed by the Iowa chapter of the national  
29 14 electrical contractors association.  
29 15       3. Members of the commission shall serve three=year  
29 16 staggered terms. The initial members appointed under  
29 17 subsection 2, paragraphs "a" and "e" shall serve a term of  
29 18 three years. The initial members appointed under subsection 2,  
29 19 paragraphs "b", "f", and "g" shall serve a term of two years.  
29 20 The initial members appointed under subsection 2, paragraphs  
29 21 "c" and "d" shall serve a term of one year. A vacancy on the  
29 22 commission shall be filled in the same manner as the original  
29 23 appointment.  
29 24       4. The member appointed by the state board of regents shall  
29 25 serve as the chairperson of the commission.  
29 26       5. Meetings of the commission may be called by the  
29 27 chairperson or by a majority of the members.  
29 28       6. A majority of the members of the commission constitutes a  
29 29 quorum. Any action taken by the commission must be adopted by  
29 30 the affirmative vote of a majority of its membership.  
29 31       7. A member shall not vote on a matter before the commission  
29 32 if the individual has a pecuniary or an equitable interest in  
29 33 the matter or conditions exist that would interfere with the  
29 34 member's ability to properly discharge the member's duties.  
29 35       8. The duties of the commission shall include all of the



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30 1 following:

30 2 a. Administer the alternative project delivery program  
30 3 created under section 262.34E.

30 4 b. Prepare and file with the governor and the general  
30 5 assembly on or before January 15, 2014, a report detailing  
30 6 the activities of the commission and summarizing each public  
30 7 project approved to utilize alternative project delivery.  
30 8 The report shall include information relating to the cost to  
30 9 the governmental entity, the duration of the public project,  
30 10 whether the goals of the public project were met, the quality  
30 11 of the work and services performed in completing the public  
30 12 project, the transparency of the alternative project delivery  
30 13 process, the impact of the alternative project delivery process  
30 14 on the persons contracted with to perform the work and services  
30 15 for the public project, whether the alternative project  
30 16 delivery process benefits the public interest, and any other  
30 17 information the commission deems relevant.

30 18 c. Adopt policies and procedures to carry out any duty  
30 19 specified in this division.

30 20 Sec. 26. NEW SECTION. 262.34E Alternative project delivery  
30 21 program.

30 22 1. The alternative project delivery commission shall  
30 23 administer an alternative project delivery program consistent  
30 24 with the requirements of this division.

30 25 2. The program shall consist of projects approved by the  
30 26 commission and undertaken by governmental entities using an  
30 27 alternative project delivery method authorized under parts 2  
30 28 and 3.

30 29 3. A governmental entity that is interested in undertaking a  
30 30 public project using alternative project delivery methods shall  
30 31 submit an application to the commission detailing the nature  
30 32 of the project and specifying an alternative project delivery  
30 33 method. Each application shall be on a form prescribed by the  
30 34 commission and may include additional materials requested by  
30 35 the commission.



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31 1       4. The commission shall review each application and shall  
31 2 select those public projects for inclusion in the program which  
31 3 are best suited to accomplish the purposes of the program.  
31 4       5. The commission shall monitor the selection process for  
31 5 each public project selected for inclusion in the program and  
31 6 may require the governmental entity to provide periodic updates  
31 7 on the public project following selection of a construction  
31 8 manager or design-builder for the public project.  
31 9       Sec. 27. NEW SECTION. 262.34F Alternative project delivery  
31 10 program selection factors.  
31 11       The alternative project delivery commission may recommend  
31 12 to the governmental entity the use of an alternative project  
31 13 delivery method for projects where the commission has  
31 14 determined such a method to be appropriate. In making such  
31 15 a determination, the committee shall consider the following  
31 16 factors:  
31 17       1. Whether the estimated total cost of the public project  
31 18 exceeds five million dollars.  
31 19       2. The likelihood that the alternative project delivery  
31 20 method selected will serve the public interest by providing a  
31 21 substantial savings of time or money as compared to the process  
31 22 under section 262.34.  
31 23       3. Whether the overlap of design and construction aspects  
31 24 of the public project is required to meet the needs of the  
31 25 governmental entity or the needs of the users of the public  
31 26 project.  
31 27       4. Whether the public project requires the use of an  
31 28 accelerated design and construction schedule as the result of  
31 29 an emergency situation.  
31 30       5. Whether the public project presents significant planning  
31 31 or technical complexities, or both, requiring the use of an  
31 32 integrated team of designers and constructors.  
31 33       6. Whether the use of an alternative project delivery method  
31 34 will substantially diminish competition for the public project.  
31 35       7. Whether the public project is a faculty research project.



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32 1       Sec. 28. NEW SECTION. 262.34G Public notice.  
32 2       For each alternative project delivery method under this  
32 3 division, a governmental entity shall publish public notices  
32 4 as follows:  
32 5       1. The notice shall be published at least once, not less  
32 6 than fifteen and not more than forty-five days before the date  
32 7 for filing submissions, if applicable, in a newspaper published  
32 8 at least once weekly and having general circulation in the  
32 9 geographic area served by the governmental entity and in a  
32 10 relevant trade publication.  
32 11       2. The notice may also be published in a relevant contractor  
32 12 organization publication and a relevant contractor plan room  
32 13 service with statewide circulation, provided that a notice  
32 14 is posted on an internet site sponsored by the governmental  
32 15 entity.  
32 16       3. In addition to relevant information regarding the public  
32 17 project, the notice shall specify the alternative project  
32 18 delivery method to be used for the public project.  
32 19       Sec. 29. NEW SECTION. 262.34H Public records.  
32 20       Each proposal received by a governmental entity under  
32 21 this division, together with the name of the proposer, after  
32 22 awarding or letting of the contract, is subject to public  
32 23 inspection upon request. The governmental entity shall, within  
32 24 five days after awarding or letting of the contract, publish  
32 25 notice of the name of the successful proposer including the  
32 26 proposer's scores received pursuant to the selection process  
32 27 under parts 2 or 3. In addition, such notice shall include  
32 28 the names of all proposers whose proposals were not selected,  
32 29 together with each proposer's scores.  
32 30       Sec. 30. NEW SECTION. 262.34I Prohibitions.  
32 31       1. The construction manager or design-builder executing  
32 32 the construction or design of a public project utilizing an  
32 33 alternative project delivery method under this division shall  
32 34 not provide any financing, funding, or facility operations  
32 35 after completion of the public project.



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33 1 2. A governmental entity shall not undertake all or a  
33 2 portion of a public project using services or labor provided  
33 3 under a job order contract.

33 4 PART 2

33 5 CONSTRUCTION MANAGEMENT PROJECT DELIVERY

33 6 Sec. 31. NEW SECTION. 262.34J Application to the  
33 7 commission.

33 8 1. If in the judgment of the board of regents it is  
33 9 desirable to use construction management services for the  
33 10 completion of a public project, the governmental entity shall  
33 11 prepare a selection plan and submit an application to the  
33 12 alternative project delivery commission pursuant to section  
33 13 262.34E, subsection 3. If the public project is selected by  
33 14 the alternative project delivery commission for inclusion  
33 15 in the program, the governmental entity shall select a  
33 16 construction manager in accordance with the procedures of this  
33 17 part.

33 18 2. A criteria consultant shall be employed or retained  
33 19 to assist the governmental entity in preparing a request for  
33 20 qualifications and a request for proposals. The criteria  
33 21 consultant may be an employee of the governmental entity, the  
33 22 design professional employed or retained under subsection  
33 23 3, or an individual retained specifically to assist the  
33 24 governmental entity with the public project. The request for  
33 25 qualifications and the request for proposals shall specify the  
33 26 selection criteria and scoring methodology included in the  
33 27 selection plan. The criteria consultant shall also assist the  
33 28 governmental entity in selecting a construction manager. A  
33 29 criteria consultant employed or retained by the governmental  
33 30 entity shall not submit a statement of qualifications or a  
33 31 proposal for the public project.

33 32 3. The governmental entity shall employ a design  
33 33 professional to design the public project, prepare the  
33 34 construction documents for the public project, and provide  
33 35 administrative services in connection with the design of the



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34 1 public project.  
34 2     Sec. 32. NEW SECTION. 262.34K Selection process == general  
34 3 procedure.  
34 4     The governmental entity shall select a construction manager  
34 5 for a public project pursuant to a two-phase selection process.  
34 6     1. Phase I of the selection process includes publication of  
34 7 a request for qualifications by the governmental entity, review  
34 8 of the statements of qualifications, and the selection of a  
34 9 minimum of two but not more than five construction managers to  
34 10 advance to phase II.  
34 11     2. Phase II includes a request for proposals, the receipt  
34 12 of proposals from those construction managers selected during  
34 13 phase I, an interview with each construction manager that  
34 14 submits a proposal, evaluation of each proposal, and selection  
34 15 of a construction manager for the public project.  
34 16     Sec. 33. NEW SECTION. 262.34L Phase I == request for  
34 17 qualifications, statement, evaluation, and selection.  
34 18     1. During phase I, the governmental entity shall  
34 19 publish notice of a request for qualifications pursuant  
34 20 to the requirements of section 262.34G. The request for  
34 21 qualifications shall specify a time, place, terms of contract,  
34 22 and other specific instructions for the submission of the  
34 23 statements of qualifications. The request for qualifications  
34 24 shall also include a general description of the public  
34 25 project, an estimated total cost of the public project and  
34 26 the anticipated public project schedule. A statement of  
34 27 qualifications not submitted according to the instructions  
34 28 shall be rejected and returned to the construction manager.  
34 29     2. Each construction manager shall submit a statement  
34 30 of qualifications that includes but is not limited to the  
34 31 following information:  
34 32     a. Similar project experience, including experience in the  
34 33 construction management method of alternative project delivery.  
34 34     b. Qualifications of proposed project personnel.  
34 35     c. References from similar projects.



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35 1 d. The construction manager's experience modification rating  
35 2 and a description of the construction manager's safety plan.

35 3 e. Bonding capacity and insurance. Construction managers  
35 4 submitting a statement of qualifications shall be capable of  
35 5 providing a bond according to the requirements of chapter 573  
35 6 and shall include evidence of such bonding capacity with their  
35 7 statement of qualifications. A statement of qualifications  
35 8 shall also include evidence of all required insurance. If  
35 9 a construction manager fails to include evidence of bonding  
35 10 capacity and required insurance, the construction manager shall  
35 11 be deemed unqualified for selection under phase I.

35 12 f. Other information requested by the governmental entity in  
35 13 accordance with the selection plan.

35 14 3. The governmental entity shall evaluate and score  
35 15 each statement of qualifications received according to the  
35 16 predetermined selection criteria and scoring methodology as  
35 17 outlined in the selection plan and specified in the request  
35 18 for qualifications. The cost or fees associated with a public  
35 19 project shall not be considered by the governmental entity when  
35 20 evaluating a statement of qualifications.

35 21 4. The governmental entity shall select a minimum of two and  
35 22 a maximum of five construction managers, who have the highest  
35 23 scores to proceed to phase II of the selection process. Scores  
35 24 assigned in the phase I evaluation process shall not carry  
35 25 forward to phase II. If two qualified construction managers  
35 26 cannot be identified, the selection process shall cease. The  
35 27 governmental entity shall have discretion to disqualify any  
35 28 construction manager that lacks the minimum qualifications  
35 29 required to perform the construction management services for  
35 30 the public project.

35 31 Sec. 34. NEW SECTION. 262.34M Phase II == request for  
35 32 proposals, proposal review, selection, and negotiation.

35 33 1. During phase II, each construction manager selected  
35 34 during phase I shall be given a request for proposals. The  
35 35 request for proposals shall include but is not limited to the



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36 1 following information:

36 2     a. The procedures to be followed in submitting proposals and

36 3 information relating to construction manager interviews under

36 4 subsection 2.

36 5     b. The selection criteria and scoring methodology for the

36 6 proposals.

36 7     c. Information related to the requirements, budget,

36 8 and schedule for the public project, including information

36 9 on available design requirements and specifications for

36 10 preconstruction services, and construction services.

36 11     d. The proposed terms and conditions for the public project

36 12 contract.

36 13     e. Other information requested by the governmental entity in

36 14 accordance with the selection plan.

36 15     2. After the deadline for submission of proposals

36 16 has passed, the governmental entity shall interview

36 17 each construction manager that has submitted a proposal

36 18 individually, allowing each construction manager to present the

36 19 construction manager's proposed team members, qualifications,

36 20 and proposal, and to answer questions from the governmental

36 21 entity.

36 22     3. The governmental entity shall score and rank each

36 23 construction manager's proposal based on the selection criteria

36 24 and scoring methodology specified in the request for proposals.

36 25 The governmental entity shall proceed to negotiate with and

36 26 attempt to enter into a preconstruction contract with the

36 27 construction manager receiving the highest score to serve

36 28 as the construction manager for the public project. If the

36 29 governmental entity is unable to negotiate a satisfactory

36 30 contract with the construction manager with the highest score,

36 31 negotiations with that construction manager shall be terminated

36 32 and the governmental entity shall undertake negotiations with

36 33 the construction manager receiving the second highest score.

36 34 If negotiations cannot be successfully completed with the

36 35 construction manager receiving the second highest score, the



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37 1 contract for the public project shall not be awarded under the  
37 2 request for proposals.

37 3 4. If the governmental entity determines that it is not in  
37 4 its best interest to proceed with the public project pursuant  
37 5 to the proposals offered, the governmental entity shall reject  
37 6 all proposals. If all proposals are rejected, the governmental  
37 7 entity may solicit new statements of qualifications and  
37 8 proposals using different design or budget criteria.

37 9 Sec. 35. NEW SECTION. 262.34N Contract == performance of  
37 10 certain services.

37 11 1. The contract to perform construction management services  
37 12 for a public project shall be prepared by the governmental  
37 13 entity and entered into between the governmental entity and the  
37 14 construction manager. The construction manager shall enter  
37 15 into a contract with each subcontractor performing construction  
37 16 services for the project. The construction manager shall  
37 17 provide security pursuant to chapter 573.

37 18 2. Solicitation for subcontractor bids shall be conducted  
37 19 by the construction manager, or the construction manager's  
37 20 designee, for all subcontracts and shall be awarded through a  
37 21 process determined by the construction manager.

37 22 PART 3

37 23 DESIGN=BUILD PROJECT DELIVERY

37 24 Sec. 36. NEW SECTION. 262.34O Application to the  
37 25 commission.

37 26 1. If in the judgment of the board of regents it is  
37 27 desirable to use design=build services for the completion of  
37 28 a public project, the governmental entity shall prepare a  
37 29 selection plan and submit an application to the alternative  
37 30 project delivery commission pursuant to section 262.34E,  
37 31 subsection 3. If the public project is selected by the  
37 32 alternative project delivery commission for inclusion in the  
37 33 program, the governmental entity shall select a design=builder  
37 34 in accordance with the procedures of this part.

37 35 2. A criteria consultant shall be employed or retained



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38 1 to assist the governmental entity in preparing a request for  
38 2 qualifications and a request for proposals. The criteria  
38 3 consultant may be an employee of the governmental entity or an  
38 4 individual retained specifically to assist the governmental  
38 5 entity with the public project. The request for qualifications  
38 6 and the request for proposals shall specify the selection  
38 7 criteria and scoring methodology included in the selection  
38 8 plan. The criteria consultant shall also assist the  
38 9 governmental entity in selecting a design-builder. A criteria  
38 10 consultant employed or retained by the governmental entity  
38 11 shall not submit a statement of qualifications or a proposal  
38 12 for the public project.

38 13 Sec. 37. NEW SECTION. 262.34P Selection process == general  
38 14 procedure.

38 15 The governmental entity shall select a design-builder for a  
38 16 public project pursuant to a two-phase selection process.

38 17 1. Phase I of the selection process includes publication  
38 18 of a request for qualifications by the governmental entity,  
38 19 review of the statements of qualifications, and the selection  
38 20 of a minimum of two but not more than five design-builders to  
38 21 advance to phase II.

38 22 2. Phase II includes a request for proposals, the receipt of  
38 23 proposals from those design-builders selected during phase I,  
38 24 including a separate cost and schedule proposal, an interview  
38 25 with each design-builder that submits a proposal, evaluation of  
38 26 each proposal, and selection of a design-builder for the public  
38 27 project.

38 28 Sec. 38. NEW SECTION. 262.34Q Phase I == request for  
38 29 qualifications, statement, evaluation, and selection.

38 30 1. During phase I, the governmental entity shall  
38 31 publish notice of a request for qualifications pursuant  
38 32 to the requirements of section 262.34G. The request for  
38 33 qualifications shall specify a time, place, terms of contract,  
38 34 and other specific instructions for the submission of the  
38 35 statements of qualifications. The request for qualifications



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39 1 shall also include a general description of the public  
39 2 project, an estimated total cost of the public project and  
39 3 the anticipated public project schedule. A statement of  
39 4 qualifications not submitted according to the instructions  
39 5 shall be rejected and returned to the design=builder.  
39 6 2. Each design=builder shall submit a statement of  
39 7 qualifications that includes but is not limited to the  
39 8 following information:  
39 9 a. Similar project experience, including experience in the  
39 10 design=build method of alternative project delivery.  
39 11 b. Qualifications of proposed project personnel.  
39 12 c. References from similar projects.  
39 13 d. The design=builder's experience modification rating and a  
39 14 description of the design=builder's safety plan.  
39 15 e. Bonding capacity and insurance. Design=builders  
39 16 submitting a statement of qualifications shall be capable of  
39 17 providing a bond according to the requirements of chapter 573  
39 18 and shall include evidence of such bonding capacity with their  
39 19 statement of qualifications. A statement of qualifications  
39 20 shall also include evidence of all required insurance. If a  
39 21 design=builder fails to include evidence of bonding capacity  
39 22 and required insurance, the design=builder shall be deemed  
39 23 unqualified for selection under phase I.  
39 24 f. Other information requested by the governmental entity in  
39 25 accordance with the selection plan.  
39 26 3. The governmental entity shall evaluate and score  
39 27 each statement of qualifications received according to the  
39 28 predetermined selection criteria and scoring methodology that  
39 29 were specified in the request for qualifications. The cost or  
39 30 fees associated with a public project shall not be considered  
39 31 by the governmental entity when evaluating a statement of  
39 32 qualifications.  
39 33 4. The governmental entity shall select a minimum of two  
39 34 and a maximum of five design=builders who have the highest  
39 35 scores to proceed to phase II. Scores assigned during phase



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40 1 I shall not carry forward to phase II. The governmental  
40 2 entity shall have discretion to disqualify any design=builder  
40 3 that lacks the minimum qualifications required to perform  
40 4 the design=build services for the public project. If two  
40 5 qualified design=builders cannot be identified, the selection  
40 6 process shall cease. If all design=builders are rejected, the  
40 7 governmental entity may solicit new proposals using different  
40 8 design and budget criteria.

40 9 Sec. 39. NEW SECTION. 262.34R Phase II == request for  
40 10 proposals, proposal review, selection, and negotiation.

40 11 1. During phase II, each design=builder selected during  
40 12 phase I shall be given a request for proposals. The request  
40 13 for proposals shall include but is not limited to the following  
40 14 information:

40 15 a. The procedures to be followed in submitting proposals  
40 16 and information relating to design=builder interviews under  
40 17 subsection 2.

40 18 b. The selection criteria and scoring methodology for the  
40 19 proposals.

40 20 c. Information related to the requirements, scope,  
40 21 specifications, budget, and schedule for the public project,  
40 22 including requirements and scope of preconstruction services  
40 23 and construction services.

40 24 d. A requirement for a statement that the design=builder  
40 25 will exercise responsible control over the design, protect  
40 26 the health, safety, and welfare of the public, and act in the  
40 27 governmental entity's best interest.

40 28 e. The proposed terms and conditions for the public project  
40 29 contract.

40 30 f. The requirements for the submission of a separate cost  
40 31 and schedule proposal.

40 32 g. Other information requested by the governmental entity in  
40 33 accordance with the selection plan.

40 34 2. Each design=builder selected during phase I may  
40 35 submit a proposal to the governmental entity. Each proposal



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41 1 submitted under this section shall not contain references to  
41 2 costs associated with work contained in the proposal. The  
41 3 governmental entity shall evaluate and score each proposal  
41 4 according to the selection criteria and scoring methodology  
41 5 specified in the request for proposals.  
41 6 3. Each design=builder selected during phase I shall also  
41 7 provide the governmental entity with a separate cost and  
41 8 schedule proposal. A proposal submitted under subsection 2 and  
41 9 the cost and schedule proposal may be submitted sequentially  
41 10 or concurrently, according to the requirements of the request  
41 11 for proposals. Failure to submit a cost and schedule proposal  
41 12 according to the delivery requirements of the request for  
41 13 proposals shall be grounds to reject the proposal.  
41 14 4. The cost and schedule proposal shall include all of the  
41 15 following:  
41 16 a. A guaranteed maximum cost for the public project.  
41 17 b. A bid security pursuant to chapter 573.  
41 18 c. A proposed contract time, in calendar days, for  
41 19 completing the public project.  
41 20 d. Any other information required by the request for  
41 21 proposals.  
41 22 5. After the deadline for submission of proposals  
41 23 has passed, the governmental entity shall interview each  
41 24 design=builder that has submitted a proposal individually,  
41 25 allowing each design=builder to present the design=builder's  
41 26 proposed team members, qualifications, and proposal, and to  
41 27 answer questions from the governmental entity.  
41 28 6. The cost and schedule proposals submitted under  
41 29 subsection 3 shall be opened only after all proposals submitted  
41 30 under subsection 2 have been evaluated and scored and after  
41 31 completion of all design=builder interviews under subsection 5.  
41 32 At the time that the cost and schedule proposals are opened,  
41 33 the governmental entity shall make public its scoring of the  
41 34 proposals submitted under subsection 2. Cost and schedule  
41 35 proposals shall be evaluated and scored according to selection



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42 1 criteria and scoring methodology specified in the request for  
42 2 proposals.  
42 3 7. The governmental entity shall select the design=builder  
42 4 receiving the highest score based on the selection criteria and  
42 5 scoring methodology specified in the request for proposals.  
42 6 The governmental entity shall proceed to negotiate with  
42 7 and attempt to enter into a contract with the selected  
42 8 design=builder to serve as the design=builder for the public  
42 9 project. The contract must include all applicable bond  
42 10 requirements under chapter 573. If the governmental entity is  
42 11 unable to negotiate a satisfactory contract with the selected  
42 12 design=builder, negotiations with that design=builder shall  
42 13 be terminated, and the governmental entity shall undertake  
42 14 negotiations with the design=builder receiving the second  
42 15 highest score. If negotiations cannot be successfully  
42 16 completed with the design=builder receiving the second highest  
42 17 score, the contract shall not be awarded under the request for  
42 18 proposals.  
42 19 8. If the governmental entity determines that it is not in  
42 20 its best interest to proceed with the public project pursuant  
42 21 to the proposals offered, the governmental entity shall reject  
42 22 all proposals. If all proposals are rejected, the governmental  
42 23 entity may solicit new statements of qualifications and  
42 24 proposals using different design or budget criteria.  
42 25 9. As an inducement to qualified design=builders, the  
42 26 governmental entity shall pay a fair and reasonable stipend,  
42 27 the amount of which shall be established in the request for  
42 28 proposals, to each design=builder who participates in phase  
42 29 II, but is not selected as the design=builder for the public  
42 30 project.

DIVISION VIII

FLOODPLAIN MAPPING

42 31  
42 32  
42 33 Sec. 40. FLOODPLAIN MAPPING. Using funds allocated to the  
42 34 department of natural resources for floodplain mapping from the  
42 35 appropriation made to the department of economic development in



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43 1 2009 Iowa Acts, chapter 183, section 67, of federal community  
43 2 development block grant funds awarded to the state under  
43 3 the federal Consolidated Security, Disaster Assistance, and  
43 4 Continuing Appropriations Act, 2009, Pub. L. No. 110=329, the  
43 5 department of economic development shall enter an agreement  
43 6 in an amount of not less than \$10,000,000 with the state  
43 7 university of Iowa for the development of new floodplain maps  
43 8 by June 30, 2014, by the Iowa flood center established pursuant  
43 9 to section 466C.1. The department of economic development  
43 10 shall structure the contract to be consistent with any plan  
43 11 for use of the funds approved by any federal agency, or, if  
43 12 necessary, follow any procedures necessary for approval of this  
43 13 contract.

43 14 Sec. 41. EFFECTIVE UPON ENACTMENT. This division of this  
43 15 Act, being deemed of immediate importance, takes effect upon  
43 16 enactment.

43 17 DIVISION IX

43 18 DEPARTMENT OF ADMINISTRATIVE SERVICES == OFFICE SPACE

43 19 Sec. 42. DEPARTMENT OF ADMINISTRATIVE SERVICES == OFFICE  
43 20 SPACE REQUEST FOR PROPOSALS.

43 21 1. The department of administrative services shall issue a  
43 22 request for proposals concerning the availability and cost of  
43 23 office space for state employees in downtown Des Moines and in  
43 24 other areas in close proximity to the state capitol complex.  
43 25 The department shall consider the advantages of locating state  
43 26 employees and their functions near the state capitol complex.

43 27 2. In issuing the request for proposals, the department  
43 28 shall examine current leases for office space within the  
43 29 greater Des Moines area, determine the current length and  
43 30 duration of those leases, and consider the number of state  
43 31 employees impacted by those leases.

43 32 3. The request for proposals shall ensure that any office  
43 33 space selected shall meet all of the following criteria:

43 34 a. The office space is located in a class A building.

43 35 b. The building which includes the office space has skywalk



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44 1 access.

44 2 c. The building which includes the office space is located  
44 3 within reasonable proximity to the free shuttle service route  
44 4 that includes transportation between the capitol complex and  
44 5 the downtown Des Moines area.

44 6 d. The entity leasing office space provides adequate  
44 7 parking to employees utilizing the office space which is within  
44 8 reasonable proximity to the office space.

44 9 e. The office space is energy efficient.

44 10 f. The office space provides adequate space and resources  
44 11 needed for the employees intending to occupy the office space.

44 12 4. The department of administrative services shall issue  
44 13 the request for proposals by December 1, 2010, and shall submit  
44 14 a written report to the general assembly concerning the request  
44 15 for proposals by January 14, 2011.

44 16 Sec. 43. DEPARTMENT OF ADMINISTRATIVE SERVICES == OFFICE  
44 17 SPACE == COST=BENEFIT ANALYSIS.

44 18 1. The department of administrative services shall conduct  
44 19 a cost=benefit analysis of utilizing existing class A office  
44 20 space for state employees in downtown Des Moines and other  
44 21 areas in close proximity to the state capitol complex in lieu  
44 22 of replacing or renovating the Wallace Building and prior to  
44 23 leasing any space in the mercy capitol hospital building. The  
44 24 cost=benefit analysis shall include consideration of any cost  
44 25 to the applicable local jurisdiction arising from the state's  
44 26 utilization of existing office space.

44 27 2. The department of administrative services shall submit  
44 28 a written report to the general assembly on the cost=benefit  
44 29 analysis by January 14, 2011.

44 30 DIVISION X

44 31 CHANGES TO PRIOR APPROPRIATIONS

44 32 Sec. 44. 2006 Iowa Acts, chapter 1179, section 4, subsection  
44 33 1, is amended to read as follows:

44 34 1. a. ~~Notwithstanding~~ Except as provided in paragraph

44 35 "b", notwithstanding section 8.33, moneys appropriated for the



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45 1 fiscal year beginning July 1, 2006, in this division of this  
45 2 Act that remain unencumbered or unobligated at the close of  
45 3 the fiscal year shall not revert but shall remain available  
45 4 for the purposes designated until the close of the fiscal year  
45 5 that begins July 1, 2009, or until the project for which the  
45 6 appropriation was made is completed, whichever is earlier.  
45 7 b. Notwithstanding section 8.33, moneys appropriated for the  
45 8 fiscal year beginning July 1, 2006, in section 1, subsection 1,  
45 9 and section 1, subsection 11, paragraph "b" of this division of  
45 10 this Act that remain unencumbered or unobligated at the close  
45 11 of the fiscal year shall not revert but shall remain available  
45 12 for the purposes designated until the close of the fiscal year  
45 13 that begins July 1, 2010, or until the project for which the  
45 14 appropriation was made is completed, whichever is earlier.  
45 15 Sec. 45. 2006 Iowa Acts, chapter 1179, section 18, is  
45 16 amended to read as follows:  
45 17 SEC. 18. REVERSION.  
45 18 1. Except as provided in subsections 2, ~~and~~ 3, and  
45 19 4, notwithstanding section 8.33, moneys appropriated from the  
45 20 endowment for Iowa's health restricted capitals fund for the  
45 21 fiscal years that begin July 1, 2005, and July 1, 2006, in this  
45 22 division of this Act that remain unencumbered or unobligated at  
45 23 the close of the fiscal year shall not revert but shall remain  
45 24 available for the purposes designated until the close of the  
45 25 fiscal year that begins July 1, 2009, or until the project for  
45 26 which the appropriation was made is completed, whichever is  
45 27 earlier.  
45 28 2. Notwithstanding section 8.33, moneys appropriated from  
45 29 the endowment for Iowa's health restricted capitals fund  
45 30 for the fiscal year that begins July 1, 2006, and ends June  
45 31 30, 2007, in this division of this Act to the department of  
45 32 veterans affairs for capital improvement projects at the Iowa  
45 33 veterans home that remain unencumbered or unobligated at the  
45 34 close of the fiscal year shall not revert but shall remain  
45 35 available for expenditure for the purposes designated until the



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46 1 close of the fiscal year that begins July 1, 2010.  
 46 2 3. Notwithstanding section 8.33, moneys appropriated from  
 46 3 the endowment for Iowa's health restricted capitals fund  
 46 4 for the fiscal year beginning July 1, 2006, and ending June  
 46 5 30, 2007, in this division of this Act to the department of  
 46 6 education for major renovation and major repair needs at the  
 46 7 community colleges that remain unencumbered or unobligated at  
 46 8 the close of the fiscal year shall not revert but shall remain  
 46 9 available for expenditure for the purposes designated until  
 46 10 the close of the fiscal year beginning July 1, 2010, or until  
 46 11 the project for which appropriated is completed, whichever is  
 46 12 earlier.  
 46 13 4. Notwithstanding section 8.33, moneys appropriated from  
 46 14 the endowment for Iowa's health restricted capitals fund  
 46 15 for the fiscal year that begins July 1, 2006, and ends June  
 46 16 30, 2007, in this division of this Act to the department of  
 46 17 administrative services for upgrades to the Woodward state  
 46 18 resource center wastewater treatment system that remain  
 46 19 unencumbered or unobligated at the close of the fiscal year  
 46 20 shall not revert but shall remain available for expenditure  
 46 21 for the purposes designated until the close of the fiscal year  
 46 22 that begins July 1, 2011, or until the project for which the  
 46 23 appropriation is made is completed, whichever is earlier.  
 46 24 Sec. 46. 2007 Iowa Acts, chapter 219, section 7, subsection  
 46 25 1, as amended by 2009 Iowa Acts, chapter 170, section 20, and  
 46 26 2009 Iowa Acts, chapter 184, section 17, is amended to read as  
 46 27 follows:  
 46 28 1. For costs associated with the construction and  
 46 29 establishment of the Iowa institute for biomedical discovery at  
 46 30 the state university of Iowa:  
 46 31 FY 2008=2009..... \$ 0  
 46 32 FY 2009=2010..... \$ 0  
 46 33 FY 2010=2011..... \$ ~~10,000,000~~  
 46 34 0  
 46 35 Sec. 47. 2007 Iowa Acts, chapter 219, section 15, is amended



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47 1 to read as follows:

47 2 SEC. 15. REVERSION.

47 3 1. Notwithstanding Except as provided in subsection 2,  
47 4 notwithstanding section 8.33, moneys appropriated for the  
47 5 fiscal year beginning July 1, 2007, in this division of this  
47 6 Act that remain unencumbered or unobligated at the close of  
47 7 the fiscal year shall not revert but shall remain available  
47 8 for the purposes designated until the close of the fiscal year  
47 9 beginning July 1, 2009, or until the project for which the  
47 10 appropriation was made is completed, whichever is earlier.

47 11 2. Notwithstanding section 8.33, moneys appropriated  
47 12 for the fiscal year beginning July 1, 2007, in section 14,  
47 13 subsections 4 and 7 of this division of this Act that remain  
47 14 unencumbered or unobligated at the close of the fiscal year  
47 15 shall not revert but shall remain available for the purposes  
47 16 designated until the close of the fiscal year beginning July 1,  
47 17 2011, or until the project for which the appropriation was made  
47 18 is completed, whichever is earlier.

47 19 Sec. 48. 2008 Iowa Acts, chapter 1179, section 1, subsection  
47 20 1, paragraph 1, as enacted by 2009 Iowa Acts, chapter 184,  
47 21 section 21, is amended to read as follows:

47 22 1. For ~~heating, ventilating, and air conditioning~~  
47 23 ~~improvements~~ building security and firewall protection in the  
47 24 Hoover state office building:

47 25 ..... \$ 165,000

47 26 Sec. 49. 2008 Iowa Acts, chapter 1179, section 1, subsection  
47 27 4, paragraph b, as amended by 2009 Iowa Acts, chapter 81,  
47 28 section 1, is amended to read as follows:

47 29 b. For historical site preservation grants to be used for  
47 30 the restoration, preservation, and development of historic  
47 31 sites:

47 32 ..... \$ 1,000,000

47 33 In making grants pursuant to this lettered paragraph, the  
47 34 department shall consider the existence and amount of other  
47 35 funds available to an applicant for the designated project.



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48 1 A grant awarded from moneys appropriated in this lettered  
48 2 paragraph shall not exceed \$100,000 per project. Not more than  
48 3 \$200,000 may be awarded in the same county in the same round of  
48 4 grant reviews.

48 5 Of the amount appropriated in this lettered paragraph,  
48 6 \$20,000 shall be used for the administration and support of  
48 7 historic sites including the hiring and employment of seasonal  
48 8 workers, notwithstanding section 8.57, subsection 6, paragraph  
48 9 "c".

48 10 Sec. 50. 2008 Iowa Acts, chapter 1179, section 7, as amended  
48 11 by 2009 Iowa Acts, chapter 173, section 21, is amended to read  
48 12 as follows:

48 13 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is  
48 14 appropriated from the rebuild Iowa infrastructure fund to  
48 15 the department of economic development for the designated  
48 16 fiscal years the following amounts, or so much thereof as is  
48 17 necessary, to be used for the purposes designated:

48 18 For deposit into the river enhancement community attraction  
48 19 and tourism fund created in 2008 Iowa Acts, Senate File 2430,  
48 20 if enacted:

48 21	FY 2009=2010 .....	\$	0
48 22	FY 2010=2011 .....	\$	10,000,000
48 23	0		
48 24	FY 2011=2012 .....	\$	10,000,000
48 25	FY 2012=2013 .....	\$	10,000,000

48 26 ~~Notwithstanding section 8.33, moneys appropriated in this~~  
48 27 ~~section for the fiscal year beginning July 1, 2010, and ending~~  
48 28 ~~June 30, 2011, shall not revert at the close of the fiscal year~~  
48 29 ~~for which they are appropriated but shall remain available~~  
48 30 ~~for the purpose designated until the close of the fiscal year~~  
48 31 ~~that begins July 1, 2013, or until the project for which the~~  
48 32 ~~appropriation was made is completed, whichever is earlier.~~

48 33 Notwithstanding section 8.33, moneys appropriated in this  
48 34 section for the fiscal year beginning July 1, 2011, and ending  
48 35 June 30, 2012, shall not revert at the close of the fiscal year



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49 1 for which they are appropriated but shall remain available  
49 2 for the purpose designated until the close of the fiscal year  
49 3 that begins July 1, 2014, or until the project for which the  
49 4 appropriation was made is completed, whichever is earlier.

49 5 Notwithstanding section 8.33, moneys appropriated in this  
49 6 section for the fiscal year beginning July 1, 2012, and ending  
49 7 June 30, 2013, shall not revert at the close of the fiscal year  
49 8 for which they are appropriated but shall remain available  
49 9 for the purpose designated until the close of the fiscal year  
49 10 that begins July 1, 2015, or until the project for which the  
49 11 appropriation was made is completed, whichever is earlier.

49 12 Sec. 51. 2008 Iowa Acts, chapter 1179, section 15,  
49 13 subsection 4, paragraph b, as amended by 2009 Iowa Acts,  
49 14 chapter 184, section 25, is amended to read as follows:

49 15 b. To the public broadcasting division for the purchase and  
49 16 installation of generators at transmitter sites:

49 17 ..... \$ 1,602,437  
49 18 Of the amount appropriated in this lettered paragraph, up to  
49 19 \$210,477 may be used for operational costs of the division for  
49 20 FY 2008=2009, ~~and~~ up to \$1,000,000 may be used for operational  
49 21 costs of the division for FY 2009=2010, and up to \$378,637  
49 22 may be used for operational costs of the division for FY

49 23 2010=2011, notwithstanding section 8.57C, subsection 2.

49 24 Sec. 52. 2008 Iowa Acts, chapter 1179, section 15,  
49 25 subsection 4, paragraph c, is amended to read as follows:

49 26 c. To the public broadcasting division for the replacement  
49 27 and digital conversion of the Keosauqua translator:

49 28 ..... \$ 701,500  
49 29 Of the amount appropriated in this lettered paragraph, up to  
49 30 \$25,378 may be used for operational costs of the division for  
49 31 FY 2010=2011, notwithstanding section 8.57C, subsection 2.

49 32 Sec. 53. 2008 Iowa Acts, chapter 1179, section 18,  
49 33 subsection 3, as amended by 2009 Iowa Acts, chapter 173,  
49 34 section 24, is amended to read as follows:

49 35 3. DEPARTMENT OF CORRECTIONS



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50 1 a. For expansion of the community-based corrections  
50 2 facility at Sioux City:  
50 3 ..... \$ 5,300,000  
50 4 b. For expansion of the community-based corrections  
50 5 facility at Ottumwa:  
50 6 ..... \$ 4,100,000  
50 7 c. For expansion of the community-based corrections  
50 8 facility at Waterloo:  
50 9 ..... \$ 6,000,000  
50 10 d. For expansion of the community-based corrections  
50 11 facility at Davenport:  
50 12 ..... \$ 2,100,000  
50 13 e. For expansion, including land acquisition, of the  
50 14 community-based corrections facility at Des Moines:  
50 15 ..... \$ 13,100,000  
50 16 ..... 0  
50 17 ~~The appropriation in this lettered paragraph is contingent~~  
50 18 ~~upon relocation of the sex offender treatment program from~~  
50 19 ~~the community-based corrections facility at Des Moines to~~  
50 20 ~~the property in northeast Des Moines identified by the fifth~~  
50 21 ~~judicial district in the facility and site study final report~~  
50 22 ~~submitted December 12, 2008.~~  
50 23 It is the intent of the general assembly that the funds  
50 24 appropriated in paragraphs "a" through "e" be used to expand  
50 25 the number of beds available through new construction and  
50 26 remodeling and for the expansion of existing facilities.  
50 27 f. For expansion of the Iowa correctional facility for women  
50 28 at Mitchellville including costs related to project management  
50 29 including the hiring and employment of a construction manager  
50 30 and a correctional specialist:  
50 31 ..... \$ 47,500,000  
50 32 g. For the remodeling of kitchens at the correctional  
50 33 facilities at Mount Pleasant and Rockwell City:  
50 34 ..... \$ 12,500,000  
50 35 Sec. 54. 2008 Iowa Acts, chapter 1179, section 22, is



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51 1 amended to read as follows:

51 2 SEC. 22. There is appropriated from the FY 2009 prison  
51 3 bonding fund created pursuant to section 12.79, as enacted in  
51 4 this Act, to the department of corrections for the fiscal year  
51 5 beginning July 1, 2008, and ending June 30, 2009, the following  
51 6 amount, or so much thereof as is necessary, to be used for the  
51 7 purpose designated:

51 8 For costs associated with the building of a new Iowa State  
51 9 Penitentiary at Fort Madison including costs related to  
51 10 project management including the hiring and employment of a  
51 11 construction manager and a correctional specialist:

51 12 ..... \$130,677,500

51 13 The appropriation made in this section constitutes approval  
51 14 by the general assembly for the issuance of bonds by the  
51 15 treasurer pursuant to section 12.80, as enacted in this Act.

51 16 Sec. 55. 2009 Iowa Acts, chapter 173, section 13, subsection  
51 17 1, is amended by adding the following new paragraph:

51 18 NEW PARAGRAPH. e. Of the moneys appropriated in  
51 19 this subsection, the department may award moneys for the  
51 20 establishment of drainage district pilot projects. Each  
51 21 drainage district pilot project shall be presented to the state  
51 22 soil conservation committee and the watershed improvement  
51 23 review board to ensure the project design, project goals,  
51 24 baseline data collection, project data collection standards,  
51 25 and data evaluation standards are appropriate for, and advance,  
51 26 the soil and water conservation goals of the state. Annual  
51 27 progress reports on each pilot project shall be presented  
51 28 to the state soil conservation committee and the watershed  
51 29 improvement review board to ensure the projects continue to  
51 30 advance the soil and water conservation goals of the state.  
51 31 All construction plans, monitoring plans, project data, and  
51 32 project data analysis shall be available for public review and  
51 33 study. Experts from the United States geological survey, the  
51 34 national laboratory for agriculture and the environment at  
51 35 Iowa state university, and other appropriate state and federal



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52 1 agencies may be consulted on any aspect of the program.  
 52 2     Sec. 56.     2009 Iowa Acts, chapter 173, section 13, subsection  
 52 3 2, is amended to read as follows:  
 52 4     2.   DEPARTMENT OF NATURAL RESOURCES  
 52 5     For watershed rebuilding and water quality projects:  
 52 6     ..... \$ 13,500,000  
 52 7     Of the moneys appropriated in this subsection, the  
 52 8 department may provide moneys to construct, reconstruct, or  
 52 9 repair infrastructure associated with the control and movement  
 52 10 of surface water, including but not limited to addressing  
 52 11 issues affected by combined sewer overflows, enrolling larger  
 52 12 contiguous areas in emergency watershed programs, improving  
 52 13 facilities or systems that provide water quality, mitigating  
 52 14 flood damage or the threat of flood damage in the areas most  
 52 15 severely affected by the 2008 flood, and improving or replacing  
 52 16 low-head dams. Any award of moneys made under this subsection  
 52 17 shall be in the form of a grant. Any grant awards for practices  
 52 18 on private property shall be for the public purposes of flood  
 52 19 control, watershed management, or improving water quality.  
 52 20     Sec. 57.     2009 Iowa Acts, chapter 173, section 13, subsection  
 52 21 4, paragraphs b, c, and d, are amended to read as follows:  
 52 22     b.   ~~For deposit into the public service shelter grant fund~~  
~~52 23 created in section 16.185 for grants for the construction,~~  
 52 24 renovation, and improvements to homeless shelters, emergency  
 52 25 shelters, and family and domestic violence shelters:  
 52 26     ..... \$ 10,000,000  
~~52 27     c.   For deposit into the disaster damage housing assistance~~  
~~52 28 grant fund created in section 16.186 for grants to ease and~~  
 52 29 speed recovery efforts from the natural disasters of 2008,  
 52 30 including stabilizing neighborhoods damaged by the natural  
 52 31 disasters, preventing population loss and neighborhood  
 52 32 deterioration, and improving the health, safety, and welfare of  
 52 33 persons living in such disaster-damaged neighborhoods:  
 52 34     ..... \$ 5,000,000  
 52 35     d.   ~~For deposit into the affordable housing assistance grant~~



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~~53 1 fund created in section 16.187 for grants for housing for~~  
53 2 certain elderly, disabled, and low-income persons and public  
53 3 servants in critical skills shortage areas of the state:  
53 4 ..... \$ 20,000,000  
53 5     Sec. 58.     2009 Iowa Acts, chapter 173, section 13, subsection  
53 6 5, unnumbered paragraph 1, as amended by 2009 Iowa Acts,  
53 7 chapter 183, section 71, is amended to read as follows:  
53 8     For broadband technology grants for the deployment and  
53 9 sustainability of high-speed broadband access:  
53 10 ..... \$ ~~25,000,000~~  
53 11 ..... 0  
53 12     Sec. 59.     2009 Iowa Acts, chapter 173, section 13, subsection  
53 13 6, is amended to read as follows:  
53 14     6.   DEPARTMENT OF TRANSPORTATION  
53 15     For ~~deposit into the bridge safety fund created in section~~  
~~53 16 313.68 to be used for infrastructure projects relating to~~  
53 17 functionally obsolete and structurally deficient bridges:  
53 18 ..... \$ ~~50,000,000~~  
53 19 ..... 40,000,000  
53 20     Sec. 60.     2009 Iowa Acts, chapter 173, section 13, is amended  
53 21 by adding the following new subsection:  
53 22     NEW SUBSECTION.   7.   DEPARTMENT OF ECONOMIC DEVELOPMENT  
53 23     For the main street Iowa program to be used as grants  
53 24 for projects that have previously applied for funding  
53 25 consideration, or have received partial funding for facade  
53 26 master plans to rehabilitate storefronts in main street Iowa  
53 27 districts, to complete streetscape projects where planning  
53 28 and the majority of funding is already secured, for unfunded  
53 29 main street challenge grant projects, and for other building  
53 30 rehabilitation projects that are currently on the department's  
53 31 highest priority list:  
53 32 ..... \$ 5,550,000  
53 33     Moneys appropriated in this subsection shall not be used for  
53 34 administration or planning purposes.  
53 35     Sec. 61.     2009 Iowa Acts, chapter 174, section 6, is



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54 1 repealed.

54 2     Sec. 62. 2009 Iowa Acts, chapter 184, section 1, subsection

54 3 3, paragraph d, is amended to read as follows:

54 4     d. For historical site preservation grants to be used for

54 5 the restoration, preservation, and development of historic

54 6 sites:

54 7     ..... \$ 1,000,000

54 8     In making grants pursuant to this lettered paragraph, the

54 9 department shall consider the existence and amount of other

54 10 funds available to an applicant for the designated project.

54 11 A grant awarded from moneys appropriated in this lettered

54 12 paragraph shall not exceed \$100,000 per project. Not more than

54 13 \$200,000 may be awarded in the same county in the same round of

54 14 grant reviews.

54 15     Of the amount appropriated in this lettered paragraph,

54 16 \$20,000 shall be used for the administration and support of

54 17 historic sites including the hiring and employment of seasonal

54 18 workers, notwithstanding section 8.57, subsection 6, paragraph

54 19 "c".

54 20     Sec. 63. 2009 Iowa Acts, chapter 184, section 1, subsection

54 21 12, paragraph a, is amended to read as follows:

54 22     12. DEPARTMENT OF TRANSPORTATION

54 23     a. ~~To provide funds for capital improvements and for related~~

54 24 ~~studies for expanding passenger rail services in Iowa For~~

54 25 deposit in the passenger rail service revolving fund created

54 26 in section 327J.2, notwithstanding section 8.57, subsection 6,

54 27 paragraph "c":

54 28     ..... \$ 3,000,000

54 29     Sec. 64. 2009 Iowa Acts, chapter 184, section 2, subsections

54 30 1, 2, 4, and 5, are amended by striking the subsections.

54 31     Sec. 65. 2009 Iowa Acts, chapter 184, section 2, subsection

54 32 6, paragraph a, is amended to read as follows:

54 33     a. For deposit into the railroad revolving loan and grant

54 34 fund created in section 327H.20A, notwithstanding section 8.57,

54 35 subsection 6, paragraph "c":



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55 1 ..... \$ 2,000,000

55 2 Of the amount appropriated in this lettered paragraph,

55 3 \$2,000,000 shall be allocated to a city with a population

55 4 between 98,300 and 98,400 in the last preceding certified

55 5 federal census, for a rail trans=load facility if a federal

55 6 match of funds is received.

55 7 Sec. 66. EFFECTIVE UPON ENACTMENT. This division, being

55 8 deemed of immediate importance, takes effect upon enactment.

55 9

DIVISION XI

55 10

MISCELLANEOUS CODE CHANGES

55 11 Sec. 67. Section 8.57, subsection 6, paragraph e, Code

55 12 Supplement 2009, is amended to read as follows:

55 13 e. (1) (a) (i) Notwithstanding provisions to the contrary

55 14 in sections 99D.17 and 99F.11, for the fiscal year beginning

55 15 July 1, 2000, and for each fiscal year thereafter, not more

55 16 than a total of sixty=six million dollars shall be deposited

55 17 in the general fund of the state in any fiscal year pursuant to

55 18 sections 99D.17 and 99F.11.

55 19 (ii) However, in lieu of the deposit in subparagraph

55 20 subdivision (i), for the fiscal year beginning July 1, 2010,

55 21 and for each fiscal year thereafter until the principal and

55 22 interest on all bonds issued by the treasurer of state pursuant

55 23 to section 12.87 are paid, as determined by the treasurer of

55 24 state, the first fifty=five million dollars of the moneys

55 25 directed to be deposited in the general fund of the state under

55 26 subparagraph subdivision (i) shall be deposited in the revenue

55 27 bonds debt service fund created in section 12.89, and the next

55 28 five three million seven hundred fifty thousand dollars of the

55 29 moneys directed to be deposited in the general fund of the

55 30 state under subparagraph subdivision (i) shall be deposited

55 31 in the revenue bonds federal subsidy holdback fund created

55 32 in section 12.89, and the next one million two hundred fifty

55 33 thousand dollars of the moneys directed to be deposited in the

55 34 general fund of the state under subparagraph subdivision (i)

55 35 shall be deposited in the general fund of the state.



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56 1 (b) The next fifteen million dollars of the moneys directed  
56 2 to be deposited in the general fund of the state in a fiscal  
56 3 year pursuant to sections 99D.17 and 99F.11 shall be deposited  
56 4 in the vision Iowa fund created in section 12.72 for the fiscal  
56 5 year beginning July 1, 2000, and for each fiscal year through  
56 6 the fiscal year beginning July 1, 2019.

56 7 (c) The next five million dollars of the moneys directed to  
56 8 be deposited in the general fund of the state in a fiscal year  
56 9 pursuant to sections 99D.17 and 99F.11 shall be deposited in  
56 10 the school infrastructure fund created in section 12.82 for the  
56 11 fiscal year beginning July 1, 2000, and for each fiscal year  
56 12 thereafter until the principal and interest on all bonds issued  
56 13 by the treasurer of state pursuant to section 12.81 are paid,  
56 14 as determined by the treasurer of state.

56 15 (d) (i) The total moneys in excess of the moneys deposited  
56 16 in the revenue bonds debt service fund, the revenue bonds  
56 17 federal holdback subsidy fund, the vision Iowa fund, the  
56 18 school infrastructure fund, and the general fund of the  
56 19 state in a fiscal year shall be deposited in the rebuild Iowa  
56 20 infrastructure fund and shall be used as provided in this  
56 21 section, notwithstanding section 8.60.

56 22 (ii) However, in lieu of the deposit in subparagraph  
56 23 subdivision (i), for the fiscal year beginning July 1, 2010,  
56 24 and for each fiscal year thereafter until the principal and  
56 25 interest on all bonds issued by the treasurer of state pursuant  
56 26 to section 12.87 are paid, as determined by the treasurer  
56 27 of state, fifty-five sixty-four million seven hundred fifty  
56 28 thousand dollars of the excess moneys directed to be deposited  
56 29 in the rebuild Iowa infrastructure fund under subparagraph  
56 30 subdivision (i) shall be deposited in the general fund of the  
56 31 state.

56 32 (2) If the total amount of moneys directed to be deposited  
56 33 in the general fund of the state under sections 99D.17 and  
56 34 99F.11 in a fiscal year is less than the total amount of moneys  
56 35 directed to be deposited in the revenue bonds debt service



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57 1 fund and the revenue bonds federal subsidy holdback fund in  
57 2 the fiscal year pursuant to this paragraph "e", the difference  
57 3 shall be paid from moneys deposited in the beer and liquor  
57 4 control fund created in section 123.53 in the manner provided  
57 5 in section 123.53, subsection 3.

57 6 (3) After the deposit of moneys directed to be deposited  
57 7 in the general fund of the state, ~~and~~ the revenue bonds debt  
57 8 service fund, and the revenue bonds federal subsidy holdback  
57 9 fund, as provided in subparagraph (1), subparagraph division

57 10 (a), if the total amount of moneys directed to be deposited  
57 11 in the general fund of the state under sections 99D.17 and  
57 12 99F.11 in a fiscal year is less than the total amount of  
57 13 moneys directed to be deposited in the vision Iowa fund and  
57 14 the school infrastructure fund in the fiscal year pursuant to  
57 15 this paragraph "e", the difference shall be paid from lottery  
57 16 revenues in the manner provided in section 99G.39, subsection  
57 17 3.

57 18 Sec. 68. Section 8.57, subsection 6, paragraph f, Code  
57 19 Supplement 2009, is amended to read as follows:

57 20 f. There is appropriated from the rebuild Iowa  
57 21 infrastructure fund to the secure an advanced vision for  
57 22 education fund created in section 423F.2, for each fiscal year  
57 23 of the fiscal period beginning July 1, 2008, and ending June  
57 24 30, ~~2014, 2010,~~ and for each fiscal year of the fiscal period  
57 25 beginning July 1, 2011, and ending June 30, 2014, the amount of  
57 26 the moneys in excess of the first forty-seven million dollars  
57 27 credited to the rebuild Iowa infrastructure fund during the  
57 28 fiscal year, not to exceed ten million dollars.

57 29 Sec. 69. Section 8.57A, subsection 4, Code 2009, is amended  
57 30 to read as follows:

57 31 4. a. There is appropriated from the rebuild Iowa  
57 32 infrastructure fund for the fiscal ~~year~~ years beginning July  
57 33 1, 2008, July 1, 2009, and July 1, 2011, and for each fiscal  
57 34 year thereafter, the sum of forty-two million dollars to  
57 35 the environment first fund, notwithstanding section 8.57,



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58 1 subsection 6, paragraph "c".

58 2 b. There is appropriated from the rebuild Iowa

58 3 infrastructure fund for the fiscal year beginning July 1, 2010,

58 4 and ending June 30, 2011, the sum of thirty-three million

58 5 dollars to the environment first fund, notwithstanding section

58 6 8.57, subsection 6, paragraph "c".

58 7 Sec. 70. Section 8.57C, subsection 3, Code Supplement 2009,

58 8 is amended to read as follows:

58 9 3. a. There is appropriated from the general fund of the

58 10 state for the fiscal years beginning July 1, 2006, July 1,

58 11 2007, July 1, ~~2010~~ 2011, and for each subsequent fiscal year

58 12 thereafter, the sum of seventeen million five hundred thousand

58 13 dollars to the technology reinvestment fund.

58 14 b. There is appropriated from the rebuild Iowa

58 15 infrastructure fund for the fiscal year beginning July 1, 2008,

58 16 and ending June 30, 2009, the sum of seventeen million five

58 17 hundred thousand dollars, and for the fiscal year beginning

58 18 July 1, 2009, and ending June 30, 2010, the sum of fourteen

58 19 million five hundred twenty-five thousand dollars to the

58 20 technology reinvestment fund, notwithstanding section 8.57,

58 21 subsection 6, paragraph "c".

58 22 c. There is appropriated from the rebuild Iowa

58 23 infrastructure fund for the fiscal year beginning July 1, 2010,

58 24 the sum of ten million dollars to the technology reinvestment

58 25 fund, notwithstanding section 8.57, subsection 6, paragraph

58 26 "c".

58 27 Sec. 71. Section 12.87, subsections 1 and 2, Code Supplement

58 28 2009, are amended to read as follows:

58 29 1. The treasurer of state is authorized to issue and sell

58 30 bonds on behalf of the state to provide funds for certain

58 31 infrastructure projects and for purposes of the Iowa jobs

58 32 program established in section 16.194. The treasurer of state

58 33 shall have all of the powers which are necessary or convenient

58 34 to issue, sell and secure bonds and carry out the treasurer of

58 35 state's duties, and exercise the treasurer of state's authority



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59 1 under this section and sections 12.88 through 12.90. The  
59 2 treasurer of state may issue and sell bonds in such amounts as  
59 3 the treasurer of state determines to be necessary to provide  
59 4 sufficient funds for certain infrastructure projects and the  
59 5 revenue bonds capitals fund, the revenue bonds capitals II  
59 6 fund, the payment of interest on the bonds, the establishment  
59 7 of reserves to secure the bonds, the payment of costs of  
59 8 issuance of the bonds, the payment of other expenditures of  
59 9 the treasurer of state incident to and necessary or convenient  
59 10 to carry out the issuance and sale of the bonds, and the  
59 11 payment of all other expenditures of the treasurer of state  
59 12 necessary or convenient to administer the funds and to carry  
59 13 out the purposes for which the bonds are issued and sold.  
59 14 The treasurer of state may issue and sell bonds in one or  
59 15 more series on the terms and conditions the treasurer of  
59 16 state determines to be in the best interest of the state, in  
59 17 accordance with this section in such amounts as the treasurer  
59 18 of state determines to be necessary to fund the purposes for  
59 19 which such bonds are issued and sold- as follows:  
59 20 a. The treasurer of state may issue and sell bonds in  
59 21 amounts which provide aggregate net proceeds of not more  
59 22 than ~~five hundred forty-five~~ six hundred ninety-five million  
59 23 dollars, excluding any bonds issued and sold to refund  
59 24 outstanding bonds issued under this section, as follows:  
59 25 a. (1) ~~The~~ On or after July 1, 2009, the treasurer of  
59 26 state may issue and sell bonds in amounts which provide  
59 27 aggregate net proceeds of not more than one hundred eighty-five  
59 28 million dollars for capital projects which qualify as vertical  
59 29 infrastructure projects as defined in section 8.57, subsection  
59 30 6, paragraph "c", to the extent practicable in any fiscal year  
59 31 and without limiting other qualifying capital expenditures.  
59 32 b. (2) ~~The~~ On or after July 1, 2009, the treasurer of state  
59 33 may issue and sell bonds in amounts which provide aggregate  
59 34 net proceeds of not more than three hundred sixty million  
59 35 dollars for purposes of the Iowa jobs program established



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60 1 in section 16.194 and for watershed flood rebuilding and  
60 2 prevention projects, soil conservation projects, sewer  
60 3 infrastructure projects, for certain housing and public service  
60 4 shelter projects and public broadband and alternative energy  
60 5 projects, and for projects relating to bridge safety and the  
60 6 rehabilitation of deficient bridges.

60 7 (3) On or after July 1, 2010, the treasurer of state may  
60 8 issue and sell bonds in amounts which provide aggregate net  
60 9 proceeds of not more than one hundred fifty million dollars  
60 10 for purposes of the Iowa jobs II program established in  
60 11 section 16.194A and for qualified projects in the departments  
60 12 of agriculture and land stewardship, economic development,  
60 13 education, natural resources, and transportation, and the Iowa  
60 14 finance authority, state board of regents, and treasurer of  
60 15 state.

60 16 2. Bonds issued and sold under this section are payable  
60 17 solely and only out of the moneys in the revenue bonds debt  
60 18 service fund, the revenue bonds federal subsidy holdback  
60 19 fund, and any bond reserve funds established pursuant to  
60 20 section 12.89, and only to the extent provided in the trust  
60 21 indenture, resolution, or other instrument authorizing their  
60 22 issuance. All moneys in the revenue bonds debt service fund,  
60 23 the revenue bonds federal subsidy holdback fund, and any bond  
60 24 reserve funds established pursuant to section 12.89 may be  
60 25 deposited with trustees or depositories in accordance with  
60 26 the terms of the trust indentures, resolutions, or other  
60 27 instruments authorizing the issuance of bonds and pledged by  
60 28 the treasurer of state to the payment thereof. Bonds issued  
60 29 and sold under this section shall contain a statement that the  
60 30 bonds are limited special obligations of the state and do not  
60 31 constitute a debt or indebtedness of the state or a pledge  
60 32 of the faith or credit of the state or a charge against the  
60 33 general credit or general fund of the state. The treasurer  
60 34 of state shall not pledge the credit or taxing power of this  
60 35 state or any political subdivision of this state or make bonds



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61 1 issued and sold pursuant to this section payable out of any  
61 2 moneys except those in the revenue bonds debt service fund,  
61 3 the revenue bonds federal subsidy holdback fund, and any bond  
61 4 reserve funds established pursuant to section 12.89.  
61 5 Sec. 72. Section 12.89, subsection 2, Code Supplement 2009,  
61 6 is amended by adding the following new paragraph:  
61 7 NEW PARAGRAPH. Od. Federal subsidies and any transfers  
61 8 from the revenue bonds federal subsidy holdback fund created  
61 9 pursuant to section 12.89A.  
61 10 Sec. 73. NEW SECTION. 12.89A Revenue bonds federal subsidy  
61 11 holdback fund.  
61 12 1. A revenue bonds federal subsidy holdback fund is created  
61 13 and established as a separate and distinct fund in the state  
61 14 treasury. The treasurer of state shall act as custodian of the  
61 15 fund and disburse moneys contained in the fund.  
61 16 2. The moneys in such fund shall include all of the  
61 17 following:  
61 18 a. The revenues required to be deposited in the fund  
61 19 pursuant to section 8.57, subsection 6, paragraph "e",  
61 20 subparagraphs (1) and (2).  
61 21 b. Interest attributable to investment moneys in the fund.  
61 22 c. Any other moneys from any other sources which may be  
61 23 legally available to the treasurer of state for the purpose of  
61 24 the fund.  
61 25 3. The moneys in the revenue bonds federal subsidy holdback  
61 26 fund are appropriated and shall be used or transferred to the  
61 27 revenue bonds debt service fund created in section 12.89,  
61 28 subsection 1, solely for the purpose of making payments of  
61 29 principal and interest on federal subsidy bonds when due, if  
61 30 the treasurer of state or the treasurer's designee has not  
61 31 received a federal subsidy scheduled to be received for such  
61 32 payment by the due date.  
61 33 4. The moneys on deposit in the revenue bonds federal  
61 34 subsidy holdback fund shall be used or transferred to the  
61 35 revenue bonds debt service fund created in section 12.89,



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62 1 subsection 1, solely for the purpose of making payments of  
62 2 principal and interest on federal subsidy bonds prior to any  
62 3 use or transfer of moneys on deposit in any bond reserve fund  
62 4 created for such federal subsidy bonds by the treasurer of  
62 5 state pursuant to section 12.89, subsection 3, paragraph "a".  
62 6 5. At any time during each fiscal year that there are moneys  
62 7 on deposit in the revenue bonds federal subsidy holdback fund  
62 8 that are not needed to pay principal and interest on federal  
62 9 subsidy bonds during such fiscal year as determined by the  
62 10 treasurer of state or the treasurer's designee, all moneys on  
62 11 deposit in the revenue bonds federal subsidy holdback account  
62 12 shall be credited to the rebuild Iowa infrastructure fund of  
62 13 the state.  
62 14 6. For purposes of this section:  
62 15 a. "Federal subsidy" means any payment from the federal  
62 16 government with respect to federal subsidy bonds.  
62 17 b. "Federal subsidy bonds" means any bonds issued and  
62 18 sold pursuant to section 12.87 for which a federal subsidy is  
62 19 expected to be paid on or before any date on which interest on  
62 20 such bonds is due and payable.  
62 21 Sec. 74. Section 15F.204, subsection 8, paragraph a,  
62 22 subparagraph (6), Code Supplement 2009, is amended by striking  
62 23 the subparagraph.  
62 24 Sec. 75. Section 15F.204, subsection 8, paragraph b,  
62 25 subparagraph (4), Code Supplement 2009, is amended by striking  
62 26 the subparagraph.  
62 27 Sec. 76. Section 16.181A, Code 2009, is amended to read as  
62 28 follows:  
62 29 16.181A Housing trust fund == appropriations.  
62 30 1. There is appropriated from the rebuild Iowa  
62 31 infrastructure fund to the Iowa finance authority for deposit  
62 32 in the housing trust fund created in section 16.181, for the  
62 33 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
62 34 and for each succeeding fiscal year, the sum of three million  
62 35 dollars.



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63 1 2. There is appropriated from the rebuild Iowa  
63 2 infrastructure fund to the Iowa finance authority for deposit  
63 3 in the housing trust fund created in section 16.181, for the  
63 4 fiscal year beginning July 1, 2010 and ending June 30, 2011,  
63 5 the sum of one million dollars.

63 6 Sec. 77. Section 16.192, subsections 2 and 4, Code  
63 7 Supplement 2009, are amended to read as follows:

63 8 2. Establish the Iowa jobs program pursuant to section  
63 9 16.194 and the Iowa jobs II program pursuant to section  
63 10 16.194A.

63 11 4. Award financial assistance in the form of grants under  
63 12 the Iowa jobs program pursuant to sections 16.194, 16.194A, and  
63 13 16.195.

63 14 Sec. 78. Section 16.193, subsection 2, Code Supplement  
63 15 2009, is amended to read as follows:

63 16 2. During the term of the Iowa jobs program established  
63 17 in section 16.194 and the Iowa jobs II program established  
63 18 in section 16.194A, two hundred thousand dollars of the  
63 19 moneys deposited in the rebuild Iowa infrastructure fund  
63 20 shall be allocated each fiscal year to the Iowa finance  
63 21 authority for purposes of administering the Iowa jobs program,  
63 22 notwithstanding section 8.57, subsection 6, paragraph "c".

63 23 Sec. 79. NEW SECTION. 16.194A Iowa jobs II program ==  
63 24 disaster prevention.

63 25 1. An Iowa jobs II program is created to assist in the  
63 26 development and completion of public construction projects  
63 27 relating to disaster prevention.

63 28 2. A city or county in this state or a regional transit  
63 29 district as defined in chapter 28M that applies the smart  
63 30 planning principles and guidelines pursuant to sections 18B.1  
63 31 and 18B.2, if enacted in 2010 Iowa Acts, Senate File 2265, may  
63 32 submit an application to the Iowa jobs board for financial  
63 33 assistance for a local infrastructure competitive grant for  
63 34 an eligible project under the program, notwithstanding any  
63 35 limitation on the state's percentage in funding as contained in



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64 1 section 29C.6, subsection 17.  
64 2 3. Financial assistance under the program shall be awarded  
64 3 in the form of grants.  
64 4 4. The board shall consider the following criteria in  
64 5 evaluating eligible projects to receive financial assistance  
64 6 under the program:  
64 7 a. The total number and quality of jobs to be created and  
64 8 the benefits likely to accrue to areas distressed by high  
64 9 unemployment.  
64 10 b. Financial feasibility, including the ability of projects  
64 11 to fund depreciation costs or replacement reserves, and the  
64 12 availability of other federal, state, local, and private  
64 13 sources of funds.  
64 14 c. Sustainability and energy efficiency.  
64 15 d. Benefits for disaster prevention.  
64 16 e. The project's readiness to proceed.  
64 17 5. An applicant must demonstrate local support for the  
64 18 project as defined by rule.  
64 19 6. Any award of financial assistance to a project shall be  
64 20 limited to up to seventy-five percent of the total cost of the  
64 21 development and completion of a public construction project  
64 22 relating to disaster prevention.  
64 23 7. In order for a project to be eligible to receive  
64 24 financial assistance from the board, the project must be a  
64 25 public construction project pursuant to subsection 1 with a  
64 26 demonstrated substantial local, regional, or statewide economic  
64 27 impact.  
64 28 8. The board shall not approve an application for assistance  
64 29 for any of the following purposes:  
64 30 a. To refinance a loan existing prior to the date of the  
64 31 initial financial assistance application.  
64 32 b. For a project that has previously received financial  
64 33 assistance under the program, unless the applicant demonstrates  
64 34 that the financial assistance would be used for a significant  
64 35 expansion of a project.



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65 1 9. Any portion of an amount allocated for projects  
65 2 that remains unexpended or unencumbered one year after the  
65 3 allocation has been made may be reallocated to another project  
65 4 category, at the discretion of the board. The board shall  
65 5 ensure that all bond proceeds be expended within three years  
65 6 from when the allocation was initially made.

65 7 10. The board shall ensure that funds obligated under  
65 8 this section are coordinated with other federal program funds  
65 9 received by the state, and that projects receiving funds are  
65 10 located in geographically diverse areas of the state.

65 11 Sec. 80. Section 16.195, subsection 2, Code Supplement  
65 12 2009, is amended to read as follows:

65 13 2. A review committee composed of members of the  
65 14 board as determined by the board shall review Iowa jobs  
65 15 program applications submitted to the board and make  
65 16 recommendations regarding the applications to the board. When  
65 17 reviewing the applications, the review committee and the  
65 18 authority shall consider the project criteria specified in  
65 19 ~~section~~ sections 16.194 and 16.194A. The board shall develop  
65 20 the appropriate level of transparency regarding project fund  
65 21 allocations.

65 22 Sec. 81. Section 26.3, subsection 2, Code Supplement 2009,  
65 23 is amended to read as follows:

65 24 2. A governmental entity shall have an engineer licensed  
65 25 under chapter 542B, a landscape architect licensed under  
65 26 chapter 544B, or an architect registered under chapter  
65 27 544A prepare plans and specifications, and calculate the  
65 28 estimated total cost of a proposed public improvement. A  
65 29 governmental entity shall ensure that a sufficient number  
65 30 of paper copies of the project's contract documents, including  
65 31 all drawings, plans, specifications, and estimated total costs  
65 32 of the proposed public improvement are made available for  
65 33 distribution at no charge to prospective bidders, subcontractor  
65 34 bidders, suppliers, and contractor plan room services. If  
65 35 a deposit is required as part of a paper contract documents



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66 1 distribution policy by the public owner, the deposit shall not  
66 2 exceed one thousand dollars per set which shall be refunded  
66 3 upon return of the contract documents within fourteen days  
66 4 after award of the project. If the contract documents are not  
66 5 returned in a timely manner and in a reusable condition, the  
66 6 deposit shall be forfeited.

66 7 Sec. 82. Section 123.53, subsections 3 and 4, Code  
66 8 Supplement 2009, are amended to read as follows:

66 9 3. Notwithstanding subsection 2, if gaming revenues under  
66 10 sections 99D.17 and 99F.11 are insufficient in a fiscal year to  
66 11 meet the total amount of such revenues directed to be deposited  
66 12 in the revenue bonds debt service fund and the revenue bonds  
66 13 federal subsidy holdback fund during the fiscal year pursuant  
66 14 to section 8.57, subsection 6, paragraph "e", the difference  
66 15 shall be paid from moneys deposited in the beer and liquor  
66 16 control fund prior to transfer of such moneys to the general  
66 17 fund pursuant to subsection 2 and prior to the transfer of such  
66 18 moneys pursuant to subsections 5 and 6. If moneys deposited in  
66 19 the beer and liquor control fund are insufficient during the  
66 20 fiscal year to pay the difference, the remaining difference  
66 21 shall be paid from moneys deposited in the beer and liquor  
66 22 control fund in subsequent fiscal years as such moneys become  
66 23 available.

66 24 4. The treasurer of state shall, each quarter, prepare  
66 25 an estimate of the gaming revenues and of the moneys to be  
66 26 deposited in the beer and liquor control fund that will become  
66 27 available during the remainder of the appropriate fiscal year  
66 28 for the purposes described in subsection 3. The department  
66 29 of management, the department of inspections and appeals, and  
66 30 the department of commerce shall take appropriate actions to  
66 31 provide that the sum of the amount of gaming revenues available  
66 32 to be deposited into the revenue bonds debt service fund during  
66 33 a fiscal year and the amount of moneys to be deposited in the  
66 34 beer and liquor control fund available to be deposited into  
66 35 the revenue bonds debt service fund and the revenue bonds



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67 1 federal subsidy holdback fund during such fiscal year will be  
67 2 sufficient to cover any anticipated deficiencies.

67 3 Sec. 83. Section 327H.20A, subsection 3, Code Supplement  
67 4 2009, is amended to read as follows:

67 5 3. Notwithstanding any other provision to the contrary,  
67 6 on or after July 1, 2006, moneys received as repayments for  
67 7 loans made pursuant to this chapter or chapter 327I, Code 2009,  
67 8 before, on, or after July 1, 2005, other than repayments of  
67 9 federal moneys subject to section 327H.21, shall be credited to  
67 10 the railroad revolving loan and grant fund. Notwithstanding  
67 11 section 8.33, moneys in the railroad revolving loan and grant  
67 12 fund shall not revert to the ~~general fund of the state fund~~  
67 13 from which it was appropriated but shall remain available  
67 14 indefinitely for expenditure under this section.

67 15 Sec. 84. Section 327J.2, subsection 3, Code Supplement  
67 16 2009, is amended to read as follows:

67 17 3. No reversion. Notwithstanding section 8.33, any balance  
67 18 in the fund on June 30 of any fiscal year shall not revert  
67 19 to the ~~general fund of the state fund~~ from which it was  
67 20 appropriated.

67 21 Sec. 85. REPEAL. Sections 8.57D, 12.90A, 12.90B, 12.90C,  
67 22 16.185, 16.186, 16.187, and 313.68, Code Supplement 2009, are  
67 23 repealed.

67 24 EXPLANATION

67 25 This bill makes appropriations to state departments and  
67 26 agencies from the rebuild Iowa infrastructure fund, the  
67 27 technology reinvestment fund, the revenue bonds capitals fund,  
67 28 the revenue bonds capitals II fund, the FY 2009 prison bonding  
67 29 fund, and other funds, creates the Iowa jobs II program and the  
67 30 revenue bonds federal subsidy holdback fund, and provides for  
67 31 related matters.

67 32 DIVISION I == REBUILD IOWA INFRASTRUCTURE FUND  
67 33 APPROPRIATIONS. This division appropriates project funding  
67 34 for FY 2010=2011 from the rebuild Iowa infrastructure fund,  
67 35 including projects for the departments of administrative



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68 1 services, agriculture and land stewardship, for the blind,  
68 2 cultural affairs, economic development, education, natural  
68 3 resources, public defense, public health, transportation, and  
68 4 veterans affairs, and to the Iowa finance authority, the state  
68 5 board of regents, and the treasurer of state.

68 6 The division appropriates project funding for FY 2011=2012,  
68 7 FY 2012=2013, and FY 2013=2014 from the rebuild Iowa  
68 8 infrastructure fund to the department of corrections and for  
68 9 FY 2011=2012, FY 2012=2013, FY 2013=2014, and FY 2014=2015  
68 10 from the rebuild Iowa infrastructure fund to the department of  
68 11 natural resources.

68 12 DIVISION II == TECHNOLOGY REINVESTMENT FUND ==  
68 13 APPROPRIATIONS. This division appropriates project funding  
68 14 for FY 2010=2011 from the technology reinvestment fund for  
68 15 the departments of administrative services, corrections,  
68 16 education, and public health, and the Iowa telecommunications  
68 17 and technology commission.

68 18 DIVISION III == REVENUE BONDS CAPITALS FUND ==  
68 19 APPROPRIATIONS. This division appropriates project funding  
68 20 for FY 2010=2011 from the revenue bonds capitals fund for the  
68 21 departments of administrative services, agriculture and land  
68 22 stewardship, cultural affairs, corrections, natural resources,  
68 23 and the Iowa state fair, state board of regents, and the Iowa  
68 24 finance authority.

68 25 DIVISION IV == REVENUE BONDS CAPITALS II FUND ==  
68 26 APPROPRIATIONS. The division creates a revenue bonds capitals  
68 27 II fund. Revenue for the revenue bonds capitals II fund shall  
68 28 include but is not limited to the net proceeds of certain bonds  
68 29 issued by the treasurer of state on or after July 1, 2010,  
68 30 interest attributable to investment of moneys in the fund or  
68 31 an account of the fund, and moneys in the form of a devise,  
68 32 gift, bequest, donation, federal or other grant, reimbursement,  
68 33 repayment, judgment, transfer, payment, or appropriation from  
68 34 any source intended to be used for the purposes of the fund.  
68 35 Annually, on or before January 15 of each year, a state agency



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69 1 that received an appropriation from the revenue bonds capitals  
69 2 II fund shall report to the legislative services agency and the  
69 3 department of management the status of all projects completed  
69 4 or in progress.

69 5 The division appropriates project funding for FY 2010=2011  
69 6 from the revenue bonds capitals II fund created in the bill to  
69 7 the departments of agriculture and land stewardship, economic  
69 8 development, education, natural resources, and transportation  
69 9 and to the Iowa finance authority including to the Iowa jobs  
69 10 board for purposes of the Iowa jobs II program, created in the  
69 11 bill, state board of regents, and treasurer of state.

69 12 DIVISION V == FY 2009 PRISON BONDING FUND. This division  
69 13 appropriates project funding for FY 2010=2011 to the department  
69 14 of corrections.

69 15 DIVISION VI == GROW IOWA VALUES FUND. Currently, the Code  
69 16 provides that for each fiscal year through the fiscal period  
69 17 ending June 30, 2015, the grow Iowa values fund is to receive  
69 18 an annual appropriation of \$50 million from either the general  
69 19 fund or the rebuild Iowa infrastructure fund. The division  
69 20 provides that the appropriation for FY 2010=2011 shall be  
69 21 from the rebuild Iowa infrastructure fund. The department is  
69 22 directed to allocate that \$50 million for certain purposes.  
69 23 This division appropriates \$38 million from the rebuild  
69 24 Iowa infrastructure fund to the grow Iowa values fund for  
69 25 FY 2010=2011. The division also decreases the FY 2010=2011  
69 26 standing appropriation from the grow Iowa values fund to the  
69 27 department of economic development from \$50 million to \$38  
69 28 million and makes conforming changes to certain allocations.

69 29 The division allows the department to allocate, of the  
69 30 moneys in the targeted small business financial assistance  
69 31 program account of the strategic investment fund, amounts  
69 32 necessary for marketing, compliance, and the provision of  
69 33 mentoring services.

69 34 Currently, the department must allocate \$3 million for  
69 35 deposit in the innovation and commercialization development



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70 1 fund. The division amends this allocation to require the  
70 2 department to allocate \$5.5 million for deposit in the  
70 3 innovation and commercialization development fund.  
70 4     The division also creates a new allocation of \$1 million for  
70 5 deposit in the targeted small business financial assistance  
70 6 program account within the strategic investment fund.  
70 7     Currently, the Code does not appropriate interest on moneys  
70 8 in the grow Iowa values fund. The division appropriates the  
70 9 interest to the department and directs the department to  
70 10 allocate it for certain purposes.  
70 11     DIVISION VII == ALTERNATIVE PUBLIC PROJECT DELIVERY PROGRAM.  
70 12 This division establishes a new division in Code chapter 262  
70 13 that creates an alternative project delivery commission and an  
70 14 alternative project delivery program for governmental entities.  
70 15 The bill defines governmental entity to be the board of regents  
70 16 and institutions under the control of the board of regents.  
70 17 The new division contains three parts.  
70 18     Part 1 establishes an alternative project delivery  
70 19 commission consisting of seven members, appointed by the board  
70 20 of regents and other specified design and construction industry  
70 21 associations. The part establishes quorum, meeting, voting,  
70 22 and conflict of interest requirements for the commission,  
70 23 designates the member appointed by the board of regents as  
70 24 the commission chairperson, and authorizes the commission to  
70 25 adopt policies and procedures to carry out the duties of the  
70 26 commission.  
70 27     Part 1 also establishes an alternative project delivery  
70 28 program under the authority of the alternative project delivery  
70 29 commission. The commission is responsible for selecting  
70 30 the public projects for inclusion in the program based on  
70 31 applications submitted by the governmental entities. The  
70 32 commission is required to prepare and file a report with the  
70 33 governor and the general assembly on or before January 15,  
70 34 2014. The report is required to detail the activities of the  
70 35 commission and provide information on each public project in



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71 1 the program.

71 2 Part 1 also specifies publication requirements for public  
71 3 notices provided by the governmental entity during the  
71 4 alternative project delivery procedures and provides that  
71 5 certain documents and information related to the alternative  
71 6 project delivery procedures must be made available for public  
71 7 inspection after the award or letting of the contract.

71 8 Parts 2 and 3 of the new division establish two alternative  
71 9 project delivery procedures for use by the governmental  
71 10 entities selected for inclusion in the program. For each  
71 11 alternative project delivery procedure, the governmental  
71 12 entity is required to employ or retain a criteria consultant  
71 13 to assist in the preparation of a request for qualifications  
71 14 and a request for proposals. Each of the alternative project  
71 15 delivery procedures is conducted in two phases.

71 16 Part 2 of the new division provides the requirements and  
71 17 procedures for construction management project delivery and for  
71 18 the selection of a construction manager. Under part 2, the  
71 19 governmental entity is required to employ a design professional  
71 20 to design the public project and prepare the construction  
71 21 documents for the public project. Phase I of the construction  
71 22 manager selection process includes publication of a request  
71 23 for qualifications by the governmental entity, review of the  
71 24 statements of qualifications, and the selection of a minimum  
71 25 of two but not more than five construction managers to advance  
71 26 to phase II. Phase II includes a request for proposals, the  
71 27 receipt of proposals from those construction managers selected  
71 28 during phase I, an interview with each construction manager  
71 29 that submits a proposal, evaluation of each proposal, and  
71 30 selection of a construction manager for the public project.

71 31 Part 3 of the new division provides the requirements and  
71 32 procedures for design-build project delivery and for the  
71 33 selection of a design-builder. Phase I of the design-builder  
71 34 selection process includes publication of a request for  
71 35 qualifications by the governmental entity, review of the



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72 1 statements of qualifications, and the selection of a minimum of  
72 2 two but not more than five design=builders to advance to phase  
72 3 II. Phase II includes a request for proposals, the receipt of  
72 4 proposals from those design=builders selected during phase I,  
72 5 including a separate cost and schedule proposal, an interview  
72 6 with each design=builder that submits a proposal, evaluation of  
72 7 each proposal, and selection of a design=builder for the public  
72 8 project.

72 9 DIVISION VIII == FLOODPLAIN MAPPING. This division provides  
72 10 for the use of funds allocated to the department of natural  
72 11 resources for floodplain mapping from the appropriation made  
72 12 to the department of economic development in 2009 Iowa Acts,  
72 13 chapter 183, section 67, of federal community development block  
72 14 grant funds awarded to the state under the federal Consolidated  
72 15 Security, Disaster Assistance, and Continuing Appropriations  
72 16 Act, 2009, Pub. L. No. 110=329, the department of economic  
72 17 development shall enter an agreement in an amount of not less  
72 18 than \$10,000,000 with the state university of Iowa for the  
72 19 development of new floodplain maps by June 30, 2014, by the  
72 20 Iowa flood center established pursuant to section 466C.1. The  
72 21 department of economic development shall structure the contract  
72 22 to be consistent with any plan for use of the funds approved  
72 23 by any federal agency, or, if necessary, follow any procedures  
72 24 necessary for approval of this contract.

72 25 DIVISION IX == DEPARTMENT OF ADMINISTRATIVE SERVICES ==  
72 26 OFFICE SPACE. This division requires the department of  
72 27 administrative services to issue a request for proposals  
72 28 by December 1, 2010, concerning the availability and cost  
72 29 of office space for state employees in downtown Des Moines  
72 30 and in other areas in close proximity to the state capitol  
72 31 complex. The department shall submit a written report to  
72 32 the general assembly concerning the request for proposals by  
72 33 January 14, 2011. The department is also required to conduct  
72 34 a cost=benefit analysis of utilizing existing office space in  
72 35 downtown Des Moines and other areas in close proximity to the



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73 1 state capitol complex in lieu of replacing or renovating the  
73 2 Wallace Building. The department shall submit a written report  
73 3 to the general assembly concerning the cost-benefit analysis by  
73 4 January 14, 2011.

73 5 DIVISION X == CHANGES TO PRIOR YEAR APPROPRIATIONS. This  
73 6 division makes changes to prior year appropriations for FY  
73 7 2006=2007 from the rebuild Iowa infrastructure fund for the  
73 8 department of public safety and from Iowa's health restricted  
73 9 capitals fund for the department of administrative services.  
73 10 The division makes changes to prior year appropriations  
73 11 for FY 2007=2008 from the rebuild Iowa infrastructure fund  
73 12 for the state board of regents and from the technology  
73 13 reinvestment fund for the department of human rights and the  
73 14 Iowa workforce development. The division makes changes to  
73 15 prior year appropriations for FY 2008=2009 from the technology  
73 16 reinvestment fund for the department of education, from the  
73 17 revenue bonds capitals fund for the department of corrections,  
73 18 from the rebuild Iowa infrastructure fund for the departments  
73 19 of administrative services and cultural affairs, and from the  
73 20 FY 2009 prison bonding fund for the department of corrections.  
73 21 The division makes changes to prior year appropriations for  
73 22 FY 2009=2010 from the revenue bonds capitals fund for the  
73 23 departments of agriculture and land stewardship, economic  
73 24 development, natural resources, transportation, and the  
73 25 Iowa telecommunications and technology commission, and from  
73 26 the rebuild Iowa infrastructure fund for the departments of  
73 27 cultural affairs and transportation.

73 28 The division makes changes to prior year appropriations  
73 29 for FY 2010=2011 from the rebuild Iowa infrastructure fund to  
73 30 the department of economic development and from the rebuild  
73 31 Iowa infrastructure fund to the departments of administrative  
73 32 services, corrections, state board of regents, and the Iowa  
73 33 state fair.

73 34 This division takes effect upon enactment.

73 35 DIVISION XI == MISCELLANEOUS CODE CHANGES. The division



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74 1 eliminates the standing FY 2010=2011 \$10 million appropriation  
74 2 from the rebuild Iowa infrastructure fund to the secure an  
74 3 advanced vision for education (SAVE) fund.  
74 4     The division reduces the FY 2010=2011 standing appropriation  
74 5 from the rebuild Iowa infrastructure fund to the environment  
74 6 first fund from \$42 million to \$33 million.  
74 7     The division appropriates \$10 million from the rebuild Iowa  
74 8 infrastructure fund to the technology reinvestment fund for FY  
74 9 2010=2011.  
74 10    The division makes changes to Code section 8.57 relating  
74 11 to the distribution of wagering tax allocations for purposes  
74 12 of pledging a revenue stream for revenue bonds issued on or  
74 13 after July 1, 2010, authorized under the bill. In addition,  
74 14 the division makes changes to Code section 123.53 relating to  
74 15 the beer and liquor control fund to provide for a secondary  
74 16 source of revenue funding for the revenue bonds relating to the  
74 17 revenue bonds federal subsidy holdback fund.  
74 18    The division authorizes the treasurer of state to issue and  
74 19 sell bonds in amounts which provide aggregate net proceeds of  
74 20 not more than \$150 million for purposes of an Iowa jobs grant  
74 21 program relating to disaster prevention for qualified projects  
74 22 in the departments of agriculture and land stewardship,  
74 23 economic development, education, and transportation, and the  
74 24 Iowa finance authority, the state board of regents, and the  
74 25 treasurer of state.  
74 26    The division creates a revenue bonds federal subsidy  
74 27 holdback fund comprised of the wagering tax revenues required  
74 28 to be deposited in the fund, interest attributable to  
74 29 investment moneys in the fund, and any other moneys from any  
74 30 other sources which may be legally available to the treasurer  
74 31 of state for the purpose of the fund. The moneys in the  
74 32 revenue bonds federal subsidy holdback fund are appropriated  
74 33 and shall be used or transferred to the revenue bonds debt  
74 34 service fund solely for the purpose of making payments of  
74 35 principal and interest on the federal subsidy bonds when due,



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75 1 if the treasurer of state or the treasurer's designee has not  
75 2 received a federal subsidy scheduled to be received for such  
75 3 payment by the due date. The moneys on deposit in the revenue  
75 4 bonds federal subsidy holdback fund are required to be used  
75 5 or transferred to the revenue bonds debt service fund solely  
75 6 for the purpose of making payments of principal and interest  
75 7 on federal subsidy bonds prior to any use or transfer of  
75 8 moneys on deposit in any bond reserve fund created for such  
75 9 federal subsidy bonds by the treasurer of state. At any time  
75 10 during each fiscal year that there are moneys on deposit in  
75 11 the revenue bonds federal subsidy holdback fund that are not  
75 12 needed to pay principal and interest on federal subsidy bonds  
75 13 during such fiscal year, all moneys on deposit in the revenue  
75 14 bonds federal subsidy holdback account shall be credited to  
75 15 the general fund. For purposes of the bill, "federal subsidy"  
75 16 means any payment from the federal government with respect to  
75 17 federal subsidy bonds and "federal subsidy bonds" means any  
75 18 bonds issued and sold pursuant to Code section 12.87 for which  
75 19 a federal subsidy is expected to be paid on or before any date  
75 20 on which interest on such bonds is due and payable.

75 21       The division eliminates standing appropriations for FY  
75 22 2010=2011 from the rebuild Iowa infrastructure fund to the  
75 23 community attraction and tourism fund and from the franchise  
75 24 tax revenues deposited in the general fund of the state to the  
75 25 community attraction and tourism fund.

75 26       The division eliminates standing appropriations from the  
75 27 rebuild Iowa infrastructure fund and the general fund for FY  
75 28 2010=2011 to the department of economic development for the  
75 29 community attraction and tourism program.

75 30       The division appropriates funds from the rebuild Iowa  
75 31 infrastructure fund to the Iowa finance authority for deposit  
75 32 into the housing trust fund for FY 2010=2011.

75 33       The division creates an Iowa jobs II program to assist  
75 34 in the development and completion of public construction  
75 35 projects relating to disaster prevention. A city or county



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76 1 in this state or a regional transit district as defined in  
76 2 chapter 28M that applies the smart planning principles and  
76 3 guidelines pursuant to Code sections 18B.1 and 18B.2 if  
76 4 enacted in 2010 Iowa Acts, Senate File 2265, may submit an  
76 5 application to the Iowa jobs board created in Code section  
76 6 16.191 for a local infrastructure competitive grant for an  
76 7 eligible project under the program. The board is required to  
76 8 consider certain criteria in evaluating eligible projects to  
76 9 receive financial assistance under the program. Any award  
76 10 of financial assistance to a project is limited to up to 75  
76 11 percent of the total cost of the total cost of the development  
76 12 and completion of a public construction project relating to  
76 13 disaster prevention.

76 14 The division amends Code section 26.3 relating to  
76 15 competitive bids for public improvement contracts. The  
76 16 division provides that a governmental entity shall ensure that  
76 17 a sufficient number of paper copies of the project's contract  
76 18 documents, including all drawings, plans, specifications, and  
76 19 estimated total costs of the proposed public improvement are  
76 20 made available for distribution at no charge to prospective  
76 21 bidders, subcontractor bidders, suppliers, and contractor plan  
76 22 room services. If a deposit is required as part of a paper  
76 23 contract documents distribution policy by the public owner,  
76 24 the deposit shall not exceed \$1,000 per set which shall be  
76 25 refunded upon return of the contract documents within 14 days  
76 26 after award of the project. If the contract documents are not  
76 27 returned in a timely manner and in a reusable condition, the  
76 28 deposit shall be forfeited.

76 29 The division makes technical changes relating to the  
76 30 reversion of funds provisions in Code sections 327H.20A  
76 31 (railroad revolving loan and grant fund) and 327J.2 (passenger  
76 32 rail service revolving fund).

76 33 The division repeals Code section 12.90A authorizing the  
76 34 treasurer of state to issue annual appropriation bonds on or  
76 35 after July 1, 2010, and makes conforming changes by repealing



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77 1 the annual appropriation bonds debt service fund (Code section  
77 2 12.90B), the appropriations bonds capitals fund (Code section  
77 3 12.90C), and the vertical infrastructure restricted capitals  
77 4 fund (Code section 8.57D).  
77 5 The division repeals the public service shelter grant  
77 6 fund (Code section 16.185), the disaster damage housing  
77 7 assistance grant fund (Code section 16.186), the affordable  
77 8 housing assistance grant fund (Code section 16.187), and the  
77 9 bridge safety fund (Code section 313.68), and makes conforming  
77 10 changes.

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