



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1341

PAG LIN

1 1 Amend the amendment, H=1329, to Senate File 419, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, by inserting after line 47 the
1 4 following:
1 5 <#____. By striking page 23, line 34, through page
1 6 24, line 23.
1 7 #____. Title page, by striking line 5.>
1 8
1 9
1 10
1 11 RANTS of Woodbury
1 12 SF 419.503 83
1 13 dea/nh/23466
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1342

PAG LIN

1 1 Amend the amendment, H=1300, to Senate File 339, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, by inserting after line 6 the
1 5 following:
1 6 <#____. Page 7, by striking lines 31 through 34 and
1 7 inserting the following:
1 8 <10. A water resource restoration project shall
1 9 not include the acquisition of property, an interest
1 10 in property, or improvements to property through
1 11 condemnation.>>
1 12 #2. By renumbering as necessary.
1 13
1 14
1 15
1 16 KRESSIG of Black Hawk
1 17 SF 339.704 83
1 18 tm/nh/23472
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1343

PAG LIN

1 1 Amend House File 805 as follows:
1 2 #1. Page 4, line 19, by striking the figure
1 3 <3,000,000> and inserting the following: <2,922,000>.
1 4
1 5
1 6
1 7 HAGENOW of Polk
1 8 HF 805.201 83
1 9 dea/tm/23474
1 10
1 11
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1344

PAG LIN

1 1 Amend House File 805 as follows:
1 2 #1. Page 1, line 19, by striking the figure
1 3 <6,657,336> and inserting the following: <6,654,962>.
1 4 #2. Page 1, line 21, by striking the figure
1 5 <506,515> and inserting the following: <506,127>.
1 6 #3. Page 3, line 1, by striking the figure
1 7 <40,890,860> and inserting the following:
1 8 <40,876,274>.
1 9 #4. Page 3, line 4, by striking the figure
1 10 <9,611,696> and inserting the following: <9,610,960>.
1 11 #5. Page 3, line 7, by striking the figure
1 12 <236,263,176> and inserting the following:
1 13 <236,262,726>.
1 14
1 15
1 16
1 17 HUSEMAN of Cherokee
1 18 HF 805.501 83
1 19 dea/tm/23476
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1345

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 6A.22, subsection 2, paragraph
1 6 c, subparagraph (1), Code 2009, is amended to read as
1 7 follows:
1 8 (1) (a) If private property is to be condemned
1 9 for development or creation of a lake, only that
1 10 number of acres justified as reasonable and necessary
1 11 for a surface drinking water source, and not otherwise
1 12 acquired, may be condemned. ~~In addition~~ Prior to
1 13 making a determination that such a lake development or
1 14 creation is reasonable and necessary, the acquiring
1 15 agency shall ~~conduct a review of~~ demonstrate by clear
1 16 and convincing evidence that no other prudent and
1 17 feasible ~~alternatives to~~ alternative for provision of
1 18 a drinking water source ~~prior to making a~~
1 19 determination that such lake development or creation
1 20 is reasonable and necessary exists. Development or
1 21 creation of a lake as a surface drinking water source
1 22 includes all of the following:
1 23 (i) Construction of the dam, including sites for
1 24 suitable borrow material and the auxiliary spillway.
1 25 (ii) The water supply pool.
1 26 (iii) The sediment pool.
1 27 (iv) The flood control pool.
1 28 (v) The floodwater retarding pool.
1 29 (vi) The surrounding area upstream of the dam no
1 30 higher in elevation than the top of the dam's
1 31 elevation.
1 32 (vii) The appropriate setback distance required by
1 33 state or federal laws and regulations to protect
1 34 drinking water supply.
1 35 (b) For purposes of this subparagraph (1), "number
1 36 of acres justified as reasonable and necessary for a
1 37 surface drinking water source" means according to
1 38 guidelines of the United States natural resource
1 39 conservation service and according to analyses of
1 40 ~~surface~~ drinking water capacity needs conducted by one
1 41 or more registered professional engineers using
1 42 standards alternative to the federal guidelines. Any
1 43 guidelines or analyses related to future drinking
1 44 water capacity needs shall be based on the current
1 45 rate of drinking water usage in the area to be served
1 46 by the surface drinking water source.
1 47 (c) Guidelines relating to drinking water capacity
1 48 needs in time of drought shall not be used in any
1 49 analysis performed pursuant to this subparagraph (1).
1 50 An analysis performed pursuant to this subparagraph



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1345 continued

2 1 (1) shall include information on groundwater resources
2 2 in the area and the potential for the use of such
2 3 resources to meet drinking water capacity needs.

2 4 (d) A second review or analysis may be requested
2 5 by any landowner affected by the proposed condemnation
2 6 action, and the engineer shall be selected by a
2 7 committee of private landowners affected by the
2 8 proposed condemnation action. The acquiring agency
2 9 shall be responsible for paying the fees and expenses
2 10 of such an engineer.

2 11 (e) A landowner affected by the proposed
2 12 condemnation action may request a public hearing
2 13 regarding the influence of a federal agency on the
2 14 lake creation or development project, on the proposed
2 15 condemnation actions related to the project, and on
2 16 the use of federal guidelines in analyzing drinking
2 17 water capacity needs. The hearing shall be conducted
2 18 by a person who is not involved with the lake creation
2 19 or development, and the services of such person in
2 20 conducting the hearing shall be paid by the acquiring
2 21 agency.>

2 22 #2. Page 1, line 4, by inserting after the figure
2 23 <657A.10A,> the following: <and notwithstanding
2 24 chapters 6A and 6B,>.

2 25 #3. Page 4, by inserting after line 14 the
2 26 following:

2 27 <Sec. ____ . EFFECTIVE DATE. The section of this
2 28 Act amending section 6A.22, being deemed of immediate
2 29 importance, takes effect upon enactment and applies to
2 30 projects or condemnation proceedings pending or
2 31 commenced on or after that date.>

2 32 #4. Title page, line 2, by inserting after the
2 33 word <years> the following: <and to the acquisition
2 34 of property through condemnation for certain lake
2 35 projects, and including effective date and
2 36 applicability date provisions>.

2 37 #5. By renumbering as necessary.

2 38

2 39

2 40

2 41 KAUFMANN of Cedar

2 42 SF 415.203 83

2 43 md/sc/23421



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1346

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 6A.1, Code 2009, is amended to
1 6 read as follows:
1 7 6A.1 EXERCISE OF POWER BY STATE.
1 8 1. Proceedings may be instituted and maintained by
1 9 the state of Iowa, or for the use and benefit thereof,
1 10 for the condemnation of such private property as may
1 11 be necessary for any public improvement which the
1 12 general assembly has authorized to be undertaken by
1 13 the state, and for which an available appropriation
1 14 has been made. The executive council shall institute
1 15 and maintain such proceedings in case authority to so
1 16 do be not otherwise delegated.
1 17 2. All proceedings instituted and maintained by
1 18 the state of Iowa shall not commence without the
1 19 signed authorization of the governor.
1 20 3. The condemnation authority granted in this
1 21 section shall not extend to the department of natural
1 22 resources if the department is seeking to acquire real
1 23 property for purposes of carrying out a duty related
1 24 to development and maintenance of the recreation
1 25 resources of the state, including planning,
1 26 acquisition, and development of recreational projects,
1 27 and areas and facilities related to such projects,
1 28 notwithstanding any provisions to the contrary.
1 29 Sec. 2. Section 455A.5, Code 2009, is amended by
1 30 adding the following new subsection:
1 31 NEW SUBSECTION. 7. The authority granted the
1 32 commission to acquire real property for purposes of
1 33 carrying out a duty related to development and
1 34 maintenance of the recreation resources of the state,
1 35 including planning, acquisition, and development of
1 36 recreational projects, and areas and facilities
1 37 related to such projects, shall not extend to the
1 38 authority to acquire land by eminent domain.
1 39 Sec. 3. Section 456A.24, subsection 2, unnumbered
1 40 paragraph 1, Code 2009, is amended to read as follows:
1 41 Acquire by purchase, ~~condemnation,~~ lease,
1 42 agreement, gift, and devise lands or waters suitable
1 43 for the purposes hereinafter enumerated, and
1 44 rights-of-way thereto, and to maintain the same for
1 45 the following purposes, ~~to wit:~~
1 46 Sec. 4. Section 456A.24, Code 2009, is amended by
1 47 adding the following new subsection:
1 48 NEW SUBSECTION. 15. The authority granted the
1 49 department to acquire real property for any statutory
1 50 purpose relating to development and maintenance of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1346 continued

2 1 recreation resources of the state, including planning,
2 2 acquisition, and development of recreational projects,
2 3 and areas and facilities related to such projects,
2 4 shall not extend to the authority to acquire land by
2 5 eminent domain.

2 6 Sec. 5. Section 461A.7, Code 2009, is amended to
2 7 read as follows:

2 8 461A.7 ~~EMINENT DOMAIN~~ PURCHASE OF LANDS == PUBLIC
2 9 PARKS.

2 10 The commission may purchase ~~or condemn~~ lands from
2 11 willing sellers for public parks. ~~No~~ A contract for
2 12 the purchase of such public parks shall not be made to
2 13 an amount in excess of funds appropriated therefor by
2 14 the general assembly.

2 15 Sec. 6. Section 461A.10, Code 2009, is amended to
2 16 read as follows:

2 17 461A.10 TITLE TO LANDS.

2 18 The title to all lands purchased, ~~condemned,~~ or
2 19 ~~donated,~~ hereunder, for park ~~or highway~~ purposes and
2 20 the title to all lands purchased, condemned, or
2 21 donated hereunder for highway purposes, shall be taken
2 22 in the name of the state and if thereafter it shall be
2 23 deemed advisable to sell any portion of the land so
2 24 purchased or condemned, the proceeds of such sale
2 25 shall be placed to the credit of the said public state
2 26 parks fund to be used for such park purposes.

2 27 Sec. 7. Section 463C.8, subsection 1, paragraph k,
2 28 Code 2009, is amended to read as follows:

2 29 k. The power to acquire, own, hold, administer,
2 30 and dispose of property, except that such power is not
2 31 a grant of authority to acquire property by eminent
2 32 domain.

2 33 Sec. 8. Sections 461A.9 and 461A.75, Code 2009,
2 34 are repealed.>

2 35 #2. Page 1, line 4, by inserting after the figure
2 36 <657A.10A,> the following: <and notwithstanding
2 37 chapters 6A and 6B,>.

2 38 #3. Page 4, by inserting after line 14 the
2 39 following:

2 40 <Sec. ____ . EFFECTIVE DATE. The sections of this
2 41 Act amending sections 6A.1, 455A.5, 456A.24, 461A.7,
2 42 461A.10, and 463C.8, and repealing sections 461A.9 and
2 43 461A.75, being deemed of immediate importance, take
2 44 effect upon enactment.>

2 45 #4. Title page, line 2, by inserting after the
2 46 word <years> the following: <and to the authority and
2 47 proceedings to acquire property through condemnation
2 48 by the state, and providing an effective date>.

2 49 #5. By renumbering as necessary.

2 50



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1346 continued

3 1
3 2
3 3 GRASSLEY of Butler
3 4 SF 415.204 83
3 5 md/sc/23433



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1347

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 6A.22, subsection 2, paragraph
1 6 c, subparagraph (1), Code 2009, is amended to read as
1 7 follows:
1 8 (1) (a) If private property is to be condemned for
1 9 development or creation of a lake, only that number of
1 10 acres justified as reasonable and necessary for a
1 11 surface drinking water source, and not otherwise
1 12 acquired, may be condemned. ~~In addition~~ Prior to
1 13 making a determination that such lake development or
1 14 creation is reasonable and necessary, the acquiring
1 15 agency shall ~~conduct a review of~~ demonstrate by clear
1 16 and convincing evidence that no other prudent and
1 17 feasible ~~alternatives to~~ alternative for provision of
1 18 a drinking water source ~~prior to making a~~
1 19 determination that such lake development or creation
1 20 is reasonable and necessary exists. Development or
1 21 creation of a lake as a surface drinking water source
1 22 includes all of the following:
1 23 (i) Construction of the dam, including sites for
1 24 suitable borrow material and the auxiliary spillway.
1 25 (ii) The water supply pool.
1 26 (iii) The sediment pool.
1 27 (iv) The flood control pool.
1 28 (v) The floodwater retarding pool.
1 29 (vi) The surrounding area upstream of the dam no
1 30 higher in elevation than the top of the dam's
1 31 elevation.
1 32 (vii) The appropriate setback distance required by
1 33 state or federal laws and regulations to protect
1 34 drinking water supply.
1 35 (b) For purposes of this subparagraph (1), "number
1 36 of acres justified as reasonable and necessary for a
1 37 surface drinking water source" means according to
1 38 guidelines of the United States natural resource
1 39 conservation service and according to analyses of
1 40 surface drinking water capacity needs conducted by one
1 41 or more registered professional engineers. However,
1 42 any guidelines or analyses related to future water
1 43 capacity needs or water capacity needs in time of
1 44 drought shall be based on the current rate of drinking
1 45 water usage in the area to be served by the surface
1 46 drinking water source.
1 47 (c) In making determinations required under this
1 48 subparagraph (1), any reviews or analyses conducted by
1 49 an engineer shall be conducted by a registered
1 50 professional engineer selected by a committee of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1347 continued

2 1 private landowners affected by the proposed
2 2 condemnation action. The acquiring agency shall be
2 3 responsible for paying the fees and expenses of an
2 4 engineer whose services are retained pursuant to this
2 5 subparagraph (1).

2 6 Sec. 2. Section 6A.24, subsection 3, Code 2009, is
2 7 amended to read as follows:

2 8 3. For any action brought under this section, the
2 9 burden of proof shall be on the acquiring agency to
2 10 prove by a preponderance of the clear and convincing
2 11 evidence that the finding of public use, public
2 12 purpose, or public improvement meets the definition of
2 13 those terms. If a property owner or a contract
2 14 purchaser of record or a tenant occupying the property
2 15 under a recorded lease prevails in an action brought
2 16 under this section, the acquiring agency shall be
2 17 required to pay the costs, including reasonable
2 18 attorney fees, of the adverse party.

2 19 Sec. 3. Section 6B.54, subsection 10, paragraph a,
2 20 Code 2009, is amended by adding the following new
2 21 subparagraph:

2 22 NEW SUBPARAGRAPH. (3) Reasonable attorney fees
2 23 and reasonable costs not to exceed one hundred
2 24 thousand dollars, including expert witness fees and
2 25 fees relating to appraisal of the property, not
2 26 otherwise provided under section 6B.33.

2 27 Sec. 4. Section 316.4, subsection 1, Code 2009, is
2 28 amended to read as follows:

2 29 1. If a program or project undertaken by a
2 30 displacing agency will result in the displacement of a
2 31 person, the displacing agency shall make a payment to
2 32 the displaced person, upon proper application as
2 33 approved by the displacing agency, for actual
2 34 reasonable and necessary expenses incurred in moving
2 35 the person, the person's family, business, farm
2 36 operation, or other personal property subject to rules
2 37 and limits established by the department. The payment
2 38 may also provide for actual direct losses of tangible
2 39 personal property, purchase of substitute personal
2 40 property, business reestablishment expenses, storage
2 41 expenses, and expenses incurred in searching for a
2 42 replacement business or farm. If relocation of a
2 43 business or farm operation is not economically
2 44 feasible, the displaced person may also apply for
2 45 payment of the loss of existing business relationships
2 46 because of the inability to relocate the business or
2 47 farm operation to a location similar in economic
2 48 advantage to the location from which the business or
2 49 farm operation was moved.

2 50 Sec. 5. Section 364.4, subsection 1, paragraph a,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1347 continued

3 1 unnumbered paragraph 1, Code 2009, is amended to read
3 2 as follows:

3 3 Acquire, hold, and dispose of property outside the
3 4 city in the same manner as within. However, the power
3 5 of a city to acquire property outside the city does
3 6 not include the power to acquire property outside the
3 7 city by eminent domain, except if viable alternatives
3 8 do not exist within the city and the acquisition of
3 9 the property is necessary for the following, subject
3 10 to the provisions of chapters 6A and 6B:

3 11 Sec. 6. Section 403.7, subsection 1, unnumbered
3 12 paragraph 1, Code 2009, is amended to read as follows:

3 13 A municipality shall have the right to acquire by
3 14 condemnation any interest in real property, including
3 15 a fee simple title thereto, which it may deem
3 16 necessary for or in connection with an urban renewal
3 17 project under this chapter, subject to the limitations
3 18 on eminent domain authority in ~~chapter~~ chapters 6A and
3 19 6B. However, a municipality shall not condemn

3 20 agricultural land included within an economic
3 21 development area for any use unless the owner of the
3 22 agricultural land consents to condemnation or unless
3 23 ~~the municipality determines that the land is necessary~~
3 24 ~~or useful~~ viable alternatives to the condemnation of
3 25 agricultural land do not exist and the acquisition of
3 26 the property is necessary for any of the following:>

3 27 #2. Page 1, line 4, by inserting after the figure
3 28 <657A.10A,> the following: <and notwithstanding
3 29 chapters 6A and 6B,>.

3 30 #3. Page 4, by inserting after line 14 the
3 31 following:

3 32 <Sec. ____ . EFFECTIVE DATE. The sections of this
3 33 Act amending sections 6A.22, 6A.24, 6B.54, 316.4,
3 34 364.4, and 403.7, being deemed of immediate
3 35 importance, take effect upon enactment and apply to
3 36 projects or condemnation proceedings pending or
3 37 commenced on or after that date.>

3 38 #4. Title page, line 2, by inserting after the
3 39 word <years> the following: <and to the authority and
3 40 proceedings to acquire property through condemnation,
3 41 and including effective date and applicability date
3 42 provisions>.

3 43 #5. By renumbering as necessary.

3 44
3 45
3 46

3 47 TYMESON of Madison
3 48 SF 415.305 83
3 49 md/sc/23428



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1348

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 4, by inserting after line 14 the
1 4 following:
1 5 <11. The city shall reimburse the property owner
1 6 for all attorney fees and costs incurred as a result
1 7 of a petition filed under this section and determined
1 8 by the court to be fair and reasonable. The property
1 9 owner shall submit an application for reimbursement to
1 10 the court within ninety days of the conclusion of the
1 11 action. If title of the property is awarded to the
1 12 city, the city shall also reimburse the owner for the
1 13 expenses the owner incurred for recording fees,
1 14 penalty costs for full or partial prepayment of any
1 15 preexisting recorded mortgage entered into in good
1 16 faith encumbering the property, and for other expenses
1 17 incidental to conveying the property to the acquiring
1 18 agency. The city shall also reimburse the property
1 19 owner for all costs occasioned by an appeal, including
1 20 reasonable attorney fees.>
1 21
1 22
1 23
1 24 TYMESON of Madison
1 25 SF 415.702 83
1 26 md/sc/23402
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1349

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 14 by inserting after the word
1 4 <nuisance,> the following: <that satisfies all the
1 5 requirements of subsection 7,>.
1 6 #2. By striking page 2, line 34, through page 3,
1 7 line 22, and inserting the following:
1 8 <7. A disaster-affected abandoned building shall
1 9 satisfy all of the following:
1 10 a. Property taxes or special assessments on the
1 11 property were delinquent at the time the petition was
1 12 filed.
1 13 b. Utilities are not currently being provided to
1 14 the property.
1 15 c. The building is currently unoccupied by the
1 16 owner or lessees or licensees of the owner.
1 17 d. The building fails to meet the city's housing
1 18 code for being fit for human habitation, occupancy, or
1 19 use.
1 20 e. The property is deteriorating as a result of
1 21 exposure to the elements.
1 22 f. The building is boarded up.
1 23 g. Past efforts to rehabilitate the property have
1 24 been unsuccessful.
1 25 h. Vermin, accumulation of debris, and uncut
1 26 vegetation are present on the property.
1 27 i. Other public nuisance conditions exist on the
1 28 property.
1 29 j. The property owner failed to comply with orders
1 30 of the local housing official.
1 31 k. The property is located within a census tract
1 32 in which ninety percent or more of the census tract
1 33 area consists of property in a slum or blighted
1 34 condition, as defined in section 6A.22.>
1 35
1 36
1 37
1 38 KAUFMANN of Cedar
1 39 SF 415.303 83
1 40 md/sc/23411
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1350

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 6A.22, subsection 2, Code
1 6 2009, is amended by adding the following new
1 7 paragraph:
1 8 NEW PARAGRAPH. d. Notwithstanding paragraphs "a",
1 9 "b", and "c", "public use", "public purpose", or
1 10 "public improvement" does not include any project that
1 11 receives a state appropriation or that receives or is
1 12 awarded state funds or other funding by means of
1 13 incentives, as authorized pursuant to chapter 12, 15,
1 14 15A, 15E, 15F, 15G, or 16.>
1 15 #2. Page 1, line 4, by inserting after the figure
1 16 <657A.10A,> the following: <and notwithstanding
1 17 chapters 6A and 6B,>.
1 18 #3. Page 4, by inserting after line 14 the
1 19 following:
1 20 <Sec. ____ . EFFECTIVE DATE. The section of this
1 21 Act amending section 6A.22, being deemed of immediate
1 22 importance, takes effect upon enactment.>
1 23 #4. Title page, line 2, by inserting after the
1 24 word <years> the following: <and to the purposes for
1 25 which property may be acquired through condemnation,
1 26 and providing an effective date>.
1 27 #5. By renumbering as necessary.
1 28
1 29
1 30
1 31 KAUFMANN of Cedar
1 32 SF 415.503 83
1 33 md/sc/23424
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1351

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. NEW SECTION. 6A.15 PROPERTY ON STATE
1 6 HISTORIC REGISTRY.
1 7 Property listed on the state register of historic
1 8 places maintained by the historical division of the
1 9 department of cultural affairs shall not be removed
1 10 from the register solely for the purpose of allowing
1 11 acquisition of the property by condemnation.
1 12 Sec. 2. Section 6A.24, subsection 3, Code 2009, is
1 13 amended to read as follows:
1 14 3. For any action brought under this section, the
1 15 burden of proof shall be on the acquiring agency to
1 16 prove by a ~~preponderance of the clear and convincing~~
1 17 evidence that the finding of public use, public
1 18 purpose, or public improvement meets the definition of
1 19 those terms. If a property owner or a contract
1 20 purchaser of record or a tenant occupying the property
1 21 under a recorded lease prevails in an action brought
1 22 under this section, the acquiring agency shall be
1 23 required to pay the costs, including reasonable
1 24 attorney fees, of the adverse party.
1 25 Sec. 3. Section 6B.2C, Code 2009, is amended to
1 26 read as follows:
1 27 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.
1 28 The authority to condemn is not conferred, and the
1 29 condemnation proceedings shall not commence, unless
1 30 the governing body for the acquiring agency ~~approves,~~
1 31 by resolution, declares that adequate funding for the
1 32 public improvement has been secured, that the use of
1 33 condemnation for the public improvement is approved,
1 34 and that there is a reasonable expectation the
1 35 applicant will be able to achieve its public purpose,
1 36 comply with all applicable standards, and obtain the
1 37 necessary permits.
1 38 Sec. 4. NEW SECTION. 68B.9 BAN ON CERTAIN
1 39 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL
1 40 SUBDIVISIONS.
1 41 A political subdivision that collects and expends
1 42 property taxes shall not use public funds of any kind
1 43 to pay a person, organization, or other entity to act
1 44 as a lobbyist in relation to any legislation relating
1 45 specifically to eminent domain authority or
1 46 condemnation procedures.
1 47 Sec. 5. Section 316.4, subsection 1, Code 2009, is
1 48 amended to read as follows:
1 49 1. If a program or project undertaken by a
1 50 displacing agency will result in the displacement of a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1351 continued

2 1 person, the displacing agency shall make a payment to
2 2 the displaced person, upon proper application as
2 3 approved by the displacing agency, for actual
2 4 reasonable and necessary expenses incurred in moving
2 5 the person, the person's family, business, farm
2 6 operation, or other personal property subject to rules
2 7 and limits established by the department. The payment
2 8 may also provide for actual direct losses of tangible
2 9 personal property, purchase of substitute personal
2 10 property, business reestablishment expenses, storage
2 11 expenses, and expenses incurred in searching for a
2 12 replacement business or farm. If relocation of a
2 13 business or farm operation is not economically
2 14 feasible, the displaced person may also apply for
2 15 payment of the loss of existing business relationships
2 16 because of the inability to relocate the business or
2 17 farm operation to a location similar in economic
2 18 advantage to the location from which the business or
2 19 farm operation was displaced.>

2 20 #2. Page 1, line 4, by inserting after the figure
2 21 <657A.10A,> the following: <and notwithstanding
2 22 chapters 6A and 6B,>.

2 23 #3. Page 4, by inserting after line 14 the
2 24 following:

2 25 <Sec. 6. EFFECTIVE AND APPLICABILITY DATES. The
2 26 sections of this Act amending sections 6A.15, 6A.24,
2 27 6B.2C, 68B.9, and 316.4, being deemed of immediate
2 28 importance, take effect upon enactment and apply to
2 29 projects or condemnation proceedings pending or
2 30 commenced on or after that date.>

2 31 #4. Title page, line 2, by inserting after the
2 32 word <years> the following: <, placing restrictions
2 33 and requirements on the authority to acquire property
2 34 through condemnation, and including effective date and
2 35 applicability date provisions>.

2 36 #5. By renumbering as necessary.

2 37

2 38

2 39

2 40 TYMESON of Madison

2 41 SF 415.704 83

2 42 md/sc/23420



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1352

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 6B.14, subsection 2, Code
1 6 2009, is amended to read as follows:
1 7 2. Prior to the meeting of the commission, the
1 8 commission or a commissioner shall not communicate
1 9 with the applicant, property owner, or tenant, or
1 10 their agents, regarding the condemnation proceedings.
1 11 The commissioners shall meet in open session to view
1 12 the property and to receive evidence, ~~but may and~~
1 13 shall deliberate and vote in closed open session.
1 14 ~~When deliberating in closed session, the meeting is~~
1 15 ~~closed to all persons who are not commissioners except~~
1 16 ~~for personnel from the sheriff's office if such~~
1 17 ~~personnel is requested by the commission. After~~
1 18 deliberations commence, the commission and each
1 19 commissioner is prohibited from communicating with any
1 20 party to the proceeding unless such communication
1 21 occurs in the presence of or with the consent of the
1 22 property owner and the other parties who appeared
1 23 before the commission or their agents. However, if
1 24 ~~the commission is deliberating in closed session, and~~
1 25 ~~after deliberations commence the commission requires~~
1 26 ~~further information from a party or a witness, the~~
1 27 ~~commission shall notify the property owner and the~~
1 28 ~~acquiring agency that they are allowed to attend the~~
1 29 ~~meeting at which such additional information shall be~~
1 30 ~~provided but only for that period of time during which~~
1 31 ~~the additional information is being provided. The~~
1 32 ~~property owner and the acquiring agency shall be given~~
1 33 ~~a reasonable opportunity to attend the meeting. The~~
1 34 commission shall keep minutes of all its meetings
1 35 showing the date, time, and place, the members
1 36 present, and the action taken at each meeting. The
1 37 minutes shall show the results of each vote taken and
1 38 information sufficient to indicate the vote of each
1 39 member present. ~~The vote of each member present shall~~
1 40 ~~be made public at the open session. The minutes shall~~
1 41 ~~be public records open to public inspection.>~~
1 42 #2. Page 1, line 4, by inserting after the figure
1 43 <657A.10A,> the following: <and notwithstanding
1 44 chapters 6A and 6B,>.
1 45 #3. Page 4, by inserting after line 14 the
1 46 following:
1 47 <Sec. ____ . EFFECTIVE DATE. The section of this
1 48 Act amending section 6B.14, being deemed of immediate
1 49 importance, takes effect upon enactment.>
1 50 #4. Title page, line 2, by inserting after the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1352 continued

2 1 word <years> the following: <and to the deliberations
2 2 of a compensation commission during proceedings to
2 3 acquire property through condemnation, and including
2 4 an effective date provision>.
2 5 #5. By renumbering as necessary.
2 6
2 7
2 8
2 9 TYMESON of Madison
2 10 SF 415.705 83
2 11 md/sc/23427



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1353

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 1, line 18, by striking the words
 1 4 <attempt to>.
 1 5 #2. Page 1, by striking lines 20 and 21 and
 1 6 inserting the following: <city shall also provide
 1 7 notice to any contract purchaser of>.
 1 8 #3. Page 1, by striking lines 24 and 25 and
 1 9 inserting the following: <the property. The city
 1 10 shall not file a petition under this section unless
 1 11 each person with an interest in the property has
 1 12 received actual notice of the city's intent to acquire
 1 13 the property. The city shall also cause the notice to
 1 14 be posted in>.
 1 15 #4. Page 2, by striking lines 5 through 18 and
 1 16 inserting the following:
 1 17 <4. a. The city shall cause the petition to be
 1 18 served upon each respondent named in the petition in
 1 19 the manner provided by the Iowa rules of civil
 1 20 procedure for the personal service of original notice.
 1 21 However, original notice shall not be provided by
 1 22 publication. Each interest holder in the property
 1 23 shall receive actual notice of the petition.
 1 24 b. In addition to notice provided under paragraph
 1 25 "a", the city shall also cause notice of the>.
 1 26 #5. Page 2, by striking lines 25 and 26 and
 1 27 inserting the following: <or special assessments on
 1 28 the property, and evidence that each person with an
 1 29 interest in the property received actual notice under
 1 30 subsection 2. A>.
 1 31 #6. Page 2, line 31, by inserting after the word
 1 32 and figure <subsection 4.> the following: <A hearing
 1 33 on the petition shall not be held until each
 1 34 respondent receives actual notice of the hearing.>
 1 35 #7. Page 3, line 25, by striking the word <proper>
 1 36 and inserting the following: <actual>.
 1 37 #8. Page 4, line 10, by inserting after the word
 1 38 <If> the following: <each respondent has received
 1 39 actual notice of the city's deposit with the clerk of
 1 40 the district court and>.
 1 41
 1 42
 1 43
 1 44 TYMESON of Madison
 1 45 SF 415.502 83
 1 46 md/sc/23404
 1 47
 1 48
 1 49
 1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1354

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking line 16 and inserting the
1 4 following:
1 5 <2. a. A city shall obtain approval of the
1 6 executive council created in chapter 7D prior to
1 7 undertaking any action to acquire title to
1 8 disaster-affected abandoned property under this
1 9 section.
1 10 b. Following approval by the executive council
1 11 under paragraph "a" and at least thirty days prior to
1 12 filing a petition for>.
1 13
1 14
1 15
1 16 GRASSLEY of Butler
1 17 SF 415.202 83
1 18 md/sc/23407
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1355

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 1, by inserting before line 1 the
 1 4 following:
 1 5 <Section 1. NEW SECTION. 12.22 PROPERTY RIGHTS
 1 6 DEFENSE FUND.
 1 7 1. The property rights defense fund is established
 1 8 in the office of the treasurer of state under the
 1 9 control of the treasurer of state. Moneys which
 1 10 remain unclaimed under subsection 10, paragraph "b" of
 1 11 this Act, shall be deposited in the fund. Moneys
 1 12 deposited into the fund are not subject to section
 1 13 8.33. Notwithstanding section 12C.7, interest or
 1 14 earnings on moneys in the property rights defense fund
 1 15 shall be credited to the fund. Moneys in the property
 1 16 rights defense fund are not subject to transfer,
 1 17 appropriation, or reversion to any other fund, or any
 1 18 other use except as provided in this section.
 1 19 2. Moneys in the fund shall be used for the
 1 20 reimbursement of attorneys fees and costs incurred by
 1 21 property owners as the result of proceedings initiated
 1 22 under this Act, chapters 6A and 6B, and section
 1 23 657A.10A. Property owners shall apply to the
 1 24 treasurer of state on a form prescribed by the
 1 25 treasurer of state.
 1 26 3. The treasurer of state shall adopt
 1 27 administrative rules pursuant to chapter 17A necessary
 1 28 to administer the property rights defense fund.>
 1 29 #2. Page 4, lines 13 and 14 by striking the words
 1 30 "city for deposit in the general fund of the city" and
 1 31 inserting the following: "treasurer of state for
 1 32 deposit in the property rights defense fund created in
 1 33 section 12.22>.
 1 34 #3. Title page, by inserting after the word
 1 35 <years> the following: <and establishing a property
 1 36 rights defense fund>.
 1 37 #4. By renumbering as necessary.
 1 38
 1 39
 1 40
 1 41 GRASSLEY of Butler
 1 42 SF 415.205 83
 1 43 md/sc/23440

1 44
 1 45
 1 46
 1 47
 1 48
 1 49
 1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1356

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 4, by inserting after line 14 the
1 4 following:
1 5 <Sec. _____. CONTINGENT EFFECTIVE DATE. This Act
1 6 takes effect upon the passage of a joint resolution
1 7 amending the Constitution of the State of Iowa by the
1 8 senate and the house of representatives during the
1 9 first regular session of the eighty-third general
1 10 assembly to prohibit the condemnation of private
1 11 property through eminent domain for economic
1 12 development purposes.>
1 13 #2. Title page, line 2, by inserting after the
1 14 word <years> the following: <and providing a
1 15 contingent effective date>.
1 16
1 17
1 18
1 19 GRASSLEY of Butler
1 20 SF 415.706 83
1 21 md/sc/23439
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1357

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 16, by striking the word <thirty>
1 4 and inserting the following: <ninety>.
1 5 #2. Page 2, line 28, by striking the word <may>
1 6 and inserting the following: <shall>.
1 7 #3. Page 2, line 29, by striking the word <sixty>
1 8 and inserting the following: <ninety>.
1 9
1 10
1 11
1 12 GRASSLEY of Butler
1 13 SF 415.501 83
1 14 md/sc/23406
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1358

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 4, by inserting after the figure
1 4 <657A.10A,> the following: <and notwithstanding
1 5 chapters 6A and 6B,>.
1 6
1 7
1 8
1 9 KAUFMANN of Cedar
1 10 SF 415.304 83
1 11 md/sc/23419
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1359

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, by striking lines 21 through 24 and
1 4 inserting the following: <nuisance conditions
1 5 existing on the property, the assessed value of the
1 6 property on January 1, 2008, the amount of delinquent
1 7 property taxes>.
1 8 #2. Page 2, by striking lines 26 and 27 and
1 9 inserting the following: <city has attempted to
1 10 provide notice under subsection 2.>
1 11 #3. Page 4, by striking lines 3 through 5 and
1 12 inserting the following: <city, the court shall award
1 13 to the respondents an amount equal to the assessed
1 14 value of the property on January 1, 2008.>
1 15
1 16
1 17
1 18 KAUFMANN of Cedar
1 19 SF 415.703 83
1 20 md/sc/23412
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1360

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 4, by inserting after line 5 the
1 4 following:
1 5 <aa. If the court awards title of the property to
1 6 the city, the county board of supervisors shall abate
1 7 or refund the property taxes owed, with all interest,
1 8 fees, and costs that were due and payable on the
1 9 property between May 1, 2008, and the date on which
1 10 the property is conveyed to the city.>
1 11 #2. By renumbering, redesignating, and correcting
1 12 internal references as necessary.
1 13
1 14
1 15
1 16 KAUFMANN of Cedar
1 17 SF 415.302 83
1 18 md/sc/23405
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1361

PAG LIN

1 1 Amend House File 266, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, by striking lines 1 through 5.
1 4 HF 266.S
1 5 jm/rj/jh/26
1 6
1 7
1 8
1 9
1 10
1 11
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1362

PAG LIN

1 1 Amend House File 805 as follows:
1 2 #1. Page 1, line 19, by striking the figure
1 3 <6,657,336> and inserting the following: <6,567,625>.
1 4 #2. Page 1, line 21, by striking the figure
1 5 <506,515> and inserting the following: <504,390>.
1 6 #3. Page 1, line 23, by striking the figure
1 7 <36,752,012> and inserting the following:
1 8 <36,408,427>.
1 9 #4. Page 3, line 1, by striking the figure
1 10 <40,890,860> and inserting the following:
1 11 <40,339,780>.
1 12 #5. Page 3, line 4, by striking the figure
1 13 <9,611,696> and inserting the following: <9,571,314>.
1 14 #6. Page 3, line 7, by striking the figure
1 15 <236,263,176> and inserting the following:
1 16 <235,529,974>.
1 17 #7. Page 3, line 10, by striking the figure
1 18 <1,555,005> and inserting the following: <1,553,567>.
1 19
1 20
1 21
1 22 WINDSCHITL of Harrison
1 23 HF 805.301 83
1 24 dea/tm/23483
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1363

PAG LIN

1 1 Amend Senate File 423, as passed by the Senate, as
 1 2 follows:
 1 3 #1. Page 1, line 4, by striking the words <other
 1 4 than a dispenser>.
 1 5 #2. Page 1, line 13, by inserting before the words
 1 6 <to dispense> the following: <that does not satisfy
 1 7 the requirement in subsection 2>.
 1 8 #3. Page 1, line 14, by striking the words <E=9 or
 1 9 higher> and inserting the following: <higher than
 1 10 E=10>.
 1 11 #4. Page 3, by striking lines 6 and 7.
 1 12 #5. Title page, by striking lines 2 and 3, and
 1 13 inserting the following: <by authorizing the use of
 1 14 secondary containment.>
 1 15 #6. By renumbering as necessary.
 1 16
 1 17
 1 18
 1 19 HAGENOW of Polk
 1 20
 1 21
 1 22
 1 23 FREVERT of Palo Alto
 1 24
 1 25
 1 26
 1 27 H. MILLER of Webster
 1 28 SF 423.202 83
 1 29 da/rj/23272
 1 30
 1 31
 1 32
 1 33
 1 34
 1 35
 1 36
 1 37
 1 38
 1 39
 1 40
 1 41
 1 42
 1 43
 1 44
 1 45
 1 46
 1 47
 1 48
 1 49
 1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1364

PAG LIN

1 1 Amend the amendment, H=1332, to Senate File 445, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, by inserting after line 23 the
1 4 following:
1 5 <#____. Page 5, by inserting after line 28 the
1 6 following:
1 7 <Sec. _____. Section 294A.25, Code 2009, is amended
1 8 to read as follows:
1 9 294A.25 APPROPRIATION.
1 10 1. ~~For the fiscal period beginning July 1, 2003,~~
1 11 ~~and ending June 30, 2009, there is appropriated each~~
1 12 ~~fiscal year from the general fund of the state to the~~
1 13 ~~department of education the amount of fifty=six~~
1 14 ~~million eight hundred ninety=one thousand three~~
1 15 ~~hundred thirty=six dollars to be used to improve~~
1 16 ~~teacher salaries. The moneys shall be distributed as~~
1 17 ~~provided in this section.~~
1 18 2. ~~For the fiscal year beginning July 1, 2009, and~~
1 19 ~~for each succeeding year, there is appropriated from~~
1 20 ~~the general fund of the state to the department of~~
1 21 ~~education an amount not to exceed fifteen million six~~
1 22 ~~hundred thirty=three thousand two hundred forty=five~~
1 23 ~~dollars. The moneys shall be distributed as provided~~
1 24 ~~in this section.~~
1 25 3. ~~The amount of one hundred fifteen thousand five~~
1 26 ~~hundred dollars to be paid to the department of human~~
1 27 ~~services for distribution to its licensed classroom~~
1 28 ~~teachers at institutions under the control of the~~
1 29 ~~department of human services for payments for phase II~~
1 30 ~~based upon the average student yearly enrollment at~~
1 31 ~~each institution as determined by the department of~~
1 32 ~~human services.~~
1 33 4. ~~The amount of ninety=four thousand six hundred~~
1 34 ~~dollars to be paid to the state board of regents for~~
1 35 ~~distribution to licensed classroom teachers at the~~
1 36 ~~Iowa braille and sight saving school and the Iowa~~
1 37 ~~school for the deaf for payments of minimum salary~~
1 38 ~~supplements for phase I and payments for phase II~~
1 39 ~~based upon the average yearly enrollment at each~~
1 40 ~~school as determined by the state board of regents.~~
1 41 5. ~~Commencing with the fiscal year beginning July~~
1 42 ~~1, 1988 2009, there is appropriated annually from the~~
1 43 ~~general fund of the state the amount of one hundred~~
1 44 ~~thousand dollars to be paid to the department of~~
1 45 ~~education for distribution to the tribal council of~~
1 46 ~~the Sac and Fox Indian settlement located on land held~~
1 47 ~~in trust by the secretary of the interior of the~~
1 48 ~~United States. Moneys allocated appropriated under~~
1 49 ~~this subsection shall be used for the purposes~~
1 50 ~~specified in section 256.30.~~



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1364 continued

~~2 1 6. For the fiscal year beginning July 1, 2002, and
2 2 ending June 30, 2003, the amount of fifty thousand
2 3 dollars to be paid to the department of education for
2 4 participation in a state and national project, the
2 5 national assessment of education progress, to
2 6 determine the academic achievement of Iowa students in
2 7 math, reading, science, United States history, or
2 8 geography.~~

~~2 9 7. Except as otherwise provided in this section,
2 10 for the fiscal period beginning July 1, 2003, and
2 11 ending June 30, 2009, the remainder of moneys
2 12 appropriated in subsection 1 to the department of
2 13 education shall be deposited each fiscal year in the
2 14 educational excellence fund to be allocated in an
2 15 amount to meet the requirements of this chapter for
2 16 phase I and phase II.~~

~~2 17 8. Except as otherwise provided in this section,
2 18 for the fiscal year beginning July 1, 2009, and
2 19 succeeding fiscal years, the remainder of moneys
2 20 appropriated in subsection 1 to the department of
2 21 education shall be deposited in the educational
2 22 excellence fund to be allocated in an amount to meet
2 23 the requirements of this chapter for phase I.~~

~~2 24 9. Commencing with the fiscal year beginning July
2 25 1, 2003, the amount of two hundred thirty thousand
2 26 dollars for a kindergarten to grade twelve management
2 27 information system.~~

~~2 28 10. For the fiscal year beginning July 1, 2003,
2 29 and for each succeeding fiscal year, the amount of one
2 30 hundred seventy thousand dollars to the state board of
2 31 regents for distribution in the amount of sixty-eight
2 32 thousand dollars to the Iowa braille and sight saving
2 33 school and in the amount of one hundred two thousand
2 34 dollars to the Iowa state school for the deaf.~~

~~2 35 11. For each fiscal year, to the department of
2 36 education the amount of forty-seven thousand dollars
2 37 for the Iowa mathematics and science coalition.>~~

2 38 # __. Page 5, lines 30 and 31, by striking the
2 39 word and figures <294A.21, and 294A.25,> and inserting
2 40 the following: <and 294A.21,>.>
2 41 #2. By renumbering as necessary.

2 42
2 43
2 44

2 45 HORBACH of Tama
2 46 SF 445.701 83
2 47 ak/sc/23486



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1365

PAG LIN

1 1 Amend the amendment, H=1332, to Senate File 445, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, by inserting after line 23 the
1 4 following:
1 5 <#___. Page 5, by inserting after line 28 the
1 6 following:
1 7 <Sec. ___. Section 294A.25, Code 2009, is amended
1 8 to read as follows:
1 9 294A.25 APPROPRIATION.
1 10 1. ~~For the fiscal period beginning July 1, 2003,~~
1 11 ~~and ending June 30, 2009, there is appropriated each~~
1 12 ~~fiscal year from the general fund of the state to the~~
1 13 ~~department of education the amount of fifty=six~~
1 14 ~~million eight hundred ninety=one thousand three~~
1 15 ~~hundred thirty=six dollars to be used to improve~~
1 16 ~~teacher salaries. The moneys shall be distributed as~~
1 17 ~~provided in this section.~~
1 18 2. ~~For the fiscal year beginning July 1, 2009, and~~
1 19 ~~for each succeeding year, there is appropriated from~~
1 20 ~~the general fund of the state to the department of~~
1 21 ~~education an amount not to exceed fifteen million six~~
1 22 ~~hundred thirty=three thousand two hundred forty=five~~
1 23 ~~dollars. The moneys shall be distributed as provided~~
1 24 ~~in this section.~~
1 25 3. ~~The amount of one hundred fifteen thousand five~~
1 26 ~~hundred dollars to be paid to the department of human~~
1 27 ~~services for distribution to its licensed classroom~~
1 28 ~~teachers at institutions under the control of the~~
1 29 ~~department of human services for payments for phase II~~
1 30 ~~based upon the average student yearly enrollment at~~
1 31 ~~each institution as determined by the department of~~
1 32 ~~human services.~~
1 33 4. ~~The Commencing with the fiscal year beginning~~
1 34 ~~July 1, 2009, there is appropriated each fiscal year~~
1 35 ~~from the general fund of the state to the department~~
1 36 ~~of education the amount of ninety=four thousand six~~
1 37 ~~hundred dollars to be paid to the state board of~~
1 38 ~~regents for distribution to licensed classroom~~
1 39 ~~teachers at the Iowa braille and sight saving school~~
1 40 ~~and the Iowa school for the deaf for payments of~~
1 41 ~~minimum salary supplements for phase I and payments~~
1 42 ~~for phase II based upon the average yearly enrollment~~
1 43 ~~at each school as determined by the state board of~~
1 44 ~~regents.~~
1 45 5. ~~Commencing with the fiscal year beginning July~~
1 46 ~~1, 1988, the amount of one hundred thousand dollars to~~
1 47 ~~be paid to the department of education for~~
1 48 ~~distribution to the tribal council of the Sac and Fox~~
1 49 ~~Indian settlement located on land held in trust by the~~
1 50 ~~secretary of the interior of the United States.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1365 continued

~~2 1 Moneys allocated under this subsection shall be used~~
~~2 2 for the purposes specified in section 256.30.~~
~~2 3 6. For the fiscal year beginning July 1, 2002, and~~
~~2 4 ending June 30, 2003, the amount of fifty thousand~~
~~2 5 dollars to be paid to the department of education for~~
~~2 6 participation in a state and national project, the~~
~~2 7 national assessment of education progress, to~~
~~2 8 determine the academic achievement of Iowa students in~~
~~2 9 math, reading, science, United States history, or~~
~~2 10 geography.~~
~~2 11 7. Except as otherwise provided in this section,~~
~~2 12 for the fiscal period beginning July 1, 2003, and~~
~~2 13 ending June 30, 2009, the remainder of moneys~~
~~2 14 appropriated in subsection 1 to the department of~~
~~2 15 education shall be deposited each fiscal year in the~~
~~2 16 educational excellence fund to be allocated in an~~
~~2 17 amount to meet the requirements of this chapter for~~
~~2 18 phase I and phase II.~~
~~2 19 8. Except as otherwise provided in this section,~~
~~2 20 for the fiscal year beginning July 1, 2009, and~~
~~2 21 succeeding fiscal years, the remainder of moneys~~
~~2 22 appropriated in subsection 1 to the department of~~
~~2 23 education shall be deposited in the educational~~
~~2 24 excellence fund to be allocated in an amount to meet~~
~~2 25 the requirements of this chapter for phase I.~~
~~2 26 9. Commencing with the fiscal year beginning July~~
~~2 27 1, 2003, the amount of two hundred thirty thousand~~
~~2 28 dollars for a kindergarten to grade twelve management~~
~~2 29 information system.~~
~~2 30 10. For the fiscal year beginning July 1, 2003,~~
~~2 31 and for each succeeding fiscal year, the amount of one~~
~~2 32 hundred seventy thousand dollars to the state board of~~
~~2 33 regents for distribution in the amount of sixty-eight~~
~~2 34 thousand dollars to the Iowa braille and sight saving~~
~~2 35 school and in the amount of one hundred two thousand~~
~~2 36 dollars to the Iowa state school for the deaf.~~
~~2 37 11. For each fiscal year, to the department of~~
~~2 38 education the amount of forty-seven thousand dollars~~
~~2 39 for the Iowa mathematics and science coalition.>~~
2 40 #__. Page 5, lines 30 and 31, by striking the
2 41 word and figures <294A.21, and 294A.25,> and inserting
2 42 the following: <and 294A.21,>.>
2 43 #2. By renumbering as necessary.
2 44
2 45
2 46
2 47 STRUYK of Pottawattamie
2 48
2 49
2 50



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1365 continued

3 1 PETTENGILL of Benton
3 2 SF 445.201 83
3 3 ak/sc/23487



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1366

PAG LIN

1 1 Amend Senate File 445, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 5, by inserting after line 28 the
1 4 following:
1 5 <Sec. _____. Section 294A.25, Code 2009, is amended
1 6 to read as follows:
1 7 294A.25 APPROPRIATION.
1 8 1. ~~For the fiscal period beginning July 1, 2003,~~
~~1 9 and ending June 30, 2009, there is appropriated each~~
~~1 10 fiscal year from the general fund of the state to the~~
~~1 11 department of education the amount of fifty-six~~
~~1 12 million eight hundred ninety-one thousand three~~
~~1 13 hundred thirty-six dollars to be used to improve~~
~~1 14 teacher salaries. The moneys shall be distributed as~~
~~1 15 provided in this section.~~
1 16 2. ~~For the fiscal year beginning July 1, 2009, and~~
~~1 17 for each succeeding year, there is appropriated from~~
~~1 18 the general fund of the state to the department of~~
~~1 19 education an amount not to exceed fifteen million six~~
~~1 20 hundred thirty-three thousand two hundred forty-five~~
~~1 21 dollars. The moneys shall be distributed as provided~~
~~1 22 in this section.~~
1 23 3. ~~The amount of one hundred fifteen thousand five~~
~~1 24 hundred dollars to be paid to the department of human~~
~~1 25 services for distribution to its licensed classroom~~
~~1 26 teachers at institutions under the control of the~~
~~1 27 department of human services for payments for phase II~~
~~1 28 based upon the average student yearly enrollment at~~
~~1 29 each institution as determined by the department of~~
~~1 30 human services.~~
1 31 4. ~~The amount of ninety-four thousand six hundred~~
~~1 32 dollars to be paid to the state board of regents for~~
~~1 33 distribution to licensed classroom teachers at the~~
~~1 34 Iowa braille and sight saving school and the Iowa~~
~~1 35 school for the deaf for payments of minimum salary~~
~~1 36 supplements for phase I and payments for phase II~~
~~1 37 based upon the average yearly enrollment at each~~
~~1 38 school as determined by the state board of regents.~~
1 39 5. ~~Commencing with the fiscal year beginning July~~
~~1 40 1, 1988 2009, there is appropriated annually from the~~
~~1 41 general fund of the state to the department of~~
~~1 42 education the amount of one hundred thousand dollars~~
~~1 43 to be paid to the department of education for~~
~~1 44 distribution to the tribal council of the Sac and Fox~~
~~1 45 Indian settlement located on land held in trust by the~~
~~1 46 secretary of the interior of the United States.~~
1 47 Moneys ~~allocated~~ appropriated under this subsection
1 48 shall be used for the purposes specified in section
1 49 256.30.
1 50 6. ~~For the fiscal year beginning July 1, 2002, and~~



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

~~House Amendment 1366 continued~~

~~2 1 ending June 30, 2003, the amount of fifty thousand
2 2 dollars to be paid to the department of education for
2 3 participation in a state and national project, the
2 4 national assessment of education progress, to
2 5 determine the academic achievement of Iowa students in
2 6 math, reading, science, United States history, or
2 7 geography.
2 8 7. Except as otherwise provided in this section,
2 9 for the fiscal period beginning July 1, 2003, and
2 10 ending June 30, 2009, the remainder of moneys
2 11 appropriated in subsection 1 to the department of
2 12 education shall be deposited each fiscal year in the
2 13 educational excellence fund to be allocated in an
2 14 amount to meet the requirements of this chapter for
2 15 phase I and phase II.
2 16 8. Except as otherwise provided in this section,
2 17 for the fiscal year beginning July 1, 2009, and
2 18 succeeding fiscal years, the remainder of moneys
2 19 appropriated in subsection 1 to the department of
2 20 education shall be deposited in the educational
2 21 excellence fund to be allocated in an amount to meet
2 22 the requirements of this chapter for phase I.
2 23 9. Commencing with the fiscal year beginning July
2 24 1, 2003, the amount of two hundred thirty thousand
2 25 dollars for a kindergarten to grade twelve management
2 26 information system.
2 27 10. For the fiscal year beginning July 1, 2003,
2 28 and for each succeeding fiscal year, the amount of one
2 29 hundred seventy thousand dollars to the state board of
2 30 regents for distribution in the amount of sixty-eight
2 31 thousand dollars to the Iowa braille and sight saving
2 32 school and in the amount of one hundred two thousand
2 33 dollars to the Iowa state school for the deaf.
2 34 11. For each fiscal year, to the department of
2 35 education the amount of forty-seven thousand dollars
2 36 for the Iowa mathematics and science coalition.>
2 37 #2. Page 5, lines 30 and 31, by striking the word
2 38 and figures <294A.21, and 294A.25,> and inserting the
2 39 following: <and 294A.21,>.
2 40 #3. By renumbering as necessary.
2 41
2 42
2 43
2 44 HORBACH of Tama
2 45 SF 445.702 83
2 46 ak/sc/22596~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1367

PAG LIN

1 1 Amend Senate File 445, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 5, by inserting after line 28 the
1 4 following:
1 5 <Sec. _____. Section 294A.25, Code 2009, is amended
1 6 to read as follows:
1 7 294A.25 APPROPRIATION.
1 8 1. ~~For the fiscal period beginning July 1, 2003,~~
~~1 9 and ending June 30, 2009, there is appropriated each~~
~~1 10 fiscal year from the general fund of the state to the~~
~~1 11 department of education the amount of fifty-six~~
~~1 12 million eight hundred ninety-one thousand three~~
~~1 13 hundred thirty-six dollars to be used to improve~~
~~1 14 teacher salaries. The moneys shall be distributed as~~
~~1 15 provided in this section.~~
1 16 2. ~~For the fiscal year beginning July 1, 2009, and~~
~~1 17 for each succeeding year, there is appropriated from~~
~~1 18 the general fund of the state to the department of~~
~~1 19 education an amount not to exceed fifteen million six~~
~~1 20 hundred thirty-three thousand two hundred forty-five~~
~~1 21 dollars. The moneys shall be distributed as provided~~
~~1 22 in this section.~~
1 23 3. ~~The amount of one hundred fifteen thousand five~~
~~1 24 hundred dollars to be paid to the department of human~~
~~1 25 services for distribution to its licensed classroom~~
~~1 26 teachers at institutions under the control of the~~
~~1 27 department of human services for payments for phase II~~
~~1 28 based upon the average student yearly enrollment at~~
~~1 29 each institution as determined by the department of~~
~~1 30 human services.~~
1 31 4. ~~The Commencing with the fiscal year beginning~~
~~1 32 July 1, 2009, there is appropriated each fiscal year~~
~~1 33 from the general fund of the state to the department~~
~~1 34 of education the amount of ninety-four thousand six~~
~~1 35 hundred dollars to be paid to the state board of~~
~~1 36 regents for distribution to licensed classroom~~
~~1 37 teachers at the Iowa braille and sight saving school~~
~~1 38 and the Iowa school for the deaf for payments of~~
~~1 39 minimum salary supplements for phase I and payments~~
~~1 40 for phase II based upon the average yearly enrollment~~
~~1 41 at each school as determined by the state board of~~
~~1 42 regents.~~
1 43 5. ~~Commencing with the fiscal year beginning July~~
~~1 44 1, 1988, the amount of one hundred thousand dollars to~~
~~1 45 be paid to the department of education for~~
~~1 46 distribution to the tribal council of the Sac and Fox~~
~~1 47 Indian settlement located on land held in trust by the~~
~~1 48 secretary of the interior of the United States.~~
~~1 49 Moneys allocated under this subsection shall be used~~
~~1 50 for the purposes specified in section 256.30.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1367 continued

~~2 1 6. For the fiscal year beginning July 1, 2002, and
2 2 ending June 30, 2003, the amount of fifty thousand
2 3 dollars to be paid to the department of education for
2 4 participation in a state and national project, the
2 5 national assessment of education progress, to
2 6 determine the academic achievement of Iowa students in
2 7 math, reading, science, United States history, or
2 8 geography.~~

~~2 9 7. Except as otherwise provided in this section,
2 10 for the fiscal period beginning July 1, 2003, and
2 11 ending June 30, 2009, the remainder of moneys
2 12 appropriated in subsection 1 to the department of
2 13 education shall be deposited each fiscal year in the
2 14 educational excellence fund to be allocated in an
2 15 amount to meet the requirements of this chapter for
2 16 phase I and phase II.~~

~~2 17 8. Except as otherwise provided in this section,
2 18 for the fiscal year beginning July 1, 2009, and
2 19 succeeding fiscal years, the remainder of moneys
2 20 appropriated in subsection 1 to the department of
2 21 education shall be deposited in the educational
2 22 excellence fund to be allocated in an amount to meet
2 23 the requirements of this chapter for phase I.~~

~~2 24 9. Commencing with the fiscal year beginning July
2 25 1, 2003, the amount of two hundred thirty thousand
2 26 dollars for a kindergarten to grade twelve management
2 27 information system.~~

~~2 28 10. For the fiscal year beginning July 1, 2003,
2 29 and for each succeeding fiscal year, the amount of one
2 30 hundred seventy thousand dollars to the state board of
2 31 regents for distribution in the amount of sixty-eight
2 32 thousand dollars to the Iowa braille and sight saving
2 33 school and in the amount of one hundred two thousand
2 34 dollars to the Iowa state school for the deaf.~~

~~2 35 11. For each fiscal year, to the department of
2 36 education the amount of forty-seven thousand dollars
2 37 for the Iowa mathematics and science coalition.>~~

2 38 #2. Page 5, lines 30 and 31, by striking the word
2 39 and figures <294A.21, and 294A.25,> and inserting the
2 40 following: <and 294A.21,>.

2 41 #3. By renumbering as necessary.

2 42

2 43

2 44

2 45 PETTENGILL of Benton

2 46

2 47

2 48

2 49 STRUYK of Pottawattamie

2 50 SF 445.202 83



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1367 continued

3 1 ak/sc/22595



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1368

PAG LIN

1 1 Amend the amendment, H=1308, to Senate File 3, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, line 7, by inserting after the word
1 5 <officer> the following: <or a water patrol officer
1 6 of the department of natural resources>.
1 7 #2. Page 1, line 12, by inserting after the word
1 8 <officer> the following: <or water patrol officer of
1 9 the department of natural resources>.
1 10 #3. Page 1, line 15, by inserting after the word
1 11 <officer> the following: <or water patrol officer>.
1 12 #4. By renumbering as necessary.
1 13
1 14
1 15
1 16 MAY of Dickinson
1 17 SF 3.702 83
1 18 rh/nh/23485
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1369

PAG LIN

1 1 Amend Senate File 419, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 5, by inserting after line 2 the
1 4 following:
1 5 <Sec. _____. Section 321J.4, subsections 2 and 4,
1 6 Code 2009, are amended to read as follows:
1 7 2. If a defendant is convicted of a violation of
1 8 section 321J.2, and the defendant's driver's license
1 9 or nonresident operating privilege has not already
1 10 been revoked under section 321J.9 or 321J.12 for the
1 11 occurrence from which the arrest arose, the department
1 12 shall revoke the defendant's driver's license or
1 13 nonresident operating privilege for two years if the
1 14 defendant has had a previous conviction or revocation
1 15 under this chapter. The defendant shall not be
1 16 eligible for any temporary restricted license for ~~one~~
1 17 ~~year~~ forty=five days after the effective date of
1 18 revocation. The defendant shall be ordered to install
1 19 an ignition interlock device of a type approved by the
1 20 commissioner of public safety on all vehicles owned by
1 21 the defendant if the defendant seeks a temporary
1 22 restricted license at the end of the minimum period of
1 23 ineligibility. A temporary restricted license shall
1 24 not be granted by the department until the defendant
1 25 installs the ignition interlock device.
1 26 4. Upon a plea or verdict of guilty of a third or
1 27 subsequent violation of section 321J.2, the court
1 28 shall order the department to revoke the defendant's
1 29 driver's license or nonresident operating privilege
1 30 for a period of six years. The defendant shall not be
1 31 eligible for a temporary restricted license for at
1 32 least ~~one year~~ forty=five days after the effective
1 33 date of the revocation. The court shall require the
1 34 defendant to surrender to it all Iowa licenses or
1 35 permits held by the defendant, which the court shall
1 36 forward to the department with a copy of the order for
1 37 revocation. The defendant shall be ordered to install
1 38 an ignition interlock device of a type approved by the
1 39 commissioner of public safety on all vehicles owned by
1 40 the defendant if the defendant seeks a temporary
1 41 restricted license at the end of the minimum period of
1 42 ineligibility. A temporary restricted license shall
1 43 not be granted by the department until the defendant
1 44 installs the ignition interlock device.>
1 45 #2. Page 5, by inserting after line 18 the
1 46 following:
1 47 <Sec. _____. Section 321J.9, subsection 2, paragraph
1 48 a, Code 2009, is amended to read as follows:
1 49 a. A person whose driver's license or nonresident
1 50 operating privileges are revoked under subsection 1,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

House Amendment 1369 continued

2 1 paragraph "a", shall not be eligible for a temporary
2 2 restricted license for at least ninety days after the
2 3 effective date of the revocation. A person whose
2 4 driver's license or nonresident operating privileges
2 5 are revoked under subsection 1, paragraph "b", shall
2 6 not be eligible for a temporary restricted license for
2 7 at least ~~one year~~ forty-five days after the effective
2 8 date of the revocation.

2 9 Sec. ____ . Section 321J.12, subsection 2, paragraph
2 10 d, Code 2009, is amended to read as follows:

2 11 d. A person whose license or privileges have been
2 12 revoked under subsection 1, paragraph "b", for one
2 13 year shall not be eligible for any temporary
2 14 restricted license for ~~one year~~ forty-five days after
2 15 the effective date of the revocation, and the person
2 16 shall be ordered to install an ignition interlock
2 17 device of a type approved by the commissioner of
2 18 public safety on all vehicles owned or operated by the
2 19 defendant if the defendant seeks a temporary
2 20 restricted license at the end of the minimum period of
2 21 ineligibility. A temporary restricted license shall
2 22 not be granted by the department until the defendant
2 23 installs the ignition interlock device.>

2 24 #3. By renumbering as necessary.

2 25

2 26

2 27

2 28 KAUFMANN of Cedar

2 29

2 30

2 31

2 32 R. OLSON of Polk

2 33

2 34

2 35

2 36 HUSER of Polk

2 37

2 38

2 39

2 40 HORBACH of Tama

2 41 SF 419.703 83

2 42 dea/sc/12520



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House Amendment 1370

PAG LIN

1 1 Amend Senate File 419, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking page 23, line 34, through page 24,
1 4 line 23.
1 5 #2. Title page, by striking line 5.
1 6
1 7
1 8
1 9 RANTS of Woodbury
1 10 SF 419.205 83
1 11 dea/sc/12521
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 March 31, 2009

House File 808 - Introduced

HOUSE FILE

BY PAULSEN, WORTHAN, DOLECHECK,
 SANDS, LUKAN, MAY, HUSEMAN,
 COWNIE, HELLAND, DEYOE,
 SODERBERG, WINDSCHITL, TYMESON,
 ARNOLD, S. OLSON, HORBACH,
 DRAKE, HEATON, RAYHONS,
 PETTENGILL, RANTS, L. MILLER,
 BAUDLER, RAECKER, UPMeyer,
 ALONS, KAUFMANN, ANDERSON,
 WAGNER, SCHULTZ, FORRISTALL,
 DE BOEF, STRUYK, HAGENOW,
 SCHULTE, SORENSON, ROBERTS,
 TJEPKES, GRASSLEY, KOESTER,
 VAN ENGELHOFEN, WATTS, and
 SWEENEY

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act updating the Code references to the Internal Revenue Code
- 2 and including effective date and retroactive applicability
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1053YH 83
- 6 tw/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

House File 808 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.335, subsection 4, paragraph b, Code
1 2 2009, is amended to read as follows:

1 3 b. For purposes of this section, "Internal Revenue Code"
1 4 means the Internal Revenue Code in effect on ~~January 1~~
1 5 February 14, 2008.

1 6 Sec. 2. Section 15A.9, subsection 8, paragraph e,
1 7 subparagraph (2), Code 2009, is amended to read as follows:

1 8 (2) For purposes of this subsection, "Internal Revenue
1 9 Code" means the Internal Revenue Code in effect on ~~January 1~~
1 10 February 14, 2008.

1 11 Sec. 3. Section 422.3, subsection 5, Code 2009, is amended
1 12 to read as follows:

1 13 5. "Internal Revenue Code" means the Internal Revenue Code
1 14 of 1954, prior to the date of its redesignation as the
1 15 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
1 16 or means the Internal Revenue Code of 1986 as amended to and
1 17 including ~~January 1~~ February 14, 2008.

1 18 Sec. 4. Section 422.10, subsection 3, unnumbered paragraph
1 19 2, Code 2009, is amended to read as follows:

1 20 For purposes of this section, "Internal Revenue Code" means
1 21 the Internal Revenue Code in effect on ~~January 1~~ February 14,
1 22 2008.

1 23 Sec. 5. Section 422.32, subsection 7, Code 2009, is
1 24 amended to read as follows:

1 25 7. "Internal Revenue Code" means the Internal Revenue Code
1 26 of 1954, prior to the date of its redesignation as the
1 27 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
1 28 or means the Internal Revenue Code of 1986 as amended to and
1 29 including ~~January 1~~ February 14, 2008.

1 30 Sec. 6. Section 422.33, subsection 5, paragraph d,
1 31 unnumbered paragraph 2, Code 2009, is amended to read as
1 32 follows:

1 33 For purposes of this subsection, "Internal Revenue Code"
1 34 means the Internal Revenue Code in effect on ~~January 1~~
1 35 February 14, 2008.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Amendment 3159

PAG LIN

1 1 Amend Senate File 380, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking page 1, line 1, through page 2,
1 4 line 19.
1 5 #2. Title page, line 2, by striking the words
1 6 <school inspections,>.
1 7 #3. By renumbering as necessary.
1 8 SF 380.H
1 9 jm/cm/25
1 10
1 11
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Amendment 3160

PAG LIN

1 1 Amend Senate File 187, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 5, by striking the words
1 4 <muzzleloading shotgun> and inserting the following:
1 5 <muzzleloading rifle>.
1 6 SF 187.H
1 7 av/cm/25
1 8
1 9
1 10
1 11
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Amendment 3161

PAG LIN

1 1 Amend Senate File 457 as follows:
1 2 #1. Page 1, line 4, by inserting after the word
1 3 <BUDGETS> the following: <== REPORT>.
1 4 #2. Page 1, line 5, by inserting after the word
1 5 <county> the following: <located in an area that the
1 6 governor has proclaimed a disaster emergency or the
1 7 United States president has declared a major
1 8 disaster,>.
1 9 #3. Page 1, by inserting after line 21 the
1 10 following:
1 11 <On or before January 1, 2010, the Iowa league of
1 12 cities and the Iowa state association of counties
1 13 shall each submit a report to the chairpersons and
1 14 ranking members of the rebuild Iowa committees of the
1 15 senate and house of representatives. Each report
1 16 shall include a summary of the circumstances and
1 17 actions taken by those cities or counties, as
1 18 applicable, that are subject to this division of this
1 19 Act.>
1 20 #4. Page 1, line 30, by inserting after the word
1 21 <moneys> the following: <received under the federal
1 22 American Recovery and Reinvestment Act of 2009, Pub.
1 23 L. No. 111=5, and>.
1 24 #5. Page 2, line 21, by striking the word and
1 25 figure <through (20)> and inserting the following:
1 26 <and (19)>.
1 27 #6. Page 2, line 22, by striking the words
1 28 <through "z"> and inserting the following: <and "x">.
1 29 #7. Page 4, line 17, by inserting after the figure
1 30 <29C.2> the following: <and that are located in an
1 31 area that the governor has proclaimed a disaster
1 32 emergency or the United States president has declared
1 33 a major disaster>.
1 34 #8. Page 4, line 21, by inserting after the figure
1 35 <29C.2> the following: <, if the damage is located in
1 36 an area that the governor has proclaimed a disaster
1 37 emergency or the United States president has declared
1 38 a major disaster>.
1 39 #9. Page 4, by striking lines 22 through 24.
1 40 #10. Page 5, line 9, by inserting after the figure
1 41 <29C.2> the following: <and that are located in an
1 42 area that the governor has proclaimed a disaster
1 43 emergency or the United States president has declared
1 44 a major disaster>.
1 45 #11. Page 5, line 13, by inserting after the
1 46 figure <29C.2> the following: <, if the damage is
1 47 located in an area that the governor has proclaimed a
1 48 disaster emergency or the United States president has
1 49 declared a major disaster>.
1 50 #12. Page 5, by striking lines 14 through 28.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate Amendment 3161 continued

2 1 #13. Page 7, line 3, by inserting after the word
2 2 <moneys> the following: <received under the federal
2 3 American Recovery and Reinvestment Act of 2009, Pub.
2 4 L. No. 111=5, and>.
2 5 #14. By renumbering as necessary.
2 6
2 7
2 8
2 9 ROBERT M. HOGG
2 10 SF 457.701 83
2 11 md/sc/23468



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Amendment 3162

PAG LIN

1 1 Amend House File 571, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by striking lines 1 through 7 and
1 4 inserting the following:
1 5 <Section 1. Section 21.2, subsection 1, Code 2009,
1 6 is amended to read as follows:
1 7 1. "Governmental body" means:
1 8 a. A board, council, commission, or other
1 9 governing body expressly created by the statutes of
1 10 this state or by executive order.
1 11 b. A board, council, commission, or other
1 12 governing body of a political subdivision or
1 13 tax-supported district in this state.
1 14 c. A multimembered body formally and directly
1 15 created by one or more boards, councils, commissions,
1 16 or other governing bodies subject to paragraphs "a"
1 17 and "b" of this subsection.
1 18 d. Those multimembered bodies to which the state
1 19 board of regents or a president of a state university
1 20 has formally created to develop policy or make
1 21 recommendations regarding the policymaking duties of
1 22 the state board of regents or the president, as
1 23 applicable, and those multimembered bodies to which
1 24 the state board of regents or a president of a state
1 25 university has delegated the responsibility for the
1 26 management and control of public money, including the
1 27 intercollegiate athletic programs at the state
1 28 universities.
1 29 e. An advisory board, advisory commission, ~~or~~ task
1 30 force, or other body created by ~~the governor or the~~
1 31 ~~general assembly~~ any of the following to develop and
1 32 make recommendations on public policy issues:
1 33 (1) The governor.
1 34 (2) The general assembly.
1 35 (3) A governmental body as defined in paragraphs
1 36 "a" through "d".
1 37 (4) An order, motion, resolution, or ordinance of
1 38 a political subdivision of this state.
1 39 (5) An entity organized under chapter 28E or by
1 40 the administrator or joint board specified in a
1 41 chapter 28E agreement.
1 42 f. A nonprofit corporation other than a fair
1 43 conducting a fair event as provided in chapter 174,
1 44 whose facilities or indebtedness are supported in
1 45 whole or in part with property tax revenue and which
1 46 is licensed to conduct pari-mutuel wagering pursuant
1 47 to chapter 99D or a nonprofit corporation which is a
1 48 successor to the nonprofit corporation which built the
1 49 facility.
1 50 g. A nonprofit corporation licensed to conduct



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Amendment 3162 continued

2 1 gambling games pursuant to chapter 99F.
2 2 h. ~~An advisory board, advisory commission,
~~2 3 advisory committee, task force, or other body created
~~2 4 by statute or executive order of this state or created
~~2 5 by an executive order of a political subdivision of
~~2 6 this state to develop and make recommendations on
~~2 7 public policy issues.>~~~~~~~~
2 8 #2. Title page, by striking line 2 and inserting
2 9 the following: <law to advisory bodies created by
2 10 certain governmental bodies and certain multimembered
2 11 bodies created by the state board of regents or a
2 12 president of a state university>.
2 13 #3. By renumbering as necessary.
2 14
2 15
2 16
2 17 HERMAN C. QUIRMBACH
2 18 HF 571.202 83
2 19 md/sc/23455~~~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate File 467 - Introduced

SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1319)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to and making appropriations involving state
- 2 government, by providing for agriculture, natural resources,
- 3 and environmental protection.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1001SV 83
- 6 da/jp/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

PAG LIN

1 1 DIVISION I
 1 2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 1 3 GENERAL APPROPRIATIONS
 1 4 Section 1. GENERAL FUND == DEPARTMENT.
 1 5 1. There is appropriated from the general fund of the
 1 6 state to the department of agriculture and land stewardship
 1 7 for the fiscal year beginning July 1, 2009, and ending June
 1 8 30, 2010, the following amount, or so much thereof as is
 1 9 necessary, to be used for the purposes designated:
 1 10 For purposes of supporting the department, including its
 1 11 divisions, for administration, regulation, and programs; for
 1 12 salaries, support, maintenance, and miscellaneous purposes;
 1 13 and for not more than the following full-time equivalent
 1 14 positions:
 1 15 \$ 18,747,009
 1 16 FTEs 408.00
 1 17 2. The department shall submit a report each quarter of
 1 18 the fiscal year to the legislative services agency, the
 1 19 department of management, the members of the joint
 1 20 appropriations subcommittee on agriculture and natural
 1 21 resources, and the co-chairpersons and ranking members of the
 1 22 senate and house committees on appropriations. The report
 1 23 shall describe in detail the expenditure of moneys
 1 24 appropriated in this section to support the department's
 1 25 administration, regulation, and programs.
 1 26 DESIGNATED APPROPRIATIONS == ANIMAL HUSBANDRY
 1 27 Sec. 2. UNCLAIMED PARI=MUTUEL WAGERING WINNINGS == HORSE
 1 28 AND DOG RACING. There is appropriated from the moneys
 1 29 available under section 99D.13 to the department of
 1 30 agriculture and land stewardship for the fiscal year beginning
 1 31 July 1, 2009, and ending June 30, 2010, the following amount,
 1 32 or so much thereof as is necessary, to be used for the
 1 33 purposes designated:
 1 34 For purposes of supporting the department's administration
 1 35 and enforcement of horse and dog racing law pursuant to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

2 1 section 99D.22, including for salaries, support, maintenance,
 2 2 and miscellaneous purposes:
 2 3 \$ 305,516
 2 4 DESIGNATED APPROPRIATIONS == MOTOR FUEL
 2 5 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND == MOTOR FUEL
 2 6 INSPECTION. There is appropriated from the renewable fuel
 2 7 infrastructure fund created in section 15G.205 to the
 2 8 department of agriculture and land stewardship for the fiscal
 2 9 year beginning July 1, 2009, and ending June 30, 2010, the
 2 10 following amount, or so much thereof as is necessary, to be
 2 11 used for the purposes designated:
 2 12 For purposes of the inspection of motor fuel, including
 2 13 salaries, support, maintenance, and miscellaneous purposes:
 2 14 \$ 300,000
 2 15 The department shall establish and administer programs for
 2 16 the auditing of motor fuel including biofuel processing and
 2 17 production plants, for screening and testing motor fuel,
 2 18 including renewable fuel, and for the inspection of motor fuel
 2 19 sold by dealers including retail dealers who sell and dispense
 2 20 motor fuel from motor fuel pumps.
 2 21 DESIGNATED APPROPRIATIONS == AGRICULTURAL REMEDIATION FUND
 2 22 Sec. 4. AGRICHEMICAL REMEDIATION FUND == DEPARTMENTAL
 2 23 SUPPORT. There is appropriated from the agrichemical
 2 24 remediation fund created in section 161.7 all unobligated or
 2 25 unencumbered moneys to the department of agriculture and land
 2 26 stewardship for the fiscal year beginning July 1, 2009, and
 2 27 ending June 30, 2010, to be used for the purposes to support
 2 28 the department, including its divisions, for administration
 2 29 regulation, and programs for salaries, support, maintenance,
 2 30 and miscellaneous purposes, and full-time equivalent
 2 31 positions.
 2 32 DIVISION II
 2 33 DEPARTMENT OF NATURAL RESOURCES
 2 34 GENERAL APPROPRIATIONS
 2 35 Sec. 5. GENERAL FUND == DEPARTMENT. There is appropriated



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

3 1 from the general fund of the state to the department of
3 2 natural resources for the fiscal year beginning July 1, 2009,
3 3 and ending June 30, 2010, the following amount, or so much
3 4 thereof as is necessary, to be used for the purposes
3 5 designated:

3 6 1. For purposes of supporting the department, including
3 7 its divisions, for administration, regulation, and programs;
3 8 for salaries, support, maintenance, and miscellaneous
3 9 purposes; and for not more than the following full-time
3 10 equivalent positions:
3 11 \$ 17,742,678
3 12 FTEs 1,168.95

3 13 2. The department shall submit a report each quarter of
3 14 the fiscal year to the legislative services agency, the
3 15 department of management, the members of the joint
3 16 appropriations subcommittee on agriculture and natural
3 17 resources, and the co-chairpersons and ranking members of the
3 18 senate and house committees on appropriations. The report
3 19 shall describe in detail the expenditure of moneys
3 20 appropriated under this section to support the department's
3 21 administration, regulation, and programs.

3 22 Sec. 6. STATE FISH AND GAME PROTECTION FUND == DIVISION OF
3 23 FISH AND WILDLIFE.

3 24 1. a. There is appropriated from the state fish and game
3 25 protection fund to the department of natural resources for the
3 26 fiscal year beginning July 1, 2009, and ending June 30, 2010,
3 27 the following amount, or so much thereof as is necessary, to
3 28 be used for the purposes designated:

3 29 For purposes of supporting the division of fish and
3 30 wildlife, including for administration, regulation, and
3 31 programs; and for salaries, support, maintenance, equipment,
3 32 and miscellaneous purposes:
3 33 \$ 38,793,154

3 34 b. Notwithstanding section 455A.10, the department may use
3 35 the unappropriated balance remaining in the state fish and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

4 1 game protection fund to provide for the funding of health and
4 2 life insurance premium payments from unused sick leave
4 3 balances of conservation peace officers employed in a
4 4 protection occupation who retire, pursuant to section 97B.49B.

4 5 2. The department shall not expend more moneys from the
4 6 state fish and game protection fund than provided in this
4 7 section, unless the expenditure derives from contributions
4 8 made by a private entity, or a grant or moneys received from
4 9 the federal government, and is approved by the natural
4 10 resource commission. The department of natural resources
4 11 shall promptly notify the legislative services agency and the
4 12 chairpersons and ranking members of the joint appropriations
4 13 subcommittee on agriculture and natural resources concerning
4 14 the commission's approval.

4 15 Sec. 7. GROUNDWATER PROTECTION FUND == WATER QUALITY.

4 16 There is appropriated from the groundwater protection fund
4 17 created in section 455E.11 to the department of natural
4 18 resources for the fiscal year beginning July 1, 2009, and
4 19 ending June 30, 2010, from those moneys which are not
4 20 allocated pursuant to that section, the following amount, or
4 21 so much thereof as is necessary, to be used for the purposes
4 22 designated:

4 23 For purposes of supporting the department's protection of
4 24 the state's groundwater, including for administration,
4 25 regulation, and programs, and for salaries, support,
4 26 maintenance, equipment, and miscellaneous purposes:

4 27 \$ 3,455,832

4 28 DESIGNATED APPROPRIATIONS == MISCELLANEOUS

4 29 Sec. 8. SPECIAL SNOWMOBILE FUND == SNOWMOBILE PROGRAM.

4 30 There is appropriated from the special snowmobile fund created
4 31 under section 321G.7 to the department of natural resources
4 32 for the fiscal year beginning July 1, 2009, and ending June
4 33 30, 2010, the following amount, or so much thereof as is
4 34 necessary, to be used for the purpose designated:

4 35 For purposes of administering and enforcing the state



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

5 1 snowmobile program:
5 2 \$ 100,000
5 3 Sec. 9. UNASSIGNED REVENUE FUND == UNDERGROUND STORAGE
5 4 TANK SECTION EXPENSES. There is appropriated from the
5 5 unassigned revenue fund administered by the Iowa comprehensive
5 6 underground storage tank fund board to the department of
5 7 natural resources for the fiscal year beginning July 1, 2009,
5 8 and ending June 30, 2010, the following amount, or so much
5 9 thereof as is necessary, to be used for the purpose
5 10 designated:
5 11 For purposes of paying for administration expenses of the
5 12 department's underground storage tank section:
5 13 \$ 200,000
5 14 Sec. 10. STORM WATER DISCHARGE PERMIT FEES == SUPPORT FOR
5 15 SPECIAL PURPOSES. Notwithstanding any contrary provision of
5 16 state law, for the fiscal year beginning July 1, 2009, and
5 17 ending June 30, 2010, the department of natural resources may
5 18 use additional moneys available to the department collected
5 19 from storm water discharge permit fees as provided in section
5 20 455B.103A or 455B.197 for the staffing of the following
5 21 additional full-time equivalent positions for the purposes
5 22 designated:
5 23 1. For purposes of reducing the department's floodplain
5 24 permit backlog:
5 25 FTEs 2.00
5 26 2. For purposes of implementing the federal total maximum
5 27 daily load program:
5 28 FTEs 2.00
5 29 DIVISION III
5 30 IOWA STATE UNIVERSITY
5 31 Sec. 11. GENERAL FUND == VETERINARY DIAGNOSTIC LABORATORY.
5 32 1. There is appropriated from the general fund of the
5 33 state to Iowa state university of science and technology for
5 34 the fiscal year beginning July 1, 2009, and ending June 30,
5 35 2010, the following amount, or so much thereof as is



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

6 1 necessary, to be used for the purposes designated:
6 2 For purposes of supporting the college of veterinary
6 3 medicine for the operation of the veterinary diagnostic
6 4 laboratory and for not more than the following full-time
6 5 equivalent positions:
6 6 \$ 2,910,313
6 7 FTEs 24.36
6 8 2. Iowa state university of science and technology shall
6 9 not reduce the amount that it allocates to support the college
6 10 of veterinary medicine from any other source due to the
6 11 appropriation made in this section.
6 12 3. If by the end of the fiscal year, Iowa state university
6 13 of science and technology fails to allocate the moneys
6 14 appropriated in this section to the college of veterinary
6 15 medicine in accordance with this section, the moneys
6 16 appropriated in this section for that fiscal year shall revert
6 17 to the general fund of the state.
6 18 Sec. 12. VETERINARY DIAGNOSTIC LABORATORY == FUTURE YEAR.
6 19 This section applies if appropriations made in this Act and
6 20 all other Acts enacted by the Eighty-third General Assembly
6 21 during the 2009 regular session and all extraordinary
6 22 sessions, for the fiscal year beginning July 1, 2009, and
6 23 ending June 30, 2010, for purposes of supporting the operation
6 24 of the veterinary diagnostic laboratory associated with the
6 25 college of veterinary medicine at Iowa state university, total
6 26 less than \$4,000,000. It is the intent of the general
6 27 assembly that the amount of any deficit will be appropriated
6 28 by the general assembly during its 2010 regular session for
6 29 purposes of supporting the operation of the veterinary
6 30 diagnostic laboratory for the fiscal year beginning July 1,
6 31 2010, and ending June 30, 2011.
6 32 DIVISION IV
6 33 ENVIRONMENT FIRST FUND == GENERAL APPROPRIATIONS
6 34 Sec. 13. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.
6 35 There is appropriated from the environment first fund created



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

7 1 in section 8.57A to the department of agriculture and land
 7 2 stewardship for the fiscal year beginning July 1, 2009, and
 7 3 ending June 30, 2010, the following amounts, or so much
 7 4 thereof as is necessary, to be used for the purposes
 7 5 designated:

7 6 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

7 7 a. For the conservation reserve enhancement program to
 7 8 restore and construct wetlands for the purposes of
 7 9 intercepting tile line runoff, reducing nutrient loss,
 7 10 improving water quality, and enhancing agricultural production
 7 11 practices:
 7 12 \$ 1,500,000

7 13 b. Not more than 10 percent of the moneys appropriated in
 7 14 paragraph "a" may be used for costs of administration and
 7 15 implementation of soil and water conservation practices.

7 16 2. WATERSHED PROTECTION

7 17 a. For continuation of a program that provides
 7 18 multiobjective resource protections for flood control, water
 7 19 quality, erosion control, and natural resource conservation:
 7 20 \$ 2,550,000

7 21 b. Not more than 10 percent of the moneys appropriated in
 7 22 paragraph "a" may be used for costs of administration and
 7 23 implementation of soil and water conservation practices.

7 24 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

7 25 a. For continuation of a statewide voluntary farm
 7 26 management demonstration program to demonstrate the
 7 27 effectiveness and adaptability of emerging practices in
 7 28 agronomy that protect water resources and provide other
 7 29 environmental benefits:
 7 30 \$ 800,000

7 31 b. Not more than 10 percent of the moneys appropriated in
 7 32 paragraph "a" may be used for costs of administration and
 7 33 implementation of soil and water conservation practices.

7 34 c. Of the amount appropriated in paragraph "a", \$400,000
 7 35 shall be allocated to an organization representing soybean



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

8 1 growers to provide for an agriculture and environment
 8 2 performance program in order to carry out the purposes of this
 8 3 subsection as specified in paragraph "a".
 8 4 4. AGRICULTURE DRAINAGE WELL WATER QUALITY ASSISTANCE FUND
 8 5 a. For deposit in the agricultural drainage well water
 8 6 quality assistance fund created in section 460.303 to be used
 8 7 for purposes of supporting the agricultural drainage well
 8 8 water quality assistance program as provided in section
 8 9 460.304:
 8 10 \$ 1,500,000
 8 11 b. Not more than 10 percent of the moneys appropriated in
 8 12 paragraph "a" may be used for costs of administration and
 8 13 implementation of soil and water conservation practices.
 8 14 5. SOIL AND WATER CONSERVATION PRACTICES
 8 15 a. For use by the soil conservation division, to provide
 8 16 financial assistance for the establishment of permanent soil
 8 17 and water conservation practices:
 8 18 \$ 7,000,000
 8 19 b. Not more than 5 percent of the moneys appropriated in
 8 20 paragraph "a" may be allocated for cost sharing to abate
 8 21 complaints filed under section 161A.47.
 8 22 c. Of the moneys appropriated in paragraph "a", 5 percent
 8 23 shall be allocated for financial incentives to establish
 8 24 practices to protect watersheds above publicly owned lakes of
 8 25 the state from soil erosion and sediment as provided in
 8 26 section 161A.73.
 8 27 d. Not more than 30 percent of a soil and water
 8 28 conservation district's allocation of moneys as financial
 8 29 incentives may be provided for the purpose of establishing
 8 30 management practices to control soil erosion on land that is
 8 31 row cropped, including but not limited to no-till planting,
 8 32 ridge-till planting, contouring, and contour strip-cropping as
 8 33 provided in section 161A.73.
 8 34 e. The state soil conservation committee created in
 8 35 section 161A.4 may allocate moneys appropriated in paragraph



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

9 1 "a" to conduct research and demonstration projects to promote
 9 2 conservation tillage and nonpoint source pollution control
 9 3 practices.
 9 4 f. The allocation of moneys as financial incentives as
 9 5 provided in section 161A.73 may be used in combination with
 9 6 moneys allocated by the department of natural resources.
 9 7 g. Not more than 15 percent of the moneys appropriated in
 9 8 paragraph "a" may be used for costs of administration and
 9 9 implementation of soil and water conservation practices.
 9 10 6. CONSERVATION RESERVE PROGRAM (CRP)
 9 11 a. To encourage and assist farmers in enrolling in and the
 9 12 implementation of the federal conservation program and to work
 9 13 with them to enhance their revegetation efforts to improve
 9 14 water quality and habitat:
 9 15 \$ 1,500,000
 9 16 b. Not more than 10 percent of the moneys appropriated in
 9 17 paragraph "a" may be used for costs of administration and
 9 18 implementation of soil and water conservation practices.
 9 19 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND
 9 20 a. For deposit in the loess hills development and
 9 21 conservation fund created in section 161D.2:
 9 22 \$ 600,000
 9 23 b. (1) Of the amount appropriated in paragraph "a",
 9 24 \$400,000 shall be allocated to the fund's hungry canyons
 9 25 account.
 9 26 (2) Not more than 10 percent of the moneys allocated to
 9 27 the hungry canyons account as provided in subparagraph (1) may
 9 28 be used for administrative costs.
 9 29 c. (1) Of the amount appropriated in paragraph "a",
 9 30 \$200,000 shall be allocated to the fund's loess hills alliance
 9 31 account.
 9 32 (2) Not more than 10 percent of the moneys allocated to
 9 33 the loess hills alliance account as provided in subparagraph
 9 34 (1) may be used for administrative costs.
 9 35 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

10 1 a. For deposit in the southern Iowa development and
 10 2 conservation fund created in section 161D.12:
 10 3 \$ 300,000
 10 4 b. Not more than 5 percent of the moneys appropriated in
 10 5 paragraph "a" may be used for administrative costs.
 10 6 Sec. 14. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
 10 7 appropriated from the environment first fund created in
 10 8 section 8.57A to the department of economic development for
 10 9 the fiscal year beginning July 1, 2009, and ending June 30,
 10 10 2010, the following amount, or so much thereof as is
 10 11 necessary, to be used for the purposes designated:
 10 12 For deposit in the brownfield redevelopment fund created in
 10 13 section 15.293 to provide financial and technical assistance
 10 14 under the brownfield redevelopment program as provided in
 10 15 section 15.292:
 10 16 \$ 500,000
 10 17 Sec. 15. DEPARTMENT OF NATURAL RESOURCES. There is
 10 18 appropriated from the environment first fund created in
 10 19 section 8.57A to the department of natural resources for the
 10 20 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 10 21 the following amounts, or so much thereof as is necessary, to
 10 22 be used for the purposes designated:
 10 23 1. KEEPERS OF THE LAND
 10 24 For statewide coordination of volunteer efforts under the
 10 25 water quality and keepers of the land programs:
 10 26 \$ 100,000
 10 27 2. STATE PARKS MAINTENANCE AND OPERATIONS
 10 28 For regular maintenance of state parks and staff time
 10 29 associated with these activities:
 10 30 \$ 2,470,000
 10 31 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
 10 32 To provide local watershed managers with geographic
 10 33 information system data for their use in developing,
 10 34 monitoring, and displaying results of their watershed work:
 10 35 \$ 195,000



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

11 1 4. WATER QUALITY MONITORING
 11 2 For continuing the establishment and operation of water
 11 3 quality monitoring stations:
 11 4 \$ 2,955,000
 11 5 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
 11 6 For deposit in the public water supply system account of
 11 7 the water quality protection fund created in section
 11 8 455B.183A:
 11 9 \$ 500,000
 11 10 6. REGULATION OF ANIMAL FEEDING OPERATIONS
 11 11 For the regulation of animal feeding operations, including
 11 12 as provided for in chapters 459 and 459A:
 11 13 \$ 360,000
 11 14 7. AMBIENT AIR QUALITY
 11 15 For the abatement, control, and prevention of ambient air
 11 16 pollution in this state, including measures as necessary to
 11 17 assure attainment and maintenance of ambient air quality
 11 18 standards from particulate matter:
 11 19 \$ 425,000
 11 20 8. WATER QUANTITY REGULATION
 11 21 For regulating water quantity from surface and subsurface
 11 22 sources by providing for the allocation and use of water
 11 23 resources, the protection and management of water resources,
 11 24 and the preclusion of conflicts among users of water
 11 25 resources, including as provided in chapter 455B, division
 11 26 III, part 4:
 11 27 \$ 495,000
 11 28 9. RESOURCE CONSERVATION AND DEVELOPMENT (RCD)
 11 29 a. For resource conservation and development associated
 11 30 with the development of projects relating to natural
 11 31 resource-based business opportunities:
 11 32 \$ 250,000
 11 33 b. Local resource conservation and development groups
 11 34 sponsored by county governments or sponsored by soil and water
 11 35 conservation districts shall be eligible to receive moneys



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate File 467 - Introduced continued

12 1 appropriated in paragraph "a" on the condition that such
12 2 groups receive the moneys on a dollar=for=dollar matching
12 3 basis.

12 4 c. Not more than 5 percent of the moneys appropriated in
12 5 paragraph "a" may be used for the costs of implementing and
12 6 administering this subsection.

12 7 Sec. 16. REVERSION.

12 8 1. Except as provided in subsection 2, and notwithstanding
12 9 section 8.33, moneys appropriated for the fiscal year
12 10 beginning July 1, 2009, in this division of this Act that
12 11 remain unencumbered or unobligated at the close of the fiscal
12 12 year shall not revert but shall remain available for the
12 13 purposes designated until the close of the fiscal year
12 14 beginning July 1, 2010, or until the project for which the
12 15 appropriation was made is completed, whichever is earlier.

12 16 2. Notwithstanding section 8.33, moneys appropriated in
12 17 this division of this Act to the department of agriculture and
12 18 land stewardship to provide financial assistance for the
12 19 establishment of permanent soil and water conservation
12 20 practices that remain unencumbered or unobligated at the close
12 21 of the fiscal year shall not revert but shall remain available
12 22 for expenditure for the purposes designated until the close of
12 23 the fiscal year beginning July 1, 2012.

12 24 DIVISION V

12 25 ENVIRONMENT FIRST FUND == RESOURCE ENHANCEMENT
12 26 AND PROTECTION (REAP)

12 27 Sec. 17. IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND.

12 28 Notwithstanding the amount of the standing appropriation from
12 29 the general fund of the state to the Iowa resources
12 30 enhancement and protection fund as provided in section
12 31 455A.18, there is appropriated from the environment first fund
12 32 created in section 8.57A to the Iowa resources enhancement and
12 33 protection fund, in lieu of the appropriation made in section
12 34 455A.18, for the fiscal year beginning July 1, 2009, and
12 35 ending June 30, 2010, the following amount, to be allocated as



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

13 1 provided in section 455A.19:
13 2 \$ 18,000,000

13 3 DIVISION VI
13 4 CODE CHANGES

13 5 Sec. 18. Section 455B.196, subsections 1 and 2, Code 2009,
13 6 are amended to read as follows:

13 7 1. A national pollutant discharge elimination system
13 8 permit fund is created as a separate fund in the state
13 9 treasury under the control of the department. The fund is
13 10 composed of moneys appropriated ~~by the general assembly to the~~
13 11 department for deposit into the fund and moneys available to
13 12 and obtained or accepted by the department from the United
13 13 States or private sources for placement in the fund. The fund
13 14 shall include moneys deposited into the fund from fees charged
13 15 for the processing of applications for the issuance of permits
13 16 related to the national pollutant discharge elimination system
13 17 as provided in section 455B.197.

13 18 2. Moneys in the national pollutant discharge elimination
13 19 system permit fund ~~shall be used only as provided in~~
~~13 20 appropriations made from the fund by the general assembly~~
~~13 21 which may include~~ are appropriated to the department each
13 22 fiscal year for purposes relating to of administering section
13 23 455B.197 and expediting the department's processing of
13 24 national pollutant discharge elimination system applications
13 25 and the issuance of permits, including for salaries, support,
13 26 maintenance, and other costs of administering section
13 27 455B.197.

13 28 EXPLANATION

13 29 GENERAL. This bill relates to agriculture and natural
13 30 resources by making appropriations for the 2009=2010 fiscal
13 31 year to support related entities, including the department of
13 32 agriculture and land stewardship, the department of natural
13 33 resources, the department of economic development, and Iowa
13 34 state university.

13 35 The bill appropriates moneys to the department of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

14 1 agriculture and land stewardship and the department of natural
14 2 resources. The appropriations are made to support those
14 3 departments for administration, regulation, and programs. The
14 4 bill requires the departments to submit quarterly reports to
14 5 the general assembly and department of management regarding
14 6 the expenditure of appropriated moneys. The bill also
14 7 provides moneys to support specific programs or projects
14 8 administered by those departments. The bill appropriates
14 9 moneys from a number of sources, including the general fund of
14 10 the state, the state fish and game protection fund, and the
14 11 groundwater protection fund. The bill is organized into
14 12 divisions.

14 13 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. For the
14 14 department of agriculture and land stewardship, moneys are
14 15 appropriated in order to support its divisions.

14 16 The bill appropriates moneys from the general fund to
14 17 support designated programs, including horse and dog racing,
14 18 and motor fuel inspection. The bill appropriates moneys from
14 19 the agricultural remediation fund to support departmental
14 20 operations.

14 21 DEPARTMENT OF NATURAL RESOURCES. For the department of
14 22 natural resources, moneys are appropriated from the general
14 23 fund in order to support its divisions.

14 24 The bill makes appropriations from other funds. The bill
14 25 appropriates moneys to the department of natural resources
14 26 from the state fish and game protection fund to support
14 27 programs related to fish and wildlife. The bill appropriates
14 28 moneys from the groundwater protection fund to support
14 29 groundwater quality. The bill appropriates moneys from the
14 30 snowmobile fund to the department for snowmobile programs.

14 31 The bill includes miscellaneous provisions. An
14 32 appropriation is made from the unassigned revenue fund
14 33 administered by the Iowa comprehensive underground storage
14 34 tank fund board to the department of natural resources for
14 35 administration and expenses of the underground storage tank



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate File 467 - Introduced continued

15 1 section.

15 2 The bill provides that the department of natural resources
15 3 may use additional funds for staffing to reduce the
15 4 department's floodplain permit backlog and implementing the
15 5 federal maximum daily load program.

15 6 IOWA STATE UNIVERSITY. The bill appropriates moneys from
15 7 the general fund of the state for the operation of the Iowa
15 8 state university's veterinary diagnostic laboratory. It
15 9 includes provisions expressing legislative intent for a future
15 10 appropriation for the diagnostic laboratory.

15 11 ENVIRONMENT FIRST FUND == GENERAL APPROPRIATIONS. The bill
15 12 appropriates funding from the environment first fund to the
15 13 departments of agriculture and land stewardship, economic
15 14 development, and natural resources to support a number of
15 15 programs and projects. Nonreversion clauses authorize the
15 16 appropriations made in this division to be carried forward
15 17 into the succeeding fiscal year and allows the appropriation
15 18 for permanent soil and water conservation practices to be
15 19 available through fiscal year 2012=2013.

15 20 ENVIRONMENT FIRST FUND == RESOURCE ENHANCEMENT AND
15 21 PROTECTION. The bill appropriates moneys from the environment
15 22 first fund to the resources enhancement and protection fund in
15 23 lieu of the \$20 million appropriated by statute from the
15 24 general fund of the state.

15 25 CODE CHANGES. The bill amends Code section 455B.196 which
15 26 establishes the pollutant discharge elimination system permit
15 27 fund to support the DNR's processing of applications and
15 28 issuance of permits under Code section 455B.197. The bill
15 29 provides a standing appropriation from the fund to the
15 30 department each fiscal year. Currently, the general assembly
15 31 appropriates moneys from the fund to support the department's
15 32 efforts each year.

15 33 LSB 1001SV 83

15 34 da/jp/8



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 March 31, 2009

Senate Study Bill 1320

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to renewable energy by establishing an energy
- 2 independence renewable energy transmission franchise process
- 3 which may be used under specified circumstances, providing for
- 4 an annual transmission line surcharge, and providing for
- 5 renewable energy job training grants.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 2693SC 83
- 8 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1320 continued

PAG LIN

1 1 Section 1. NEW SECTION. 469.11 RENEWABLE ENERGY JOB
1 2 TRAINING GRANT FUND.
1 3 1. A renewable energy job training grant fund is created
1 4 within the state treasury under the control of the office.
1 5 The fund shall be used exclusively for purposes of making
1 6 grants to community colleges established under chapter 260C
1 7 for job training programs in the renewable energy field.
1 8 Eligibility and approval criteria for the grants shall be
1 9 established by the director by rule.
1 10 2. The renewable energy job training grant fund shall
1 11 consist of amounts remitted to the office and deposited into
1 12 the fund pursuant to the surcharge imposed upon the granting
1 13 of an energy independence renewable energy transmission
1 14 franchise under section 478.34.
1 15 3. Moneys in the fund are not subject to section 8.33.
1 16 Notwithstanding section 12C.7, interest or earnings on moneys
1 17 in the fund shall be credited to the fund. Moneys in the fund
1 18 may be used directly to provide grants pursuant to subsection
1 19 1, or may be used to leverage federal dollars allocated for
1 20 job training programs in the renewable energy field.
1 21 Sec. 2. Section 478.18, subsection 2, Code 2009, is
1 22 amended to read as follows:
1 23 2. A transmission line shall be constructed near and
1 24 parallel to roads, to the right-of-way of the railways of the
1 25 state, to existing utility routes, or along the division lines
1 26 of the lands, according to the government survey, wherever the
1 27 same is practicable and reasonable, and so as not to interfere
1 28 with the use by the public of the highways or streams of the
1 29 state, nor unnecessarily interfere with the use of any lands
1 30 by the occupant.
1 31 Sec. 3. Section 478.20, Code 2009, is amended to read as
1 32 follows:
1 33 478.20 DISTANCE FROM BUILDINGS.
1 34 No transmission line shall be constructed, except by
1 35 agreement, within one hundred feet of any dwelling house or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1320 continued

2 1 other building, except where said line crosses or passes along
2 2 a public highway or is located alongside or parallel with the
2 3 ~~right of way~~ right-of-way of any railway company or existing
2 4 utility route. In addition to the foregoing, each person,
2 5 company, or corporation shall conform to any other rules,
2 6 regulations, or specifications established by the utilities
2 7 board, in the construction, operation, or maintenance of such
2 8 lines.

2 9 Sec. 4. NEW SECTION. 478.34 ENERGY INDEPENDENCE

2 10 RENEWABLE ENERGY TRANSMISSION FRANCHISE == OPTIONAL PROCESS.

2 11 1. LEGISLATIVE FINDINGS AND INTENT. The general assembly
2 12 finds that as a matter of public policy and in an effort to
2 13 achieve and sustain economic growth this state must assume a
2 14 leadership role within the broader marketplace of other states
2 15 with regard to energy independence efforts. The general
2 16 assembly also recognizes that the renewable energy resources
2 17 which exist in this state are shared with neighboring states
2 18 and that economic well-being can be enhanced through energy
2 19 resource interconnection and transmission throughout the
2 20 region. The general assembly accordingly declares the
2 21 intention to become a regional leader in renewable energy
2 22 electric transmission corridor development and seeks to
2 23 promote this development through implementation of the
2 24 optional renewable energy franchise procurement process
2 25 established pursuant to this section.

2 26 2. PROCESS ESTABLISHED. An optional energy independence
2 27 renewable energy transmission franchise process is established
2 28 for persons qualifying pursuant to subsection 3 with the
2 29 objective of streamlining and consolidating franchise
2 30 procurement requirements and provisions otherwise applicable
2 31 pursuant to this chapter.

2 32 3. PROCEDURAL REQUEST FOR DETERMINATION OF ELIGIBILITY.

2 33 a. A person seeking an energy independence renewable
2 34 energy transmission franchise shall submit a procedural
2 35 request on a form to be established by the board for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1320 continued

3 1 consideration for an energy independence renewable energy
3 2 transmission franchise pursuant to this section. The board
3 3 shall make a preliminary determination of eligibility to a
3 4 person demonstrating that the proposed electric line
3 5 construction satisfies all of the following requirements:
3 6 (1) Furthers three or more components or recommendations
3 7 contained within the most recent Iowa energy independence plan
3 8 developed and submitted on an annual basis pursuant to section
3 9 469.4.
3 10 (2) Enhances either directly or indirectly the creation
3 11 and retention of high-quality jobs supporting or emanating
3 12 from renewable energy development in this state.
3 13 (3) Facilitates the transmission of electricity from
3 14 renewable energy sources from, across, or through the midwest.
3 15 (4) Allows nondiscriminatory open access for renewable
3 16 energy resources generated in this state on the line for which
3 17 a franchise is sought in a manner set forth by the franchise
3 18 applicant and consistent with currently applicable federal and
3 19 regional regulatory authorities and transmission requirements.
3 20 b. The board shall notify the person seeking the franchise
3 21 of a determination of eligibility or ineligibility within
3 22 thirty days after the filing of the procedural request.
3 23 4. MODIFIED PROCESS. A person determined eligible
3 24 pursuant to subsection 3 may file a petition for an energy
3 25 independence renewable energy transmission franchise pursuant
3 26 to a streamlined process adopted by the board by rule which
3 27 modifies provisions otherwise applicable to obtaining a
3 28 franchise under this chapter, as follows:
3 29 a. The provisions requiring informational meetings and
3 30 notices thereof to be conducted in each impacted county prior
3 31 to the filing of a petition, as specified in section 478.2,
3 32 shall be waived. Informational meetings shall still be
3 33 required, however, in the event of a proposed multicounty
3 34 electric transmission line, with at least one informational
3 35 meeting conducted in a centrally located area within each one



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate Study Bill 1320 continued

4 1 hundred mile segment of a proposed transmission line. Notice
4 2 of the meetings shall be provided as specified in section
4 3 478.2.

4 4 b. Upon completion of informational meetings as provided
4 5 in paragraph "a", if required, a petition for an energy
4 6 independence renewable energy transmission franchise may be
4 7 filed with the utilities board. A single franchise petition
4 8 may be filed for the entire proposed transmission line rather
4 9 than a separate filing in each county the proposed
4 10 transmission line traverses.

4 11 c. Written notice of the filing of the petition and the
4 12 right to object shall be provided to each landowner who might
4 13 have otherwise received notice of an informational meeting.
4 14 An affidavit stating that such notice has been provided shall
4 15 be included in the petition.

4 16 d. Negotiations for easements and rights-of-way may occur
4 17 with an impacted landowner prior to the filing of the petition
4 18 if an informational meeting as specified in paragraph "a" is
4 19 held within the one hundred mile segment involving that
4 20 impacted landowner's land.

4 21 e. A hearing on the petition, including one in which
4 22 eminent domain is requested, shall be conducted by the board
4 23 as a contested case proceeding pursuant to the provisions of
4 24 chapter 17A. The hearing shall be conducted at the board's
4 25 primary place of business rather than in each county the
4 26 proposed transmission line traverses. The board shall serve
4 27 notice of the hearing in the manner provided in section
4 28 476A.4, subsection 3, upon interested property owners and
4 29 entities, regulatory agencies, and city and county zoning
4 30 authorities, as determined by the board, from the areas which
4 31 the proposed transmission line shall traverse.

4 32 f. If a property owner, entity, regulatory agency, or
4 33 zoning authority which received notice pursuant to paragraph
4 34 "e" fails to appear of record in the contested case
4 35 proceeding, the board shall conclusively presume that the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1320 continued

5 1 party does not object to the petition. A city or county
5 2 zoning authority may appear on record at the hearing and state
5 3 whether the petition meets city, county, or airport zoning
5 4 requirements, as applicable. The failure of a petition to
5 5 meet zoning requirements established pursuant to chapters 329,
5 6 335, and 414 shall not preclude the board from issuance of an
5 7 energy independence renewable energy transmission franchise
5 8 and to that extent the provisions of this subsection shall
5 9 supersede the provisions of chapters 329, 335, and 414.

5 10 g. The hearing on the franchise petition shall be
5 11 conducted no later than one hundred days following the filing
5 12 of the petition pursuant to this subsection. A decision
5 13 regarding issuance of the franchise shall be rendered by the
5 14 board no later than one hundred eighty days following the
5 15 filing of the petition. In the event that eminent domain is
5 16 not requested, these time frames shall be shortened to
5 17 seventy-five days and one hundred twenty days, respectively.

5 18 h. In rendering a decision on a franchise petition under
5 19 this section, the provisions of section 478.4 shall be
5 20 applicable. For purposes of an energy independence renewable
5 21 energy transmission franchise, however, the criteria that a
5 22 proposed transmission line is necessary to serve a public use
5 23 and represents a reasonable relationship to an overall plan of
5 24 transmitting electricity in the public interest shall be
5 25 supported by development of the factors set forth by the
5 26 applicant in the eligibility provisions of subsection 3.

5 27 5. SURCHARGE. Within thirty days of a transmission line
5 28 becoming operational after the granting of a franchise
5 29 petition pursuant to this section, and annually thereafter,
5 30 the person or entity owning or leasing the transmission line
5 31 shall remit a one thousand dollar surcharge per pole mile of
5 32 transmission line operating under the franchise. The
5 33 surcharge shall be remitted to the office of energy
5 34 independence for deposit in the renewable energy job training
5 35 grant fund established in section 469.11.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1320 continued

7 1 person seeking the franchise of a determination of eligibility
7 2 or ineligibility within 30 days of receiving the procedural
7 3 request.

7 4 The bill provides that an eligible person may file a
7 5 petition for an energy independence renewable energy
7 6 transmission franchise pursuant to streamlined provisions
7 7 modifying those otherwise applicable to obtaining a franchise
7 8 under Code chapter 478. Modifications contained within the
7 9 bill include waiving the requirement of informational meetings
7 10 unless the proposal is for a multicounty transmission line, in
7 11 which case at least one informational meeting shall be
7 12 conducted in a centrally located area within each 100 mile
7 13 segment of proposed transmission line; permitting a single
7 14 franchise petition to be filed for the entire proposed
7 15 transmission line rather than a separate filing in each county
7 16 the proposed transmission line traverses; provision of written
7 17 notice of the filing of the petition and the right to object
7 18 has been provided to each landowner who might have otherwise
7 19 received notice of an informational meeting; and allowing
7 20 easement and rights-of-way negotiations prior to the filing of
7 21 the petition if an informational meeting is held within the
7 22 100 mile segment involving the impacted landowner's land.

7 23 The bill states that a hearing on the petition shall be
7 24 conducted by the board as a contested case proceeding under
7 25 Code chapter 17A at the board's primary place of business, and
7 26 provides notice requirements to property owners, entities,
7 27 regulatory agencies, and city and county zoning authorities
7 28 which parallel current Code provisions relating to utility
7 29 construction franchises. The bill provides that a hearing on
7 30 the franchise petition shall be conducted no later than 100
7 31 days following filing of the petition, to be followed by a
7 32 decision regarding issuance of the franchise no later than 180
7 33 days following filing. In the event that eminent domain is
7 34 not requested, these time frames are shortened to 75 days and
7 35 120 days, respectively.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1320 continued

8 1 The bill provides that current criteria utilized by the
8 2 board in rendering a decision on a franchise petition
8 3 regarding a proposed transmission line or lines being
8 4 necessary to serve a public use and representing a reasonable
8 5 relationship to an overall plan of transmitting electricity in
8 6 the public interest shall be supported by development of the
8 7 factors set forth in establishing eligibility for the optional
8 8 process.

8 9 The bill imposes a \$1,000 annual surcharge payable within
8 10 30 days of the granting of a franchise pursuant to the
8 11 expedited process by the owner or lessee of the transmission
8 12 line, and establishes a renewable energy job training grant
8 13 fund under the control of the office of energy independence
8 14 into which the surcharges shall be deposited. The fund shall
8 15 be utilized by the office for grants to community colleges for
8 16 job training programs in the renewable energy field.

8 17 The bill states that current franchise provisions in Code
8 18 chapter 478 shall continue to apply to an energy independence
8 19 renewable energy transmission franchise to the extent not
8 20 inconsistent with the modified provisions contained in the
8 21 bill, and provides that the board shall by rule establish
8 22 additional procedures and requirements as necessary to
8 23 administer the bill's provisions.

8 24 Additionally, the bill directs the utility replacement tax
8 25 task force to make a recommendation to the general assembly,
8 26 after consulting with the board and the office of energy
8 27 independence, regarding the appropriate taxing rate to be
8 28 applied to an energy independence transmission renewable
8 29 energy franchise. The recommendation is to be made by January
8 30 1, 2010.

8 31 The bill also modifies provisions contained in Code chapter
8 32 478 relating to the location of constructed transmission
8 33 lines, and their distance from buildings, to include existing
8 34 utility routes in the location criteria.

8 35 LSB 2693SC 83



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate Study Bill 1320 continued

9 1 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1321

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to bonding authority for the Iowa comprehensive
- 2 petroleum underground storage tank fund and providing an
- 3 effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2682XC 83
- 6 tm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1321 continued

PAG LIN

1 1 Section 1. Section 455G.2, subsection 1, Code 2009, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 455G.2, subsection 3, Code 2009, is
1 4 amended to read as follows:

1 5 3. "Bond" means a bond, note, or other obligation issued
1 6 by the authority treasurer of state for the fund and the
1 7 purposes of this chapter.

1 8 Sec. 3. Section 455G.3, subsection 2, Code 2009, is
1 9 amended to read as follows:

1 10 2. The board shall assist Iowa's owners and operators of
1 11 petroleum underground storage tanks in complying with federal
1 12 environmental protection agency technical and financial
1 13 responsibility regulations by establishment of the Iowa
1 14 comprehensive petroleum underground storage tank fund. The
1 15 authority treasurer of state may issue its bonds, or series of
1 16 bonds, to assist the board, as provided in this chapter.

1 17 Sec. 4. Section 455G.6, subsections 7 through 9, Code
1 18 2009, are amended to read as follows:

1 19 7. The board may contract with the authority treasurer of
1 20 state for the authority treasurer of state to issue bonds and
1 21 do all things necessary with respect to the purposes of the
1 22 fund, as set out in the contract between the board and the
1 23 authority treasurer of state. The board may delegate to the
1 24 authority treasurer of state and the authority treasurer of
1 25 state shall then have all of the powers of the board which are
1 26 necessary to issue and secure bonds and carry out the purposes
1 27 of the fund, to the extent provided in the contract between
1 28 the board and the authority treasurer of state. The authority
1 29 treasurer of state may issue the authority's treasurer of
1 30 state's bonds in principal amounts which, in the opinion of
1 31 the board, are necessary to provide sufficient funds for the
1 32 fund, the payment of interest on the bonds, the establishment
1 33 of reserves to secure the bonds, the costs of issuance of the
1 34 bonds, other expenditures of the authority treasurer of state
1 35 incident to and necessary or convenient to carry out the bond



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1321 continued

2 1 issue for the fund, and all other expenditures of the board
2 2 necessary or convenient to administer the fund. The bonds are
2 3 investment securities and negotiable instruments within the
2 4 meaning of and for purposes of the uniform commercial code,
2 5 chapter 554.

2 6 8. Bonds issued under this section are payable solely and
2 7 only out of the moneys, assets, or revenues of the fund, all
2 8 of which may be deposited with trustees or depositories in
2 9 accordance with bond or security documents and pledged by the
2 10 board to the payment thereof, and are not an indebtedness of
2 11 this state ~~or the authority~~, or a charge against the general
2 12 credit or general fund of the state ~~or the authority~~, and the
2 13 state shall not be liable for any financial undertakings with
2 14 respect to the fund. Bonds issued under this chapter shall
2 15 contain on their face a statement that the bonds do not
2 16 constitute an indebtedness of the state ~~or the authority~~.

2 17 9. The proceeds of bonds issued by the authority treasurer
2 18 of state and not required for immediate disbursement may be
2 19 deposited with a trustee or depository as provided in the bond
2 20 documents and invested in any investment approved by the
2 21 authority treasurer of state and specified in the trust
2 22 indenture, resolution, or other instrument pursuant to which
2 23 the bonds are issued without regard to any limitation
2 24 otherwise provided by law.

2 25 Sec. 5. Section 455G.6, subsection 10, paragraph b, Code
2 26 2009, is amended to read as follows:

2 27 b. Negotiable instruments under the laws of the state and
2 28 may be sold at prices, at public or private sale, and in a
2 29 manner, as prescribed by the authority treasurer of state.
2 30 Chapters 73A, 74, 74A and 75 do not apply to their sale or
2 31 issuance of the bonds.

2 32 Sec. 6. Section 455G.6, subsection 12, Code 2009, is
2 33 amended to read as follows:

2 34 12. Bonds must be authorized by a trust indenture,
2 35 resolution, or other instrument of the authority treasurer of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1321 continued

3 1 state, approved by the board. However, a trust indenture,
3 2 resolution, or other instrument authorizing the issuance of
3 3 bonds may delegate to an officer of the issuer the power to
3 4 negotiate and fix the details of an issue of bonds.
3 5 Sec. 7. Section 455G.7, Code 2009, is amended to read as
3 6 follows:
3 7 455G.7 SECURITY FOR BONDS == CAPITAL RESERVE FUND ==
3 8 IRREVOCABLE CONTRACTS.
3 9 1. a. For the purpose of securing one or more issues of
3 10 bonds for the fund, the ~~authority~~ treasurer of state, with the
3 11 approval of the board, may authorize the establishment of one
3 12 or more special funds, called "capital reserve funds". The
3 13 ~~authority~~ treasurer of state may pay into the capital reserve
3 14 funds the proceeds of the sale of its bonds and other money
3 15 which may be made available to the ~~authority~~ treasurer of
3 16 state from other sources for the purposes of the capital
3 17 reserve funds. Except as provided in this section, money in a
3 18 capital reserve fund shall be used only as required for any of
3 19 the following:
3 20 a. (1) The payment of the principal of and interest on
3 21 bonds or of the sinking fund payments with respect to those
3 22 bonds.
3 23 b. (2) The purchase or redemption of the bonds.
3 24 c. (3) The payment of a redemption premium required to be
3 25 paid when the bonds are redeemed before maturity.
3 26 b. However, money in a capital reserve fund shall not be
3 27 withdrawn if the withdrawal would reduce the amount in the
3 28 capital reserve fund to less than the capital reserve fund
3 29 requirement, except for the purpose of making payment, when
3 30 due, of principal, interest, redemption premiums on the bonds,
3 31 and making sinking fund payments when other money pledged to
3 32 the payment of the bonds is not available for the payments.
3 33 Income or interest earned by, or increment to, a capital
3 34 reserve fund from the investment of all or part of the capital
3 35 reserve fund may be transferred by the ~~authority~~ treasurer of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1321 continued

4 1 state to other accounts of the fund if the transfer does not
4 2 reduce the amount of the capital reserve fund below the
4 3 capital reserve fund requirement.

4 4 2. If the ~~authority~~ treasurer of state decides to issue
4 5 bonds secured by a capital reserve fund, the bonds shall not
4 6 be issued if the amount in the capital reserve fund is less
4 7 than the capital reserve fund requirement, unless at the time
4 8 of issuance of the bonds the ~~authority~~ treasurer of state
4 9 deposits in the capital reserve fund from the proceeds of the
4 10 bonds to be issued or from other sources, an amount which,
4 11 together with the amount then in the capital reserve fund, is
4 12 not less than the capital reserve fund requirement.

4 13 3. In computing the amount of a capital reserve fund for
4 14 the purpose of this section, securities in which all or a
4 15 portion of the capital reserve fund is invested shall be
4 16 valued by a reasonable method established by the ~~authority~~
4 17 treasurer of state. Valuation shall include the amount of
4 18 interest earned or accrued as of the date of valuation.

4 19 4. In this section, "capital reserve fund requirement"
4 20 means the amount required to be on deposit in the capital
4 21 reserve fund as of the date of computation.

4 22 5. To assure maintenance of the capital reserve funds, the
4 23 ~~authority~~ treasurer of state shall, on or before July 1 of
4 24 each calendar year, make and deliver to the governor the
4 25 ~~authority's~~ treasurer of state's certificate stating the sum,
4 26 if any, required to restore each capital reserve fund to the
4 27 capital reserve fund requirement for that fund. Within thirty
4 28 days after the beginning of the session of the general
4 29 assembly next following the delivery of the certificate, the
4 30 governor may submit to both houses printed copies of a budget
4 31 including the sum, if any, required to restore each capital
4 32 reserve fund to the capital reserve fund requirement for that
4 33 fund. Any sums appropriated by the general assembly and paid
4 34 to the ~~authority~~ treasurer of state pursuant to this section
4 35 shall be deposited in the applicable capital reserve fund.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009

Senate Study Bill 1321 continued

5 1 6. All amounts paid by the state pursuant to this section
5 2 shall be considered advances by the state and, subject to the
5 3 rights of the holders of any bonds of the ~~authority~~ treasurer
5 4 of state that have previously been issued or will be issued,
5 5 shall be repaid to the state without interest from all
5 6 available revenues of the fund in excess of amounts required
5 7 for the payment of bonds of the ~~authority~~ treasurer of state,
5 8 the capital reserve fund, and operating expenses.

5 9 7. If any amount deposited in a capital reserve fund is
5 10 withdrawn for payment of principal, premium, or interest on
5 11 the bonds or sinking fund payments with respect to bonds thus
5 12 reducing the amount of that fund to less than the capital
5 13 reserve fund requirement, the ~~authority~~ treasurer of state
5 14 shall immediately notify the governor and the general assembly
5 15 of this event and shall take steps to restore the capital
5 16 reserve fund to the capital reserve fund requirement for that
5 17 fund from any amounts designated as being available for such
5 18 purpose.

5 19 Sec. 8. Section 455G.8, subsection 2, Code 2009, is
5 20 amended to read as follows:

5 21 2. STATUTORY ALLOCATIONS FUND. The moneys credited from
5 22 the statutory allocations fund under section 321.145,
5 23 subsection 2, paragraph "a", shall be allocated, consistent
5 24 with this chapter, among the fund's accounts, for debt service
5 25 and other fund expenses, according to the fund budget,
5 26 resolution, trust agreement, or other instrument prepared or
5 27 entered into by the board or ~~authority~~ treasurer of state
5 28 under direction of the board.

5 29 Sec. 9. Section 16.151, Code 2009, is repealed.

5 30 Sec. 10. 1989 Iowa Acts, chapter 131, section 63, is
5 31 repealed.

5 32 Sec. 11. EFFECTIVE DATE. This Act, being deemed of
5 33 immediate importance, takes effect upon enactment.

5 34 EXPLANATION

5 35 This bill relates to bonding authority for the Iowa



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 31, 2009**

Senate Study Bill 1321 continued

6 1 comprehensive petroleum underground storage tank fund.
6 2 Currently, the Iowa comprehensive petroleum underground
6 3 storage tank fund board may contract with the Iowa finance
6 4 authority for purposes of the authority issuing bonds for the
6 5 Iowa comprehensive petroleum underground storage tank fund.
6 6 The bill transfers this authority to issue bonds from the Iowa
6 7 finance authority to the treasurer of state and makes
6 8 conforming amendments.
6 9 The bill eliminates a July 1, 2009, repeal of Code sections
6 10 455G.6 and 455G.7, relating to bonding authority for the Iowa
6 11 comprehensive petroleum underground storage tank fund.
6 12 The bill takes effect upon enactment.
6 13 LSB 2682XC 83
6 14 tm/nh/8