



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

## House Amendment 1630

PAG LIN

1 1 Amend House File 811 as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 16, line 29, by striking the figure  
1 4 <5,266,946> and inserting the following: <5,496,946>.  
1 5 #2. Page 18, by inserting after line 4 the  
1 6 following:  
1 7 <5A. It is the intent of the general assembly that  
1 8 the department of human services review the  
1 9 feasibility of expanding categorical food assistance  
1 10 program eligibility in Iowa to at least 160 percent of  
1 11 the applicable federal poverty level and simplifying  
1 12 administrative requirements by eliminating current  
1 13 asset tests for food assistance program eligibility.  
1 14 The department shall estimate the potential economic  
1 15 benefits and fiscal impact of making these changes on  
1 16 individual Iowa families and the state. The  
1 17 department shall report on or before December 15,  
1 18 2009, concerning the review, providing findings and  
1 19 recommendations, to the persons designated by this  
1 20 division of this Act for submission of reports.>  
1 21 #3. Page 18, line 17, by striking the figure  
1 22 <34,342,700> and inserting the following:  
1 23 <34,592,700>.  
1 24 #4. Page 18, line 20, by striking the figure  
1 25 <2,268,271> and inserting the following: <2,518,271>.  
1 26 #5. Page 21, line 24, by striking the figure  
1 27 <678,038,847> and inserting the following:  
1 28 <677,613,847>.  
1 29 #6. Page 29, line 29, by striking the figure  
1 30 <37,799,472> and inserting the following:  
1 31 <37,974,472>.  
1 32 #7. Page 31, line 20, by striking the figure  
1 33 <175,000> and inserting the following: <350,000>.  
1 34 #8. Page 32, by striking lines 1 through 8.  
1 35 #9. Page 33, line 30, by striking the figure  
1 36 <34,280,400> and inserting the following:  
1 37 <34,200,400>.  
1 38 #10. Page 39, by striking lines 14 through 22.  
1 39 #11. Page 39, by inserting before line 23 the  
1 40 following:  
1 41 <\_\_\_\_. Of the funds appropriated in this section,  
1 42 \$80,000 shall be transferred to the appropriation made  
1 43 in this division of this Act for the family support  
1 44 subsidy program to supplement that appropriation.>  
1 45 #12. Page 40, by striking lines 13 through 21.  
1 46 #13. Page 41, by inserting after line 20 the  
1 47 following:  
1 48 <3. If at any time during the fiscal year, the  
1 49 amount of funding available for the family support  
1 50 subsidy program is reduced from the amount initially



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Amendment 1630 continued

2 1 used to establish the figure for the number of family  
2 2 members for whom a subsidy is to be provided at any  
2 3 one time during the fiscal year, notwithstanding  
2 4 section 225C.38, subsection 2, the department shall  
2 5 revise the figure as necessary to conform to the  
2 6 amount of funding available.>  
2 7 #14. By striking page 42, line 34, through page  
2 8 43, line 9.  
2 9 #15. Page 44, by striking lines 21 through 27.  
2 10 #16. Page 46, lines 33 and 34, by striking the  
2 11 words <approved county management plan> and inserting  
2 12 the following: <county management plan approved by  
2 13 the board of supervisors>.  
2 14 #17. Page 61, by striking lines 21 through 30.  
2 15 #18. Page 61, by inserting before line 31 the  
2 16 following:  
2 17 <Sec. \_\_\_\_ . PHARMACY=RELATED ISSUES == INTERIM.  
2 18 1. The legislative council is requested to  
2 19 establish a legislative study committee for the 2009  
2 20 interim to identify strategies and solutions to  
2 21 address problems arising from inappropriate medication  
2 22 use in the health care system.  
2 23 2. The study committee shall consist of members of  
2 24 the general assembly, and representatives of the  
2 25 department of public health, the Iowa pharmacy  
2 26 association, the Iowa medical society, wellmark blue  
2 27 cross blue shield, the principal financial group, the  
2 28 university of Iowa college of public health, the Iowa  
2 29 retail federation, the prevention and chronic care  
2 30 management advisory council established in section  
2 31 135.161, the medical home system advisory council  
2 32 established in section 135.159, the Iowa healthcare  
2 33 collaborative, as defined in section 135.40, the  
2 34 health policy corporation of Iowa, and the Iowa  
2 35 foundation for medical care.  
2 36 3. The study committee shall document the extent  
2 37 and causes of medication use problems and examine  
2 38 potential solutions including medication therapy  
2 39 management programs, evidence-based prescriber  
2 40 education programs, clinical pharmacy services in the  
2 41 primary medical home, collaborative practice models of  
2 42 care, and quality and performance-based payment  
2 43 systems.  
2 44 4. The study committee shall submit a report of  
2 45 its findings and recommendations to the general  
2 46 assembly for consideration during the 2010 legislative  
2 47 session.>  
2 48 #19. Page 71, by inserting after line 9 the  
2 49 following:  
2 50 <Sec. \_\_\_\_ . Section 426B.5, subsection 2, paragraph



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Amendment 1630 continued

3 1 i, subparagraph (3), Code 2009, is amended to read as  
3 2 follows:  
3 3 (3) Avoiding the need for reduction or elimination  
3 4 of a mobile crisis team or other critical emergency  
3 5 services when the reduction or elimination places the  
3 6 public's health or safety at risk.>  
3 7 #20. Page 76, by striking lines 10 through 13, and  
3 8 inserting the following: <efforts of the bodies.>  
3 9 #21. Page 78, line 10, by striking the figure  
3 10 <891,219> and inserting the following: <999,219>.  
3 11 #22. Page 78, line 13, by striking the figure  
3 12 <346,224> and inserting the following: <454,224>.  
3 13 #23. Page 78, line 24, by striking the figure  
3 14 <2,253,507> and inserting the following: <2,720,507>.  
3 15 #24. Page 80, line 22, by striking the figure  
3 16 <61,350> and inserting the following: <225,350>.  
3 17 #25. Page 80, line 27, by inserting after the  
3 18 figure <2006.> the following: <The department of  
3 19 public health shall report to the persons designated  
3 20 in division I of this Act for submission of reports  
3 21 regarding use of the funds allocated in this lettered  
3 22 paragraph, on or before January 10, 2010.>  
3 23 #26. Page 80, by striking line 28, and inserting  
3 24 the following:  
3 25 <g. (1) Of the funds appropriated in this  
3 26 subsection, \$347,520>.  
3 27 #27. Page 80, by inserting after line 33 the  
3 28 following:  
3 29 <(2) Of the funds appropriated in this subsection,  
3 30 \$70,000 shall be used to provide conference  
3 31 scholarships to direct care workers.  
3 32 (3) The association specified in this lettered  
3 33 paragraph shall report to the persons designated in  
3 34 division I of this Act for submission of reports on or  
3 35 before January 1, 2010, the use of the funds allocated  
3 36 in this lettered paragraph, any progress made  
3 37 regarding the initiatives specified and in expanding  
3 38 the association statewide, and the number of  
3 39 scholarships provided, and shall include in the report  
3 40 a copy of the association's internal revenue service  
3 41 form 990.>  
3 42 #28. Page 81, line 15, by striking the figure  
3 43 <111,409,156> and inserting the following:  
3 44 <111,834,156>.  
3 45 #29. Page 81, line 29, by striking the word  
3 46 <sixteen> and inserting the following: <seventeen>.  
3 47 #30. Page 84, by striking lines 5 through 12.  
3 48 #31. Page 85, by inserting after line 16 the  
3 49 following:  
3 50 <TRAINING FOR CHILD WELFARE SERVICES PROVIDERS



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009**

House Amendment 1630 continued

4 1       Sec. \_\_\_\_\_. 2008 Iowa Acts, chapter 1187, section 9,  
4 2 subsection 20, paragraph c, subparagraph (6), is  
4 3 amended to read as follows:

4 4       (6) For training for child welfare services  
4 5 providers, \$250,000. The training shall be developed  
4 6 by the department in collaboration with the coalition  
4 7 for children and family services in Iowa.  
4 8 Notwithstanding section 8.33, moneys allocated in this  
4 9 subparagraph that remain unencumbered or unobligated  
4 10 at the close of the fiscal year shall not revert but  
4 11 shall remain available for expenditure for the  
4 12 purposes designated until the close of the succeeding  
4 13 fiscal year.>

4 14 #32. Page 86, by inserting after line 6 the  
4 15 following:

4 16                               <FAMILY SUPPORT SUBSIDY SLOTS  
4 17       Sec. \_\_\_\_\_. 2008 Iowa Acts, chapter 1187, section  
4 18 19, is amended by adding the following new subsection:  
4 19       NEW SUBSECTION. 3. If at any time during the  
4 20 fiscal year, the amount of funding available for the  
4 21 family support subsidy program is reduced from the  
4 22 amount initially used to establish the figure for the  
4 23 number of family members for whom a subsidy is to be  
4 24 provided at any one time during the fiscal year,  
4 25 notwithstanding section 225C.38, subsection 2, the  
4 26 department shall revise the figure as necessary to  
4 27 conform to the amount of funding available.

4 28                               PREGNANCY COUNSELING  
4 29       Sec. \_\_\_\_\_. 2008 Iowa Acts, chapter 1187, section  
4 30 30, is amended by adding the following new unnumbered  
4 31 paragraph:  
4 32       NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
4 33 8.33, moneys appropriated in this section that remain  
4 34 unencumbered or unobligated at the close of the fiscal  
4 35 year shall remain available for expenditure for the  
4 36 purpose designated until the close of the fiscal year  
4 37 beginning July 1, 2010.>

4 38 #33. Page 97, by striking line 10 and inserting  
4 39 the following: ~~<chairperson, upon the request of a~~  
4 40 ~~state agency, state medical examiner or as>.~~

4 41 #34. Page 111, by inserting after line 17 the  
4 42 following:

4 43                               <DIVISION  
4 44                               IOWACARE == NONPARTICIPATING  
4 45                               PROVIDER == REIMBURSEMENT  
4 46       Sec. \_\_\_\_\_. NEW SECTION. 249J.24A  
4 47 NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED  
4 48 SERVICES == REIMBURSEMENT FUND.

4 49       1. A nonparticipating provider may be reimbursed  
4 50 for covered expansion population services provided to



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009**

House Amendment 1630 continued

5 1 an expansion population member by a nonparticipating  
5 2 provider, if the nonparticipating provider contacts  
5 3 the appropriate participating provider prior to  
5 4 providing covered services to verify consensus  
5 5 regarding one of the following courses of action:  
5 6     a. If the nonparticipating provider and the  
5 7 participating provider agree that the medical status  
5 8 of the expansion population member indicates it is  
5 9 medically possible to postpone provision of services,  
5 10 the nonparticipating provider shall direct the  
5 11 expansion population member to the appropriate  
5 12 participating provider for services.  
5 13     b. If the nonparticipating provider and the  
5 14 participating provider agree that the medical status  
5 15 of the expansion population member indicates it is not  
5 16 medically possible to postpone provision of services,  
5 17 the nonparticipating provider shall provide medically  
5 18 necessary services.  
5 19     c. If the nonparticipating provider and the  
5 20 participating provider agree that transfer of the  
5 21 expansion population member is not possible due to  
5 22 lack of available inpatient capacity, the  
5 23 nonparticipating provider shall provide medically  
5 24 necessary services.  
5 25     d. If the medical status of the expansion  
5 26 population member indicates a medical emergency and  
5 27 the nonparticipating provider is not able to contact  
5 28 the appropriate participating provider prior to  
5 29 providing medically necessary services, the  
5 30 nonparticipating provider shall document the medical  
5 31 emergency and inform the appropriate participating  
5 32 provider immediately after the member has been  
5 33 stabilized of any covered services provided.  
5 34     2. a. If the nonparticipating provider meets the  
5 35 requirements specified in subsection 1, the  
5 36 nonparticipating provider shall be reimbursed for  
5 37 covered expansion population services provided to the  
5 38 expansion population member through the  
5 39 nonparticipating provider reimbursement fund in  
5 40 accordance with rules adopted by the department of  
5 41 human services. However, any funds received from  
5 42 participating providers, appropriated to participating  
5 43 providers, or deposited in the IowaCare account  
5 44 pursuant to section 249J.24, shall not be transferred  
5 45 or appropriated to the nonparticipating provider  
5 46 reimbursement fund or otherwise used to reimburse  
5 47 nonparticipating providers.  
5 48     b. Reimbursement of nonparticipating providers  
5 49 under this section shall be based on the reimbursement  
5 50 rates and policies applicable to the nonparticipating



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Amendment 1630 continued

6 1 provider under the full benefit medical assistance  
6 2 program, subject to the availability of funds in the  
6 3 nonparticipating provider reimbursement fund and  
6 4 subject to the appropriation of moneys in the fund to  
6 5 the department.  
6 6 c. The department shall reimburse the  
6 7 nonparticipating provider only if the recipient of the  
6 8 services is an expansion population member with active  
6 9 eligibility status at the time the services are  
6 10 provided.  
6 11 3. a. A nonparticipating provider reimbursement  
6 12 fund is created in the state treasury under the  
6 13 authority of the department. Moneys designated for  
6 14 deposit in the fund that are received from sources  
6 15 including but not limited to appropriations from the  
6 16 general fund of the state, grants, and contributions,  
6 17 shall be deposited in the fund. However, any funds  
6 18 received from participating providers, appropriated to  
6 19 participating providers, or deposited in the IowaCare  
6 20 account pursuant to section 249J.24 shall not be  
6 21 transferred or appropriated to the nonparticipating  
6 22 provider reimbursement fund or otherwise used to  
6 23 reimburse nonparticipating providers.  
6 24 b. Moneys in the fund shall be separate from the  
6 25 general fund of the state and shall not be considered  
6 26 part of the general fund of the state. The moneys  
6 27 deposited in the fund are not subject to section 8.33  
6 28 and shall not be transferred, used, obligated,  
6 29 appropriated, or otherwise encumbered, except to  
6 30 provide for the purposes specified in this section.  
6 31 Notwithstanding section 12C.7, subsection 2, interest  
6 32 or earnings on moneys deposited in the fund shall be  
6 33 credited to the fund.  
6 34 c. Moneys deposited in the fund shall be used only  
6 35 to reimburse nonparticipating providers who provide  
6 36 covered services to expansion population members if no  
6 37 other third party is liable for reimbursement and as  
6 38 specified in subsection 1.  
6 39 d. The department shall attempt to maximize  
6 40 receipt of federal matching funds under the medical  
6 41 assistance program for covered services provided under  
6 42 this section if such attempt does not directly or  
6 43 indirectly limit the federal funds available to  
6 44 participating providers.  
6 45 4. For the purposes of this section,  
6 46 "nonparticipating provider" means a hospital licensed  
6 47 pursuant to chapter 135B that is not a member of the  
6 48 expansion population provider network as specified in  
6 49 section 249J.7.  
6 50 Sec. \_\_\_\_\_. NONPARTICIPATING PROVIDER REIMBURSEMENT



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Amendment 1630 continued

7 1 FOR COVERED SERVICES == IOWACARE PROGRAM WAIVER  
7 2 RENEWAL.  
7 3 1. Beginning July 1, 2010, the department of human  
7 4 services shall include in any medical assistance  
7 5 program waiver relating to the continuation of the  
7 6 IowaCare program pursuant to chapter 249J, provisions  
7 7 for reimbursement of covered expansion population  
7 8 services provided to an expansion population member by  
7 9 a nonparticipating provider subject to all of the  
7 10 following:  
7 11 a. A nonparticipating provider may be reimbursed  
7 12 if the nonparticipating provider contacts the  
7 13 appropriate participating provider prior to providing  
7 14 covered services to verify consensus regarding one of  
7 15 the following courses of action:  
7 16 (1) If the nonparticipating provider and the  
7 17 participating provider agree that the medical status  
7 18 of the expansion population member indicates it is  
7 19 medically possible to postpone provision of services,  
7 20 the nonparticipating provider shall direct the  
7 21 expansion population member to the appropriate  
7 22 participating provider for services.  
7 23 (2) If the nonparticipating provider and the  
7 24 participating provider agree that the medical status  
7 25 of the expansion population member indicates it is not  
7 26 medically possible to postpone provision of services,  
7 27 the nonparticipating provider shall provide medically  
7 28 necessary services.  
7 29 (3) If the nonparticipating provider and the  
7 30 participating provider agree that transfer of the  
7 31 expansion population member is not possible due to  
7 32 lack of available inpatient capacity, the  
7 33 nonparticipating provider shall provide medically  
7 34 necessary services.  
7 35 (4) If the medical status of the expansion  
7 36 population member indicates a medical emergency and  
7 37 the nonparticipating provider is not able to contact  
7 38 the appropriate participating provider prior to  
7 39 providing medically necessary services, the  
7 40 nonparticipating provider shall document the medical  
7 41 emergency and inform the appropriate participating  
7 42 provider immediately after the member has been  
7 43 stabilized of any covered services provided.  
7 44 b. Reimbursement of a nonparticipating provider  
7 45 shall be based on the reimbursement rates and policies  
7 46 applicable to the nonparticipating provider under the  
7 47 full benefit medical assistance program, subject to  
7 48 the availability and appropriation of funds to the  
7 49 department for such purpose.  
7 50 c. Reimbursement shall be made to a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Amendment 1630 continued

8 1 nonparticipating provider only if the recipient of the  
8 2 services is an expansion population member with active  
8 3 eligibility status at the time the services are  
8 4 provided.  
8 5 d. For the purposes of this section,  
8 6 "nonparticipating provider" means a hospital licensed  
8 7 pursuant to chapter 135B that is not a member of the  
8 8 expansion population provider network as specified in  
8 9 section 249J.7.  
8 10 2. Notwithstanding the requirement of this section  
8 11 directing the department of human services to include  
8 12 provisions for reimbursement of covered services  
8 13 provided to an expansion population member by a  
8 14 nonparticipating provider under any medical assistance  
8 15 program waiver relating to the continuation of the  
8 16 IowaCare program beginning July 1, 2010, if the  
8 17 department of human services in consultation with the  
8 18 governor determines that such requirement would  
8 19 adversely affect continuation of or would reduce the  
8 20 amount of funding available for the IowaCare waiver,  
8 21 the department shall not include such provisions in  
8 22 the IowaCare waiver.>  
8 23 #35. Page 111, by inserting after line 19 the  
8 24 following:  
8 25 <Sec \_\_\_\_\_. NEW SECTION. 157.3B EXAMINATION  
8 26 INFORMATION.  
8 27 Notwithstanding section 147.21, individual pass or  
8 28 fail examination results made available from the  
8 29 authorized national testing agency to the board may be  
8 30 disclosed to the board=approved education program from  
8 31 which the applicant for licensure graduated for  
8 32 purposes of verifying accuracy of national data and  
8 33 reporting aggregate licensure examination results as  
8 34 required for a program's continued accreditation.>  
8 35 HF 811.S  
8 36 pf/jp/jh/26



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Amendment 1631

PAG LIN

1 1 Amend the amendment, H=1337, to House File 777, as  
1 2 follows:  
1 3 #1. Page 2, by inserting after line 42 the  
1 4 following:  
1 5 <#\_\_\_\_. By striking page 8, line 26, through page  
1 6 9, line 29.>  
1 7 #2. By renumbering as necessary.  
1 8  
1 9  
1 10  
1 11 LENSING of Johnson  
1 12 HF 777.202 83  
1 13 rh/rj/23887  
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  
April 16, 2009

# House Amendment 1632

PAG LIN

1 1 Amend the amendment, H=1232, to House File 756, as  
1 2 follows:  
1 3 #1. Page 1, by inserting after line 10 the  
1 4 following:  
1 5 <#\_\_\_\_. Page 2, line 32, by inserting after the  
1 6 word <counties,> the following: <drainage and levee  
1 7 districts,>.>  
1 8 #2. By renumbering as necessary.  
1 9  
1 10  
1 11  
1 12 MERTZ of Kossuth  
1 13 HF 756.301 83  
1 14 da/rj/24362  
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  
April 16, 2009

House Amendment 1633

PAG LIN

1 1 Amend Senate File 344, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 48, by inserting after line 32 the  
1 4 following:  
1 5 <DIVISION  
1 6 TARGETED JOBS WITHHOLDING AGREEMENTS  
1 7 Sec. \_\_\_\_\_. Section 403.19A, subsection 3, paragraph  
1 8 c, Code 2009, is amended to read as follows:  
1 9 c. (1) The pilot project city shall enter into a  
1 10 withholding agreement with each employer concerning  
1 11 the targeted jobs withholding credit. The withholding  
1 12 agreement shall provide for the total amount of  
1 13 withholding tax credits awarded. An agreement shall  
1 14 not provide for an amount of withholding credits that  
1 15 exceeds the amount of the qualifying investment made  
1 16 in the project. However, an An agreement shall not be  
1 17 entered into by a pilot project city with a business  
1 18 currently located in this state unless the business  
1 19 either creates ten new jobs or makes a qualifying  
1 20 investment of at least five hundred thousand dollars  
1 21 within the urban renewal area. The withholding  
1 22 agreement may have a term of up to ten years. An  
1 23 employer shall not be obligated to enter into a  
1 24 withholding agreement.  
1 25 (2) The pilot project city shall not enter into a  
1 26 withholding agreement after June 30, ~~2010~~ 2013.  
1 27 Sec. \_\_\_\_\_. Section 403.19A, subsection 3, paragraph  
1 28 j, Code 2009, is amended by striking the paragraph and  
1 29 inserting in lieu thereof the following:  
1 30 j. (1) A pilot project city entering into a  
1 31 withholding agreement shall arrange for matching local  
1 32 financial support for the project. The local match  
1 33 required under this paragraph "j" shall be in an  
1 34 amount equal to one dollar for every dollar of  
1 35 withholding credit received by the pilot project city.  
1 36 (2) For purposes of this paragraph "j", "local  
1 37 financial support" means cash or in-kind contributions  
1 38 to the project from a private donor, a business, or  
1 39 the pilot project city.  
1 40 (3) If the project, when completed, will increase  
1 41 the amount of property tax revenues collected by the  
1 42 pilot project city by an amount equal to at least ten  
1 43 percent of the amount of withholding credit dollars  
1 44 received by the pilot project city, then the pilot  
1 45 project city shall itself contribute at least ten  
1 46 percent of the local match amount computed under  
1 47 subparagraph (1).  
1 48 (4) If the project, when completed, will not  
1 49 increase the amount of property tax revenues collected  
1 50 by an amount at least equal to ten percent of the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Amendment 1633 continued

2 1 amount of withholding credit dollars received by the  
2 2 pilot project city, then the pilot project city shall  
2 3 not be required to make a contribution to the local  
2 4 match.  
2 5 (5) A pilot project city's contribution, if any,  
2 6 to the local match may include the dollar value of any  
2 7 tax abatement provided by the city to the business for  
2 8 new construction.>  
2 9 #2. Title page, line 1, by inserting after the  
2 10 word <to> the following: <economic development by  
2 11 providing for additional local match requirements of  
2 12 targeted jobs withholding tax credit agreements and by  
2 13 changing>.  
2 14 #3. By renumbering as necessary.  
2 15  
2 16  
2 17  
2 18 RANTS of Woodbury  
2 19 SF 344.511 83  
2 20 tw/rj/24513



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Amendment 1634

PAG LIN

1 1 Amend Senate File 451, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, line 11, by inserting after the word  
1 4 <college.> the following: <However, a person shall  
1 5 not be classified as a resident under this paragraph  
1 6 "b" unless the person's prior home state provides  
1 7 in-state tuition to residents of Iowa who are  
1 8 veterans.>  
1 9 #2. Page 2, line 11, by inserting after the word  
1 10 <board.> the following: <However, a person shall not  
1 11 be classified as a resident under this paragraph "b"  
1 12 unless the person's prior home state provides in-state  
1 13 tuition to residents of Iowa who are veterans.>  
1 14  
1 15  
1 16  
1 17 WATTS of Dallas  
1 18 SF 451.503 83  
1 19 kh/nh/23964  
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  
April 16, 2009

# House Amendment 1635

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, by inserting after line 2 the  
1 5 following:  
1 6 <#\_\_\_\_. Page 1, by inserting after line 11 the  
1 7 following:  
1 8 <Sec. \_\_\_\_\_. Section 462A.14, subsection 2,  
1 9 paragraph e, Code 2009, is amended to read as follows:  
1 10 e. A class "B" felony for any offense under this  
1 11 section resulting in the death of persons other than  
1 12 the defendant, if the court determines that the person  
1 13 who committed the offense caused the death, and shall  
~~1 14 be imprisoned for a determinate sentence of not more~~  
~~1 15 than twenty-five years, or committed to the custody of~~  
~~1 16 the director of the department of corrections. A~~  
~~1 17 person convicted of a felony offense may be committed~~  
~~1 18 to the custody of the director of the department of~~  
~~1 19 corrections, who shall assign the person to a facility~~  
~~1 20 pursuant to section 904.513. However, a person~~  
~~1 21 sentenced for a violation classified as a class "B"~~  
~~1 22 felony pursuant to this paragraph shall not be~~  
~~1 23 eligible for parole until the person has served a~~  
~~1 24 minimum period of confinement of ten years. The court~~  
1 25 shall also order that the person not operate a  
1 26 motorboat or sailboat for six years. The court shall  
1 27 also assign the defendant to substance abuse  
1 28 evaluation and treatment pursuant to subsections 12  
1 29 and 13, and a course for drinking drivers.>>  
1 30 #2. Page 1, by inserting after line 22 the  
1 31 following:  
1 32 <Sec. \_\_\_\_\_. Section 707.6A, subsection 1,  
1 33 unnumbered paragraph 1, Code 2009, is amended to read  
1 34 as follows:  
1 35 A person commits a class "B" felony when the person  
1 36 unintentionally causes the death of another by  
1 37 operating a motor vehicle while intoxicated, as  
1 38 prohibited by section 321J.2. A person sentenced for  
1 39 a violation of this subsection shall not be eligible  
1 40 for parole until the person has served a minimum  
1 41 period of confinement of ten years. Upon a plea or  
1 42 verdict of guilty of a violation of this subsection,  
1 43 the court shall do the following:  
1 44 Sec. \_\_\_\_\_. Section 902.12, Code 2009, is amended by  
1 45 adding the following new subsection:  
1 46 NEW SUBSECTION. 7. Operating a motorboat or  
1 47 sailboat while intoxicated in violation of section  
1 48 462A.14, subsection 2, paragraph "e", if the person  
1 49 was also convicted under section 462A.7, subsection 5,  
1 50 paragraph "d", or section 462A.34B, subsection 2 or 3,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Amendment 1635 continued

2 1 based on the same facts or event that resulted in the  
2 2 conviction under section 462A.14, subsection 2,  
2 3 paragraph "e".  
2 4 Sec. \_\_\_\_\_. Section 903A.5, subsection 1, Code 2009,  
2 5 is amended to read as follows:  
2 6 1. An inmate shall not be discharged from the  
2 7 custody of the director of the Iowa department of  
2 8 corrections until the inmate has served the full term  
2 9 for which the inmate was sentenced, less earned time  
2 10 and other credits earned and not forfeited, unless the  
2 11 inmate is pardoned or otherwise legally released.  
2 12 Earned time accrued and not forfeited shall apply to  
2 13 reduce a mandatory minimum sentence being served  
2 14 pursuant to section 124.406, or 124.413, section  
2 15 462A.14, subsection 2, paragraph "e", section 707.6A,  
2 16 subsection 1, or section 902.7, 902.8, 902.8A, or  
2 17 902.11. An inmate shall be deemed to be serving the  
2 18 sentence from the day on which the inmate is received  
2 19 into the institution. If an inmate was confined to a  
2 20 county jail or other correctional or mental facility  
2 21 at any time prior to sentencing, or after sentencing  
2 22 but prior to the case having been decided on appeal,  
2 23 because of failure to furnish bail or because of being  
2 24 charged with a nonbailable offense, the inmate shall  
2 25 be given credit for the days already served upon the  
2 26 term of the sentence. However, if a person commits  
2 27 any offense while confined in a county jail or other  
2 28 correctional or mental health facility, the person  
2 29 shall not be granted jail credit for that offense.  
2 30 Unless the inmate was confined in a correctional  
2 31 facility, the sheriff of the county in which the  
2 32 inmate was confined shall certify to the clerk of the  
2 33 district court from which the inmate was sentenced and  
2 34 to the department of corrections' records  
2 35 administrator at the Iowa medical and classification  
2 36 center the number of days so served. The department  
2 37 of corrections' records administrator, or the  
2 38 administrator's designee, shall apply jail credit as  
2 39 ordered by the court of proper jurisdiction or as  
2 40 authorized by this section and section 907.3,  
2 41 subsection 3.>>  
2 42 #3. Page 1, by inserting before line 23 the  
2 43 following:  
2 44 #\_\_\_\_\_. Title page, line 1, by striking the words <a  
2 45 .08 blood alcohol limit for>.  
2 46 #\_\_\_\_\_. Title page, line 2, by inserting after the  
2 47 word <offenses> the following: <and modifying  
2 48 penalties>.>  
2 49 #4. By renumbering as necessary.  
2 50



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009**

House Amendment 1635 continued

- 3 1
- 3 2
- 3 3 ALONS of Sioux
- 3 4 SF 3.703 83
- 3 5 jm/nh/24519



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 824 - Introduced

HOUSE FILE  
BY COMMITTEE ON WAYS AND MEANS  
  
(SUCCESSOR TO HF 750)  
(SUCCESSOR TO HF 140)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act relating to providing sales, use, and property tax
- 2 exemptions and sales tax refunds for certain data processing
- 3 businesses and including an applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1207HZ 83
- 6 tw/mg:sc/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 824 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 95. a. (1) The sales price from the  
1 4 sale or rental of computers and equipment that are necessary  
1 5 for the maintenance and operation of a data center business  
1 6 and property whether directly or indirectly connected to the  
1 7 computers, including but not limited to cooling systems,  
1 8 cooling towers, and other temperature control infrastructure;  
1 9 power infrastructure for transformation, distribution, or  
1 10 management of electricity used for the maintenance and  
1 11 operation of the data center business, including but not  
1 12 limited to exterior dedicated business-owned substations,  
1 13 backup power generation systems, battery systems, and related  
1 14 infrastructure; and racking systems, cabling, and trays, which  
1 15 are necessary for the maintenance and operation of the data  
1 16 center business.  
1 17 (2) The sales price of backup power generation fuel that  
1 18 is purchased by a data center business for use in the items  
1 19 listed in subparagraph (1).  
1 20 (3) The sales price of electricity purchased for use by a  
1 21 data center business.  
1 22 b. For the purpose of claiming this exemption, all of the  
1 23 following requirements shall be met:  
1 24 (1) The purchaser or renter shall be a data center  
1 25 business.  
1 26 (2) The data center business shall have a physical  
1 27 location in the state that is, in the aggregate, at least five  
1 28 thousand square feet in size that is used for the operations  
1 29 and maintenance of the data center business.  
1 30 (3) The data center business shall make a minimum  
1 31 investment in an Iowa physical location of two hundred million  
1 32 dollars within the first six years of operation in Iowa  
1 33 beginning with the date the data center business initiates  
1 34 site preparation activities. The minimum investment includes  
1 35 the initial investment, including land and subsequent



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 824 - Introduced continued

2 1 acquisition of additional adjacent land and subsequent  
2 2 investment at the Iowa location.  
2 3 (4) The data center business shall comply with the  
2 4 sustainable design and construction standards established by  
2 5 the state building code commissioner pursuant to section  
2 6 103A.8B.  
2 7 c. This exemption applies from the date of the initial  
2 8 investment in or the initiation of site preparation activities  
2 9 for the data center business facility as described in  
2 10 paragraph "b".  
2 11 d. Failure to meet eighty percent of the minimum  
2 12 investment amount requirement specified in paragraph "b"  
2 13 within the first six years of operation from the date the data  
2 14 center business initiates site preparation activities will  
2 15 result in the data center business losing the right to claim  
2 16 this data center business exemption and the data center  
2 17 business shall pay all sales or use tax that would have been  
2 18 due on the purchase or rental or use of the items listed in  
2 19 this exemption, plus any applicable penalty and interest  
2 20 imposed by statute.  
2 21 e. For purposes of this subsection:  
2 22 (1) "Data center" means a building rehabilitated or  
2 23 constructed to house a group of networked server computers in  
2 24 one physical location in order to centralize the storage,  
2 25 management, and dissemination of data and information  
2 26 pertaining to a particular business, taxonomy, or body of  
2 27 knowledge. A data center business's facility typically  
2 28 includes the mechanical and electrical systems, redundant or  
2 29 backup power supplies, redundant data communications  
2 30 connections, environmental controls, and fire suppression  
2 31 systems. A data center business's facility also includes a  
2 32 restricted access area employing advanced physical security  
2 33 measures such as video surveillance systems and card-based  
2 34 security or biometric security access systems.  
2 35 (2) "Data center business" means an entity whose business



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 824 - Introduced continued

3 1 among other businesses, is to operate a data center.

3 2 Sec. 2. Section 423.4, subsection 8, Code 2009, is amended  
3 3 to read as follows:

3 4 8. a. The owner of ~~an information technology facility a~~  
3 5 data center business, as defined in section 423.3, subsection  
3 6 95, located in this state on July 1, 2007, and having a  
~~3 7 primary business with a North American industry classification~~  
~~3 8 system number 518210 or 541519 as verified by the department~~  
~~3 9 of economic development using nationally recognized~~  
~~3 10 third-party sources such as Hoovers, Harris Directory or~~  
~~3 11 others designated by the department of economic development,~~  
3 12 may make an annual application for up to five consecutive  
3 13 years to the department for the refund of fifty percent of the  
3 14 sales or use tax upon the sales price of all sales of fuel  
3 15 used in creating heat, power, and steam for processing or  
3 16 generating electrical current, or from the sale of electricity  
3 17 consumed by computers, machinery, or other equipment for  
3 18 operation of the ~~technology~~ data center business facility.

3 19 b. ~~An information technology facility~~ A data center  
3 20 business shall qualify for the refund in this subsection if  
3 21 all of the following criteria are met:

3 22 (1) ~~The facility's six-digit North American industry~~  
~~3 23 classification system number 518210 or 541519 indicates that~~  
~~3 24 the facility is primarily engaged in providing~~  
~~3 25 computer-related services~~ data center business shall make an  
3 26 investment in an Iowa physical location within the first three  
3 27 years of operation in Iowa beginning with the date on which  
3 28 the data center business initiates site preparation  
3 29 activities.

3 30 (2) The amount of the investment in an Iowa physical  
3 31 location, including the value of a lease agreement, or an  
3 32 investment in land or buildings, and the capital expenditures  
3 33 for computers, machinery, and other equipment used in the  
3 34 operation of the ~~facility equals~~ data center business shall  
3 35 equal at least one million dollars, but shall not exceed ten



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 824 - Introduced continued

4 1 million dollars for a newly constructed building or five  
4 2 million dollars for a rehabilitated building.  
4 3 (3) If the data center business is leasing a building to  
4 4 house operations, the data center business shall enter into a  
4 5 lease that is at least five years in duration.  
4 6 ~~(3)~~ (4) The facility is certified as meeting the  
4 7 Leadership in Energy and Environmental Design (LEED) standards  
4 8 data center business shall comply with the sustainable design  
4 9 and construction standards established by the state building  
4 10 code commissioner pursuant to section 103A.8B.  
4 11 c. The refund may be obtained only in the following manner  
4 12 and under the following conditions:  
4 13 (1) The applicant shall use forms furnished by the  
4 14 department.  
4 15 (2) The applicant shall separately list the amounts of  
4 16 sales and use tax paid during the reporting period.  
4 17 (3) The applicant may request when the refund begins, but  
4 18 it must start on the first day of a month and proceed for a  
4 19 continuous twelve-month period.  
4 20 d. In determining the amount to be refunded, if the dates  
4 21 of the utility billing or meter reading cycle for the sale or  
4 22 furnishing of metered gas and electricity are on or after the  
4 23 first day of the first month through the last day of the last  
4 24 month of the refund year, ~~the full fifty percent of the amount~~  
4 25 of tax charged in the billings shall be refunded. In  
4 26 determining the amount to be refunded, if the dates of the  
4 27 sale or furnishing of fuel for purposes of commercial energy  
4 28 and the delivery of the fuel are on or after the first day of  
4 29 the first month through the last day of the last month of the  
4 30 refund year, ~~the full fifty percent of the amount of tax~~  
4 31 charged in the billings shall be refunded.  
4 32 e. To receive refunds during the five-year period, the  
4 33 applicant shall file a refund claim within three months after  
4 34 the end of each refund year.  
4 35 f. The refund in this subsection applies only to state



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 824 - Introduced continued

5 1 sales and use tax paid and does not apply to local option  
5 2 sales and services taxes imposed pursuant to ~~chapters~~ chapter  
5 3 ~~423B and 423E~~. Notwithstanding the state sales tax imposed in  
5 4 section 423.2, a refund issued pursuant to this section shall  
5 5 not exceed an amount equal to five percent of the sales price  
5 6 of the fuel used to create heat, power, and steam for  
5 7 processing or generating electrical current or from the sale  
5 8 price of electricity consumed by computers, machinery, or  
5 9 other equipment for operation of the data center business  
5 10 facility.

5 11 Sec. 3. Section 423.4, Code 2009, is amended by adding the  
5 12 following new subsection:

5 13 NEW SUBSECTION. 9. a. The owner of a data center  
5 14 business, as defined in section 423.3, subsection 95,  
5 15 paragraph "e", located in this state that is not eligible for  
5 16 the exemption under section 423.3, subsection 95, may make an  
5 17 annual application to the department for the refund of fifty  
5 18 percent of the sales or use tax upon all of the following:

5 19 (1) The sales price from the sale or rental of computers  
5 20 and equipment that are necessary for the maintenance and  
5 21 operation of a data center business and property whether  
5 22 directly or indirectly connected to the computers, including  
5 23 but not limited to cooling systems, cooling towers, and other  
5 24 temperature control infrastructure; power infrastructure for  
5 25 transformation, distribution, or management of electricity  
5 26 used for the maintenance and operation of the data center  
5 27 business including but not limited to exterior dedicated  
5 28 business-owned substations, backup power generation systems,  
5 29 battery systems, and related infrastructure; and racking  
5 30 systems, cabling, and trays, which are necessary for the  
5 31 maintenance and operation of the data center business.

5 32 (2) The sales price of backup power generation fuel that  
5 33 is purchased by a data center business for use in the items  
5 34 listed in subparagraph (1).

5 35 (3) The sales price of electricity purchased for use in



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**April 16, 2009**

House File 824 - Introduced continued

- 6 1 providing data center services.
- 6 2     b. A data center business shall qualify for the partial  
6 3 refund in this subsection if all of the following criteria are  
6 4 met:
- 6 5       (1) The data center business shall have a physical  
6 6 location in the state which is at least five thousand square  
6 7 feet in size.
- 6 8       (2) The data center business shall make a minimum  
6 9 investment of at least ten million dollars, in the case of new  
6 10 construction, or at least five million dollars in the case of  
6 11 a rehabilitated building, in an Iowa physical location within  
6 12 the first six years of operation in Iowa, beginning with the  
6 13 date on which the data center business initiates site  
6 14 preparation activities. The minimum investment includes the  
6 15 initial investment, including the value of a lease agreement  
6 16 or the amount invested in land and subsequent acquisition of  
6 17 additional adjacent land and subsequent investment at the Iowa  
6 18 location.
- 6 19       (3) If the data center business is leasing a building to  
6 20 house operations, the data center business shall enter into a  
6 21 lease that is at least five years in duration.
- 6 22       (4) The data center business shall comply with the  
6 23 sustainable design and construction standards established by  
6 24 the state building code commissioner pursuant to section  
6 25 103A.8B.
- 6 26     c. The refund allowed under this subsection shall be  
6 27 available for the following periods of time:
- 6 28       (1) For an investment of at least ten million dollars, in  
6 29 the case of new construction, or at least five million  
6 30 dollars, in the case of a rehabilitated building, but less  
6 31 than seventy-three million dollars, fifteen years.
- 6 32       (2) For an investment of at least seventy-three million  
6 33 dollars but less than one hundred thirty-six million dollars,  
6 34 ten years.
- 6 35       (3) For an investment of at least one hundred thirty-six



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**April 16, 2009**

House File 824 - Introduced continued

7 1 million dollars, but less than two hundred million dollars,  
7 2 seven years.

7 3 d. The refund may be obtained only in the following manner  
7 4 and under the following conditions:

7 5 (1) The applicant shall use forms furnished by the  
7 6 department.

7 7 (2) The applicant shall separately list the amounts of  
7 8 sales and use tax paid during the reporting period.

7 9 (3) The applicant may request when the refund begins, but  
7 10 it must start on the first day of a month and proceed for a  
7 11 continuous twelve-month period.

7 12 e. In determining the amount to be refunded, if the dates  
7 13 of the utility billing or meter reading cycle for the sale or  
7 14 furnishing of metered gas and electricity are on or after the  
7 15 first day of the first month through the last day of the last  
7 16 month of the refund year, fifty percent of the amount of tax  
7 17 charged in the billings shall be refunded. In determining the  
7 18 amount to be refunded, if the dates of the sale or furnishing  
7 19 of fuel for purposes of commercial energy and the delivery of  
7 20 the fuel are on or after the first day of the first month  
7 21 through the last day of the last month of the refund year,  
7 22 fifty percent of the amount of tax charged in the billings  
7 23 shall be refunded.

7 24 f. To receive refunds during the applicable refund period,  
7 25 the applicant shall file a refund claim within three months  
7 26 after the end of each refund year.

7 27 g. The refund in this subsection applies only to state  
7 28 sales and use tax paid and does not apply to local option  
7 29 sales and services taxes imposed pursuant to chapter 423B.  
7 30 Notwithstanding the state sales tax imposed in section 423.2,  
7 31 a refund issued pursuant to this section shall not exceed an  
7 32 amount equal to five percent of the sales price of the items  
7 33 listed in paragraph "a", subparagraphs (1), (2), and (3).

7 34 Sec. 4. Section 427.1, Code 2009, is amended by adding the  
7 35 following new subsection:





**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009**

House File 824 - Introduced continued

9 1 businesses. The exemptions apply to the sales price on the  
9 2 computers and other related equipment necessary to operate  
9 3 such businesses. To qualify, a business must invest more than  
9 4 \$200 million and must purchase, option, or lease land in the  
9 5 state for the project before December 31, 2008.

9 6 2. Property tax exemptions for certain web search  
9 7 property. These exemptions apply to property other than land  
9 8 and buildings, including computers and related equipment, but  
9 9 the property must be utilized by a business that qualifies for  
9 10 a web search portal sales tax exemption.

9 11 3. A sales tax refund for certain information technology  
9 12 facilities. The sales tax refund applies to the sales price  
9 13 on fuel and electricity used to operate a facility. To  
9 14 qualify, a business must have a certain industry  
9 15 classification code particular to information technology  
9 16 facilities, make an investment of \$1 million, and have a  
9 17 facility that meets leadership in energy and environmental  
9 18 design (LEED) standards.

9 19 Because of the requirement that a web search portal  
9 20 business purchase land in the state before December 31, 2008,  
9 21 no more businesses can qualify for the exemption. In  
9 22 addition, the existing exemptions are specific to web search  
9 23 portal businesses and do not necessarily cover businesses in  
9 24 closely related industries. Similarly, the existing refund  
9 25 for information technology facilities does not cover all  
9 26 businesses in data-center-related industries.

9 27 The bill provides a set of incentives for data center  
9 28 businesses. The incentives are provided on a graduated scale,  
9 29 based on the relative size of the investment a business makes  
9 30 in the state. To be eligible for the incentives, the business  
9 31 must be operating a data center. A data center is a building  
9 32 rehabilitated or constructed to house a group of networked  
9 33 server computers in one physical location in order to  
9 34 centralize the storage, management, and dissemination of data  
9 35 and information pertaining to a particular business, taxonomy,



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**April 16, 2009**

House File 824 - Introduced continued

10 1 or body of knowledge. Data centers also typically include  
10 2 certain physical and security infrastructure necessary to  
10 3 operate and protect the computers.  
10 4 A business investing at least \$200 million is eligible for  
10 5 a permanent sales tax exemption and a property tax exemption.  
10 6 The property tax exemption does not include land or buildings.  
10 7 The sales tax exemption covers the sales price of certain  
10 8 computer-related equipment, backup power generation fuel, and  
10 9 electricity. To qualify, the data center must have a physical  
10 10 location in the state that is at least 5,000 square feet in  
10 11 size and that is used for the operations and maintenance of  
10 12 the data center business. The data center must comply with  
10 13 the sustainable design and construction standards set by the  
10 14 state building code commissioner (instead of the LEED  
10 15 standards).  
10 16 A business investing more than \$5 million in a  
10 17 rehabilitated building or \$10 million in new construction, but  
10 18 less than \$200 million, is eligible for a 50 percent sales tax  
10 19 refund. The refund is available for varying periods of time,  
10 20 with the length of time determined by the amount of the  
10 21 investment:  
10 22 1. If the investment is at least \$136 million but less  
10 23 than \$200 million, the refund period is seven years.  
10 24 2. If the investment is at least \$73 million but less than  
10 25 \$136 million, the refund period is 10 years.  
10 26 3. If the investment is at least \$5 million for a  
10 27 rehabilitated building or at least \$10 million for new  
10 28 construction, but less than \$73 million, the refund period is  
10 29 15 years.  
10 30 The refund for a business investing more than \$5 million in  
10 31 a rehabilitated building or \$10 million in new construction,  
10 32 but less than \$200 million, covers the same items as the sales  
10 33 tax exemption available to businesses investing more than \$200  
10 34 million (i.e., the sales price of computers and related  
10 35 equipment, backup power generation fuel, and electricity). To



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**April 16, 2009**

House File 824 - Introduced continued

11 1 qualify for the refund, a data center business must have a  
11 2 physical location in the state that is at least 5,000 square  
11 3 feet and must comply with the sustainable design and  
11 4 construction standards set by the state building code  
11 5 commissioner.  
11 6 A business investing at least \$1 million but less than \$5  
11 7 million for a rehabilitated building or \$10 million for new  
11 8 construction is also eligible for a 50 percent refund, but the  
11 9 refund period is five years and the refund covers the sales  
11 10 price of fuel and electricity, but does not cover the  
11 11 computers and related equipment included in the refund for  
11 12 larger investments.  
11 13 Code section 25B.7, which provides for state funding of  
11 14 local property tax exemptions, does not apply to the property  
11 15 tax exemption for data center businesses. This is similar to  
11 16 the existing exemptions for web search portal businesses which  
11 17 also except web search property tax exemptions from the state  
11 18 funding requirement.  
11 19 The sales and use tax refunds provided in the bill apply to  
11 20 sales and use taxes paid on or after July 1, 2009.  
11 21 LSB 1207HZ 83  
11 22 tw/mg:sc/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 826 - Introduced

HOUSE FILE  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 764)  
(SUCCESSOR TO HSB 260)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to the comprehensive recycling planning task
- 2 force.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2657HZ 83
- 5 tm/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 826 - Introduced continued

PAG LIN

1 1 Section 1. 2008 Iowa Acts, chapter 1109, section 11,  
1 2 subsection 2, paragraphs a and c, are amended to read as  
1 3 follows:  
1 4 a. The task force shall consist of the following voting  
1 5 members:  
1 6 (1) ~~One member selected~~ Three members nominated by the  
1 7 Iowa recycling association. One member shall have expertise  
1 8 in the recycling of paper and cardboard, one member shall have  
1 9 expertise in the recycling of plastic and glass, and one  
1 10 member shall have expertise in the recycling of metals that  
1 11 are not located in or that are not from a scrapyard.  
1 12 (2) One member ~~selected~~ nominated by the Iowa society of  
1 13 solid waste operations.  
1 14 (3) Three members ~~selected~~ nominated by the Iowa society  
1 15 of solid waste operations representing solid waste planning  
1 16 areas of various sizes and from various locations across the  
1 17 state.  
1 18 (4) One member ~~selected~~ nominated by the Iowa league of  
1 19 cities.  
1 20 (5) One member ~~selected~~ nominated by the solid waste  
1 21 association of north America representing private solid waste  
1 22 disposal entities. The member shall have expertise in the  
1 23 hauling of solid waste.  
1 24 (6) The director of the department of natural resources,  
1 25 or the director's designee.  
1 26 (7) One member ~~selected~~ nominated by the Iowa  
1 27 environmental council.  
1 28 (8) One member ~~selected~~ nominated by the league of women  
1 29 voters of Iowa.  
1 30 (9) One member ~~selected~~ nominated by the Iowa wholesale  
1 31 beer distributors association.  
1 32 (10) One member ~~selected~~ nominated by the Iowa beverage  
1 33 association representing juice and soft drink distributors.  
1 34 (11) One member ~~selected~~ nominated by the Iowa bottle bill  
1 35 coalition representing independent redemption centers.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 826 - Introduced continued

- 2 1 (12) One member ~~selected~~ nominated by the Iowa association  
2 2 of counties.
- 2 3 (13) One member ~~selected~~ nominated by the Iowa farm bureau  
2 4 federation.
- 2 5 (14) One member ~~selected~~ nominated by the Iowa association  
2 6 of business and industry.
- 2 7 (15) One member ~~selected~~ nominated by the home builders  
2 8 association of Iowa.
- 2 9 (16) The director of the alcoholic beverages division of  
2 10 the department of commerce, or the director's designee.
- 2 11 (17) One member ~~selected~~ nominated by keep Iowa beautiful.
- 2 12 (18) One member ~~selected~~ nominated by the Iowa grocery  
2 13 industry association.
- 2 14 (19) One member ~~selected~~ nominated by the Iowa dairy foods  
2 15 association.
- 2 16 (20) One member ~~selected~~ nominated by the petroleum  
2 17 marketers and convenience stores of Iowa.
- 2 18 (21) One member ~~selected~~ nominated by the Iowa retail  
2 19 federation.
- 2 20 (22) One member ~~selected~~ nominated by the Iowa wine  
2 21 growers association.
- 2 22 (23) The director ~~of the department~~ of transportation, or  
2 23 the director's designee.
- 2 24 (24) One member nominated by the Iowa division of the  
2 25 Izaak Walton league.
- 2 26 (25) One member nominated by the American chemistry  
2 27 council.
- 2 28 (26) One member nominated by the Iowa chapter of the  
2 29 sierra club.
- 2 30 (27) One member representing the brewer industry who is a  
2 31 member of the beer institute and who sells beer in Iowa and  
2 32 surrounding states.
- 2 33 c. The voting members shall be appointed by the governor  
2 34 in compliance with the requirements of sections 69.16, 69.16A,  
2 35 and 69.19, and shall serve for the duration of the task force.





Iowa General Assembly  
 Daily Bills, Amendments & Study Bills  
 April 16, 2009

House File 827 - Introduced

HOUSE FILE  
 BY COMMITTEE ON WAYS AND MEANS  
 (SUCCESSOR TO HF 769)  
 (SUCCESSOR TO HSB 218)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
 Approved

A BILL FOR

- 1 An Act directing the regents institutions to conduct an Iowa
- 2 climate change impacts review.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1895HZ 83
- 5 rn/nh/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House File 827 - Introduced continued

PAG LIN

1 1 Section 1. IOWA CLIMATE CHANGE IMPACTS REVIEW.  
1 2 1. Institutions under the control of the state board of  
1 3 regents shall conduct a climate change impacts review. The  
1 4 review shall include the following:  
1 5 a. Performance of an initial review of available climate  
1 6 change impacts studies relevant to this state.  
1 7 b. Preparation of a summary of available data on recent  
1 8 changes in relevant climate conditions.  
1 9 c. Identification of climate change impacts issues which  
1 10 require further research and an estimate of their cost.  
1 11 d. Identification of important public policy issues  
1 12 relevant to climate change impacts.  
1 13 2. In conducting the review, the institutions shall meet  
1 14 at least twice with the Iowa climate change advisory council  
1 15 established in section 455B.851. The institutions shall  
1 16 submit a report containing the information prepared pursuant  
1 17 to this section to the general assembly no later than December  
1 18 31, 2009.

1 19 EXPLANATION

1 20 This bill directs institutions under the control of the  
1 21 state board of regents to conduct a climate change impacts  
1 22 review. The bill provides that the review shall include  
1 23 performance of an initial review of available climate change  
1 24 impacts studies relevant to Iowa, preparation of a summary of  
1 25 available data on recent changes in relevant climate  
1 26 conditions, identification of climate change impacts issues  
1 27 requiring further research and an estimate of their cost, and  
1 28 identification of important public policy issues relevant to  
1 29 climate change impacts.

1 30 The bill requires the regents institutions to meet at least  
1 31 twice with the Iowa climate change advisory council, and  
1 32 provides that the institutions shall submit a report regarding  
1 33 the results of the review to the general assembly by December  
1 34 31, 2009.

1 35 LSB 1895HZ 83



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009**

House File 827 - Introduced continued

2 1 rn/nh/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Study Bill 292

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON OLDSON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act relating to the issuance of bonds and making of
- 2 appropriations for capital and other essential purposes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2723YC 83
- 5 rh/rj/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

House Study Bill 292 continued

PAG LIN

1 1 Section 1. BONDING AND APPROPRIATIONS == INTENT. It is  
1 2 the intent of the general assembly to authorize the issuance  
1 3 of bonds, including appropriation bonds, and to appropriate  
1 4 moneys from the proceeds of such bonds for capital projects  
1 5 and other essential projects.

1 6 EXPLANATION

1 7 This bill expresses the intent of the general assembly to  
1 8 authorize the issuance of bonds and to appropriate moneys from  
1 9 the proceeds of such bonds for capital projects and other  
1 10 essential projects.

1 11 LSB 2723YC 83

1 12 rh/rj/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

# Senate Amendment 3284

PAG LIN

1 1 Amend House File 809, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 33, by striking lines 16 through 22.  
1 4 #2. By renumbering as necessary.  
1 5  
1 6  
1 7  
1 8 PAT WARD  
1 9  
1 10  
1 11  
1 12 KIM REYNOLDS  
1 13  
1 14  
1 15  
1 16 DAVID JOHNSON  
1 17  
1 18  
1 19  
1 20 DAVID L. HARTSUCH  
1 21  
1 22  
1 23  
1 24 JAMES A. SEYMOUR  
1 25  
1 26  
1 27  
1 28 BRAD ZAUN  
1 29  
1 30  
1 31  
1 32 STEVE KETTERING  
1 33  
1 34  
1 35  
1 36 PAUL MCKINLEY  
1 37  
1 38  
1 39  
1 40 JERRY BEHN  
1 41  
1 42  
1 43  
1 44 RON WIECK  
1 45  
1 46  
1 47  
1 48 NANCY J. BOETTGER  
1 49  
1 50



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3284 continued

2 1  
2 2 LARRY NOBLE  
2 3  
2 4  
2 5  
2 6 SHAWN HAMERLINCK  
2 7 HF 809.216 83  
2 8 ec/tm/23812



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

**Senate Amendment 3285**

PAG LIN

1 1 Amend House File 809, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 2, by inserting after line 17 the  
1 4 following:  
1 5 <d. The department shall implement a request for  
1 6 proposal process for the purposes of entering into a  
1 7 contract, by August 1, 2009, with a private company to  
1 8 provide grass cutting and hedge trimming at the state  
1 9 capitol complex.>  
1 10 #2. By renumbering as necessary.  
1 11  
1 12  
1 13  
1 14 BRAD ZAUN  
1 15 HF 809.712 83  
1 16 ec/tm/23789  
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  
April 16, 2009**

**Senate Amendment 3287**

PAG LIN

1 1 Amend House File 809, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 5, by inserting after line 1 the  
 1 4 following:  
 1 5 <d. Notwithstanding any provision of this  
 1 6 subsection to the contrary, the auditor may seek  
 1 7 reimbursement from departments and agencies specified  
 1 8 in section 11.5B, and governmental subdivisions, in an  
 1 9 amount that exceeds the total amount reimbursed to the  
 1 10 auditor by those departments, agencies, or  
 1 11 governmental subdivisions for the fiscal year  
 1 12 beginning July 1, 2008, for audits required by the  
 1 13 federal government and reimbursable from federal  
 1 14 funds.  
 1 15 e. For purposes of this subsection, "total amount  
 1 16 reimbursed" does not include amounts reimbursed for  
 1 17 audits required and reimbursed from federal funds.  
 1 18 Sec. \_\_\_\_ . AUDITOR OF STATE == DISCRETIONARY  
 1 19 AUDITS. For the fiscal period beginning April 1,  
 1 20 2009, and ending June 30, 2010, the auditor of state,  
 1 21 in addition to any other requirements provided in this  
 1 22 Act, shall not seek reimbursement from departments and  
 1 23 agencies specified in section 11.5B for any  
 1 24 discretionary audit that the auditor initiates or has  
 1 25 initiated on the auditor's own authority and which is  
 1 26 not specifically required by statute. Notwithstanding  
 1 27 the prohibition contained in this section, the auditor  
 1 28 shall perform all necessary audit duties related to  
 1 29 any financial report required to be compiled by a  
 1 30 department or agency that the auditor has previously  
 1 31 audited in the normal course of the auditor's duties,  
 1 32 whether or not such financial report is required by  
 1 33 law. Any amounts reimbursed in association with such  
 1 34 audit shall be limited to the amounts reimbursed for  
 1 35 the audit of such report during the previous reporting  
 1 36 period.>  
 1 37 #2. By striking page 5, line 13, through page 7,  
 1 38 line 27, and inserting the following:  
 1 39 <SEC. \_\_\_\_ . DEPARTMENT OF COMMERCE.  
 1 40 1. There is appropriated from the general fund of  
 1 41 the state to the department of commerce for the fiscal  
 1 42 year beginning July 1, 2009, and ending June 30, 2010,  
 1 43 the following amounts, or so much thereof as is  
 1 44 necessary, for the purposes designated:  
 1 45 a. ALCOHOLIC BEVERAGES DIVISION  
 1 46 For salaries, support, maintenance, and  
 1 47 miscellaneous purposes, and for not more than the  
 1 48 following full-time equivalent positions:  
 1 49 ..... \$ 2,007,160  
 1 50 ..... FTEs 37.00



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009**

Senate Amendment 3287 continued

2 1       b. PROFESSIONAL LICENSING AND REGULATION BUREAU  
 2 2       For salaries, support, maintenance, and  
 2 3 miscellaneous purposes, and for not more than the  
 2 4 following full-time equivalent positions:  
 2 5 ..... \$       900,553  
 2 6 ..... FTEs       16.00  
 2 7       c. INSURANCE DIVISION == SENIOR HEALTH INSURANCE  
 2 8 INFORMATION PROGRAM  
 2 9       For the use of the senior health insurance  
 2 10 information program:  
 2 11 ..... \$       52,253  
 2 12       2. There is appropriated from the department of  
 2 13 commerce revolving fund created in section 546.12, if  
 2 14 enacted by this Act, to the department of commerce for  
 2 15 the fiscal year beginning July 1, 2009, and ending  
 2 16 June 30, 2010, the following amounts, or so much  
 2 17 thereof as is necessary, for the purposes designated:  
 2 18       a. BANKING DIVISION  
 2 19       For salaries, support, maintenance, and  
 2 20 miscellaneous purposes, and for not more than the  
 2 21 following full-time equivalent positions:  
 2 22 ..... \$       8,662,670  
 2 23 ..... FTEs       73.00  
 2 24       b. CREDIT UNION DIVISION  
 2 25       For salaries, support, maintenance, and  
 2 26 miscellaneous purposes, and for not more than the  
 2 27 following full-time equivalent positions:  
 2 28 ..... \$       1,727,995  
 2 29 ..... FTEs       19.00  
 2 30       c. INSURANCE DIVISION  
 2 31       (1) For salaries, support, maintenance, and  
 2 32 miscellaneous purposes, and for not more than the  
 2 33 following full-time equivalent positions:  
 2 34 ..... \$       4,881,216  
 2 35 ..... FTEs       102.00  
 2 36       (2) The insurance division may reallocate  
 2 37 authorized full-time equivalent positions as necessary  
 2 38 to respond to accreditation recommendations or  
 2 39 requirements. The insurance division expenditures for  
 2 40 examination purposes may exceed the projected  
 2 41 receipts, refunds, and reimbursements, estimated  
 2 42 pursuant to section 505.7, subsection 7, including the  
 2 43 expenditures for retention of additional personnel, if  
 2 44 the expenditures are fully reimbursable and the  
 2 45 division first does both of the following:  
 2 46       (a) Notifies the department of management, the  
 2 47 legislative services agency, and the legislative  
 2 48 fiscal committee of the need for the expenditures.  
 2 49       (b) Files with each of the entities named in  
 2 50 subparagraph division (a) the legislative and



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009**

Senate Amendment 3287 continued

3 1 regulatory justification for the expenditures, along  
 3 2 with an estimate of the expenditures.  
 3 3 (3) The insurance division shall allocate \$10,000  
 3 4 from the examination receipts for the payment of its  
 3 5 fees to the national conference of insurance  
 3 6 legislators.  
 3 7 d. UTILITIES DIVISION  
 3 8 (1) For salaries, support, maintenance, and  
 3 9 miscellaneous purposes, and for not more than the  
 3 10 following full-time equivalent positions:  
 3 11 ..... \$ 7,795,527  
 3 12 ..... FTEs 79.00  
 3 13 (2) The utilities division may expend additional  
 3 14 funds, including funds for additional personnel, if  
 3 15 those additional expenditures are actual expenses  
 3 16 which exceed the funds budgeted for utility regulation  
 3 17 and the expenditures are fully reimbursable. Before  
 3 18 the division expends or encumbers an amount in excess  
 3 19 of the funds budgeted for regulation, the division  
 3 20 shall first do both of the following:  
 3 21 (a) Notify the department of management, the  
 3 22 legislative services agency, and the legislative  
 3 23 fiscal committee of the need for the expenditures.  
 3 24 (b) File with each of the entities named in  
 3 25 subparagraph division (a) the legislative and  
 3 26 regulatory justification for the expenditures, along  
 3 27 with an estimate of the expenditures.  
 3 28 (3) Notwithstanding sections 8.33 and 476.10 or  
 3 29 any other provision to the contrary, any balance of  
 3 30 the appropriation made in this paragraph for the  
 3 31 utilities division or any other operational  
 3 32 appropriation made for the fiscal year beginning July  
 3 33 1, 2009, and ending June 30, 2010, that remains  
 3 34 unused, unencumbered, or unobligated at the close of  
 3 35 the fiscal year shall not revert but shall remain  
 3 36 available to be used for purposes of the  
 3 37 energy-efficient building project authorized under  
 3 38 section 476.10B, or for relocation costs in succeeding  
 3 39 fiscal years.  
 3 40 3. CHARGES == TRAVEL>.  
 3 41 #3. Page 12, line 26, by inserting before the  
 3 42 words <For salaries> the following: <a.>  
 3 43 #4. Page 12, by inserting after line 30 the  
 3 44 following:  
 3 45 <b. The department shall, in coordination with the  
 3 46 health facilities division, make the following  
 3 47 information available to the public in a timely  
 3 48 manner, to include providing the information on the  
 3 49 department's internet website, during the fiscal year  
 3 50 beginning July 1, 2009, and ending June 30, 2010:



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009**

Senate Amendment 3287 continued

4 1 (1) The number of inspections conducted by the  
4 2 division annually by type of service provider and type  
4 3 of inspection.

4 4 (2) The total annual operations budget for the  
4 5 division, including general fund appropriations and  
4 6 federal contract dollars received by type of service  
4 7 provider inspected.

4 8 (3) The total number of full-time equivalent  
4 9 positions in the division, to include the number of  
4 10 full-time equivalent positions serving in a  
4 11 supervisory capacity, and serving as surveyors,  
4 12 inspectors, or monitors in the field by type of  
4 13 service provided.

4 14 (4) Identification of state and federal survey  
4 15 trends, cited regulations, the scope and severity of  
4 16 deficiencies identified, and federal and state fines  
4 17 assessed and collected concerning nursing and assisted  
4 18 living facilities and programs.

4 19 c. It is the intent of the general assembly that  
4 20 the department and division continuously solicit input  
4 21 from facilities regulated by the division to assess  
4 22 and improve the division's level of collaboration and  
4 23 to identify new opportunities for cooperation.>

4 24 #5. Page 15, by striking line 21 and inserting the  
4 25 following:

4 26 <..... FTEs 37.50>

4 27 #6. Page 15, by striking lines 27 through 34.

4 28 #7. Page 19, by striking lines 11 through 18.

4 29 #8. Page 20, by striking lines 2 through 21 and  
4 30 inserting the following:

4 31 <Sec. \_\_\_\_ . VEHICLE PURCHASES. The department of  
4 32 administrative services shall seek to procure motor  
4 33 vehicles for state use at the lowest possible cost to  
4 34 the state. Motor vehicles purchased by the department  
4 35 shall not include optional equipment that results in  
4 36 an increase in the cost of the motor vehicle unless  
4 37 such optional equipment is specifically required by  
4 38 the requesting state agency or unless such equipment  
4 39 is part of the lowest cost package available meeting  
4 40 minimum specifications. A state agency seeking to  
4 41 replace a motor vehicle shall not request any  
4 42 equipment to be added to its motor vehicles except as  
4 43 the state agency determines is necessary for the  
4 44 department's employees in the safe and efficient  
4 45 operation of the motor vehicle. The department shall  
4 46 not seek to have any optional equipment removed or  
4 47 deleted from an order if such action would increase  
4 48 the cost of the vehicle to the state.

4 49 Sec. \_\_\_\_ . EFFECTIVE DATE == RETROACTIVE  
4 50 APPLICABILITY. The section of this division of this



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

5 1 Act concerning discretionary audits by the auditor of  
5 2 state, being deemed of immediate importance, takes  
5 3 effect upon enactment, and is retroactively applicable  
5 4 to April 1, 2009, and is applicable on and after that  
5 5 date.>

5 6 #9. By striking page 21, line 12, through page 22,  
5 7 line 2, and inserting the following:

5 8 <Sec. \_\_\_\_\_. Section 8.9, subsection 1, Code 2009,  
5 9 is amended to read as follows:

5 10 1. The office of grants enterprise management is  
5 11 established in the department of management. The  
5 12 function of the office is to develop and administer a  
5 13 system to track, identify, advocate for, and  
5 14 coordinate nonstate grants as defined in section 8.2,  
5 15 subsections 1 and 3. Staffing for the office of  
5 16 grants enterprise management shall be provided by a  
5 17 facilitator appointed by the director of the  
5 18 department of management. Additional staff may be  
5 19 hired, subject to the availability of funding.

5 20 ~~Funding for the office is from the appropriation to~~  
~~5 21 the department pursuant to section 8A.505, subsection~~  
~~5 22 2.>~~

5 23 #10. Page 22, by striking lines 5 through 35.

5 24 #11. By striking page 24, line 10, through page  
5 25 31, line 23, and inserting the following:

5 26 <ETHICS AND CAMPAIGN DISCLOSURE BOARD ENFORCEMENT  
5 27 Sec. \_\_\_\_\_. Section 68B.32A, Code 2009, is amended  
5 28 by adding the following new subsection:

5 29 NEW SUBSECTION. 18. At the board's discretion,  
5 30 enter into an agreement with a political subdivision  
5 31 authorizing the board to enforce the provisions of a  
5 32 code of ethics adopted by that political subdivision.

5 33 DIVISION VI

5 34 ALCOHOLIC BEVERAGE CONTROL PROVISION

5 35 Sec. \_\_\_\_\_. Section 123.30, subsection 3, paragraph  
5 36 e, unnumbered paragraph 1, Code 2009, is amended to  
5 37 read as follows:

5 38 CLASS "E". A class "E" liquor control license may  
5 39 be issued and shall authorize the holder to purchase  
5 40 alcoholic liquor from the division only and to sell  
5 41 the alcoholic liquor to patrons for consumption off  
5 42 the licensed premises and to other liquor control  
5 43 licensees. ~~A class "E" license shall not be issued to~~  
~~5 44 premises at which gasoline is sold.~~ A holder of a  
5 45 class "E" liquor control license may hold other retail  
5 46 liquor control licenses or retail wine or beer  
5 47 permits, but the premises licensed under a class "E"  
5 48 liquor control license shall be separate from other  
5 49 licensed premises, though the separate premises may  
5 50 have a common entrance. However, the holder of a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

6 1 class "E" liquor control license may also hold a class  
6 2 "B" wine or class "C" beer permit or both for the  
6 3 premises licensed under a class "E" liquor control  
6 4 license.

6 5 DIVISION VII

6 6 BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL  
6 7 Sec. \_\_\_\_ . NEW SECTION. 99B.5A BINGO CONDUCTED AT  
6 8 A FAIR OR COMMUNITY FESTIVAL.

6 9 1. For purposes of this section:

6 10 a. "Community festival" means a festival of no  
6 11 more than four consecutive days in length held by a  
6 12 community group.

6 13 b. "Community group" means an Iowa nonprofit,  
6 14 tax-exempt organization which is open to the general  
6 15 public and established for the promotion and  
6 16 development of the arts, history, culture, ethnicity,  
6 17 historic preservation, tourism, economic development,  
6 18 festivals, or municipal libraries. "Community group"  
6 19 does not include a school, college, university,  
6 20 political party, labor union, state or federal  
6 21 government agency, fraternal organization, church,  
6 22 convention or association of churches, or  
6 23 organizations operated primarily for religious  
6 24 purposes, or which are operated, supervised,  
6 25 controlled, or principally supported by a church,  
6 26 convention, or association of churches.

6 27 2. Bingo may lawfully be conducted at a fair, as  
6 28 defined in section 174.1, or a community festival if  
6 29 all the following conditions are met:

6 30 a. Bingo is conducted by the sponsor of the fair  
6 31 or community festival or a qualified organization  
6 32 licensed under section 99B.7 that has received  
6 33 permission from the sponsor of the fair or community  
6 34 festival to conduct bingo.

6 35 b. The sponsor of the fair or community festival  
6 36 or the qualified organization has submitted a license  
6 37 application and a fee of fifty dollars to the  
6 38 department, has been issued a license, and prominently  
6 39 displays the license at the area where the bingo  
6 40 occasion is being held. A license shall only be valid  
6 41 for the duration of the fair or community festival  
6 42 indicated on the application.

6 43 c. The number of bingo occasions shall be limited  
6 44 to one for each day of the duration of the fair of  
6 45 community festival.

6 46 d. The rules for the bingo occasion are posted.

6 47 e. Except as provided in this section, the  
6 48 provisions of sections 99B.2 and 99B.7 related to  
6 49 bingo shall apply.

6 50 3. An individual other than a person conducting



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

7 1 the bingo occasion may participate in the bingo  
7 2 occasion conducted at a fair or community festival,  
7 3 whether or not conducted in compliance with this  
7 4 section.  
7 5 4. Bingo occasions held under a license under this  
7 6 section shall not be counted in determining whether a  
7 7 qualified organization has conducted more than  
7 8 fourteen bingo occasions per month. In addition,  
7 9 bingo occasions held under this license shall not be  
7 10 limited to four consecutive hours.

7 11 DIVISION VIII

7 12 DEPARTMENT OF COMMERCE REVOLVING

7 13 FUND == APPROPRIATIONS

7 14 Sec. \_\_\_\_\_. Section 87.11E, subsection 5, Code 2009,  
7 15 is amended to read as follows:

7 16 5. A civil penalty levied under subsection 4 shall  
7 17 not exceed one thousand dollars per violation per  
7 18 person, and shall not exceed ten thousand dollars in a  
7 19 single proceeding against any one person. All civil  
7 20 penalties shall be deposited in the ~~general fund of~~  
~~7 21 the state~~ pursuant to section 505.7.

7 22 Sec. \_\_\_\_\_. Section 475A.3, subsection 3, Code 2009,  
7 23 is amended to read as follows:

7 24 3. SALARIES, EXPENSES, AND APPROPRIATION. The  
7 25 salary of the consumer advocate shall be fixed by the  
7 26 attorney general within the salary range set by the  
7 27 general assembly. The salaries of employees of the  
7 28 consumer advocate shall be at rates of compensation  
7 29 consistent with current standards in industry. The  
7 30 reimbursement of expenses for the employees and the  
7 31 consumer advocate is as provided by law. The  
7 32 appropriation for the office of consumer advocate  
7 33 shall be a separate line item contained in the  
7 34 appropriation from the ~~general fund of the state~~  
7 35 department of commerce revolving fund created in  
7 36 section 546.12.

7 37 Sec. \_\_\_\_\_. Section 476.10, unnumbered paragraph 4,  
7 38 Code 2009, is amended to read as follows:

7 39 The order shall be subject to review in the manner  
7 40 provided in this chapter. All amounts collected by  
7 41 the division pursuant to the provisions of this  
7 42 section shall be deposited with the treasurer of state  
7 43 and credited to the ~~general fund of the state~~  
7 44 department of commerce revolving fund created in  
7 45 section 546.12. Such amounts shall be spent in  
7 46 accordance with the provisions of chapter 8.

7 47 Sec. \_\_\_\_\_. Section 476.10, unnumbered paragraph 6,  
7 48 Code 2009, is amended to read as follows:

7 49 Fees paid to the utilities division shall be  
7 50 deposited in the ~~general fund of the state~~ department



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

8 1 of commerce revolving fund created in section 546.12.  
8 2 These funds shall be used for the payment, upon  
8 3 appropriation by the general assembly, of the expenses  
8 4 of the utilities division and the consumer advocate  
8 5 division of the department of justice. ~~Subject to~~  
~~8 6 this section, the utilities division or the consumer~~  
~~8 7 advocate division may keep on hand with the treasurer~~  
~~8 8 of state funds in excess of the current needs of the~~  
~~8 9 utilities division or the consumer advocate division.~~  
8 10 Sec. \_\_\_\_\_. Section 476.10, unnumbered paragraph 8,  
8 11 Code 2009, is amended to read as follows:  
8 12 All fees and other moneys collected under this  
8 13 section and sections 478.4, 479.16, and 479A.9 shall  
8 14 be deposited into the ~~general fund of the state~~  
8 15 department of commerce revolving fund created in  
8 16 section 546.12 and expenses required to be paid under  
8 17 this section shall be paid from funds appropriated for  
8 18 those purposes. ~~Moneys deposited into the general~~  
~~8 19 fund of the state pursuant to this section and~~  
~~8 20 sections 478.4, 479.16, and 479A.9 shall be subject to~~  
~~8 21 the requirements of section 8.60.~~  
8 22 Sec. \_\_\_\_\_. Section 476.51, subsection 5, Code 2009,  
8 23 is amended to read as follows:  
8 24 5. Civil penalties collected pursuant to this  
8 25 section from utilities providing water, electric, or  
8 26 gas service shall be forwarded by the executive  
8 27 secretary of the board to the treasurer of state to be  
8 28 credited to the general fund of the state and to be  
8 29 used only for the low income home energy assistance  
8 30 program and the weatherization assistance program  
8 31 administered by the division of community action  
8 32 agencies of the department of human rights. Civil  
8 33 penalties collected pursuant to this section from  
8 34 utilities providing telecommunications service shall  
8 35 be forwarded to the treasurer of state to be credited  
8 36 to the ~~general fund of the state~~ department of  
8 37 commerce revolving fund created in section 546.12 to  
8 38 be used only for consumer education programs  
8 39 administered by the board. Penalties paid by a  
8 40 rate-regulated public utility pursuant to this section  
8 41 shall be excluded from the utility's costs when  
8 42 determining the utility's revenue requirement, and  
8 43 shall not be included either directly or indirectly in  
8 44 the utility's rates or charges to customers.  
8 45 Sec. \_\_\_\_\_. Section 476.87, subsection 3, Code 2009,  
8 46 is amended to read as follows:  
8 47 3. The board shall allocate the costs and expenses  
8 48 reasonably attributable to certification and dispute  
8 49 resolution in this section to persons identified as  
8 50 parties to such proceeding who are engaged in or who



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

9 1 seek to engage in providing natural gas services or  
9 2 other persons identified as participants in such  
9 3 proceeding. The funds received for the costs and the  
9 4 expenses of certification and dispute resolution shall  
9 5 be remitted to the treasurer of state for deposit in  
9 6 the ~~general fund of the state~~ department of commerce  
9 7 revolving fund created in section 546.12 as provided

---

9 8 in section 476.10.

9 9 Sec. \_\_\_\_\_. Section 476.101, subsection 10, Code  
9 10 2009, is amended to read as follows:

9 11 10. In a proceeding associated with the granting  
9 12 of a certificate under section 476.29, approving maps  
9 13 and tariffs for competitive local exchange providers  
9 14 provided for in this section, or in resolving a  
9 15 complaint filed pursuant to subsection 8 and  
9 16 proceedings under 47 U.S.C. } 251==254, the board  
9 17 shall allocate the costs and expenses of the  
9 18 proceedings to persons identified as parties in the  
9 19 proceeding who are engaged in or who seek to engage in  
9 20 providing telecommunications services or other persons  
9 21 identified as participants in the proceeding. The  
9 22 funds received for the costs and the expenses shall be  
9 23 remitted to the treasurer of state for deposit in the  
9 24 ~~general fund of the state~~ department of commerce  
9 25 revolving fund created in section 546.12 as provided

---

9 26 in section 476.10.

9 27 Sec. \_\_\_\_\_. Section 476.103, subsection 4, paragraph  
9 28 c, Code 2009, is amended to read as follows:

9 29 c. A civil penalty collected pursuant to this  
9 30 subsection shall be forwarded by the executive  
9 31 secretary of the board to the treasurer of state to be  
9 32 credited to the ~~general fund of the state~~ department  
9 33 of commerce revolving fund created in section 546.12

---

9 34 and to be used only for consumer education programs  
9 35 administered by the board.

9 36 Sec. \_\_\_\_\_. Section 476A.14, subsection 1, Code  
9 37 2009, is amended to read as follows:

9 38 1. Any person who commences to construct a  
9 39 facility as provided in this subchapter without having  
9 40 first obtained a certificate, or who constructs,  
9 41 operates or maintains any facility other than in  
9 42 compliance with a certificate issued by the board or a  
9 43 certificate amended pursuant to this subchapter, or  
9 44 who causes any of these acts to occur, shall be liable  
9 45 for a civil penalty of not more than ten thousand  
9 46 dollars for each violation or for each day of  
9 47 continuing violation. Civil penalties collected  
9 48 pursuant to this subsection shall be forwarded by the  
9 49 clerk of court to the treasurer of state for deposit  
9 50 in the ~~general fund of the state~~ department of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

10 1 commerce revolving fund created in section 546.12.

10 2 Sec. \_\_\_\_\_. Section 478.4, Code 2009, is amended to  
10 3 read as follows:

10 4 478.4 FRANCHISE == HEARING.

10 5 The utilities board shall consider the petition and  
10 6 any objections filed to it in the manner provided. It  
10 7 shall examine the proposed route or cause any engineer  
10 8 selected by it to do so. If a hearing is held on the  
10 9 petition it may hear testimony as may aid it in  
10 10 determining the propriety of granting the franchise.

10 11 It may grant the franchise in whole or in part upon  
10 12 the terms, conditions, and restrictions, and with the  
10 13 modifications as to location and route as may seem to  
10 14 it just and proper. Before granting the franchise,  
10 15 the utilities board shall make a finding that the  
10 16 proposed line or lines are necessary to serve a public  
10 17 use and represents a reasonable relationship to an  
10 18 overall plan of transmitting electricity in the public  
10 19 interest. A franchise shall not become effective  
10 20 until the petitioners shall pay, or file an agreement  
10 21 to pay, all costs and expenses of the franchise  
10 22 proceeding, whether or not objections are filed,  
10 23 including costs of inspections or examinations of the  
10 24 route, hearing, salaries, publishing of notice, and  
10 25 any other expenses reasonably attributable to it. The  
10 26 funds received for the costs and the expenses of the  
10 27 franchise proceeding shall be remitted to the

~~10 28 treasurer of state for deposit in the general fund of~~  
~~10 29 the state department of commerce revolving fund~~

10 30 created in section 546.12 as provided in section  
10 31 476.10.

10 32 Sec. \_\_\_\_\_. Section 479.16, Code 2009, is amended to  
10 33 read as follows:

10 34 479.16 RECEIPT OF FUNDS.

10 35 All moneys received under this chapter shall be  
10 36 remitted monthly to the treasurer of state and  
10 37 credited to the ~~general fund of the state department~~  
10 38 of commerce revolving fund created in section 546.12

10 39 as provided in section 476.10.

10 40 Sec. \_\_\_\_\_. Section 479A.9, Code 2009, is amended to  
10 41 read as follows:

10 42 479A.9 DEPOSIT OF FUNDS.

10 43 Moneys received under this chapter shall be  
10 44 credited to the ~~general fund of the state department~~  
10 45 of commerce revolving fund created in section 546.12

10 46 as provided in section 476.10.

10 47 Sec. \_\_\_\_\_. Section 479B.12, Code 2009, is amended  
10 48 to read as follows:

10 49 479B.12 USE OF FUNDS.

10 50 All moneys received under this chapter, other than



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

11 1 civil penalties collected pursuant to section 479B.21,  
11 2 shall be remitted monthly to the treasurer of state  
11 3 and credited to the ~~general fund of the state~~  
11 4 department of commerce revolving fund created in  
11 5 section 546.12.

11 6 Sec. \_\_\_\_\_. Section 502.302, Code 2009, is amended  
11 7 by adding the following new subsection:

11 8 NEW SUBSECTION. 5. DEPOSIT OF FEES. Fees  
11 9 collected under this section shall be deposited as  
11 10 provided in section 505.7.

11 11 Sec. \_\_\_\_\_. Section 502.304A, subsection 3, Code  
11 12 2009, is amended by adding the following new  
11 13 paragraph:

11 14 NEW PARAGRAPH. h. The fees collected under this  
11 15 subsection shall be deposited as provided in section  
11 16 505.7.

11 17 Sec. \_\_\_\_\_. Section 502.305, subsection 2, Code  
11 18 2009, is amended to read as follows:

11 19 2. FILING. Except as provided in subsection 10  
11 20 and section 502.304A, subsection 3, paragraph "g", a  
11 21 person who files a registration statement or a notice  
11 22 filing shall pay a filing fee of one-tenth of one  
11 23 percent of the proposed aggregate sales price of the  
11 24 securities to be offered to persons in this state  
11 25 pursuant to the registration statement or notice  
11 26 filing. However, except as provided in subsection 10,  
11 27 section 502.302, subsection 1, paragraph "a", and  
11 28 section 502.304A, subsection 3, paragraph "g", the  
11 29 annual filing fee shall not be less than fifty dollars  
11 30 or more than one thousand dollars. The administrator  
11 31 shall retain the filing fee even if the notice filing  
11 32 is withdrawn or the registration is withdrawn, denied,  
11 33 suspended, revoked, or abandoned. The fees collected  
11 34 under this subsection shall be deposited as provided  
11 35 in section 505.7.

11 36 Sec. \_\_\_\_\_. Section 502.321G, Code 2009, is amended  
11 37 to read as follows:

11 38 502.321G FEES.

11 39 The administrator shall charge a nonrefundable  
11 40 filing fee of two hundred fifty dollars for a  
11 41 registration statement filed by an offeror. The fee  
11 42 shall be deposited as provided in section 505.7.

11 43 Sec. \_\_\_\_\_. Section 502.410, Code 2009, is amended  
11 44 by adding the following new subsection:

11 45 NEW SUBSECTION. 7. DEPOSIT OF FEES. Except as  
11 46 otherwise provided in subsection 2, fees collected  
11 47 under this section shall be deposited as provided in  
11 48 section 505.7.

11 49 Sec. \_\_\_\_\_. Section 505.7, subsection 1, Code 2009,  
11 50 is amended to read as follows:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

12 1 1. All fees and charges which are required by law  
12 2 to be paid by insurance companies, associations, and  
12 3 other regulated entities shall be payable to the  
12 4 commissioner of the insurance division of the  
12 5 department of commerce or department of revenue, as  
12 6 provided by law, whose duty it shall be to account for  
12 7 and pay over the same to the treasurer of state at the  
12 8 time and in the manner provided by law for deposit in  
12 9 the general fund of the state department of commerce  
12 10 revolving fund created in section 546.12.

12 11 Sec. \_\_\_\_\_. Section 505.7, subsection 3, Code 2009,  
12 12 is amended to read as follows:

12 13 3. Forty percent of the nonexamination revenues  
12 14 payable to the division of insurance or the department  
12 15 of revenue in connection with the regulation of  
12 16 insurance companies or other entities subject to the  
12 17 regulatory jurisdiction of the division shall be  
12 18 deposited in the department of commerce revolving fund  
12 19 created in section 546.12 and shall be subject to

12 20 annual appropriation to the division for its  
12 21 operations and is also subject to expenditure under  
12 22 subsection 6. The remaining nonexamination revenues  
12 23 payable to the division of insurance or the department  
12 24 of revenue shall be deposited in the general fund of  
12 25 the state.

12 26 Sec. \_\_\_\_\_. Section 507.9, Code 2009, is amended to  
12 27 read as follows:

12 28 507.9 FEES == ACCOUNTING.

12 29 All fees collected under the provisions of this  
12 30 chapter shall be paid to the commissioner of insurance  
12 31 and shall be turned into the state treasury for  
12 32 deposit as provided in section 505.7.

12 33 Sec. \_\_\_\_\_. Section 507B.7, subsection 4, paragraph  
12 34 a, Code 2009, is amended to read as follows:

12 35 a. A monetary penalty of not more than ten  
12 36 thousand dollars for each and every act or violation.  
12 37 A penalty collected under this lettered paragraph  
12 38 shall be deposited as provided in section 505.7.

12 39 Sec. \_\_\_\_\_. Section 508.13, subsection 3, Code 2009,  
12 40 is amended to read as follows:

12 41 3. A company that fails to timely file an  
12 42 application for renewal of its certificate of  
12 43 authority shall pay an administrative penalty of five  
12 44 hundred dollars to the treasurer of state for deposit  
12 45 in the general fund of the state as provided in  
12 46 section 505.7.

12 47 Sec. \_\_\_\_\_. Section 508.14, subsection 4, Code 2009,  
12 48 is amended to read as follows:

12 49 4. Amounts received by the commissioner pursuant  
12 50 to subsections 2 and 3 shall be paid to the treasurer



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

13 1 of state for deposit ~~in the general fund of the state~~  
13 2 as provided in section 505.7.

13 3 Sec. \_\_\_\_\_. Section 508.15, Code 2009, is amended to  
13 4 read as follows:

13 5 508.15 VIOLATION BY FOREIGN COMPANY.

13 6 Companies organized and chartered by the laws of a  
13 7 foreign state or country, failing to file the evidence  
13 8 of investment and statement within the time fixed, or  
13 9 failing to timely file any financial statement  
13 10 required by rule of the commissioner of insurance,  
13 11 shall forfeit and pay five hundred dollars, to be  
13 12 collected in an action in the name of the state and  
13 13 paid to the treasurer of state for deposit ~~in the~~

~~13 14 general fund of the state~~ as provided in section  
13 15 505.7, and their right to transact further new  
13 16 business in this state shall immediately cease until  
13 17 the requirements of this chapter have been fully  
13 18 complied with. The commissioner may give notice to a  
13 19 company which has failed to file within the time fixed  
13 20 that the company is in violation of this section and  
13 21 if the company fails to file the evidence of  
13 22 investment and statement within ten days of the date  
13 23 of the notice the company shall forfeit and pay the  
13 24 additional sum of one hundred dollars for each day the  
13 25 failure continues, to be paid to the treasurer of  
13 26 state for deposit ~~in the general fund of the state~~ as  
13 27 provided in section 505.7.

13 28 Sec. \_\_\_\_\_. Section 508E.3, subsection 10, Code  
13 29 2009, is amended to read as follows:

13 30 10. Fees collected pursuant to this section shall  
13 31 be deposited ~~into the general fund of the state~~ as  
13 32 provided in section 505.7.

13 33 Sec. \_\_\_\_\_. Section 508E.16, subsection 5, Code  
13 34 2009, is amended to read as follows:

13 35 5. In addition to the penalties and other  
13 36 enforcement provisions of this chapter, any person who  
13 37 violates this chapter is subject to a civil penalty of  
13 38 up to five thousand dollars for each violation of this  
13 39 chapter. The civil penalty shall be deposited ~~into~~  
~~13 40 the general fund of the state as provided in section~~  
13 41 505.7. If a person has not been ordered to pay

13 42 restitution by a court, the commissioner's order may  
13 43 require a person found to be in violation of this  
13 44 chapter to make restitution to a person aggrieved by a  
13 45 violation of this chapter.

13 46 Sec. \_\_\_\_\_. Section 512B.25, Code 2009, is amended  
13 47 to read as follows:

13 48 512B.25 ANNUAL LICENSE == RENEWAL.

13 49 The authority of a society to transact business in  
13 50 this state may be renewed annually. A license



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

14 1 terminates on the first day of June following issuance  
14 2 or renewal. A society shall submit annually on or  
14 3 before March 1 a completed application for renewal of  
14 4 its license. For each license or renewal the society  
14 5 shall pay the commissioner a fee of fifty dollars. A  
14 6 society that fails to timely file an application for  
14 7 renewal shall pay an administrative penalty of five  
14 8 hundred dollars to the treasurer of state for deposit  
14 9 ~~in the general fund of the state~~ as provided in  
14 10 section 505.7. A duly certified copy or duplicate of  
14 11 the license is prima facie evidence that the licensee  
14 12 is a fraternal benefit society within the meaning of  
14 13 this chapter.

14 14 Sec. \_\_\_\_\_. Section 514.9A, Code 2009, is amended to  
14 15 read as follows:

14 16 514.9A CERTIFICATE OF AUTHORITY == RENEWAL.

14 17 A certificate of authority of a corporation formed  
14 18 under this chapter expires on June 1 succeeding its  
14 19 issue and shall be renewed annually so long as the  
14 20 corporation transacts its business in accordance with  
14 21 all legal requirements. A corporation shall submit  
14 22 annually, on or before March 1, a completed  
14 23 application for renewal of its certificate of  
14 24 authority. A corporation that fails to timely file an  
14 25 application for renewal shall pay an administrative  
14 26 penalty of five hundred dollars to the treasurer of  
14 27 state for deposit ~~in the general fund of the state~~ as  
14 28 provided in section 505.7. A duly certified copy or  
14 29 duplicate of the certificate is admissible in evidence  
14 30 for or against the corporation with the same effect as  
14 31 the original.

14 32 Sec. \_\_\_\_\_. Section 514B.3B, Code 2009, is amended  
14 33 to read as follows:

14 34 514B.3B CERTIFICATE OF AUTHORITY == RENEWAL.

14 35 A certificate of authority of a health maintenance  
14 36 organization formed under this chapter expires on June  
14 37 1 succeeding its issue and shall be renewed annually  
14 38 so long as the organization transacts its business in  
14 39 accordance with all legal requirements. A health  
14 40 maintenance organization shall submit annually, on or  
14 41 before March 1, a completed application for renewal of  
14 42 its certificate of authority. A health maintenance  
14 43 organization that fails to timely file an application  
14 44 for renewal shall pay an administrative penalty of  
14 45 five hundred dollars to the treasurer of state for  
14 46 deposit ~~in the general fund of the state~~ as provided  
14 47 in section 505.7. A duly certified copy or duplicate  
14 48 of the certificate is admissible in evidence for or  
14 49 against the organization with the same effect as the  
14 50 original.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

15 1 Sec. \_\_\_\_\_. Section 514B.12, subsections 3 and 4,  
15 2 Code 2009, are amended to read as follows:

15 3 3. A health maintenance organization that fails to  
15 4 timely file the report required under subsection 1 is  
15 5 in violation of this section and shall pay an  
15 6 administrative penalty of five hundred dollars to the  
15 7 treasurer of state for deposit ~~in the general fund of~~  
~~15 8 the state~~ as provided in section 505.7.

15 9 4. The commissioner may give notice to a health  
15 10 maintenance organization that the organization has not  
15 11 timely filed the report required under subsection 1  
15 12 and is in violation of this section. If the  
15 13 organization fails to file the required report and  
15 14 comply with this section within ten days of the date  
15 15 of the notice, the organization shall pay an  
15 16 additional administrative penalty of one hundred  
15 17 dollars for each day that the failure continues to the  
15 18 treasurer of state for deposit ~~in the general fund of~~  
~~15 19 the state~~ as provided in section 505.7.

15 20 Sec. \_\_\_\_\_. Section 514G.113, Code 2009, is amended  
15 21 to read as follows:

15 22 514G.113 PENALTIES.

15 23 In addition to any other penalties provided by the  
15 24 laws of this state, any insurer or any producer found  
15 25 to have violated a provision of this chapter or any  
15 26 other requirement of this state relating to the  
15 27 regulation of long-term care insurance or the  
15 28 marketing of such insurance shall be subject to a fine  
15 29 of up to three times the amount of any commission paid  
15 30 for each policy involved in the violation, or up to  
15 31 ten thousand dollars, whichever is greater. A fine  
15 32 collected under this section shall be deposited as  
15 33 provided in section 505.7.

15 34 Sec. \_\_\_\_\_. Section 515.42, Code 2009, is amended to  
15 35 read as follows:

15 36 515.42 TENURE OF CERTIFICATE == RENEWAL ==  
15 37 EVIDENCE.

15 38 A certificate of authority shall expire on the  
15 39 first day of June next succeeding its issue, and shall  
15 40 be renewed annually so long as such company shall  
15 41 transact business in accordance with the requirements  
15 42 of law; a copy of which certificate, when certified to  
15 43 by the commissioner of insurance, shall be admissible  
15 44 in evidence for or against a company with the same  
15 45 effect as the original. A company shall submit  
15 46 annually, on or before March 1, a completed  
15 47 application for renewal of its certificate of  
15 48 authority. A company that fails to timely file an  
15 49 application for renewal shall pay an administrative  
15 50 penalty of five hundred dollars to the treasurer of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

16 1 state for deposit ~~in the general fund of the state~~ as  
16 2 provided in section 505.7.

16 3 Sec. \_\_\_\_\_. Section 515.121, subsections 1 and 3,  
16 4 Code 2009, are amended to read as follows:

16 5 1. An excess and surplus lines insurance producer  
16 6 who fails to timely file the report required in  
16 7 section 515.120 is in violation of this section and  
16 8 shall pay an administrative penalty of five hundred  
16 9 dollars to the treasurer of state for deposit ~~in the~~  
~~16 10 general fund of the state~~ as provided in section  
16 11 505.7.

16 12 3. The commissioner may give notice to a producer  
16 13 that the producer has not timely filed the report  
16 14 required under section 515.120 and is in violation of  
16 15 this section. If the producer fails to file the  
16 16 required report within ten days of the date of the  
16 17 notice, the producer shall pay an additional  
16 18 administrative penalty of one hundred dollars for each  
16 19 day that the failure continues to the treasurer of  
16 20 state for deposit ~~in the general fund of the state~~ as  
16 21 provided in section 505.7.

16 22 Sec. \_\_\_\_\_. Section 515.146, Code 2009, is amended  
16 23 to read as follows:

16 24 515.146 CERTIFICATE REFUSED == ADMINISTRATIVE  
16 25 PENALTY.

16 26 The commissioner of insurance shall withhold the  
16 27 commissioner's certificate or permission of authority  
16 28 to do business from a company neglecting or failing to  
16 29 comply with this chapter. In addition, a company  
16 30 organized or authorized under this chapter which fails  
16 31 to file the annual statement referred to in section  
16 32 515.63 in the time required shall pay and forfeit an  
16 33 administrative penalty in an amount of five hundred  
16 34 dollars to be collected in the name of the state for  
16 35 deposit ~~in the general fund of the state~~ as provided  
16 36 in section 505.7. The company's right to transact  
16 37 further new business in this state shall immediately  
16 38 cease until the company has fully complied with this  
16 39 chapter. The commissioner may give notice to a  
16 40 company which has failed to file within the time  
16 41 required that the company is in violation of this  
16 42 section and, if the company fails to file the evidence  
16 43 of investment and statement within ten days of the  
16 44 date of the notice, the company shall forfeit and pay  
16 45 the additional sum of one hundred dollars for each day  
16 46 the failure continues, to be paid to the treasurer of  
16 47 state for deposit ~~in the general fund of the state~~ as  
16 48 provided in section 505.7.

16 49 Sec. \_\_\_\_\_. Section 515.147, unnumbered paragraph 1,  
16 50 Code 2009, is amended to read as follows:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

17 1 Fees shall be paid to the commissioner of insurance  
17 2 for deposit as provided in section 505.7 as follows:

17 3 Sec. \_\_\_\_\_. Section 515A.17, subsection 1, Code  
17 4 2009, is amended to read as follows:

17 5 1. The commissioner may, if the commissioner finds  
17 6 that any person or organization has violated any  
17 7 provision of this chapter, impose a penalty of not  
17 8 more than one thousand dollars for each such  
17 9 violation, but if the commissioner finds such  
17 10 violation to be willful the commissioner may impose a  
17 11 penalty of not more than five thousand dollars for  
17 12 each such violation. Such penalties may be in  
17 13 addition to any other penalty provided by law. A  
17 14 penalty collected under this subsection shall be  
17 15 deposited as provided in section 505.7.

17 16 Sec. \_\_\_\_\_. Section 515F.19, Code 2009, is amended  
17 17 by adding the following new unnumbered paragraph:  
17 18 NEW UNNUMBERED PARAGRAPH. A penalty collected  
17 19 under this section shall be deposited as provided in  
17 20 section 505.7.

17 21 Sec. \_\_\_\_\_. Section 516E.2, subsection 2, Code 2009,  
17 22 is amended to read as follows:

17 23 2. A service company shall not issue a service  
17 24 contract or arrange to perform services pursuant to a  
17 25 service contract unless the service company is  
17 26 registered with the commissioner. A service company  
17 27 shall file a registration with the commissioner  
17 28 annually, on a form prescribed by the commissioner,  
17 29 accompanied by a registration fee in the amount of  
17 30 five hundred dollars. Fees collected under this  
17 31 subsection shall be deposited as provided in section  
17 32 505.7.

17 33 Sec. \_\_\_\_\_. Section 518.15, subsections 5 and 6,  
17 34 Code 2009, are amended to read as follows:

17 35 5. An association formed under this chapter that  
17 36 fails to timely file the statement required under  
17 37 subsection 1 or the application for renewal required  
17 38 under subsection 3 is in violation of this section and  
17 39 shall pay an administrative penalty of five hundred  
17 40 dollars to the treasurer of state for deposit ~~in the~~  
17 41 ~~general fund of the state~~ as provided in section

17 42 505.7. The association's right to transact new  
17 43 business in this state shall immediately cease until  
17 44 the association has fully complied with this chapter.

17 45 6. The commissioner may give notice to an  
17 46 association that the association has not timely filed  
17 47 the statement required under subsection 1 or an  
17 48 application for renewal under subsection 3 and is in  
17 49 violation of this section. If the association fails  
17 50 to file the required statement or application and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

18 1 comply with this section within ten days of the date  
18 2 of the notice, the association shall pay an additional  
18 3 administrative penalty of one hundred dollars for each  
18 4 day that the failure continues to the treasurer of  
18 5 state for deposit ~~in the general fund of the state as~~  
18 6 provided in section 505.7.

18 7 Sec. \_\_\_\_\_. Section 518A.18, subsections 2 and 3,  
18 8 Code 2009, are amended to read as follows:

18 9 2. An association that fails to timely file the  
18 10 statement required under subsection 1 is in violation  
18 11 of this section and shall pay an administrative  
18 12 penalty of five hundred dollars for each violation to  
18 13 the treasurer of state for deposit ~~in the general fund~~  
~~18 14 of the state as provided in section 505.7.~~

18 15 3. The commissioner may give notice to an  
18 16 association that the association has not timely filed  
18 17 the statement required under subsection 1 and is in  
18 18 violation of this section. If the association fails  
18 19 to file the required statement and comply with this  
18 20 section within ten days of the date of the notice, the  
18 21 association shall pay an additional administrative  
18 22 penalty of one hundred dollars for each day that each  
18 23 failure continues to the treasurer of state for  
18 24 deposit ~~in the general fund of the state as provided~~  
18 25 in section 505.7.

18 26 Sec. \_\_\_\_\_. Section 518A.40, subsection 4, Code  
18 27 2009, is amended to read as follows:

18 28 4. An association that fails to timely file the  
18 29 application for renewal required under subsection 2 is  
18 30 in violation of this section and shall pay an  
18 31 administrative penalty of five hundred dollars to the  
18 32 treasurer of state for deposit ~~in the general fund of~~  
~~18 33 the state as provided in section 505.7.~~

18 34 Sec. \_\_\_\_\_. Section 520.10, subsections 4 and 5,  
18 35 Code 2009, are amended to read as follows:

18 36 4. A reciprocal or interinsurance insurer that  
18 37 fails to timely file the report required under  
18 38 subsection 1 is in violation of this section and shall  
18 39 pay an administrative penalty of five hundred dollars  
18 40 to the treasurer of state for deposit ~~in the general~~  
~~18 41 fund of the state as provided in section 505.7.~~

18 42 5. The commissioner may give notice to a  
18 43 reciprocal or interinsurance insurer that the insurer  
18 44 has not timely filed the report required under  
18 45 subsection 1 and is in violation of this section. If  
18 46 the insurer fails to file the required report and  
18 47 comply with this section within ten days of the date  
18 48 of the notice, the insurer shall pay an additional  
18 49 administrative penalty of one hundred dollars for each  
18 50 day that the failure continues to the treasurer of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

19 1 state for deposit ~~in the general fund of the state~~ as  
19 2 provided in section 505.7.

19 3 Sec. \_\_\_\_\_. Section 520.12, subsection 2, Code 2009,  
19 4 is amended to read as follows:

19 5 2. A reciprocal or interinsurance insurer shall  
19 6 submit annually, on or before March 1, a completed  
19 7 application for renewal of the insurer's certificate  
19 8 of authority. An insurer that fails to timely file an  
19 9 application for renewal shall pay an administrative  
19 10 fee of five hundred dollars to the treasurer of state  
19 11 for deposit ~~in the general fund of the state~~ as  
19 12 provided in section 505.7.

19 13 Sec. \_\_\_\_\_. Section 521A.10, subsection 1, Code  
19 14 2009, is amended to read as follows:

19 15 1. If the commissioner finds after notice and  
19 16 hearing that a person subject to registration under  
19 17 section 521A.4 failed without just cause to file a  
19 18 registration statement as required in this chapter,  
19 19 the person shall be required to pay a penalty of one  
19 20 thousand dollars for each day's delay. The penalty  
19 21 shall be recovered by the commissioner and ~~paid into~~  
~~19 22 the state general fund deposited as provided in~~  
19 23 section 505.7. The maximum penalty under this section  
19 24 is ten thousand dollars. The commissioner may reduce  
19 25 the penalty if the person demonstrates that the  
19 26 imposition of the penalty would constitute a financial  
19 27 hardship to the person.

19 28 Sec. \_\_\_\_\_. Section 522A.5, Code 2009, is amended to  
19 29 read as follows:

19 30 522A.5 FEES.

19 31 The fee for a counter employee license shall be  
19 32 fifty dollars per counter employee. In no case shall  
19 33 any combined fees exceed one thousand dollars in any  
19 34 calendar year for any one rental company or limited  
19 35 license or licensee or renewal license. The fees  
19 36 collected under this section shall be deposited as  
19 37 provided in section 505.7.

19 38 Sec. \_\_\_\_\_. Section 522B.5, Code 2009, is amended by  
19 39 adding the following new subsection:

19 40 NEW SUBSECTION. 4. Fees collected under this  
19 41 section shall be deposited as provided in section  
19 42 505.7.

19 43 Sec. \_\_\_\_\_. Section 523A.204, subsection 4, Code  
19 44 2009, is amended to read as follows:

19 45 4. The commissioner shall levy an administrative  
19 46 penalty in the amount of five hundred dollars against  
19 47 a preneed seller that fails to file the annual report  
19 48 when due, payable to the state for deposit ~~in the~~  
~~19 49 general fund of the state~~ as provided in section  
19 50 505.7.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

20 1 Sec. \_\_\_\_\_. Section 523A.501, Code 2009, is amended  
20 2 by adding the following new subsection:

20 3 NEW SUBSECTION. 9. Fees collected under this  
20 4 section shall be deposited as provided in section  
20 5 505.7.

20 6 Sec. \_\_\_\_\_. Section 523A.502, subsection 3, Code  
20 7 2009, is amended to read as follows:

20 8 3. An application for a sales license shall be  
20 9 filed on a form prescribed by the commissioner and be  
20 10 accompanied by a filing fee in an amount set by the  
20 11 commissioner by rule. The fees collected under this  
20 12 subsection shall be deposited as provided in section  
20 13 505.7.

20 14 Sec. \_\_\_\_\_. Section 523A.502A, subsection 3, Code  
20 15 2009, is amended to read as follows:

20 16 3. The commissioner shall levy an administrative  
20 17 penalty in the amount of five hundred dollars against  
20 18 a sales agent who fails to file an annual report when  
20 19 due, payable to the state for deposit ~~in the general~~  
~~20 20 fund as provided in section 505.7.~~

20 21 Sec. \_\_\_\_\_. Section 523A.504, subsection 2, Code  
20 22 2009, is amended to read as follows:

20 23 2. A preneed seller shall pay an annual fee of  
20 24 five dollars for each sales agent appointed by the  
20 25 preneed seller, which fee shall be submitted with the  
20 26 annual report. Fees collected under this subsection  
20 27 shall be deposited as provided in section 505.7.

20 28 Sec. \_\_\_\_\_. Section 523A.807, subsection 3,  
20 29 paragraph a, Code 2009, is amended to read as follows:

20 30 a. Payment of a civil penalty of not more than one  
20 31 thousand dollars for each violation, but not exceeding  
20 32 an aggregate of ten thousand dollars during any  
20 33 six-month period, except that if the commissioner  
20 34 finds that the person knew or reasonably should have  
20 35 known that the person was in violation of such  
20 36 provisions or rules adopted pursuant thereto, the  
20 37 penalty shall be not more than five thousand dollars  
20 38 for each violation, but not exceeding an aggregate of  
20 39 fifty thousand dollars during any six-month period.

20 40 The commissioner shall assess the penalty on the  
20 41 employer of an individual and not on the individual,  
20 42 if the commissioner finds that the violations  
20 43 committed by the individual were directed, encouraged,  
20 44 condoned, ignored, or ratified by the individual's  
20 45 employer. Any civil penalties collected under this  
20 46 subsection shall be deposited as provided in section  
20 47 505.7.

20 48 Sec. \_\_\_\_\_. Section 523A.812, Code 2009, is amended  
20 49 to read as follows:

20 50 523A.812 INSURANCE DIVISION REGULATORY FUND.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

21 1 The insurance division may authorize the creation  
21 2 of a special revenue fund in the state treasury, to be  
21 3 known as the insurance division regulatory fund. The  
21 4 commissioner shall allocate annually from the fees  
21 5 paid pursuant to section 523A.204, two dollars for  
21 6 each purchase agreement reported on a preneed seller's  
21 7 annual report filed pursuant to section 523A.204 for  
21 8 deposit to the regulatory fund. The remainder of the  
21 9 fees collected pursuant to section 523A.204 shall be  
21 10 deposited ~~into the general fund of the state as~~  
21 11 provided in section 505.7. The commissioner shall  
21 12 also allocate annually the examination fees paid  
21 13 pursuant to section 523A.814 and any examination  
21 14 expense reimbursement for deposit to the regulatory  
21 15 fund. The moneys in the regulatory fund shall be  
21 16 retained in the fund. The moneys are appropriated  
21 17 and, subject to authorization by the commissioner, may  
21 18 be used to pay examiners, examination expenses,  
21 19 investigative expenses, the expenses of mediation  
21 20 ordered by the commissioner, consumer education  
21 21 expenses, the expenses of a toll-free telephone line  
21 22 to receive consumer complaints, and the expenses of  
21 23 receiverships established under section 523A.811. If  
21 24 the commissioner determines that funding is not  
21 25 otherwise available to reimburse the expenses of a  
21 26 person who receives title to a cemetery subject to  
21 27 chapter 523I, pursuant to such a receivership, the  
21 28 commissioner shall use moneys in the regulatory fund  
21 29 as necessary to preserve, protect, restore, and  
21 30 maintain the physical integrity of that cemetery and  
21 31 to satisfy claims or demands for cemetery merchandise,  
21 32 funeral merchandise, and funeral services based on  
21 33 purchase agreements which the commissioner determines  
21 34 are just and outstanding. An annual allocation to the  
21 35 regulatory fund shall not be imposed if the current  
21 36 balance of the fund exceeds five hundred thousand  
21 37 dollars.

21 38 Sec. \_\_\_\_\_. Section 523C.3, Code 2009, is amended by  
21 39 adding the following new subsection:

21 40 NEW SUBSECTION. 4. Fees collected under this  
21 41 section shall be deposited as provided in section  
21 42 505.7.

21 43 Sec. \_\_\_\_\_. Section 523C.13, subsection 1, Code  
21 44 2009, is amended to read as follows:

21 45 1. Payment of a civil penalty of not more than one  
21 46 thousand dollars for each and every act or violation,  
21 47 but not to exceed an aggregate of ten thousand  
21 48 dollars, unless the person knew or reasonably should  
21 49 have known the person was in violation of this  
21 50 section, in which case the penalty shall be not more



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

22 1 than five thousand dollars for each and every act or  
22 2 violation, but not to exceed an aggregate penalty of  
22 3 fifty thousand dollars in any one six-month period.  
22 4 The commissioner shall, if it finds the violations of  
22 5 this section were directed, encouraged, condoned,  
22 6 ignored, or ratified by the employer of such person,  
22 7 assess such fine to the employer and not such person.  
22 8 Any civil penalties collected under this subsection  
22 9 shall be deposited as provided in section 505.7.

22 10 Sec. \_\_\_\_\_. Section 523D.2A, unnumbered paragraph 1,  
22 11 Code 2009, is amended to read as follows:

22 12 On or before March 1 of each year, a provider shall  
22 13 file a certification with the commissioner in a manner  
22 14 and according to requirements established by the  
22 15 commissioner. The certification shall be accompanied  
22 16 by a one hundred dollar administrative fee which fee  
22 17 shall be deposited as provided in section 505.7. The  
22 18 certification shall attest that according to the best  
22 19 knowledge and belief of the attesting party, the  
22 20 facility administered by the provider is in compliance  
22 21 with the provisions of this chapter, including rules  
22 22 adopted by the commissioner or orders issued by the  
22 23 commissioner as authorized under this chapter. The  
22 24 attesting person may be any of the following:

22 25 Sec. \_\_\_\_\_. Section 523I.205, subsection 3, Code  
22 26 2009, is amended to read as follows:

22 27 3. A person who violates a provision of this  
22 28 chapter or rules adopted or orders issued under this  
22 29 chapter may be subject to civil penalties in addition  
22 30 to criminal penalties. The commissioner may impose,  
22 31 assess, and collect a civil penalty not exceeding ten  
22 32 thousand dollars for each violation. For the purposes  
22 33 of computing the amount of each civil penalty, each  
22 34 day of a continuing violation constitutes a separate  
22 35 violation. All civil penalties collected pursuant to  
22 36 this section shall be deposited ~~in the general fund of~~  
~~22 37 the state as provided in section 505.7.~~

22 38 Sec. \_\_\_\_\_. Section 523I.813, subsection 3, Code  
22 39 2009, is amended to read as follows:

22 40 3. The commissioner shall levy an administrative  
22 41 penalty in the amount of five hundred dollars against  
22 42 a cemetery that fails to file the annual report when  
22 43 due, payable to the state for deposit ~~in the general~~  
~~22 44 fund of the state as provided in section 505.7.~~

22 45 Sec. \_\_\_\_\_. Section 524.207, subsections 1, 3, and  
22 46 4, Code 2009, are amended to read as follows:

22 47 1. All Except as otherwise provided by statute,  
22 48 all expenses required in the discharge of the duties  
22 49 and responsibilities imposed upon the banking division  
22 50 of the department of commerce, the superintendent, and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

23 1 the state banking council by the laws of this state  
23 2 shall be paid from fees provided by the laws of this  
23 3 state and appropriated by the general assembly from  
23 4 the ~~general fund of the state~~ department of commerce  
23 5 revolving fund created in section 546.12. All of  
23 6 these fees are payable to the superintendent. The  
23 7 superintendent shall pay all the fees and other moneys  
23 8 received by the superintendent to the treasurer of  
23 9 state within the time required by section 12.10 and  
23 10 the fees and other moneys shall be deposited into the  
23 11 ~~general fund of the state~~ department of commerce  
23 12 revolving fund created in section 546.12. ~~The~~  
~~23 13 superintendent may keep on hand with the treasurer of~~  
~~23 14 state funds in excess of the current needs of the~~  
~~23 15 division to the extent recommended by the state~~  
~~23 16 banking council.~~  
23 17 3. The banking division may expend additional  
23 18 funds, including funds for additional personnel, if  
23 19 those additional expenditures are actual expenses  
23 20 which exceed the funds budgeted for bank or licensee  
23 21 examinations or investigations and directly result  
23 22 from examinations or investigations of banks or  
23 23 licensees. The amounts necessary to fund the excess  
23 24 examination or investigation expenses shall be  
23 25 collected from banks and licensees being regulated,  
23 26 and the collections shall be treated as repayment  
23 27 receipts as defined in section 8.2. The division  
23 28 shall notify in writing the legislative services  
23 29 agency and the department of management when hiring  
23 30 additional personnel. The written notification shall  
23 31 include documentation that any additional expenditure  
23 32 related to such hiring will be totally reimbursed ~~to~~  
~~23 33 the general fund~~ as provided in section 546.12,  
23 34 subsection 2, and shall also include the division's  
23 35 justification for hiring such personnel. The division  
23 36 must obtain the approval of the department of  
23 37 management only if the number of additional personnel  
23 38 to be hired exceeds the number of full-time equivalent  
23 39 positions authorized by the general assembly.  
23 40 4. All fees and moneys collected shall be  
23 41 deposited into the ~~general fund of the state~~  
23 42 department of commerce revolving fund created in  
23 43 section 546.12 and expenses required to be paid under  
23 44 this section shall be paid from ~~funds~~ moneys in the  
23 45 department of commerce revolving fund and appropriated  
23 46 for those purposes. ~~Moneys deposited into the general~~  
~~23 47 fund of the state pursuant to this section shall be~~  
~~23 48 subject to the requirements of section 8.60.~~  
23 49 Sec. \_\_\_\_\_. Section 533.111, subsections 1, 3, 4,  
23 50 and 5, Code 2009, are amended to read as follows:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

24 1 1. a. All expenses required in the discharge of  
24 2 the duties and responsibilities imposed upon the  
24 3 credit union division, the superintendent, and the  
24 4 review board by the laws of this state shall be paid  
24 5 from fees provided by the laws of this state and  
24 6 appropriated by the general assembly from the ~~general~~  
~~24 7 fund of the state department of commerce revolving~~  
~~24 8 fund created in section 546.12.~~  
24 9 b. All fees imposed under this chapter are payable  
24 10 to the superintendent, who shall pay all fees and  
24 11 other moneys received to the treasurer of state within  
24 12 the time required by section 12.10. The treasurer of  
24 13 state shall deposit such funds in the ~~general fund of~~  
~~24 14 the state department of commerce revolving fund~~  
~~24 15 created in section 546.12.~~  
24 16 3. The credit union division may expend additional  
24 17 funds, including funds for additional personnel, if  
24 18 the additional expenditures are actual expenses that  
24 19 exceed the funds budgeted for credit union  
24 20 examinations and directly result from examinations of  
24 21 state credit unions.  
24 22 a. The amounts necessary to fund the excess  
24 23 examination expenses shall be collected from state  
24 24 credit unions being regulated, and the collections  
24 25 shall be treated as repayment receipts as defined in  
24 26 section 8.2.  
24 27 b. The division shall notify in writing the  
24 28 legislative services agency and the department of  
24 29 management when hiring additional personnel. The  
24 30 written notification shall include documentation that  
24 31 any additional expenditure related to such hiring will  
24 32 be totally reimbursed ~~to the general fund of the state~~  
24 33 as provided in section 546.12, subsection 2, and shall  
24 34 also include the division's justification for hiring  
24 35 such personnel. The division must obtain the approval  
24 36 of the department of management only if the number of  
24 37 additional personnel to be hired exceeds the number of  
24 38 full-time equivalent positions authorized by the  
24 39 general assembly.  
24 40 4. a. All fees and other moneys collected shall  
24 41 be deposited into the ~~general fund of the state~~  
24 42 department of commerce revolving fund created in  
24 43 section 546.12 and expenses required to be paid under  
24 44 this section shall be paid from funds moneys in the  
24 45 department of commerce revolving fund and appropriated  
24 46 for those purposes. Moneys deposited into the general  
~~24 47 fund of the state pursuant to this section shall be~~  
~~24 48 subject to the requirements of section 8.60.~~  
24 49 b. Funds appropriated to the credit union division  
24 50 shall be subject at all times to the warrant of the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

25 1 director of revenue, drawn upon written requisition of  
25 2 the superintendent or a designated representative, for  
25 3 the payment of all salaries and other expenses  
25 4 necessary to carry out the duties of the credit union  
25 5 division.

25 6 5. The credit union division may accept  
25 7 reimbursement of expenses related to the examination  
25 8 of a state credit union from the national credit union  
25 9 administration or any other guarantor or insurance  
25 10 plan authorized by this chapter. These reimbursements  
25 11 shall be deposited into the ~~general fund of the state~~  
25 12 department of commerce revolving fund created in  
25 13 section 546.12.

---

25 14 Sec. \_\_\_\_\_. Section 533A.14, Code 2009, is amended  
25 15 to read as follows:

25 16 533A.14 FEES TO STATE TREASURER.

25 17 All moneys received by the superintendent from  
25 18 fees, licenses and examinations pursuant to this  
25 19 chapter shall be deposited by the superintendent with  
25 20 the treasurer of state for deposit in the department  
25 21 of commerce revolving fund created in section 546.12.

---

25 22 Sec. \_\_\_\_\_. Section 534.305, Code 2009, is amended  
25 23 to read as follows:

25 24 534.305 REDEMPTION.

25 25 When funds are on hand for the purpose, the  
25 26 association may redeem by lot or otherwise, as the  
25 27 board of directors determines, all or any part of any  
25 28 of its savings accounts on a dividend date by giving  
25 29 thirty days' notice by registered mail addressed to  
25 30 the account holders at their last addresses recorded  
25 31 on the books of the association. An association shall  
25 32 not redeem its share accounts when the association is  
25 33 in an impaired condition or when it has applications  
25 34 for withdrawal which have been on file more than  
25 35 thirty days and have not been reached for payment.  
25 36 The redemption price of a savings account shall be the  
25 37 full value of the account redeemed, as determined by  
25 38 the board of directors, but the redemption value shall  
25 39 not be less than the withdrawal value. If the notice  
25 40 of redemption has been given, and if on or before the  
25 41 redemption date the funds necessary for the redemption  
25 42 have been set aside for redemptions, dividends upon  
25 43 the accounts called for redemption shall cease to  
25 44 accrue from and after the dividend date specified as  
25 45 the redemption date, and rights with respect to those  
25 46 accounts terminate as of the redemption date, subject  
25 47 only to the right of the account holder of record to  
25 48 receive the redemption value without interest.  
25 49 Savings accounts which have been validly called for  
25 50 redemption must be tendered for payment within ten



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3287 continued

26 1 years from the date of redemption designated in the  
26 2 redemption notice, or they shall be canceled and paid  
26 3 to the treasurer of state for deposit in the ~~general~~  
~~26 4 fund of the state department of commerce revolving~~  
26 5 fund created in section 546.12 and all claims of the  
26 6 account holders against the association are barred  
26 7 forever. Redemption shall not be made of any savings  
26 8 accounts which are held by a person who is a director  
26 9 and which are necessary to qualify the person to act  
26 10 as director.

26 11 Sec. \_\_\_\_\_. Section 534.408, Code 2009, is amended  
26 12 by adding the following new subsection:

26 13 NEW SUBSECTION. 3. All fees collected under this  
26 14 chapter shall be deposited with the treasurer of state  
26 15 in the department of commerce revolving fund created  
26 16 in section 546.12.

26 17 Sec. \_\_\_\_\_. NEW SECTION. 546.12 DEPARTMENT OF  
26 18 COMMERCE REVOLVING FUND.

26 19 1. A department of commerce revolving fund is  
26 20 created in the state treasury. The fund shall consist  
26 21 of moneys collected by the banking division; credit  
26 22 union division; utilities division, including moneys  
26 23 collected on behalf of the office of consumer advocate  
26 24 established in section 475A.3; and the insurance  
26 25 division of the department; and deposited into an  
26 26 account for that division or office within the fund on  
26 27 a monthly basis. Except as otherwise provided by  
26 28 statute, all costs for operating the office of  
26 29 consumer advocate and the banking division, the credit  
26 30 union division, the utilities division, and the  
26 31 insurance division of the department shall be paid  
26 32 from the division's accounts within the fund, subject  
26 33 to appropriation by the general assembly.

26 34 2. To meet cash flow needs for the office of  
26 35 consumer advocate and the banking division, credit  
26 36 union division, utilities division, or the insurance  
26 37 division of the department, the administrative head of  
26 38 that division or office may temporarily use funds from  
26 39 the general fund of the state to pay expenses in  
26 40 excess of moneys available in the revolving fund for  
26 41 that division or office if those additional  
26 42 expenditures are fully reimbursable and the division  
26 43 or office reimburses the general fund of the state and  
26 44 ensures all moneys are repaid in full by the close of  
26 45 the fiscal year. Because any general fund moneys used  
26 46 shall be fully reimbursed, such temporary use of funds  
26 47 from the general fund of the state shall not  
26 48 constitute an appropriation for purposes of  
26 49 calculating the state general fund expenditure  
26 50 limitation pursuant to section 8.54.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009**

Senate Amendment 3287 continued

27 1       Sec. \_\_\_\_\_. 2009 Iowa Acts, Senate File 475, section  
27 2 2, unnumbered paragraph 1, if enacted, is amended to  
27 3 read as follows:

27 4       There is appropriated from the ~~general fund of the~~  
~~27 5 state department of commerce revolving fund created in~~  
27 6 section 546.12, if enacted by this Act, to the office  
27 7 of consumer advocate of the department of justice for  
27 8 the fiscal year beginning July 1, 2009, and ending  
27 9 June 30, 2010, the following amount, or so much  
27 10 thereof as is necessary, to be used for the purposes  
27 11 designated:

DIVISION IX>

27 13 #12. Page 33, by striking lines 16 through 22 and  
27 14 inserting the following:

27 15       <Sec. \_\_\_\_\_. Section 237.18, subsections 3 and 4,  
27 16 Code 2009, are amended to read as follows:

27 17       3. Assign the ~~ease cases of each child children~~  
27 18 receiving foster care ~~within the judicial district~~ to  
27 19 the appropriate local ~~board~~ boards.

27 20       4. Assist local boards in reviewing ~~each case~~  
27 21 cases of a child children receiving foster care, as  
27 22 provided in section 237.20.

27 23       Sec. \_\_\_\_\_. Section 237.20, subsection 1, unnumbered  
27 24 paragraph 1, Code 2009, is amended to read as follows:

27 25       Review ~~at least every six months~~ the case of each  
27 26 child receiving foster care assigned to the local  
27 27 board by the state board to determine whether  
27 28 satisfactory progress is being made toward the goals  
27 29 of the case permanency plan pursuant to section  
27 30 237.22. ~~As much as is possible, review shall be~~  
~~27 31 conducted immediately prior to~~ The timing and  
27 32 frequency of a review of each case by a local board  
27 33 shall take into consideration the permanency goals,  
27 34 placement setting, and frequency of any court reviews  
27 35 of the case.>

27 36 #13. By renumbering as necessary.

27 37

27 38

27 39

27 40 JEFF DANIELSON

27 41 HF 809.715 83

27 42 ec/jp/23749



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3288

PAG LIN

1 1 Amend House File 809, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 20, by inserting after line 1 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. VACANT STATE EMPLOYEE POSITIONS.  
1 6 Notwithstanding any provision of sections 8.39 and  
1 7 8.62 to the contrary, for the fiscal year beginning  
1 8 July 1, 2009, and ending June 30, 2010, if a full-time  
1 9 equivalent position funded with an appropriation from  
1 10 the general fund of the state to a department or state  
1 11 agency to which appropriations are made pursuant to  
1 12 the provisions of this Act remains vacant for a period  
1 13 of at least six months, an amount equal to the salary  
1 14 and benefits cost of that position for the period of  
1 15 the vacancy shall revert to the general fund of the  
1 16 state at the close of the fiscal year.>  
1 17 #2. By renumbering as necessary.  
1 18  
1 19  
1 20  
1 21 BRAD ZAUN  
1 22 HF 809.513 83  
1 23 ec/jp/23747  
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  
April 16, 2009

Senate Amendment 3289

PAG LIN

1 1 Amend House File 809, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 20, by inserting after line 1 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. VEHICLE PURCHASES DEFERRED.  
1 6 Notwithstanding any provision to the contrary, except  
1 7 as otherwise provided by this section, the department  
1 8 of administrative services shall defer the purchase of  
1 9 replacement motor vehicles paid for from the general  
1 10 fund of the state or from such moneys credited to the  
1 11 depreciation fund maintained pursuant to section  
1 12 8A.365. The purchase deferral is applicable to the  
1 13 remainder of the fiscal year beginning July 1, 2008,  
1 14 commencing on the effective date of this section and  
1 15 to the succeeding fiscal year. However, the executive  
1 16 council may authorize an exception to allow purchase  
1 17 of a replacement vehicle when the purchase is less  
1 18 costly than all other alternatives.>  
1 19 #2. Page 20, line 18, by striking the word  
1 20 <section> and inserting the following: <sections>.  
1 21 #3. Page 20, line 20, by inserting after the word  
1 22 <services> the following: <and providing for vehicle  
1 23 purchases to be deferred,>.  
1 24 #4. Page 20, line 21, by striking the word <takes>  
1 25 and inserting the following: <take>.  
1 26 #5. By renumbering as necessary.  
1 27  
1 28  
1 29  
1 30 BRAD ZAUN  
1 31 HF 809.714 83  
1 32 ec/jp/23748  
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  
April 16, 2009

**Senate Amendment 3290**

PAG LIN

1 1 Amend the amendment, S=3287, to House File 809, as  
1 2 amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. By striking page 5, line 33, through page 6,  
1 5 line 4.  
1 6 #2. By renumbering as necessary.  
1 7  
1 8  
1 9  
1 10 NANCY J. BOETTGER  
1 11 HF 809.218 83  
1 12 ec/tm/24517  
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  
April 16, 2009

Senate Amendment 3291

PAG LIN

1 1 Amend Senate File 481 as follows:  
1 2 #1. Page 1, by inserting before line 1 the  
1 3 following:  
1 4 <DIVISION I  
1 5 HISTORIC TAX CREDITS>  
1 6 #2. Page 9, by inserting before line 9 the  
1 7 following:  
1 8 <DIVISION II  
1 9 INTERNAL REVENUE CODE COUPLING  
1 10 Sec. \_\_\_\_\_. Section 15.335, subsection 4, paragraph  
1 11 b, Code 2009, is amended to read as follows:  
1 12 b. For purposes of this section, "Internal Revenue  
1 13 Code" means the Internal Revenue Code in effect on  
1 14 January 1, ~~2008~~ 2009.  
1 15 Sec. \_\_\_\_\_. Section 15A.9, subsection 8, paragraph  
1 16 e, subparagraph (2), Code 2009, is amended to read as  
1 17 follows:  
1 18 (2) For purposes of this subsection, "Internal  
1 19 Revenue Code" means the Internal Revenue Code in  
1 20 effect on January 1, ~~2008~~ 2009.  
1 21 Sec. \_\_\_\_\_. Section 422.3, subsection 5, Code 2009,  
1 22 is amended to read as follows:  
1 23 5. "Internal Revenue Code" means the Internal  
1 24 Revenue Code of 1954, prior to the date of its  
1 25 redesignation as the Internal Revenue Code of 1986 by  
1 26 the Tax Reform Act of 1986, or means the Internal  
1 27 Revenue Code of 1986 as amended to and including  
1 28 January 1, ~~2008~~ 2009.  
1 29 Sec. \_\_\_\_\_. Section 422.5, subsection 1, paragraph  
1 30 k, subparagraph (1), Code 2009, is amended to read as  
1 31 follows:  
1 32 (1) Add items of tax preference included in  
1 33 federal alternative minimum taxable income under  
1 34 section 57, except subsections (a)(1), (a)(2), and  
1 35 (a)(5), of the Internal Revenue Code, make the  
1 36 adjustments included in federal alternative minimum  
1 37 taxable income under section 56, except subsections  
1 38 (a)(4), (b)(1)(C)(iii), and (d), of the Internal  
1 39 Revenue Code, and add losses as required by section 58  
1 40 of the Internal Revenue Code. To the extent that any  
1 41 preference or adjustment is determined by an  
1 42 individual's federal adjusted gross income, the  
1 43 individual's federal adjusted gross income is computed  
1 44 in accordance with section 422.7, ~~subsection~~  
1 45 subsections 39 and 39A. In the case of an estate or  
1 46 trust, the items of tax preference, adjustments, and  
1 47 losses shall be apportioned between the estate or  
1 48 trust and the beneficiaries in accordance with rules  
1 49 prescribed by the director.  
1 50 Sec. \_\_\_\_\_. Section 422.7, Code 2009, is amended by



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3291 continued

2 1 adding the following new subsection:  
2 2 NEW SUBSECTION. 39A. The additional first-year  
2 3 depreciation allowance authorized in section 168(k) of  
2 4 the Internal Revenue Code, as enacted by Pub. L. No.  
2 5 110-185, section 103, does not apply in computing net  
2 6 income for state tax purposes. If a taxpayer has  
2 7 taken a deduction for additional first-year  
2 8 depreciation in computing federal adjusted gross  
2 9 income, the following adjustments to federal adjusted  
2 10 gross income shall be made:  
2 11 a. Add the total amount of depreciation taken on  
2 12 all property for which the election under section  
2 13 168(k) of the Internal Revenue Code was made for the  
2 14 tax year.  
2 15 b. Subtract an amount equal to depreciation  
2 16 allowed on such property for the tax year using the  
2 17 modified accelerated cost recovery system depreciation  
2 18 method applicable under section 168 of the Internal  
2 19 Revenue Code without regard to section 168(k).  
2 20 c. Any other adjustments to gains or losses to  
2 21 reflect the adjustments made in paragraphs "a" and  
2 22 "b", according to rules adopted by the director.  
2 23 Sec. \_\_\_\_\_. Section 422.7, subsection 53, Code 2009,  
2 24 is amended by striking the subsection.  
2 25 Sec. \_\_\_\_\_. Section 422.9, subsection 2, paragraphs  
2 26 h and i, Code 2009, are amended to read as follows:  
2 27 h. For purposes of calculating the deductions in  
2 28 this subsection that are authorized under the Internal  
2 29 Revenue Code, and to the extent that any of such  
2 30 deductions is determined by an individual's federal  
2 31 adjusted gross income, the individual's federal  
2 32 adjusted gross income is computed in accordance with  
2 33 section 422.7, ~~subsection~~ subsections 39 and 39A.  
2 34 i. The deduction for state sales and use taxes is  
2 35 allowable only if the taxpayer elected to deduct the  
2 36 state sales and use taxes in lieu of state income  
2 37 taxes under section 164 of the Internal Revenue Code.  
2 38 A deduction for state sales and use taxes is not  
2 39 allowed if the taxpayer has taken the deduction for  
2 40 state income taxes or claimed the standard deduction  
2 41 under section 63 of the Internal Revenue Code. This  
2 42 paragraph applies to taxable years beginning after  
2 43 December 31, 2003, and before January 1, ~~2006~~ 2010.  
2 44 Sec. \_\_\_\_\_. Section 422.9, subsection 3, paragraph  
2 45 b, Code 2009, is amended to read as follows:  
2 46 b. The Iowa net operating loss remaining after  
2 47 being carried back as required in paragraph "a", ~~or~~  
2 48 "d", or "e", or if not required to be carried back  
2 49 shall be carried forward twenty taxable years.  
2 50 Sec. \_\_\_\_\_. Section 422.9, subsection 3, Code 2009,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3291 continued

3 1 is amended by adding the following new paragraph:  
3 2 NEW PARAGRAPH. e. Notwithstanding paragraph "a",  
3 3 for a taxpayer who has a qualified disaster loss as  
3 4 defined in section 172(b)(1)(J) of the Internal  
3 5 Revenue Code, including modifications prescribed by  
3 6 rule by the director, the Iowa qualified disaster loss  
3 7 is a net operating loss which may be carried back five  
3 8 taxable years prior to the taxable year of the loss.  
3 9 Sec. \_\_\_\_\_. Section 422.9, Code 2009, is amended by  
3 10 adding the following new subsection:  
3 11 NEW SUBSECTION. 9. In determining the amount of  
3 12 deduction for federal income tax under subsection 1 or  
3 13 subsection 2, paragraph "b", for tax years beginning  
3 14 in the 2009 calendar year, if a refund is attributable  
3 15 to the receipt of an advance refund pursuant to the  
3 16 federal Recovery Rebates and Economic Stimulus for the  
3 17 American People Act of 2008, Pub. L. No. 110=185, the  
3 18 amount of the deduction for the tax year shall not be  
3 19 adjusted by the amount of the advance refund, and the  
3 20 amount of the advance refund shall not be taxable  
3 21 under this division.  
3 22 Sec. \_\_\_\_\_. Section 422.10, subsection 3, unnumbered  
3 23 paragraph 2, Code 2009, is amended to read as follows:  
3 24 For purposes of this section, "Internal Revenue  
3 25 Code" means the Internal Revenue Code in effect on  
3 26 January 1, ~~2008~~ 2009.  
3 27 Sec. \_\_\_\_\_. Section 422.32, subsection 7, Code 2009,  
3 28 is amended to read as follows:  
3 29 7. "Internal Revenue Code" means the Internal  
3 30 Revenue Code of 1954, prior to the date of its  
3 31 redesignation as the Internal Revenue Code of 1986 by  
3 32 the Tax Reform Act of 1986, or means the Internal  
3 33 Revenue Code of 1986 as amended to and including  
3 34 January 1, ~~2008~~ 2009.  
3 35 Sec. \_\_\_\_\_. Section 422.33, subsection 5, paragraph  
3 36 d, unnumbered paragraph 2, Code 2009, is amended to  
3 37 read as follows:  
3 38 For purposes of this subsection, "Internal Revenue  
3 39 Code" means the Internal Revenue Code in effect on  
3 40 January 1, ~~2008~~ 2009.  
3 41 Sec. \_\_\_\_\_. Section 422.35, subsection 11, paragraph  
3 42 b, Code 2009, is amended to read as follows:  
3 43 b. The Iowa net operating loss remaining after  
3 44 being carried back as required in paragraph "a", ~~or~~  
3 45 "f", or "g", or if not required to be carried back  
3 46 shall be carried forward twenty taxable years.  
3 47 Sec. \_\_\_\_\_. Section 422.35, subsection 11, Code  
3 48 2009, is amended by adding the following new  
3 49 paragraph:  
3 50 NEW PARAGRAPH. g. Notwithstanding paragraph "a",



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3291 continued

4 1 for a taxpayer who has a qualified disaster loss as  
4 2 defined in section 172(b)(1)(J) of the Internal  
4 3 Revenue Code, including modifications prescribed by  
4 4 rule by the director, the Iowa qualified disaster loss  
4 5 is a net operating loss which may be carried back five  
4 6 taxable years prior to the taxable year of the loss.  
4 7 Sec. \_\_\_\_\_. Section 422.35, Code 2009, is amended by  
4 8 adding the following new subsection:  
4 9 NEW SUBSECTION. 19A. The additional first-year  
4 10 depreciation allowance authorized in section 168(k) of  
4 11 the Internal Revenue Code, as enacted by Pub. L. No.  
4 12 110-185, section 103, does not apply in computing net  
4 13 income for state tax purposes. If a taxpayer has  
4 14 taken a deduction for additional first-year  
4 15 depreciation in computing federal taxable income, the  
4 16 following adjustments to federal taxable income shall  
4 17 be made:  
4 18 a. Add the total amount of depreciation taken on  
4 19 all property for which the election under section  
4 20 168(k) of the Internal Revenue Code was made for the  
4 21 tax year.  
4 22 b. Subtract an amount equal to depreciation  
4 23 allowed on such property for the tax year using the  
4 24 modified accelerated cost recovery system depreciation  
4 25 method applicable under section 168 of the Internal  
4 26 Revenue Code without regard to section 168(k).  
4 27 c. Any other adjustments to gains or losses to  
4 28 reflect the adjustments made in paragraphs "a" and  
4 29 "b", according to rules adopted by the director.  
4 30 Sec. \_\_\_\_\_. Section 422.35, subsection 24, Code  
4 31 2009, is amended by striking the subsection.  
4 32 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY.  
4 33 1. The sections of this Act amending Code sections  
4 34 15.335, 15A.9, 422.3, 422.9, subsection 3, 422.10,  
4 35 422.32, 422.33, and 422.35, subsection 11, apply  
4 36 retroactively to January 1, 2008, for tax years  
4 37 beginning on or after that date.  
4 38 2. The sections of this Act amending Code sections  
4 39 422.5, 422.7, new subsection 39A and subsection 53,  
4 40 422.9, subsection 2, and 422.35, new subsection 19A  
4 41 and subsection 24, apply retroactively to December 31,  
4 42 2007, for tax years ending after that date.  
4 43 3. The section of this Act enacting section 422.9,  
4 44 subsection 9, applies retroactively to January 1,  
4 45 2009, for tax years beginning in the 2009 calendar  
4 46 year.  
4 47 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
4 48 Act, being deemed of immediate importance, takes  
4 49 effect upon enactment.>  
4 50 #3. Title page, line 1, by inserting after the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3291 continued

5 1 word <to> the following: <taxation by providing for  
5 2 Internal Revenue Code coupling and by providing for>.  
5 3 #4. Title page, line 5, by inserting after the  
5 4 word <affairs> the following: <and including  
5 5 effective and retroactive applicability date  
5 6 provisions>.  
5 7 #5. By renumbering as necessary.  
5 8  
5 9  
5 10  
5 11 DAVID HARTSUCH  
5 12  
5 13  
5 14  
5 15 BRAD ZAUN  
5 16  
5 17  
5 18  
5 19 STEVE KETTERING  
5 20  
5 21  
5 22  
5 23 TIM L. KAPUCIAN  
5 24  
5 25  
5 26  
5 27 DAVID JOHNSON  
5 28  
5 29  
5 30  
5 31 SHAWN HAMERLINCK  
5 32  
5 33  
5 34  
5 35 KIM REYNOLDS  
5 36  
5 37  
5 38  
5 39 LARRY NOBLE  
5 40  
5 41  
5 42  
5 43 RANDY FEENSTRA  
5 44  
5 45  
5 46  
5 47 JAMES HAHN  
5 48  
5 49  
5 50



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3291 continued

6 1 PAT WARD  
6 2  
6 3  
6 4  
6 5 MERLIN BARTZ  
6 6  
6 7  
6 8  
6 9 NANCY BOETTGER  
6 10  
6 11  
6 12  
6 13 JERRY BEHN  
6 14  
6 15  
6 16  
6 17 JAMES SEYMOUR  
6 18  
6 19  
6 20  
6 21 RON WIECK  
6 22  
6 23  
6 24  
6 25 HUBERT HOUSER  
6 26  
6 27  
6 28  
6 29 PAUL McKINLEY  
6 30 SF 481.202 83  
6 31 tw/mg:sc/23751



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

## Senate Amendment 3292

PAG LIN

1 1 Amend Senate File 461 as follows:

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

1 4 <Section 1. Section 423B.1, subsection 6,  
1 5 paragraph c, Code 2009, is amended to read as follows:  
1 6 c. Notwithstanding any other provision in this  
1 7 section, a change in use of the local sales and  
1 8 services tax revenues for purposes of funding an urban  
1 9 renewal project pursuant to section 423B.10 does not  
1 10 require an election, except as provided in section  
1 11 423B.10, subsection 2.

1 12 Sec. 2. Section 423B.10, subsection 2, Code 2009,  
1 13 is amended to read as follows:

1 14 2. a. An eligible city may by ordinance of the  
1 15 city council provide for the use of a designated  
1 16 amount of the increased local sales and services tax  
1 17 revenues collected under this chapter which are  
1 18 attributable to retail establishments in an urban  
1 19 renewal area to fund urban renewal projects located in  
1 20 the area. The designated amount may be all or a  
1 21 portion of ~~such~~ the increased revenues allocable to  
1 22 the eligible city under section 423B.7.

1 23 b. Prior to consideration of an ordinance under  
1 24 this section, a city council shall adopt a resolution  
1 25 stating its intent to propose the ordinance. If  
1 26 within thirty days of the adoption of the resolution,  
1 27 a petition is filed with the clerk of the city in the  
1 28 manner provided by section 362.4 asking that the  
1 29 question of the use of a designated amount of the  
1 30 increased revenues allocable to the city be submitted  
1 31 to the registered voters of the city, the council  
1 32 shall either by resolution declare the proposal to  
1 33 have been abandoned or shall direct the county  
1 34 commissioner of elections to call a special election  
1 35 to be held on a date specified in section 39.2,  
1 36 subsection 4, paragraph "b". If the vote in favor of  
1 37 the proposition is equal to at least a majority of the  
1 38 total votes cast for and against the proposition, the  
1 39 city council may proceed with consideration of an  
1 40 ordinance authorizing funding of urban renewal  
1 41 projects as provided in paragraph "a".

1 42 c. If no petition is filed, the council may  
1 43 proceed with consideration of an ordinance authorizing  
1 44 funding of urban renewal projects as provided in  
1 45 paragraph "a".

1 46 Sec. 3. Section 423B.10, subsection 3, unnumbered  
1 47 paragraph 1, Code 2009, is amended to read as follows:

1 48 To determine the revenue increase allocable to the  
1 49 city for purposes of subsection 2, revenue amounts  
1 50 shall be calculated by the department of revenue as



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

Senate Amendment 3292 continued

2 1 follows:  
2 2     Sec. 4. TAXES RECEIVED PRIOR TO EFFECTIVE DATE.  
2 3 The amount of the increased local sales and services  
2 4 taxes received by a city under chapter 423B prior to  
2 5 the effective date of this Act that have been  
2 6 designated by a city by ordinance to fund urban  
2 7 renewal projects pursuant to section 423B.10 shall be  
2 8 deposited in the city's special fund created in  
2 9 section 403.19, subsection 2, and shall be used to  
2 10 fund urban renewal projects located in an urban  
2 11 renewal area.  
2 12     Sec. 5. OBLIGATIONS OF CITIES. This Act shall not  
2 13 relieve, impair, or otherwise alter the obligations of  
2 14 a city relating to bonds issued pursuant to chapter  
2 15 403 prior to the effective date of this Act or  
2 16 contracts made prior to the effective date of this Act  
2 17 in connection with an urban renewal project.>  
2 18 #2. Title page, by striking lines 1 through 3 and  
2 19 inserting the following: <An Act providing for  
2 20 petition and election to approve the use of increased  
2 21 local sales and services tax revenues to fund urban  
2 22 renewal projects.>  
2 23  
2 24  
2 25  
2 26 JOE BOLKCOM  
2 27 SF 461.501 83  
2 28 md/sc/24375



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 16, 2009

## Senate Amendment 3293

PAG LIN

1 1 Amend the amendment, S=3287, to House File 809, as  
1 2 amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 5, by striking lines 24 and 25 and  
1 5 inserting the following:  
1 6 <#\_\_\_\_. Page 31, by inserting after line 23 the  
1 7 following:>  
1 8 #2. By renumbering as necessary.  
1 9  
1 10  
1 11  
1 12 SHAWN HAMERLINCK  
1 13 HF 809.217 83  
1 14 ec/tm/24516  
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  
April 16, 2009

**Senate Amendment 3294**

PAG LIN

1 1 Amend the amendment, S=3287, to House File 809, as  
1 2 amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 4, by inserting after line 48 the  
1 5 following:  
1 6 <Sec. \_\_\_\_ . VEHICLE PURCHASES DEFERRED.  
1 7 Notwithstanding any provision to the contrary, except  
1 8 as otherwise provided by this section, the department  
1 9 of administrative services shall defer the purchase of  
1 10 replacement motor vehicles paid for from the general  
1 11 fund of the state or from such moneys credited to the  
1 12 depreciation fund maintained pursuant to section  
1 13 8A.365. The purchase deferral is applicable to the  
1 14 remainder of the fiscal year beginning July 1, 2008,  
1 15 commencing on the effective date of this section and  
1 16 to the succeeding fiscal year. However, the executive  
1 17 council may authorize an exception to allow purchase  
1 18 of a replacement vehicle when the purchase is less  
1 19 costly than all other alternatives.>  
1 20 #2. Page 4, line 50, by striking the word  
1 21 <section> and inserting the following: <sections>.  
1 22 #3. Page 5, line 2, by inserting after the word  
1 23 <state> the following: <and providing for vehicle  
1 24 purchases to be deferred>.  
1 25 #4. Page 5, line 2, by striking the word <takes>  
1 26 and inserting the following: <take>.  
1 27 #5. Page 5, line 3, by striking the word <is> and  
1 28 inserting the following: <are>.  
1 29 #6. Page 5, line 4, by striking the word <is> and  
1 30 inserting the following: <are>.  
1 31 #7. By renumbering as necessary.  
1 32  
1 33  
1 34  
1 35 BRAD ZAUN  
1 36 HF 809.219 83  
1 37 ec/tm/24376  
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  
April 16, 2009

# Senate Amendment 3295

PAG LIN

1 1 Amend Senate File 451, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 2, line 8, by inserting after the word  
1 4 <of> the following: <undergraduate>.  
1 5 #2. Title page, line 2, by inserting before the  
1 6 word <tuition> the following: <undergraduate>.  
1 7 SF 451.H  
1 8 kh/cm/25  
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  
April 16, 2009**