



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 26, 2007

House Amendment 1442

PAG LIN

1 1 Amend Senate File 261 as follows:
1 2 #1. Page 1, by striking lines 6 through 26 and
1 3 inserting the following: <system serving the building
1 4 inspected prior to July 1, 2017.>
1 5 #2. Page 2, by striking lines 5 through 7 and
1 6 inserting the following: <adopted by the department
1 7 within a reasonable time period as determined by the
1 8 department. The department shall prioritize the
1 9 renovation requirements schedule. The highest
1 10 priority systems for renovation shall be those that
1 11 are located nearest to public lakes and high quality
1 12 water resources as determined by the department. The
1 13 next highest priority shall be those that are located
1 14 nearest to public waters that have human sources of
1 15 bacteriological or pathogen impairments as determined
1 16 by the department. If moneys are not available
1 17 through the on-site wastewater systems assistance fund
1 18 established in section 466.9, renovations shall not be
1 19 required until financial assistance through those
1 20 programs are available. If the private>.
1 21 #3. Page 2, by striking lines 31 through 34.
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1 25 SANDS of Louisa
1 26 SF 261.201 82
1 27 tm/es/8425
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House Amendment 1443

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1 1 Amend Senate File 62, as passed by the Senate, as
1 2 follows:

1 3 #1. Page 10, by inserting after line 7 the
1 4 following:

1 5 <Sec. _____. Section 279.59, Code 2007, is amended
1 6 to read as follows:

1 7 279.59 ~~ACCESS BY~~ PROFESSIONAL EDUCATION
1 8 ASSOCIATIONS.

1 9 1. The board of directors of a school district
1 10 shall provide not=for=profit, professional education
1 11 associations that offer membership to teachers or
1 12 administrators equal access to teacher or
1 13 administrator mailboxes for distribution of
1 14 professional literature.

1 15 2. Notwithstanding section 20.9, a school district
1 16 may, upon a teacher's or administrator's written
1 17 request, deduct from the salary or wages of the
1 18 teacher or administrator an amount specified by the
1 19 teacher or administrator for payment of dues or
1 20 membership fees for the teacher's or administrator's
1 21 membership in a not=for=profit, professional education
1 22 association. If a written request is granted, all
1 23 other written requests for salary or wage deductions
1 24 for payment of dues or membership fees for membership
1 25 in the same not=for=profit, professional education
1 26 association shall also be granted. The teacher or
1 27 administrator may withdraw the request for the
1 28 deduction at any time by giving the school district
1 29 thirty days' written notice.

1 30 3. For purposes of this section, unless the
1 31 context otherwise requires, "professional education
1 32 association" means an association in which the
1 33 majority of members are practitioners licensed in
1 34 accordance with chapter 272.>

1 35 #2. By renumbering as necessary.

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1 39 TYMESON of Madison

1 40 SF 62.704 82

1 41 kh/gg/8108

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House Amendment 1444

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1 1 Amend House File 877 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. PRESCHOOL TUITION. There is
1 5 appropriated from the general fund of the state to the
1 6 school ready children grants account of the Iowa
1 7 empowerment fund for the fiscal year beginning July 1,
1 8 2007, and ending June 30, 2008, the following amount,
1 9 or so much thereof as is necessary, to be used for the
1 10 purposes designated:
1 11 For distribution to community empowerment areas to
1 12 assist low-income parents with tuition for preschool
1 13 for children ages four and five who are not attending
1 14 kindergarten, in addition to any other appropriation
1 15 or allocation of funding made for this purpose:
1 16 ..... $ 15,000,000>
1 17 #2. Title page, by striking lines 1 and 2 and
1 18 inserting the following: <An Act making an
1 19 appropriation for preschool tuition assistance.>
1 20 #3. By renumbering as necessary.
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1 24 BOAL of Polk
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1 28 TYMESON of Madison
1 29 HF 877.304 82
1 30 jp/cf/8048
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House Amendment 1445

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1 1 Amend House File 877 as follows:
1 2 #1. Page 2, line 8, by striking the words <the
1 3 preschool> and inserting the following: <an approved
1 4 local>.
1 5 #2. Page 2, line 9, by inserting after the word
1 6 <program> the following: <offered by the school
1 7 district>.
1 8 #3. Page 2, by striking line 17 and inserting the
1 9 following: <identified in rule adopted by the state
1 10 board of education.>
1 11 #4. Page 2, by inserting before line 18 the
1 12 following:
1 13 <aa. An individual serving as a teacher in the
1 14 preschool program offered in a licensed child care
1 15 center or involving a registered child care provider
1 16 must meet all of the following qualifications:
1 17 (1) The individual or the individual's employer
1 18 has entered into a chapter 28E agreement with the
1 19 school district to implement the program.
1 20 (2) The individual possesses an applied degree in
1 21 early childhood education from an accredited community
1 22 college or private college or possesses a bachelor's
1 23 or graduate degree from an accredited college or
1 24 university with a major in early childhood education
1 25 or appropriate major identified in rule adopted by the
1 26 state board of education.
1 27 (3) The individual is supervised in curriculum
1 28 development and administration by an individual who is
1 29 appropriately licensed under chapter 272 and meets the
1 30 requirements of chapter 284.>
1 31 #5. By renumbering as necessary.
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1 35 HEATON of Henry
1 36 HF 877.504 82
1 37 jp/je/8032
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House Amendment 1446

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 2, line 11 by inserting after the word
1 3 <program.> the following: <If the individual is
1 4 employed by a private preschool provider, the contract
1 5 provisions shall be entered into as a chapter 28E
1 6 agreement between the school district and private
1 7 preschool provider for the preschool program services
1 8 provided by the individual.>
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1 11
1 12 TYMESON of Madison
1 13 HF 877.502 82
1 14 jp/je/8035
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House Amendment 1447

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 2, by inserting after line 33 the
1 3 following:
1 4 <aa. A requirement for the board of directors of
1 5 the school district to distribute a preliminary budget
1 6 for the local program and to hold a public hearing
1 7 prior to giving approval to make an application to the
1 8 department for the school district to participate in
1 9 the preschool program. The board's approval to apply
1 10 to participate in the preschool program shall be voted
1 11 on at a separate meeting of the board.>
1 12 #2. By renumbering as necessary.
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1 16 WIENCEK of Black Hawk
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1 20 BOAL of Polk
1 21 HF 877.704 82
1 22 jp/gg/8042
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House Amendment 1448

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 3, by inserting after line 23 the
1 3 following:
1 4 <i. Providing outreach to and enrolling children
1 5 who meet the income eligibility requirements for free
1 6 or reduced price meals under the federal National
1 7 School Lunch Act and the federal Child Nutrition Act
1 8 of 1966, 42 U.S.C. } 1751=1785. Such children shall
1 9 be given priority in enrolling in an approved local
1 10 program.>
1 11 #2. By renumbering as necessary.
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1 14
1 15 HEATON of Henry
1 16 HF 877.705 82
1 17 jp/gg/8034
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House Amendment 1449

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 4, line 11, by inserting after the word
1 3 <of> the following: <chapter 28E>.
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1 7 DOLECHECK of Ringgold
1 8 HF 877.701 82
1 9 jp/gg/8043
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House Amendment 1450

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 4, line 28 by inserting after the figure
1 3 <256C.4.> the following: <The application must
1 4 include evidence of the collaboration between the
1 5 school district and the community empowerment area
1 6 within which the school district is located and must
1 7 be signed by the presiding officer of the board of the
1 8 community empowerment area.>
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1 11
1 12 FORRISTALL of Pottawattamie
1 13 HF 877.201 82
1 14 jp/es/8036
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1 16
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House Amendment 1451

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 5, by striking lines 7 through 15.
1 3 #2. By renumbering as necessary.
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1 6
1 7 TYMESON of Madison
1 8 HF 877.301 82
1 9 jp/cf/8046
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House Amendment 1452

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 5, line 23, by inserting after the word
1 3 <payments.> the following: <The fiscal agent for an
1 4 approved local program shall be jointly designated by
1 5 the board of directors of the school district
1 6 implementing the program and the board of the
1 7 community empowerment area within which the school
1 8 district is located.>
1 9 #2. By renumbering as necessary.
1 10
1 11
1 12
1 13 DOLECHECK of Ringgold
1 14 HF 877.702 82
1 15 jp/gg/8041
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House Amendment 1453

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 5, line 27 by inserting after the word
1 3 <made.> the following: <The budget listing shall also
1 4 account for local program revenues and expenditures,
1 5 any funding used for the approved local program from
1 6 other revenue sources available to the school district
1 7 as listed in chapter 298A, and any in-kind support
1 8 utilized for the local program.>
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1 11
1 12 L. MILLER of Scott
1 13 HF 877.202 82
1 14 jp/es/8037
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House Amendment 1454

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 6, by striking lines 15 through 18 and
1 3 inserting the following: <256A, special education
1 4 preschool programs provided under section 256B.9, and
1 5 preschool voucher programs provided under chapter 28.
1 6 The department shall work with school districts and
1 7 local early childhood programs to ensure that
1 8 preschool program funding supplements, and does not
1 9 supplant, existing investments made through school
1 10 ready children grant programs, other programs funded
1 11 under chapter 28, and services funded by Title I of
1 12 the federal>.
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1 15
1 16 HEATON of Henry
1 17 HF 877.305 82
1 18 jp/cf/8031
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House Amendment 1455

PAG LIN

1 1 Amend House File 877 as follows:
 1 2 #1. Page 9, by inserting after line 15 the
 1 3 following:
 1 4 <Sec. ____ . NEW SECTION. 256C.7 PLANNING AND
 1 5 ALIGNMENT.
 1 6 1. The state board of education shall work with
 1 7 the Iowa empowerment board, the Iowa head start state
 1 8 collaboration office, and the department of human
 1 9 services in developing a plan for an integrated
 1 10 preschool system for the state. The plan shall
 1 11 provide for effective coordination and referral of
 1 12 students to appropriate preschool programs and for
 1 13 improving the alignment of program standards, teacher
 1 14 qualifications, and learning standards across
 1 15 preschool programs.
 1 16 2. The state board of education shall work with
 1 17 representatives of community colleges, institutions of
 1 18 higher learning under the state board of regents,
 1 19 private institutions of higher education, and the
 1 20 department of human services in developing career
 1 21 pathways for preschool teachers to engage in state
 1 22 preschool teacher quality improvement measures. The
 1 23 measures addressed shall include but are not limited
 1 24 to establishing an articulation process, creating
 1 25 ongoing professional development opportunities for
 1 26 child care and preschool workers, and promoting a
 1 27 culturally diverse, competent, and skilled workforce.>
 1 28 #2. By renumbering as necessary.
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 1 32 HEATON of Henry
 1 33 HF 877.203 82
 1 34 jp/es/8033
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Iowa General Assembly
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House Amendment 1456

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 9, by inserting after line 15 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 256C.7 PRESCHOOL TEACHER
1 5 SHORTAGE LOAN FORGIVENESS PROGRAM.
1 6 1. A preschool teacher shortage loan forgiveness
1 7 program is established to be administered by the
1 8 college student aid commission. A preschool teacher
1 9 is eligible for the program if the preschool teacher
1 10 is practicing in a preschool teacher shortage area as
1 11 designated by the department of education pursuant to
1 12 subsection 2. For purposes of this section,
1 13 "preschool teacher" means an individual holding a
1 14 practitioner's license issued under chapter 272, who
1 15 is employed as a preschool teacher in a designated
1 16 shortage area by a school district or a preschool
1 17 registered or licensed under chapter 237A.
1 18 2. The director of the department of education
1 19 shall annually designate the geographic areas
1 20 experiencing preschool teacher shortages. The
1 21 director shall periodically conduct a survey of school
1 22 districts, accredited nonpublic schools, preschools,
1 23 and approved practitioner preparation programs to
1 24 determine current shortage areas.
1 25 3. Each applicant for loan forgiveness shall, in
1 26 accordance with the rules of the college student aid
1 27 commission, do the following:
1 28 a. Complete and file an application for preschool
1 29 teacher shortage loan forgiveness. The individual
1 30 shall be responsible for the prompt submission of any
1 31 information required by the commission.
1 32 b. File a new application and submit information
1 33 as required by the commission annually on the basis of
1 34 which the applicant's eligibility for the renewed loan
1 35 forgiveness will be evaluated and determined.
1 36 c. Complete and return on a form approved by the
1 37 commission an affidavit of practice verifying that the
1 38 applicant is a preschool teacher in an eligible
1 39 teacher shortage area.
1 40 4. The annual amount of preschool teacher shortage
1 41 loan forgiveness shall not exceed the resident tuition
1 42 rate established for institutions of higher learning
1 43 governed by the state board of regents for the first
1 44 year following the teacher's graduation from an
1 45 approved practitioner preparation program, or twenty
1 46 percent of the teacher's total federally guaranteed
1 47 Stafford loan amount under the federal family
1 48 education loan program or the federal direct loan
1 49 program, including principal and interest, whichever
1 50 amount is less. A preschool teacher shall be eligible



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House Amendment 1456 continued

2 1 for the loan forgiveness program for not more than
2 2 five consecutive years.
2 3 5. A preschool teacher shortage loan forgiveness
2 4 repayment fund is created for deposit of moneys
2 5 appropriated to or received by the college student aid
2 6 commission for use under the program. Notwithstanding
2 7 section 8.33, moneys deposited in the fund shall not
2 8 revert to any fund of the state at the end of any
2 9 fiscal year but shall remain in the loan forgiveness
2 10 repayment fund and be continuously available for loan
2 11 forgiveness under the program. Notwithstanding
2 12 section 12C.7, subsection 2, interest or earnings on
2 13 moneys deposited in the fund shall be credited to the
2 14 fund.
2 15 6. The college student aid commission shall submit
2 16 in a report to the general assembly by January 1,
2 17 annually, the number of individuals who received loan
2 18 forgiveness pursuant to this section, which shortage
2 19 areas the preschool teachers taught in, the amount
2 20 paid to each program participant, and other
2 21 information identified by the commission as indicators
2 22 of outcomes from the program.
2 23 7. Of the amounts appropriated in section 256C.6
2 24 and in other law for purposes of the initial preschool
2 25 foundation aid payments to school districts approved
2 26 to participate in the preschool program under this
2 27 chapter, the following amounts are transferred to the
2 28 college student aid commission for the indicated
2 29 fiscal years to be used for purposes of the preschool
2 30 teacher shortage loan forgiveness program established
2 31 in this section:
2 32 a. For the fiscal year beginning July 1, 2007, two
2 33 hundred fifty thousand dollars.
2 34 b. For the fiscal year beginning July 1, 2008,
2 35 five hundred thousand dollars.
2 36 c. For the fiscal year beginning July 1, 2009, six
2 37 hundred thousand dollars.
2 38 d. For the fiscal year beginning July 1, 2010,
2 39 seven hundred thousand dollars.>
2 40 #2. By renumbering as necessary.
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2 44 L. MILLER of Scott
2 45 HF 877.503 82
2 46 jp/je/8038



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House Amendment 1457

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 10, line 4, by inserting after the word
1 3 <services.> the following: <The costs of providing
1 4 transportation services to children participating in
1 5 preschool in an approved local program under chapter
1 6 256C shall be paid from the school district's
1 7 preschool foundation aid provided under chapter 256C.>
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1 11 TYMESON of Madison
1 12 HF 877.303 82
1 13 jp/cf/8045
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**Iowa General Assembly
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House Amendment 1458

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1 1 Amend House File 877 as follows:
 1 2 #1. Page 10, by inserting after line 6 the
 1 3 following:
 1 4 <Sec. _____. Section 422.12C, subsection 1,
 1 5 paragraphs f and g, Code 2007, are amended to read as
 1 6 follows:
 1 7 f. For a taxpayer with net income of forty
 1 8 thousand dollars or more but less than ~~forty=~~five
 1 9 fifty thousand dollars, thirty percent.
 1 10 g. For a taxpayer with net income of ~~forty=~~five
 1 11 fifty thousand dollars or more, zero percent.>
 1 12 #2. Page 10, by inserting after line 14 the
 1 13 following:
 1 14 <Sec. _____. RETROACTIVE APPLICABILITY DATE. The
 1 15 section of this division of this Act amending section
 1 16 422.12C applies retroactively to January 1, 2007, for
 1 17 tax years beginning on or after that date.>
 1 18 #3. Title page, line 2, by inserting after the
 1 19 word <children> the following: <, increasing the
 1 20 income threshold for the child and dependent care
 1 21 credit, including a retroactive applicability date
 1 22 provision,>.
 1 23
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 1 25
 1 26 KAUFMANN of Cedar
 1 27 HF 877.501 82
 1 28 jp/je/8040
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House Amendment 1459

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 10, by inserting after line 6 the
1 3 following:
1 4 <Sec. _____. Section 422.12C, subsection 2,
1 5 unnumbered paragraph 1, Code 2007, is amended to read
1 6 as follows:
1 7 The taxes imposed under this division, less the
1 8 amounts of nonrefundable credits allowed under this
1 9 division, may be reduced by an early childhood
1 10 development tax credit equal to ~~twenty-five~~ fifty
1 11 percent of the first one thousand dollars which the
1 12 taxpayer has paid to others for each dependent, as
1 13 defined in the Internal Revenue Code, ages three
1 14 through five for early childhood development expenses.
1 15 In determining the amount of early childhood
1 16 development expenses for the tax year beginning in the
1 17 2006 calendar year only, such expenses paid during
1 18 November and December of the previous tax year shall
1 19 be considered paid in the tax year for which the tax
1 20 credit is claimed. This credit is available to a
1 21 taxpayer whose net income is less than ~~forty-five~~
1 22 fifty thousand dollars. If the early childhood
1 23 development tax credit is claimed for a tax year, the
1 24 taxpayer and the taxpayer's spouse shall not claim the
1 25 child and dependent care credit under subsection 1.
1 26 As used in this subsection, "early childhood
1 27 development expenses" means services provided to the
1 28 dependent by a preschool, as defined in section
1 29 237A.1, materials, and other activities as follows:>
1 30 #2. Page 10, by inserting after line 14 the
1 31 following:
1 32 <Sec. _____. RETROACTIVE APPLICABILITY DATE. The
1 33 section of this division of this Act amending section
1 34 422.12C applies retroactively to January 1, 2007, for
1 35 tax years beginning on or after that date.>
1 36 #3. Title page, line 2, by inserting after the
1 37 word <children> the following: <, increasing the
1 38 income threshold and credit amount for the early
1 39 childhood and development tax credit, including an
1 40 applicability date provision,>.
1 41
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1 44 KAUFMANN of Cedar
1 45 HF 877.703 82
1 46 jp/gg/8039
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House Amendment 1460

PAG LIN

1 1 Amend Senate File 403, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 15, line 23, by striking the word <a.>
1 4 #2. Page 16, by striking lines 2 and 3 and
1 5 inserting the following: <the general assembly and
1 6 approval by the governor. The commission shall not
1 7 issue any bonding or other>.
1 8
1 9
1 10
1 11 OLDSON of Polk
1 12 SF 403.513 82
1 13 jp/je/8030
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Iowa General Assembly
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House Amendment 1461

PAG LIN

1 1 Amend House File 829 as follows:
1 2 #1. Page 3, line 19, by inserting after the word
1 3 <college> the following: <, private college,>.
1 4
1 5
1 6
1 7 THOMAS of Clayton
1 8 HF 829.701 82
1 9 tm/gg/6683
1 10
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Iowa General Assembly
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House Amendment 1462

PAG LIN

1 1 Amend House File 845 as follows:
1 2 #1. Page 3, by striking lines 20 through 27 and
1 3 inserting the following: <known to be flawed. If a
1 4 voting machine was used, the printed ballot images
1 5 produced from the internal audit log shall be the
1 6 official record used in the recount.>
1 7
1 8
1 9
1 10 JACOBS of Polk
1 11 HF 845.701 82
1 12 sc/gg/7951
1 13
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House Amendment 1463

PAG LIN

1 1 Amend House File 845 as follows:
 1 2 #1. Page 10, by inserting after line 22 the
 1 3 following:
 1 4 <Sec. _____. PURCHASE OF CERTAIN VOTING EQUIPMENT ==
 1 5 APPROPRIATION. There is appropriated from the general
 1 6 fund of the state to the office of secretary of state
 1 7 for the fiscal year beginning July 1, 2007, and ending
 1 8 June 30, 2008, the following amount, or so much
 1 9 thereof as is necessary, for the purpose designated in
 1 10 this section:
 1 11 \$ 7,000,000
 1 12 The funds appropriated shall be utilized by the
 1 13 secretary of state to provide matching funds to
 1 14 counties required by this Act to purchase voting
 1 15 machine equipment capable of producing a paper record
 1 16 that the voter may review before the voter casts the
 1 17 voter's ballot. If a county utilizes a voting machine
 1 18 and an optical scan voting system concurrently at the
 1 19 same precinct, the county may apply for matching funds
 1 20 to purchase an electronic ballot marking device that
 1 21 is compatible with its optical scan voting system.
 1 22 The secretary of state shall adopt rules relating to
 1 23 the application process for counties to request
 1 24 matching funds.
 1 25 Notwithstanding section 8.33, moneys appropriated
 1 26 in this section that are unexpended or unobligated at
 1 27 the close of the fiscal year shall not revert and
 1 28 shall be available for the purpose designated in this
 1 29 section for the following fiscal year.>
 1 30 #2. Title page, line 2, by inserting after the
 1 31 word <systems> the following: <and making an
 1 32 appropriation.>
 1 33 #3. By renumbering as necessary.
 1 34
 1 35
 1 36
 1 37 JACOBS of Polk
 1 38 HF 845.201 82
 1 39 sc/es/7950
 1 40
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Iowa General Assembly
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House Amendment 1464

PAG LIN

1 1 Amend House File 764 as follows:
1 2 #1. Page 23, line 5, by striking the word
1 3 <either>.
1 4 #2. Page 23, line 6, by striking the word <or> and
1 5 inserting the following: <and>.
1 6
1 7
1 8
1 9 THOMAS of Clayton
1 10 HF 764.201 82
1 11 tm/es/8430
1 12
1 13
1 14
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Iowa General Assembly
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House Amendment 1465

PAG LIN

1 1 Amend House File 845 as follows:
1 2 #1. Page 10, by inserting before line 23 the
1 3 following:
1 4 <Sec. _____. WAIVER ALLOWED == APPLICATION. A
1 5 county that has placed an order on or before July 15,
1 6 2008, for a voting machine that is capable of
1 7 providing a paper record for review by the voter as
1 8 required under section 52.7, subsection 1, paragraph
1 9 1, as enacted by this Act, and that does not have in
1 10 its physical custody the total number of machines
1 11 ordered no later than fourteen days before the date of
1 12 the 2008 general election, may apply to the office of
1 13 secretary of state for a waiver of the requirement of
1 14 section 52.7, subsection 1, paragraph 1. The waiver
1 15 application shall be accompanied by a copy of the
1 16 order placed for the voting machines. The secretary
1 17 of state shall grant a waiver under this section to
1 18 any county that applies and provides the proper
1 19 documentation. The waiver period shall run through
1 20 June 30, 2009.>
1 21 #2. By renumbering as necessary.
1 22
1 23
1 24
1 25 JACOBS of Polk
1 26 HF 845.501 82
1 27 sc/je/7952
1 28
1 29
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Iowa General Assembly
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House Amendment 1466

PAG LIN

1 1 Amend House File 874 as follows:
1 2 #1. Page 1, by inserting before line 14 the
1 3 following:
1 4 <However, the moneys appropriated in this lettered
1 5 paragraph shall be reduced by an amount equal to the
1 6 portion of funds appropriated to the department for
1 7 utility costs in 2006 Iowa Acts, chapter 1177, section
1 8 1, subsection 2, as amended by 2007 Iowa Acts, Senate
1 9 File 403, section 1, if enacted, that remain available
1 10 for expenditure for utility costs during the fiscal
1 11 year beginning July 1, 2007.>
1 12
1 13
1 14
1 15 ALONS of Sioux
1 16 HF 874.703 82
1 17 ec/gg/5784G
1 18
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1 20
1 21
1 22
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Iowa General Assembly
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House Amendment 1467

PAG LIN

1 1 Amend House File 874 as follows:
1 2 #1. Page 1, line 23, by inserting after the word
1 3 <pollution.> the following: <The department shall
1 4 submit a report to the general assembly by January 14,
1 5 2008, concerning energy efficiency efforts and energy
1 6 use at the state capitol complex and the state
1 7 laboratories facility in Ankeny.>
1 8
1 9
1 10
1 11 ALONS of Sioux
1 12 HF 874.501 82
1 13 ec/je/5784F
1 14
1 15
1 16
1 17
1 18
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 1468

PAG LIN

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1 1      Amend House File 874 as follows:
1 2 #1.  Page 1, by striking line 25 and inserting the
1 3 following:
1 4 <..... $ 1,500,000>
1 5 #2.  Page 8, by striking line 7 and inserting the
1 6 following:
1 7 <..... $ 1,800,000>
1 8
1 9
1 10
1 11 ALONS of Sioux
1 12 HF 874.502 82
1 13 ec/je/8393
1 14
1 15
1 16
1 17
1 18
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House Amendment 1469

PAG LIN

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1 1      Amend House File 874 as follows:
1 2 #1.  Page 3, by striking line 15 and inserting the
1 3 following:
1 4 <..... $ 1,271,873>
1 5 #2.  Page 15, by striking line 29 and inserting the
1 6 following:
1 7 <..... $ 1,371,015>
1 8
1 9
1 10
1 11 ALONS of Sioux
1 12 HF 874.302 82
1 13 ec/cf/5784C
1 14
1 15
1 16
1 17
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House Amendment 1470

PAG LIN

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1 1      Amend House File 874 as follows:
1 2 #1.  Page 7, by striking line 8 and inserting the
1 3 following:
1 4 <..... $      451,310>
1 5 #2.  Page 7, by inserting after line 9 the
1 6 following:
1 7      <The offices of the governor and the lieutenant
1 8 governor shall issue a request for proposals by
1 9 January 8, 2008, to provide for grounds=keeping
1 10 services at Terrace Hill.>
1 11
1 12
1 13
1 14 ALONS of Sioux
1 15 HF 874.702 82
1 16 ec/gg/5784D
1 17
1 18
1 19
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 1471

PAG LIN

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1 1 Amend House File 874 as follows:
1 2 #1. Page 14, line 20, by inserting before the
1 3 words <For salaries> the following: <1.>
1 4 #2. Page 14, by striking line 23 and inserting the
1 5 following:
1 6 <..... $ 24,001,646>
1 7 #3. Page 14, line 25, by striking the word
1 8 <section> and inserting the following: <subsection>.
1 9 #4. Page 15, line 2, by inserting before the words
1 10 <If the> the following: <2.>
1 11 #5. Page 15, by striking lines 6 through 8 and
1 12 inserting the following: <2007, and ending June 30,
1 13 2008, in excess of $3.3 million, for costs associated
1 14 with the upgrade:
1 15 ..... $ 1,300,000
1 16 However, moneys appropriated in this subsection
1 17 shall be contingent upon the director of revenue
1 18 utilizing a request for proposals process to procure
1 19 the upgrade.>
1 20 #6. By renumbering as necessary.
1 21
1 22
1 23
1 24 ALONS of Sioux
1 25 HF 874.201 82
1 26 ec/es/5784E
1 27
1 28
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**Iowa General Assembly
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House Amendment 1472

PAG LIN

1 1 Amend House File 874 as follows:

1 2 #1. By striking page 13, line 31, through page 14,

1 3 line 2, and inserting the following:

| | | |
|----------------|----|-----------|
| 1 4 <..... | \$ | 2,313,941 |
| 1 5 FTEs | | 32.00 |

1 6 1A. ENTERPRISE RESOURCE PLANNING

1 7 If funding is provided for the redesign of the

1 8 enterprise resource planning budget system for the

1 9 fiscal year beginning July 1, 2007, then there is

1 10 appropriated from the general fund of the state to the

1 11 department of management for the fiscal year beginning

1 12 July 1, 2007, and ending June 30, 2008, the following

1 13 amount, or so much thereof as is necessary, to be used

1 14 for the purposes designated:

| | | |
|--|----|---------|
| 1 15 For salaries, support, maintenance, and | | |
| 1 16 miscellaneous purposes for administration of the | | |
| 1 17 enterprise resource planning budget system, and for | | |
| 1 18 not more than the following full-time equivalent | | |
| 1 19 position: | | |
| 1 20 | \$ | 119,435 |
| 1 21 FTEs | | 1.00 |

1 22 1B. SALARY MODEL ADMINISTRATOR

1 23 For salaries, support, and miscellaneous purposes

1 24 of the salary model administrator, and for not more

1 25 than the following full-time equivalent position:

| | | |
|-----------------|----|---------|
| 1 26 | \$ | 131,792 |
| 1 27 FTEs | | 1.00 |

1 28 The salary model administrator shall work in

1 29 conjunction with the legislative services agency to

1 30 maintain the state's salary model used for analyzing,

1 31 comparing, and projecting state employee salary and

1 32 benefit information, including information relating to

1 33 employees of the state board of regents. The

1 34 department of revenue, the department of

1 35 administrative services, the five institutions under

1 36 the jurisdiction of the state board of regents, the

1 37 judicial district departments of correctional

1 38 services, and the state department of transportation

1 39 shall provide salary data to the department of

1 40 management and the legislative services agency to

1 41 operate the state's salary model. The format and

1 42 frequency of provision of the salary data shall be

1 43 determined by the department of management and the

1 44 legislative services agency. The information shall be

1 45 used in collective bargaining processes under chapter

1 46 20 and in calculating the funding needs contained

1 47 within the annual salary adjustment legislation. A

1 48 state employee organization as defined in section

1 49 20.3, subsection 4, may request information produced

1 50 by the model, but the information provided shall not



**Iowa General Assembly
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House Amendment 1472 continued

2 1 contain information attributable to individual
 2 2 employees.
 2 3 1C. For the department's LEAN process, including
 2 4 salaries, support, maintenance, miscellaneous
 2 5 purposes, and for not more than the following
 2 6 full-time equivalent position:
 2 7 \$ 108,000
 2 8 FTEs 1.00>
 2 9 #2. By renumbering as necessary.
 2 10
 2 11
 2 12
 2 13 ALONS of Sioux
 2 14 HF 874.301 82
 2 15 ec/cf/5784B



Iowa General Assembly
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House Amendment 1473

PAG LIN

1 1 Amend House File 808 as follows:

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

1 4 <Section 1. Section 28E.6, subsections 2 and 3,
1 5 Code 2007, are amended to read as follows:

1 6 2. The entity created ~~or the administrator or with~~
1 7 a joint board specified in the agreement shall be a
1 8 governmental body for purposes of chapter 21 and a
1 9 government body for purposes of chapter 22 unless the
1 10 entity created or agreement includes public agencies
1 11 from more than one state.

1 12 3. a. All A summary of the proceedings of each
1 13 regular, adjourned, or special meeting of the joint
1 14 board of the entity created ~~or the administrator or~~
1 15 joint board specified in the agreement, including the
1 16 schedule of bills allowed, shall be published after
1 17 adjournment of the meeting in a one newspaper of
1 18 general circulation within the geographic area served
1 19 by the joint board of the entity created ~~or the~~
1 20 administrator or joint board specified in the
1 21 agreement. The summary of the proceedings shall
1 22 include the date, time, and place the meeting was
1 23 held, the members present, and the actions taken at
1 24 the meeting. The joint board of the entity created ~~or~~
1 25 the administrator or joint board specified in the
1 26 agreement shall furnish a copy the summary of the
1 27 proceedings to be published submitted for publication
1 28 to the newspaper within ~~one week~~ twenty days following
1 29 adjournment of the meeting. The publication of the
1 30 schedule of bills allowed shall include a list of all
1 31 salaries paid for services performed, showing the name
1 32 of the person or firm performing the service and the
1 33 amount paid. The publication of the schedule of bills
1 34 allowed may consolidate amounts paid to the same
1 35 claimant if the purpose of the individual bills is the
1 36 same. However, the names and gross salaries of
1 37 persons regularly employed by the entity created ~~or~~
1 38 the administrator or joint board specified in the
1 39 agreement shall only be published annually.

1 40 b. An entity created which had a cash balance,
1 41 including investments, of less than one hundred
1 42 thousand dollars at the end of the previous fiscal
1 43 year and which had total expenditures of less than one
1 44 hundred thousand dollars during the prior fiscal year
1 45 is not required to publish as required in paragraph
1 46 "a".

1 47 c. This subsection shall not apply if the to an
1 48 entity ~~or the administrator or joint board specified~~
1 49 created in ~~the~~ an agreement that includes public
1 50 agencies from more than one state or to a contract



Iowa General Assembly
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House Amendment 1473 continued

2 1 entered into pursuant to section 28E.12.

2 2 Sec. 2. Section 28E.6, Code 2007, is amended by
2 3 adding the following new subsection:

2 4 NEW SUBSECTION. 4. a. Each entity created or the
2 5 administrator or joint board specified in the
2 6 agreement shall submit, in an electronic format, an
2 7 initial report to the secretary of state in a manner
2 8 prescribed by the secretary of state within six months
2 9 of the date the entity or administrator or joint board
2 10 was first created pursuant to an agreement. The
2 11 report shall include, as applicable, a copy of the
2 12 agreement, the name of the entity created, the board
2 13 members of the joint board created, whether the entity
2 14 is exempt from the publication requirements of
2 15 subsection 3 pursuant to subsection 3, paragraph "b"
2 16 or "c", a verified electronic mail address for the
2 17 entity or the administrator or joint board specified
2 18 in the agreement, and any additional information the
2 19 secretary of state deems appropriate.

2 20 b. Following submission of an initial report
2 21 pursuant to paragraph "a", each entity created or the
2 22 administrator or joint board specified in the
2 23 agreement shall submit, in an electronic format, a
2 24 biennial report to the secretary of state in a manner
2 25 prescribed by the secretary of state by April 1 of
2 26 every odd-numbered year beginning in calendar year
2 27 2009. The biennial report shall include the
2 28 information required in paragraph "a". However, in
2 29 lieu of filing a copy of the agreement, the entity or
2 30 the administrator or joint board specified in the
2 31 agreement shall include in the biennial report the
2 32 termination date of the agreement and, if applicable,
2 33 any changes in the agreement since the most recent
2 34 report submitted to the secretary of state pursuant to
2 35 this subsection.

2 36 Sec. 3. Section 28E.8, Code 2007, is amended to
2 37 read as follows:

2 38 28E.8 FILING AND RECORDING.

2 39 Before entry into force, an agreement made pursuant
2 40 to this chapter shall be filed with the secretary of
2 41 state and recorded with the county recorder. In
~~2 42 counties in which the office of county recorder is~~
~~2 43 abolished, the agreement shall be recorded with the~~
~~2 44 county auditor.~~

2 45 Sec. 4. JOINT EXERCISE OF GOVERNMENTAL POWERS ==
2 46 REPORTING REQUIREMENTS == TRANSITION PROVISION.

2 47 Notwithstanding any provision of section 28E.6,
2 48 subsection 4, as enacted by this Act, to the contrary,
2 49 an entity created or the administrator or joint board
2 50 specified in an agreement prior to July 1, 2007, shall



**Iowa General Assembly
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House Amendment 1473 continued

3 1 be required to submit an initial report to the
3 2 secretary of state by January 1, 2008.
3 3 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
3 4 immediate importance, takes effect upon enactment.>
3 5 #2. Title page, line 1, by inserting after the
3 6 word <entities> the following: <, administrators,>.
3 7 #3. By renumbering as necessary.
3 8
3 9
3 10
3 11 HUSER of Polk
3 12 HF 808.201 82
3 13 ec/es/8394



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House Amendment 1474

PAG LIN

1 1 Amend Senate File 403, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, by striking lines 12 through 31.
1 4 #2. By renumbering as necessary.
1 5
1 6
1 7
1 8 WATTS of Dallas
1 9 SF 403.507 82
1 10 jp/je/8059
1 11
1 12
1 13
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House Amendment 1475

PAG LIN

1 1 Amend Senate File 403, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking page 15, line 19, through page 20,
1 4 line 17.
1 5 #2. By renumbering as necessary.
1 6
1 7
1 8
1 9 WATTS of Dallas
1 10 SF 403.208 82
1 11 jp/es/8052
1 12
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House Amendment 1476

PAG LIN

1 1 Amend House File 796 as follows:
 1 2 #1. Page 1, line 27, by inserting after the figure
 1 3 <125.13.> the following: <If the court orders a
 1 4 substance abuse evaluation, the evaluation shall be
 1 5 completed as provided in section 901.4A, subsection
 1 6 2.>
 1 7 #2. Page 2, by inserting after line 2 the
 1 8 following:
 1 9 <Sec. _____. Section 901.4A, Code 2007, is amended
 1 10 to read as follows:
 1 11 901.4A SUBSTANCE ABUSE EVALUATION.
 1 12 1. Upon a plea of guilty, a verdict of guilty, or
 1 13 a special verdict upon which a judgment of conviction
 1 14 may be rendered, the court may order the defendant to
 1 15 submit to and complete a substance abuse evaluation,
 1 16 if the court determines that there is reason to
 1 17 believe that the defendant regularly abuses alcohol or
 1 18 other controlled substances and may be in need of
 1 19 treatment. An order made pursuant to this section may
 1 20 be made in addition to any other sentence or order of
 1 21 the court.
 1 22 2. If the court orders a substance abuse
 1 23 evaluation in lieu of payment of a scheduled fine
 1 24 under section 123.47, the defendant shall pay for the
 1 25 substance abuse evaluation, the evaluation shall be
 1 26 filed with the court within thirty days of the date of
 1 27 the sentencing order indicating the defendant has
 1 28 completed the evaluation, and the evaluation shall be
 1 29 signed by the counselor conducting such evaluation.>
 1 30 #3. By renumbering as necessary.
 1 31
 1 32
 1 33
 1 34 WHITAKER of Van Buren
 1 35 HF 796.301 82
 1 36 jm/cf/7231
 1 37
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Iowa General Assembly
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House Amendment 1477

PAG LIN

1 1 Amend Senate File 403, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking page 2, line 34, through page 3,
1 4 line 13.
1 5 #2. Page 6, by striking lines 7 through 11.
1 6 #3. Page 10, by striking lines 2 through 6.
1 7 #4. By renumbering as necessary.
1 8
1 9
1 10
1 11 WATTS of Dallas
1 12 SF 403.703 82
1 13 jp/gg/8028
1 14
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Iowa General Assembly
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House Amendment 1478

PAG LIN

1 1 Amend Senate File 403, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, by striking lines 15 through 29.
1 4 #2. Page 4, by striking lines 2 through 6.
1 5 #3. By striking page 4, line 32, through page 5,
1 6 line 1.
1 7 #4. By renumbering as necessary.
1 8
1 9
1 10
1 11 WATTS of Dallas
1 12 SF 403.301 82
1 13 jp/cf/8029
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House Amendment 1479

PAG LIN

1 1 Amend Senate File 403, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 13, line 29, by striking the figure
1 4 <2008> and inserting the following: <2007>.
1 5 #2. Page 15, by striking lines 1 through 15.
1 6 #3. By renumbering as necessary.
1 7
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1 10 WATTS of Dallas
1 11 SF 403.515 82
1 12 jp/je/8026
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Iowa General Assembly
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House Amendment 1480

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 8, by striking line 2 and inserting the
1 3 following: <may, upon request of a school district,
1 4 temporarily waive the>.
1 5 #2. Page 10, by striking lines 7 through 14.
1 6 #3. By renumbering as necessary.
1 7
1 8
1 9
1 10 HEATON of Henry
1 11 HF 877.204 82
1 12 jp/es/8025
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Iowa General Assembly
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March 26, 2007

House Amendment 1481

PAG LIN

1 1 Amend House File 877 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <DIVISION
1 5 SUMMER READING LOSS PREVENTION
1 6 Section 1. NEW SECTION. 256.26 SUMMER READING
1 7 LOSS PREVENTION GRANT PROGRAM.
1 8 1. A summer reading loss prevention grant program
1 9 for students in kindergarten through grade three is
1 10 created under the control of the department for the
1 11 purpose of providing grants to school districts.
1 12 2. Moneys appropriated to the department for
1 13 purposes of the grant program shall be used to provide
1 14 grants to school districts for summer reading loss
1 15 prevention programs and shall not be transferred,
1 16 used, obligated, appropriated, or otherwise
1 17 encumbered, except as provided in this section.
1 18 Notwithstanding 12C.7, subsection 2, interest or
1 19 earnings on moneys appropriated for purposes of the
1 20 grant program shall be retained for purposes of the
1 21 program.
1 22 3. For each fiscal year for which moneys are
1 23 appropriated for purposes of the program, such moneys
1 24 shall be allocated to school districts in accordance
1 25 with the following formula:
1 26 a. Fifty percent of the allocation shall be based
1 27 upon the proportion that the kindergarten through
1 28 grade three enrollment of a district bears to the sum
1 29 of the kindergarten through grade three enrollments of
1 30 all school districts in the state as reported for the
1 31 base year.
1 32 b. Fifty percent of the allocation shall be based
1 33 upon the proportion that the number of children who
1 34 are eligible for free or reduced price meals under the
1 35 federal National School Lunch Act and the federal
1 36 Child Nutrition Act of 1966, 42 U.S.C. } 1751=1785, in
1 37 grades one through three of a school district bears to
1 38 the sum of the number of children who are eligible for
1 39 free or reduced price meals under the federal National
1 40 School Lunch Act and the federal Child Nutrition Act
1 41 of 1966, 42 U.S.C. } 1751=1785, in grades one through
1 42 three in all school districts in the state for the
1 43 base year.
1 44 4. The department shall adopt rules governing the
1 45 use of grant funds distributed under this section in
1 46 accordance with the following:
1 47 a. A school district shall use the grant funds for
1 48 students in kindergarten through grade three, giving
1 49 priority to low-income students.
1 50 b. A school district shall have a student to



Iowa General Assembly
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House Amendment 1481 continued

2 1 teacher ratio of at least ten to one.
2 2 c. A school district shall hold a summer program
2 3 that is five or six weeks long, five days per week,
2 4 six hours per day.
2 5 d. A school district shall utilize the dynamic
2 6 indicators of basic early literacy skills (DIBELS) as
2 7 one factor in determining the success of the summer
2 8 program.
2 9 e. A school district's summer program shall
2 10 incorporate the following nine characteristics of
2 11 effective summer learning programs:
2 12 (1) Intentional focus on accelerating learning.
2 13 (2) Firm commitment to youth development.
2 14 (3) Proactive approach to summer learning.
2 15 (4) Strong, empowering leadership.
2 16 (5) Advanced, collaborative planning.
2 17 (6) Extensive opportunities for staff development.
2 18 (7) Strategic partnerships.
2 19 (8) Rigorous approach to evaluation and commitment
2 20 to program improvement.
2 21 (9) Clear focus on sustainability and
2 22 cost-effectiveness.
2 23 5. For purposes of this section, "kindergarten
2 24 through grade three enrollment" means the same as
2 25 defined in section 256D.4.>
2 26 #2. Page 5, line 19, by inserting before the word
2 27 <Preschool> the following: <A school district may use
2 28 not more than fifty percent of the preschool
2 29 foundation aid funding received by the school district
2 30 for a fiscal year for the summer reading loss
2 31 prevention grant program created in section 256.26.>
2 32 #3. Title page, line 1, by inserting after the
2 33 word <creating> the following: <a summer reading loss
2 34 prevention grant program and>.
2 35 #4. By renumbering as necessary.
2 36
2 37
2 38
2 39 HEATON of Henry
2 40 HF 877.505 82
2 41 jp/je/8022



**Iowa General Assembly
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House Amendment 1482

PAG LIN

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1 1 Amend House File 874 as follows:
1 2 #1. Page 5, by striking line 26 and inserting the
1 3 following:
1 4 <..... FTEs 79.00>
1 5 #2. Page 7, by striking line 3 and inserting the
1 6 following:
1 7 <..... FTEs 23.25>
1 8 #3. Page 8, line 12, by striking the figure
1 9 <$600,000> and inserting the following: <$1,560,000>.
1 10
1 11
1 12
1 13 HUNTER of Polk
1 14 HF 874.202 82
1 15 ec/es/8397
1 16
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House Amendment 1483

PAG LIN

1 1 Amend House File 874 as follows:
1 2 #1. Page 7, by inserting after line 3 the
1 3 following:
1 4 <However, the maximum number of full-time
1 5 equivalent positions authorized in this subsection may
1 6 be increased by 10 full-time equivalent positions for
1 7 the purpose of replacing positions transferred to the
1 8 general office of the governor and lieutenant governor
1 9 from other state agencies and funded by appropriations
1 10 to those state agencies in the fiscal year beginning
1 11 July 1, 2006. If the moneys appropriated to those
1 12 other state agencies in the fiscal year beginning July
1 13 1, 2006, for the transferred positions are not reduced
1 14 for the fiscal year beginning July 1, 2007, to reflect
1 15 such transfers, then the moneys appropriated in this
1 16 subsection shall be reduced by an amount equal to
1 17 moneys appropriated to those other state agencies for
1 18 the fiscal year beginning July 1, 2007, that are not
1 19 reduced as provided in this subsection for the
1 20 transferred positions.>
1 21
1 22
1 23
1 24 RAECKER of Polk
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1 28 ALONS of Sioux
1 29 HF 874.503 82
1 30 ec/je/8396
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House Amendment 1484

PAG LIN

1 1 Amend the amendment, H=1439, to House File 777 as
1 2 follows:
1 3 #1. Page 1, by inserting after line 12 the
1 4 following:
1 5 <#____. Page 6, by striking lines 15 through 27.>
1 6 #2. Page 1, by inserting after line 16 the
1 7 following:
1 8 <#____. Title page, line 3, by striking the word
1 9 <duties> and inserting the following: <duties,>.>
1 10 #3. Page 1, line 19, by striking the word
1 11 <records> and inserting the following: <records.>
1 12 #4. Page 1, by inserting after line 19 the
1 13 following:
1 14 <#____. Title page, by striking line 4.>
1 15 #5. By renumbering as necessary.
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1 19 PALMER of Mahaska
1 20 HF 777.201 82
1 21 jm/es/7248
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House Amendment 1485

PAG LIN

1 1 Amend House File 850 as follows:
1 2 #1. Page 1, line 10, by inserting after the word
1 3 <certified> the following: <within four weeks of
1 4 hire, or within eight weeks of hire if the newly hired
1 5 designated security employee works in tandem with a
1 6 designated security employee who is trained and
1 7 certified>.
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1 11 JACOBS of Polk
1 12
1 13
1 14
1 15 SHOMSHOR of Pottawattamie
1 16 HF 850.201 82
1 17 ec/es/8395
1 18
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House File 878 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HF 509)

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

A BILL FOR

1 An Act providing for agricultural and industrial development,
2 including by providing for research into initiatives relating
3 to renewable energy, and providing for applicability and
4 effective dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1648HV 82
7 da/je/5



Iowa General Assembly
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House File 878 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 RENEWABLE FUEL PROJECTS
1 3 Section 1. Section 15G.201, unnumbered paragraph 1, Code
1 4 2007, is amended to read as follows:
1 5 As used in this ~~subchapter~~ part, unless the context
1 6 otherwise requires:
1 7 Sec. 2. NEW SECTION. 15G.203A BIODIESEL INFRASTRUCTURE
1 8 PROGRAM FOR PRIVATE USE MOTOR FUEL SITES.
1 9 The department under the direction of the renewable fuel
1 10 infrastructure board shall establish and administer a
1 11 biodiesel infrastructure program for private use motor fuel
1 12 sites.
1 13 1. The purpose of the program is to improve a site other
1 14 than a retail motor fuel site as provided in section 15G.203
1 15 or a biodiesel terminal facility as provided in section
1 16 15G.204, where motor fuel is used for the purpose of storing
1 17 and dispensing the motor fuel for the person's sole use. The
1 18 improvements shall be by installing, replacing, or converting
1 19 motor fuel storage and dispensing infrastructure. The
1 20 infrastructure must be designed and shall be used exclusively
1 21 to store and dispense biodiesel or biodiesel blended fuel on
1 22 the premises of the site.
1 23 2. A person may apply to the department to receive
1 24 financial incentives and the department shall process the
1 25 application in the same manner as provided in section 15G.203.
1 26 3. To all extent practical, the program shall be
1 27 administered in conjunction with the programs provided in
1 28 section 15.401.
1 29 4. The infrastructure board shall approve cost-share
1 30 agreements executed by the department and persons that the
1 31 infrastructure board determines are eligible as provided in
1 32 this section, according to terms and conditions required by
1 33 the infrastructure board. The infrastructure board shall
1 34 determine the amount of the financial incentives to be awarded
1 35 to a person participating in the program. In order to be



Iowa General Assembly
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House File 878 - Introduced continued

2 1 eligible to participate in the program all of the following
2 2 must apply:

2 3 a. The person must be an owner or operator of the site.
2 4 b. The site must be used to store and dispense diesel
2 5 fuel.

2 6 c. The person must apply to the department in a manner and
2 7 according to procedures required by the infrastructure board.
2 8 The application must contain all information required by the
2 9 infrastructure board and shall at least include all of the
2 10 following:

2 11 (1) The name of the person and the address of the private
2 12 use motor fuel site to be improved.

2 13 (2) A detailed description of the infrastructure to be
2 14 installed, replaced, or converted, including but not limited
2 15 to the model number of each installed, replaced, or converted
2 16 motor fuel storage tank if available.

2 17 (3) A statement describing how the private use motor fuel
2 18 site is to be improved, the total estimated cost of the
2 19 planned improvement, and the date when the infrastructure will
2 20 be first used to store and dispense biodiesel or biodiesel
2 21 blended fuel.

2 22 (4) A statement certifying that the infrastructure shall
2 23 not be used to store or dispense motor fuel other than
2 24 biodiesel or biodiesel blended fuel, unless granted a waiver
2 25 by the infrastructure board pursuant to this section.

2 26 5. A private use motor fuel site which is improved using
2 27 financial incentives must comply with federal and state
2 28 standards governing new or upgraded motor fuel storage tanks
2 29 used to store and dispense biodiesel or biodiesel blended
2 30 fuel. A site classified as a no further action site pursuant
2 31 to a certificate issued by the department of natural resources
2 32 under section 455B.474 shall retain its classification
2 33 following modifications necessary to store and dispense
2 34 biodiesel or biodiesel blended fuel and the owner or operator
2 35 shall not be required to perform a new site assessment unless



Iowa General Assembly
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March 26, 2007

House File 878 - Introduced continued

3 1 a new release occurs or if a previously unknown or unforeseen
3 2 risk condition should arise.

3 3 6. The infrastructure board shall not approve a cost=share
3 4 agreement which awards financial incentives to install,
3 5 replace, or convert infrastructure associated with more than
3 6 one motor fuel storage tank located at the same private use
3 7 motor fuel site.

3 8 7. An award of financial incentives to a participating
3 9 person shall be in the form of a grant.

3 10 a. In order to participate in the program an eligible
3 11 person must execute a cost=share agreement with the department
3 12 as approved by the infrastructure board in which the person
3 13 contributes a percentage of the total costs related to
3 14 improving the private use motor fuel site.

3 15 b. The financial incentives awarded to the participating
3 16 person shall not exceed fifty percent of the actual cost of
3 17 making the improvement or thirty thousand dollars, whichever
3 18 is less. The infrastructure board may approve multiple awards
3 19 to make improvements to a private use motor fuel site so long
3 20 as the total amount of the awards does not exceed the
3 21 limitations provided in this paragraph.

3 22 8. A participating person shall not use the infrastructure
3 23 to store and dispense motor fuel other than biodiesel or
3 24 biodiesel blended fuel, unless one of the following applies:

3 25 a. The participating person is granted a waiver by the
3 26 infrastructure board. The participating person shall store or
3 27 dispense the motor fuel according to the terms and conditions
3 28 of the waiver.

3 29 b. The infrastructure fund is immediately repaid the total
3 30 amount of moneys awarded to the participating person together
3 31 with a monetary penalty equal to twenty=five percent of that
3 32 awarded amount.

3 33 9. A participating person who acts in violation of an
3 34 agreement executed with the department pursuant to this
3 35 section is subject to a civil penalty of not more than one



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 878 - Introduced continued

4 1 thousand dollars a day for each day of the violation. The
4 2 civil penalty shall be deposited into the general fund of the
4 3 state.

4 4 Sec. 3. Section 15G.205, subsection 3, Code 2007, is
4 5 amended to read as follows:

4 6 3. Moneys in the renewable fuel infrastructure fund are
4 7 appropriated to the department exclusively to support the
4 8 renewable fuel infrastructure programs as provided in sections
4 9 15G.203, 15G.203A, and 15G.204, as allocated in financial
4 10 incentives by the renewable fuel infrastructure board as
4 11 created in section 15G.202. Up to fifty thousand dollars
4 12 shall be allocated each fiscal year to the department to
4 13 support the administration of the programs. Otherwise the
4 14 moneys shall not be transferred, used, obligated,
4 15 appropriated, or otherwise encumbered except to allocate as
4 16 financial incentives under the programs.

4 17 PART B

4 18 BIOMASS RESEARCH AND DEVELOPMENT INITIATIVES

4 19 Sec. 4. NEW SECTION. 15G.211 SPECIAL DEFINITIONS.

4 20 As used in this part, unless the context otherwise
4 21 requires:

4 22 1. "Biofuel" means the same as defined in section 214A.1.

4 23 2. "Biomass" means organic material that is available on a
4 24 renewable or recurring basis, including but not limited to
4 25 crops; plants, including aquatic plants and grasses; residues;
4 26 trees grown for energy production; wood waste and wood
4 27 residues; fibers; animal wastes and other waste materials;
4 28 animal fats; and other fats, oils, and greases including
4 29 recycled fats, oils, and greases.

4 30 3. "Biorefinery" means equipment and processes that
4 31 convert biomass into renewable fuel and coproducts.

4 32 4. "Coproduct" means the same as defined in section
4 33 159A.2.

4 34 5. "Crop" means the same as defined in section 717A.1.

4 35 6. "Department" means the department of economic



Iowa General Assembly
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March 26, 2007

House File 878 - Introduced continued

5 1 development created in section 15.105.

5 2 7. "Intellectual property" means any form or type of
5 3 business, scientific, technical, or engineering information,
5 4 including patterns, plans, compilations, programs, devices,
5 5 formulas, designs, prototypes, methods, techniques, and
5 6 processes, if all of the following apply:

5 7 a. The owner of the information has taken reasonable
5 8 measures to keep such information protected from public
5 9 disclosure.

5 10 b. The information derives independent economic value,
5 11 including actual or potential economic value, from not being
5 12 generally known or from not being readily ascertainable by the
5 13 public using proper means.

5 14 8. "Renewable fuel" means the same as defined in section
5 15 214A.1.

5 16 Sec. 5. NEW SECTION. 15G.212 DEPARTMENT AUTHORIZED TO
5 17 PARTICIPATE IN FEDERAL BIOMASS RESEARCH AND DEVELOPMENT
5 18 PROGRAMS.

5 19 The department is authorized to cooperate with federal
5 20 agencies and participate in federal programs including but not
5 21 limited to programs under the federal Biomass Research and
5 22 Development Act of 2000, 7 U.S.C. } 7624, et seq., in order to
5 23 provide for the production of cost-competitive industrial
5 24 products derived from biomass, including but not limited to
5 25 biofuels, and associated agricultural or industrial coproducts
5 26 which promise to provide environmentally benign product life
5 27 cycles, promote rural economic development, and diversify
5 28 energy resources.

5 29 Sec. 6. NEW SECTION. 15G.213 INNOVATION PROJECT FOR THE
5 30 PROCESSING OF FEEDSTOCK INTO ETHANOL.

5 31 An innovation project for the processing of feedstock into
5 32 ethanol is created.

5 33 1. The innovation project shall be administered by the
5 34 department as provided in this section.

5 35 2. The purpose of the innovation project is to develop and



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March 26, 2007

House File 878 - Introduced continued

6 1 commercialize all of the following:

6 2 a. Technologies and methods necessary to cost-effectively

6 3 manufacture ethanol and coproducts from feedstocks derived

6 4 from all parts of a crop by a biorefinery. The innovation

6 5 project shall at least consider the use of corn cobs, leaves,

6 6 and stover as feedstock. The department may consider the best

6 7 methods to reduce costs associated with the complete

6 8 saccharification of cellulose and hemicellulose and to

6 9 increase sugar yields derived from that process.

6 10 b. Specialized crop varieties or hybrids to be used as

6 11 feedstocks, which maximize the energy and coproducts value of

6 12 crops produced at the lowest possible cost, and reduce costs

6 13 of processing the associated feedstocks into ethanol and

6 14 coproducts by a biorefinery.

6 15 c. Equipment, including attachments to conventional

6 16 equipment, used in crop production, including the simultaneous

6 17 harvesting and separating of different crops, including grain

6 18 leaves, cobs, and stover.

6 19 d. Equipment for the bulk loading, unloading, or

6 20 transporting of crop residue which may be used as biomass

6 21 including grain, leaves, cobs, and stover.

6 22 3. The innovation project shall develop methods and

6 23 technologies used to increase ethanol production with the

6 24 expansion of animal agriculture and its reliance upon

6 25 unprocessed and processed crops and associated coproducts

6 26 including distillers grain.

6 27 4. In administering the innovation project, the department

6 28 shall consult with the renewable fuel infrastructure board

6 29 established pursuant to section 15G.202, or a committee of the

6 30 board as appointed by the board.

6 31 5. The innovation project shall be financed by state

6 32 appropriations and contributions from other persons. The

6 33 department shall not finance an innovation project unless the

6 34 department receives a matching contribution from another

6 35 source. The department may require that the contribution be a



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House File 878 - Introduced continued

7 1 percentage of the financing in the form of money, services,
7 2 material, or other in-kind contributions.
7 3 6. The department shall issue requests for proposals and
7 4 select a qualified person to perform a research contract based
7 5 on the scoring of those proposals, as required by the
7 6 department.

7 7 a. The department shall execute a research contract with
7 8 one or more of the following qualified persons selected to
7 9 conduct the research:

7 10 (1) A department of an institution under the control of
7 11 the state board of regents dedicated to researching increased
7 12 ethanol production and the production of specialized crop
7 13 varieties or hybrids to be used as feedstocks. A community
7 14 college or private university or college is not precluded from
7 15 participation.

7 16 (2) Any person involved in researching increased ethanol
7 17 production or the production of specialized crop varieties or
7 18 hybrids, including a business association, cooperative
7 19 association, or nonprofit organization.

7 20 b. A person may protect intellectual property which is
7 21 developed or results from work performed under a research
7 22 contract.

7 23 c. A project under a research contract may be a
7 24 collaborative venture by any combination of qualified persons.

7 25 d. A research contract may provide for conducting basic or
7 26 applied research.

7 27 e. A research contract may provide for all of the
7 28 following:

7 29 (1) The demonstration of technologies and methods
7 30 necessary to cost-effectively manufacture and market ethanol
7 31 and coproducts. The research contract may provide for the
7 32 construction or refurbishment and operation of a biorefinery
7 33 including a pilot plant or small scale facility.

7 34 (2) Methods to identify the genetic characteristics of
7 35 promising crops and to target novel gene traits or incorporate



Iowa General Assembly
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House File 878 - Introduced continued

8 1 those traits into crops for use by a biorefinery. A research
8 2 contract may provide for trial production of specialized crop
8 3 varieties or hybrids to be used as feedstocks by a
8 4 biorefinery.

8 5 Sec. 7. NEW SECTION. 15G.214 INNOVATION PROJECT FOR THE
8 6 SUSTAINABLE PRODUCTION OF CROPS USED AS AN ETHANOL FEEDSTOCK.

8 7 An innovation project for the sustainable production of
8 8 crops used as an ethanol feedstock is created.

8 9 1. The innovation project shall be administered by Iowa
8 10 state university as provided in this section.

8 11 2. The purpose of the innovation project is to provide for
8 12 the sustainable production of crops used as feedstocks for the
8 13 production of ethanol and coproducts by biorefineries, by
8 14 conserving Iowa's land and water resources.

8 15 3. In administering the innovation project, Iowa state
8 16 university shall, to every extent feasible, do all of the
8 17 following:

8 18 a. Cooperate with the department, business associations,
8 19 nonprofit organizations, and the federal government.

8 20 b. Consult with the renewable fuel infrastructure board
8 21 created pursuant to section 15G.202, or a committee of the
8 22 board as appointed by the board; the Leopold center for
8 23 sustainable agriculture created in section 266.39; the
8 24 department of natural resources created in section 455A.2; and
8 25 the soil conservation division of the department of
8 26 agriculture and land stewardship established in section
8 27 161A.4.

8 28 4. The innovation project shall provide for the
8 29 sustainable production of crops used as feedstocks for the
8 30 production of ethanol and coproducts and provide for the
8 31 expansion of animal agriculture.

8 32 5. In administering the innovation project, Iowa state
8 33 university may provide for conducting basic or applied
8 34 research. The university may do all of the following:

8 35 a. Develop specialized crop varieties or hybrids to be
9 1 used as feedstocks and coproducts. The university may provide
9 2 for the trial production of specialized crop varieties or
9 3 hybrids to be used as feedstocks and coproducts.

9 4 b. Develop equipment, including attachments to
9 5 conventional equipment used in the production of crops to be
9 6 used as feedstock for biorefineries, including the
9 7 simultaneous harvesting and separating of corn leaves, cobs,
9 8 and stover from grain. The university may provide for the
9 9 manufacture of prototype equipment used in the production of
9 10 crops to be used as feedstocks.

9 11 c. Develop soil conservation or crop management practices
9 12 designed for the production of crops to be used as feedstock
9 13 for biorefineries, including crop production on highly
9 14 erodible land or land in proximity to water sources, or
9 15 designed for the management of fertilizers and soil
9 16 conditioners and pesticides. The university may provide for
9 17 practices which account for nonstandard crop rotation cycles.
9 18 The university may provide for projects which provide
9 19 demonstrations of soil conservation or crop management
9 20 practices.

9 21 Sec. 8. NEW SECTION. 15G.215 INNOVATION PROJECT FOR THE



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9 22 PROCESSING OF CORN AND THE MAXIMIZED COPRODUCTION OF
9 23 DISTILLERS GRAIN SOLUBLES.
9 24 An innovation project for the processing of corn and the
9 25 maximized coproduction of distillers grain solubles is
9 26 created. The innovation project shall be administered by the
9 27 department of agriculture and land stewardship as provided in
9 28 this section.
9 29 1. The department of agriculture and land stewardship
9 30 shall seek advice from persons designated from interested
9 31 organizations, including all of the following:
9 32 a. The department of economic development.
9 33 b. A regents institution.
9 34 c. The Iowa farm bureau federation.
9 35 d. The Iowa pork producers association.



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- 10 1 e. The Iowa cattlemen's association.
10 2 f. The Iowa poultry association.
10 3 g. The Iowa turkey federation.
10 4 h. The Iowa corn growers association.
10 5 i. The Iowa soybean association.
10 6 j. An organization of whose membership includes suppliers
10 7 of commercial feed to agricultural animals.
10 8 k. An organization whose members include agricultural
10 9 animal nutritionists.
- 10 10 2. A purpose of the innovation project is to assist
10 11 biorefineries processing grain into ethanol and coproducts, by
10 12 increasing the amount of high-quality distillers grain
10 13 solubles for use in formulating rations fed to agricultural
10 14 animals, especially swine, turkeys, and poultry. The
10 15 department may provide assistance by providing for all of the
10 16 following:
- 10 17 a. Conducting research to determine the nutritional
10 18 profiles of distillers grain solubles for use in formulating
10 19 rations fed to particular species of agricultural animals,
10 20 especially swine, turkeys, and poultry, in order to achieve
10 21 maximum performance. This portion of the innovation project
10 22 shall finance studies involving a number of trials conducted
10 23 at designated biorefineries in this state.
- 10 24 (1) The studies shall be conducted by a biorefinery in
10 25 cooperation with interested persons approved by the
10 26 department, which must include an agricultural animal
10 27 nutritionist.
- 10 28 (2) The department shall cooperate with regents
10 29 institutions, community colleges, or private universities or
10 30 colleges, in order to provide education to producers of animal
10 31 feeding operations regarding the innovation project and
10 32 methods to benefit from studies conducted pursuant to this
10 33 section.
- 10 34 b. Adopting quality management processes in order to
10 35 provide for the coproduction of distillers grain solubles



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11 1 which maximize the nutritional value for use in formulating
11 2 rations according to established standards. This portion of
11 3 the innovation project shall be financed by state
11 4 appropriations and contributions from other persons. The
11 5 department may decline to finance an innovation project unless
11 6 the department receives a matching contribution from another
11 7 person. The department may require that the contribution be a
11 8 percentage of the financing in the form of money, services,
11 9 material, or other in-kind contributions.

11 10 3. The department may issue requests for proposals and
11 11 select qualified persons to participate in the innovation
11 12 project based on the scoring of those proposals as required by
11 13 the department.

11 14 Sec. 9. NEW SECTION. 15G.216 WORKFORCE PROJECT FOR
11 15 BIOREFINERY INDUSTRY TRAINING.

11 16 A workforce project for biorefinery industry training is
11 17 created.

11 18 1. The workforce project shall be administered by the
11 19 department as provided in this section.

11 20 2. The purpose of the workforce project is to train
11 21 individuals to obtain full-time employment in the biorefinery
11 22 industry, including but not limited to employment in fields
11 23 related to the use of chemicals necessary to manufacture
11 24 products, such as biofuels and coproducts, from feedstocks
11 25 derived from grain or from all parts of a crop. The
11 26 department may provide for specialized training in ethanol
11 27 production and biodiesel production.

11 28 3. In administering the innovation project, the department
11 29 shall consult with the renewable fuel infrastructure board
11 30 created pursuant to section 15G.202, or a committee of the
11 31 board as appointed by the board.

11 32 4. The department shall provide for participation by
11 33 community colleges in the workforce project based on the
11 34 manner that projects are selected pursuant to section
11 35 260C.18A.



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12 1 5. A community college awarded a contract under this
12 2 section may enter into an agreement with a biorefinery which
12 3 is an eligible business pursuant to chapter 260E or 260F to
12 4 provide program services as provided in those chapters.

12 5 Sec. 10. NEW SECTION. 15G.217 INNOVATION PROJECT FOR
12 6 COMMERCIALIZATION OF ADVANCED BIOREFINERY TECHNOLOGY.

12 7 An innovation project for commercialization of advanced
12 8 biorefinery technology is created. The innovation project
12 9 shall be administered by the department as provided in this
12 10 section.

12 11 1. The purpose of the innovation project is to provide for
12 12 the installation of advanced technology at a biorefinery in
12 13 order to maximize the processing of biomass into biofuel and
12 14 associated coproducts.

12 15 a. The installation of the advanced technology shall be
12 16 used to demonstrate its development as a commercially feasible
12 17 alternative to conventional technology used by biorefineries.

12 18 b. The advanced technology may address methods to maximize
12 19 the value of feedstocks used to manufacture biofuel or
12 20 associated coproducts, reduce costs associated with
12 21 production, or minimize the effect upon natural resources,
12 22 including water resources, used in production. Any method
12 23 developed to enhance soil and water conservation shall be made
12 24 available to interested persons including but not limited to
12 25 soil and water conservation districts.

12 26 2. The department may issue requests for proposals and
12 27 select qualified persons to participate in the innovation
12 28 project based on the scoring of those proposals as required by
12 29 the department.

12 30 3. An innovation project shall be financed by state
12 31 appropriations and contributions from other persons. The
12 32 department may require as a condition to financing that it
12 33 receive a contribution from another person. The department
12 34 may require that the contribution be in the form of money,
12 35 services, material, or other in-kind contributions.



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13 1 Sec. 11. NEW SECTION. 15G.218 REPORT.
13 2 1. By January 15 of each year, the department, in
13 3 cooperation with Iowa state university, shall submit a report
13 4 regarding projects provided for in this part.
13 5 2. The report required in this section shall be included
13 6 as a part of that part of a report required to be submitted to
13 7 the governor and general assembly by the department regarding
13 8 projects supported from the grow Iowa values fund as provided
13 9 in section 15.104.

13 10 PART C

13 11 RENEWABLE ENERGY PHYSICAL INFRASTRUCTURE

13 12 Sec. 12. NEW SECTION. 15G.221 DEFINITIONS.
13 13 As used in this part, unless the context otherwise
13 14 requires:

13 15 1. "Department" means the Iowa department of economic
13 16 development created in section 15.105.

13 17 2. "Renewable energy" means energy sources including but
13 18 not limited to wind turbine, solar, waste management,
13 19 refuse-derived fuel, hydroelectric, agricultural crops or
13 20 residues, and woodburning.

13 21 3. "Renewable energy physical infrastructure development
13 22 or redevelopment projects" means projects relating to
13 23 construction or creation of physical infrastructure necessary
13 24 for advanced manufacturing projects which the department
13 25 determines contribute, in whole or in part, to the support and
13 26 advancement of or partnering with renewable energy initiatives
13 27 in this state.

13 28 Sec. 13. NEW SECTION. 15G.222 RENEWABLE ENERGY PHYSICAL
13 29 INFRASTRUCTURE FINANCIAL ASSISTANCE PROGRAM.

13 30 1. The department shall establish a renewable energy
13 31 physical infrastructure financial assistance program to
13 32 provide financial assistance for renewable energy physical
13 33 infrastructure development or redevelopment projects in this
13 34 state. Renewable energy physical infrastructure development
13 35 or redevelopment projects that create the necessary



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14 1 infrastructure for renewable energy throughout the state, that
14 2 provide the opportunity for the creation of quality, high-wage
14 3 jobs, and that involve substantial capital investment are
14 4 eligible for financial assistance under the program if the
14 5 projects could not be assisted through or would not be
14 6 eligible for financial assistance from other existing private,
14 7 local, or state funds or programs.

14 8 2. The department shall by rule establish procedures and
14 9 guidelines for the program, including application forms and
14 10 award criteria, and shall coordinate distributions from the
14 11 renewable energy physical infrastructure financial assistance
14 12 program fund established in section 15G.223. In establishing
14 13 the procedures and guidelines, the department shall consult
14 14 with the department of agriculture and land stewardship, the
14 15 department of natural resources, the utilities board, and any
14 16 other appropriate state agency responsible for the development
14 17 or redevelopment of renewable energy physical infrastructure
14 18 in this state to ensure that activities conducted pursuant to
14 19 this section are consistent with the policies and plans of
14 20 other state agencies and are coordinated with other renewable
14 21 energy physical infrastructure projects.

14 22 Sec. 14. NEW SECTION. 15G.223 RENEWABLE ENERGY PHYSICAL
14 23 INFRASTRUCTURE FINANCIAL ASSISTANCE PROGRAM == FUND
14 24 ESTABLISHED.

14 25 1. A renewable energy physical infrastructure financial
14 26 assistance program fund is established in the state treasury
14 27 under the control of the department. The fund shall consist
14 28 of appropriations made to the fund and other moneys available
14 29 to and obtained or accepted by the department from federal or
14 30 private sources to the credit of the fund. Notwithstanding
14 31 section 12C.7, subsection 2, interest or earnings on moneys in
14 32 the fund shall be credited to the fund.

14 33 2. Moneys available in the fund for a fiscal year are
14 34 appropriated to the department to be used for the purpose of
14 35 providing financial assistance under section 15G.222, in the



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15 1 form of grants, loans, forgivable loans, guaranteed loans,
15 2 cost-sharing, indemnification of costs, or any combination of
15 3 financial assistance deemed by the department to be most
15 4 efficient in facilitating a renewable energy physical
15 5 infrastructure project.

15 6 3. In administering the fund, the department may enter
15 7 into contracts and sue or be sued, but shall not in any manner
15 8 directly or indirectly pledge the credit of the state. The
15 9 department may authorize payment of costs, commissions,
15 10 attorney fees, consultant fees, and other reasonable expenses
15 11 from the fund. Expenses may include costs relating to
15 12 carrying out the duties necessary for insuring or guaranteeing
15 13 loans, cosharing or indemnifying costs under the program, and
15 14 the recovery of loans insured or guaranteed or costs coshared
15 15 or indemnified, or the management of property acquired in
15 16 connection with such grants, loans, or costs.

15 17 4. Notwithstanding section 8.33, moneys in the fund shall
15 18 not revert.

15 19 Sec. 15. Section 15.335, subsection 1, unnumbered
15 20 paragraph 1, Code 2007, is amended to read as follows:

15 21 An eligible business may claim a corporate tax credit for
15 22 increasing research activities in this state during the period
15 23 the eligible business is participating in the program. For
15 24 purposes of this section, "research activities" includes the
15 25 development and deployment of innovative renewable energy
15 26 generation components manufactured or assembled in this state.
15 27 For purposes of this section, "innovative renewable energy
15 28 generation components" does not include a component with more
15 29 than two hundred megawatts of installed effective nameplate
15 30 capacity. The tax credits for innovative renewable energy
15 31 generation components shall not exceed ~~one~~ five million
15 32 dollars.

15 33 Sec. 16. NEW SECTION. 214A.2B STATE LABORATORY FOR MOTOR
15 34 FUEL AND BIOFUEL.

15 35 A state laboratory for motor fuel and biofuel is



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16 1 established at Iowa central community college. The state
16 2 laboratory shall conduct testing of motor fuel sold in this
16 3 state and biofuel which is blended in motor fuel in this state
16 4 to ensure that the motor fuel or biofuel meets the
16 5 requirements of section 214A.2.

16 6 Sec. 17. NEW SECTION. 266.17 AGRICULTURAL=
16 7 BIOMANUFACTURING INITIATIVE.

16 8 1. As used in this section, unless the context otherwise
16 9 requires:

16 10 a. "Agricultural animal" means the same as defined in
16 11 section 717A.1.

16 12 b. "Biomanufacturing" means the manufacturing of products
16 13 derived from processing biomass as a substitute for petroleum,
16 14 including but not limited to the production of renewable fuel
16 15 and other high-value products and coproducts used in
16 16 formulating rations fed to agricultural animals.

16 17 c. "Biomass" means the same as defined in section 15G.211.

16 18 d. "Crop" means the same as defined in section 717A.1.

16 19 e. "Renewable fuel" means the same as defined in section
16 20 214A.1.

16 21 2. a. An agricultural=biomanufacturing initiative is
16 22 created at Iowa state university. The university shall
16 23 provide a synergetic approach to carry out the following
16 24 purposes:

16 25 (1) Conserve or enhance soil and water resources required
16 26 for agricultural production and maximize the production of
16 27 crops for animal agriculture and biomanufacturing.

16 28 (2) Develop and improve quality management processes used
16 29 in biomanufacturing, including but not limited to improving
16 30 efficiencies in the use of resources including feedstocks and
16 31 water resources.

16 32 b. In carrying out the purpose of the
16 33 agricultural=biomanufacturing initiative, the university may
16 34 develop all of the following:

16 35 (1) Technologies and methods which simultaneously maximize



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17 1 the value of crops used as feedstock in biomanufacturing
17 2 products and coproducts.
17 3 (2) Genetic characteristics in crops and agricultural
17 4 animals which simultaneously maximize agricultural production
17 5 and increase efficiencies in biomanufacturing products and
17 6 coproducts.
17 7 (3) Agricultural practices and biomanufacturing processes
17 8 which enhance Iowa's natural resources while ensuring that the
17 9 state is competitively viable in both the production of
17 10 agricultural animals and biomanufacturing.
17 11 Sec. 18. Section 422.10, subsection 3, Code 2007, is
17 12 amended by adding the following new unnumbered paragraph:
17 13 NEW UNNUMBERED PARAGRAPH. For purposes of this section,
17 14 "research activities" means activities including but not
17 15 limited to the development and deployment of innovative
17 16 renewable energy generation components manufactured or
17 17 assembled in this state.
17 18 Sec. 19. Section 422.33, subsection 5, Code 2007, is
17 19 amended by adding the following new paragraph:
17 20 NEW PARAGRAPH. h. For purposes of this subsection,
17 21 "research activities" includes but is not limited to the
17 22 development and deployment of innovative renewable energy
17 23 generation components manufactured or assembled in this state.
17 24 Sec. 20. BIORENEWABLE FUELS BUILDING AND RESEARCH STAFF.
17 25 Iowa state university may plan, design, and construct a new
17 26 biorenewable fuels building and employ additional staff with
17 27 expertise necessary in order to carry out the purposes of
17 28 section 266.17, as enacted in this Act.
17 29 Sec. 21. EFFECTIVE AND APPLICABILITY DATES. The sections
17 30 of this Act, amending sections 15.335, 422.10, and 422.33,
17 31 being deemed of immediate importance, take effect upon
17 32 enactment and are retroactively applicable to January 1, 2007.
17 33 DIVISION II
17 34 IOWA POWER FUND
17 35 Sec. 22. NEW SECTION. 469.1 DEFINITIONS.



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18 1 For the purposes of this chapter:
18 2 1. "Council" means the Iowa power fund partnership council
18 3 created in section 469.4.
18 4 2. "Director" means the director of renewable energy.
18 5 3. "Fund" means the Iowa power fund created in section
18 6 469.5.
18 7 4. "Office" means the governor's office of renewable
18 8 energy.
18 9 Sec. 23. NEW SECTION. 469.2 OFFICE OF RENEWABLE ENERGY.
18 10 The office of renewable energy is established in the office
18 11 of the governor to coordinate state activities concerning
18 12 renewable energy.
18 13 Sec. 24. NEW SECTION. 469.3 DIRECTOR OF RENEWABLE
18 14 ENERGY.
18 15 1. A director of renewable energy shall be appointed by
18 16 the governor, subject to confirmation by the senate, and shall
18 17 serve at the pleasure of the governor. The governor shall
18 18 fill a vacancy in the office in the same manner as the
18 19 original appointment was made. The director shall be selected
18 20 primarily for administrative ability and knowledge concerning
18 21 renewable energy. The salary of the director shall be fixed
18 22 by the governor.
18 23 2. The director shall do all of the following:
18 24 a. Direct the governor's office of renewable energy.
18 25 b. Manage the Iowa power fund.
18 26 c. Lead outreach and public education efforts concerning
18 27 renewable energy.
18 28 d. Pursue new research and investment funds from federal
18 29 and private sources.
18 30 e. Coordinate and monitor all existing state and federal
18 31 renewable energy grants and programs.
18 32 f. Advise the governor and lieutenant governor concerning
18 33 renewable energy policy and legislation.
18 34 g. Establish performance measures for determining
18 35 effectiveness of renewable energy efforts.
19 1 h. Submit an annual report to the governor and general
19 2 assembly by November 1 of each year concerning the activities
19 3 and programs of the office, Iowa power fund, and other
19 4 departments related to renewable energy. The report shall
19 5 include an assessment of needs with respect to renewable
19 6 energy efforts.
19 7 i. Adopt rules pursuant to chapter 17A concerning the
19 8 office, the Iowa power fund, and the programs and functions of
19 9 the office and the fund.
19 10 Sec. 25. NEW SECTION. 469.4 IOWA POWER FUND PARTNERSHIP
19 11 COUNCIL.
19 12 1. A nine-member Iowa power fund partnership council is
19 13 created with the following membership:
19 14 a. The chairperson of the utilities board or the
19 15 chairperson's designee.
19 16 b. The director of the department of economic development
19 17 or the director's designee.
19 18 c. The director of the department of natural resources or
19 19 the director's designee.
19 20 d. Six members appointed by the governor subject to
19 21 confirmation by the senate. An appointee shall have



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19 22 demonstrated experience or expertise in one or more of the
19 23 fields of renewable energy, biofuels, research and development
19 24 of new technologies, commercialization of new technologies,
19 25 and economic development.

19 26 2. The members appointed by the governor shall be
19 27 appointed for three-year staggered terms beginning and ending
19 28 as provided in section 69.19. A vacancy on the council shall
19 29 be filled for the unexpired term in the same manner as the
19 30 original appointment was made.

19 31 3. The members of the council shall be reimbursed for
19 32 actual and necessary travel and related expenses incurred in
19 33 the discharge of official duties. Each member of the council
19 34 may also be eligible to receive compensation as provided in
19 35 section 7E.6.



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20 1 4. A majority of the members of the council constitutes a
20 2 quorum, and a majority of the total membership of the council
20 3 is necessary to act in any matter within the jurisdiction of
20 4 the council.

20 5 5. The duties of the council include all of the following:

20 6 a. Consider and approve grants, loans, or investments made
20 7 from the fund.

20 8 b. Advise the governor and director concerning strategic
20 9 direction for the fund.

20 10 c. Provide the governor with advice concerning economic
20 11 development, policy, technical issues, and strategic direction
20 12 concerning renewable energy.

20 13 Sec. 26. NEW SECTION. 469.5 IOWA POWER FUND.

20 14 1. The Iowa power fund is created in the state treasury
20 15 under the control of the office. The fund shall be separate
20 16 from the general fund of the state and the balance in the fund
20 17 shall not be considered part of the balance of the general
20 18 fund of the state. However, the fund shall be considered a
20 19 special account for the purposes of section 8.53, relating to
20 20 generally accepted accounting principles.

20 21 2. The fund shall consist of appropriations made to the
20 22 fund and other moneys available to and obtained or accepted by
20 23 the office from federal or private sources to the credit of
20 24 the fund. Notwithstanding section 12C.7, subsection 2,
20 25 interest or earnings on moneys in the fund shall be credited
20 26 to the fund.

20 27 3. Moneys available in the fund for a fiscal year are
20 28 appropriated to the office to be used in developing or
20 29 expanding industries involving renewable energy, alternate
20 30 energy, no or low pollution energy technologies, biofuel,
20 31 energy efficiency, other energy-related approaches, in
20 32 commercializing and increasing the demand for such
20 33 technologies and approaches, and other purposes designated in
20 34 law for the fund.

20 35 4. Except as otherwise designated by law, the office shall



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21 1 not utilize more than three percent of the amount appropriated
21 2 from the fund for a fiscal year for administrative costs.
21 3 5. Notwithstanding section 8.33, moneys credited to the
21 4 Iowa power fund shall not revert to the fund from which
21 5 appropriated.

21 6 Sec. 27. EFFECTIVE DATE. This division of this Act, being
21 7 deemed of immediate importance, takes effect upon enactment.

21 8 EXPLANATION

21 9 GENERAL. This bill establishes a number of programs
21 10 related to renewable energy, including the production of
21 11 biomass that is available on a renewable or recurring basis
21 12 and the production of renewable fuel and associated coproducts
21 13 (i.e., feed for agricultural animals). The bill also provides
21 14 for other types of energy such as energy produced by wind
21 15 turbine power.

21 16 BIODIESEL INFRASTRUCUTURE PROGRAM. The bill amends Code
21 17 chapter 15G, subchapter II by providing for biodiesel and
21 18 biodiesel infrastructure. The bill creates a biodiesel
21 19 infrastructure program for private use motor fuel sites based
21 20 on a similar program created in Code section 15G.203 for
21 21 retail motor fuel sites which is supported by the renewable
21 22 fuel infrastructure fund created in Code section 15G.205.
21 23 This program is also administered by the department of
21 24 economic development and the renewable fuel infrastructure
21 25 board. The bill supports the improvement of nonretail motor
21 26 fuel sites by installing, replacing, or converting motor fuel
21 27 storage and dispensing infrastructure associated with
21 28 biodiesel or biodiesel blended fuel.

21 29 BIOMASS RESEARCH AND DEVELOPMENT INITIATIVES. The bill
21 30 amends Code chapter 15G, subchapter II, by creating a new part
21 31 regarding biomass research and development initiatives.

21 32 The bill authorizes the department of economic development
21 33 to participate with federal agencies and participate in
21 34 federal programs in order to provide for the production of
21 35 cost=competitive industrial products derived from biomass.



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22 1 The bill creates an innovation project for the processing
22 2 of feedstock into ethanol to be administered by the
22 3 department. The purpose of the innovation project is to
22 4 develop and commercialize: (1) technologies and methods
22 5 necessary to cost-effectively manufacture ethanol and
22 6 coproducts from feedstocks derived from all parts of a crop by
22 7 a biorefinery, (2) specialized crop varieties or hybrids used
22 8 as feedstocks, (3) equipment used in crop production used to
22 9 produce feedstocks used by biorefineries, and (4) equipment
22 10 for bulk transporting of crop residue. The innovation project
22 11 must further methods and technologies used to increase ethanol
22 12 production with the expansion of animal agriculture. The
22 13 department is required to issue requests for proposals and
22 14 execute a research contract with a qualified person selected
22 15 to conduct the research. The research contract may provide
22 16 for basic or applied research, and may provide for
22 17 demonstration projects.

22 18 The bill creates an innovation project for the sustainable
22 19 production of crops used as an ethanol feedstock to be
22 20 administered by Iowa state university. The purpose of the
22 21 innovation project is to provide for the sustainable
22 22 production of crops used as feedstocks for the production of
22 23 ethanol and coproducts by biorefineries, and to provide for
22 24 the expansion of animal agriculture and its reliance upon
22 25 unprocessed and processed crops. The bill provides that Iowa
22 26 state university may provide for basic or applied research.
22 27 The university may develop specialized crop varieties or
22 28 hybrids used as feedstocks and coproducts. The university may
22 29 provide for trial production and demonstration projects.

22 30 The bill establishes an innovation project for the
22 31 processing of corn and maximized coproduction of distillers
22 32 grain solubles administered by the department of agriculture
22 33 and land stewardship. The purposes of the innovation project
22 34 are to assist biorefineries processing grain into ethanol and
22 35 coproducts by: (1) increasing the amount of high-quality



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23 1 distillers grain soluble for use in formulating rations fed
23 2 to agricultural animals, and (2) adopting quality management
23 3 processes in order to provide for the coproduction of
23 4 distillers grain solubles which maximize their nutritional
23 5 value for use in formulating those rations.
23 6 The bill creates a workforce project for biorefinery
23 7 industry training as administered by the department of
23 8 economic development. The purpose of the workforce project is
23 9 to train individuals to obtain full-time employment in the
23 10 biorefinery industry. The department must issue requests for
23 11 proposals and award a contract to two community colleges.
23 12 The bill establishes an innovation project for
23 13 commercialization of advanced biorefinery technology
23 14 administered by the department of economic development. The
23 15 purpose of the project is to provide for the installation of
23 16 advanced technology at a biorefinery in order to maximize the
23 17 processing of biomass into biofuel and associated coproducts.
23 18 The bill creates an agricultural-biomanufacturing
23 19 initiative at Iowa state university. According to the bill,
23 20 biomanufacturing is the manufacturing of products derived from
23 21 the processing of biomass as a substitute for petroleum (such
23 22 as biofuels including ethanol and biodiesel and coproducts).
23 23 The bill requires the university to provide a synergetic
23 24 approach to support the conservation of resources necessary
23 25 for the production of crops for animal agriculture and
23 26 biomanufacturing and develop and improve processes and
23 27 products associated with biomanufacturing.
23 28 The bill provides that Iowa state university may provide
23 29 for a new biorenewable fuels building and employ additional
23 30 staff.
23 31 PHYSICAL INFRASTRUCTURE ASSISTANCE PROGRAM. The bill
23 32 creates a renewable energy physical infrastructure financial
23 33 assistance program within the department of economic
23 34 development. The purpose of the program is to provide
23 35 financial assistance for renewable energy physical



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24 1 infrastructure development or redevelopment projects in this
24 2 state. The bill defines a "renewable energy physical
24 3 infrastructure development or redevelopment project" to refer
24 4 to projects relating to construction or creation of physical
24 5 infrastructure necessary for advanced manufacturing projects
24 6 which the department determines contribute, in whole or in
24 7 part, to the support and advancement of or partnering with
24 8 renewable energy initiatives in this state. The bill provides
24 9 that projects that create the necessary infrastructure for
24 10 renewable energy throughout the state, that provide the
24 11 opportunity for the creation of quality, high-wage jobs, and
24 12 that involve substantial capital investment are eligible for
24 13 financial assistance under the program, if the projects could
24 14 not be assisted through or would not be eligible for financial
24 15 assistance from other existing private, local, or state funds
24 16 or programs.

24 17 The bill provides that the department shall by rule
24 18 establish procedures and guidelines for the program, including
24 19 application forms and award criteria, in coordination with
24 20 other interested state agencies, and shall coordinate
24 21 distributions from a renewable energy physical infrastructure
24 22 financial assistance program fund established in the bill
24 23 under the control of the department. The bill provides that
24 24 moneys available in the fund for a fiscal year are
24 25 appropriated to the department to be used for the purpose of
24 26 providing financial assistance to program applicants in the
24 27 form of grants, loans, forgivable loans, guaranteed loans,
24 28 cost sharing, indemnification of costs, or any combination of
24 29 financial assistance deemed by the department to be most
24 30 efficient in facilitating a physical infrastructure project.
24 31 The bill specifies the authority of the department in
24 32 administering the fund.

24 33 Additionally, the bill expands or modifies research and
24 34 development tax credits. The bill increases the tax credit
24 35 for innovative renewable energy generation components



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House File 878 - Introduced continued

25 1 available in Code section 15.335 from an amount not to exceed
25 2 \$1 million to an amount not to exceed \$5 million, and provides
25 3 a definition of "research activities" applicable to the tax
25 4 credits for increasing research activities contained in Code
25 5 sections 422.10 and 422.33 as referring to the development and
25 6 deployment of innovative renewable energy generation
25 7 components manufactured or assembled in this state.
25 8 The provisions of the bill amending Code sections 15.335,
25 9 427.10, and 422.33 take effect upon enactment, and are
25 10 retroactively applicable to January 1, 2007.
25 11 OFFICE OF RENEWABLE ENERGY. The bill creates the
25 12 governor's office of renewable energy, the position of
25 13 director of renewable energy, the Iowa power fund partnership
25 14 council, and the Iowa power fund in new Code chapter 469.
25 15 Duties for the office, director, and council are specified.
25 16 Grants, loans, and investments made from the fund are subject
25 17 to approval by the council.
25 18 This part of the bill takes effect upon enactment.
25 19 LSB 1648HV 82
25 20 da:rj/je/5.1



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House File 879 - Introduced

HOUSE FILE
BY TYMESON

| | |
|-----------------------------|-----------------------------|
| Passed House, Date _____ | Passed Senate, Date _____ |
| Vote: Ayes _____ Nays _____ | Vote: Ayes _____ Nays _____ |
| Approved | |

A BILL FOR

1 An Act directing the department of education to conduct a study
2 of high school equivalency diploma options, requirements, and
3 fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2716YH 82
6 kh/je/5



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House File 879 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF EDUCATION == HIGH SCHOOL
1 2 EQUIVALENCY DIPLOMA STUDY. The department of education shall
1 3 conduct a study of the range of high school equivalency
1 4 diploma options available to individuals. In conducting the
1 5 study, the department shall also review and compare program
1 6 application and admission to testing requirements; test
1 7 preparation requirements; pretesting, practice testing, and
1 8 retesting requirements, including scoring requirements; as
1 9 well as the associated fees set by institutions offering high
1 10 school equivalency diploma or general educational development
1 11 programs, courses, and testing. The department shall submit
1 12 its findings and recommendations in a report to the general
1 13 assembly by January 14, 2008.

1 14 EXPLANATION

1 15 This bill directs the department of education to conduct a
1 16 study of the range of high school equivalency diploma options
1 17 available to individuals. The department must also review and
1 18 compare program application and admission to testing
1 19 requirements; test preparation requirements; pretesting,
1 20 practice testing, and retesting requirements, including
1 21 scoring requirements; as well as the associated fees set by
1 22 institutions offering high school equivalency diploma or
1 23 general educational development programs, courses, and
1 24 testing. The department must submit its findings and
1 25 recommendations in a report to the general assembly by January
1 26 14, 2008.

1 27 LSB 2716YH 82

1 28 kh:nh/je/5



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House File 880 - Introduced

HOUSE FILE
BY TYMESON, QUIRK, ALONS, and
BAILEY

| | |
|-----------------------------|-----------------------------|
| Passed House, Date _____ | Passed Senate, Date _____ |
| Vote: Ayes _____ Nays _____ | Vote: Ayes _____ Nays _____ |
| Approved | |

A BILL FOR

1 An Act relating to state purchasing by establishing a preference
2 for certain Iowa-based businesses that support employees
3 serving in the national guard and reserves.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2607HH 82
6 eg/es/88



Iowa General Assembly
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House File 880 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.311, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 21. The state shall give a preference to
1 4 purchasing equipment, supplies, or services from or awarding
1 5 public improvement contracts pursuant to subsection 11 to an
1 6 Iowa-based business the employer of which has signed a
1 7 statement to support employees who are officers or enlisted
1 8 persons in the national guard and organized reserves of the
1 9 armed forces of the United States, if the bid submitted is
1 10 comparable in price to those submitted by other bidders and
1 11 meets the required specifications. To be eligible for such
1 12 preference, an employer shall sign and submit a statement of
1 13 support of persons in the employ of the employer who serve in
1 14 the national guard and the reserves, recognizing the vital
1 15 role of the national guard and the reserves, and pledging all
1 16 of the following:

1 17 a. To neither deny employment nor limit or reduce job
1 18 opportunities because of an employee's service in the national
1 19 guard or organized reserves of the armed forces of the United
1 20 States.

1 21 b. To grant leaves of absence during a period of military
1 22 duty or training.

1 23 c. To ensure that all employees are aware of the
1 24 employer's policies and the requirements of section 29A.43.

1 25 EXPLANATION

1 26 This bill requires that when the state purchases equipment,
1 27 supplies, or services, or awards certain public improvement
1 28 contracts, a preference shall be given to an Iowa-based
1 29 business the employer of which has signed a statement to
1 30 support employees who are officers or enlisted persons in the
1 31 national guard and organized reserves of the armed forces of
1 32 the United States, if the bid submitted is comparable in price
1 33 to those submitted by other bidders and meets the required
1 34 specifications.

1 35 To be eligible for such preference, the employer of an



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House File 880 - Introduced continued

2 1 Iowa-based business shall sign and submit a statement of
2 2 support of persons in the employ of the employer who serve in
2 3 the national guard and the reserves, recognizing the vital
2 4 role of the national guard and the reserves, and pledging all
2 5 of the following:
2 6 1. To neither deny employment nor limit or reduce job
2 7 opportunities because of an employee's service in the national
2 8 guard or organized reserves of the armed forces of the United
2 9 States.
2 10 2. To grant leaves of absence during a period of military
2 11 duty or training.
2 12 3. To ensure that all employees are aware of the
2 13 employer's policies and the requirements of Code section
2 14 29A.43.
2 15 LSB 2607HH 82
2 16 eg:rj/es/88



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Senate Amendment 3153

PAG LIN

1 1 Amend Senate File 352 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 39A.2, subsection 1, paragraph
1 5 a, Code 2007, is amended to read as follows:
1 6 a. REGISTRATION FRAUD.
1 7 (1) Produces, procures, submits, or accepts a
1 8 voter registration application that is known by the
1 9 person to be materially false, fictitious, forged, or
1 10 fraudulent.
1 11 (2) Falsely swears to an oath required pursuant to
1 12 section 48A.7A.>
1 13 #2. Page 1, line 9, by inserting after the word
1 14 <b.> the following: <(1)>.
1 15 #3. Page 1, by striking lines 13 through 20 and
1 16 inserting the following: <presenting any of the
1 17 following current and valid forms of identification if
1 18 such identification contains the person's photograph
1 19 and a validity expiration date:
1 20 (a) An out-of-state driver's license or
1 21 nonoperator's identification card.
1 22 (b) A United States passport.
1 23 (c) A United States military identification card.
1 24 (d) An identification card issued by an employer.
1 25 (e) A student identification card issued by an
1 26 Iowa high school or an Iowa postsecondary educational
1 27 institution.
1 28 (2) If the photographic identification presented
1 29 does not contain the person's current address in the
1 30 precinct, the person shall also present one of the
1 31 following documents that shows the person's name and
1 32 address in the precinct:
1 33 (a) Residential lease.
1 34 (b) Property tax statement.
1 35 (c) Utility bill.
1 36 (d) Bank statement.
1 37 (e) Paycheck.
1 38 (f) Government check.
1 39 (g) Other government document.>
1 40 #4. Page 2, by striking lines 16 and 17 and
1 41 inserting the following:
1 42 <4. a. The form of the written oath required of
1 43 the person registering under this section shall read
1 44 as follows:
1 45 I, (name of registrant), do solemnly swear or affirm all of
1 46 the following:
1 47 I am a resident of the precinct, ward
1 48 or township, city of, county of, Iowa.
1 49 I am the person named above.
1 50 I live at the address listed below.



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Senate Amendment 3153 continued

2 1 I do not claim the right to vote anywhere else.
 2 2 I have not voted and will not vote in any other
 2 3 precinct in this election.
 2 4 I understand that any false statement in this oath
 2 5 is a class "D" felony punishable by no more than five
 2 6 years in confinement and a fine of at least seven
 2 7 hundred fifty dollars but not more than seven thousand
 2 8 five hundred dollars.
 2 9
 2 10 Signature of Registrant
 2 11
 2 12 Address
 2 13
 2 14 Telephone (optional to provide)
 2 15 Subscribed and sworn before me on (date).
 2 16
 2 17 Signature of Precinct Election Official
 2 18 b. The form of the written oath required of a
 2 19 person attesting to the identity and residency of the
 2 20 registrant shall read as follows:
 2 21 I, (name of registered voter), do solemnly swear or
 2 22 affirm all of the following:
 2 23 I am a preregistered voter in this precinct or I
 2 24 registered to vote in this precinct today, and a
 2 25 registered voter did not sign an oath on my behalf.
 2 26 I am a resident of the precinct, ward
 2 27 or township, city of, county of, Iowa.
 2 28 I reside at in
 2 29 (street address) (city or township)
 2 30 I personally know, and I personally know
 2 31 (name or registrant)
 2 32 that is a resident of the precinct,
 2 33 (name of registrant)
 2 34 ward or township, city of, county of
 2 35, Iowa.
 2 36 I understand that any false statement in this oath
 2 37 is a class "D" felony punishable by no more than five
 2 38 years in confinement and a fine of at least seven
 2 39 hundred fifty dollars but not more than seven thousand
 2 40 five hundred dollars.
 2 41
 2 42 Signature of Registered Voter
 2 43 Subscribed and sworn before me on (date).
 2 44
 2 45 Signature of Precinct Election Official>.
 2 46 #5. Page 4, by inserting after line 26 the
 2 47 following:
 2 48 <Sec. ____ . APPLICABILITY DATE. This Act applies
 2 49 to elections held on or after January 1, 2008.>
 2 50 #6. Title page, line 2, by inserting after the



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Senate Amendment 3153 continued

3 1 word <election> the following: <and making a penalty
3 2 applicable and providing an applicability date>.
3 3 #7. By renumbering, redesignating, and correcting
3 4 internal references as necessary.
3 5
3 6
3 7
3 8 STACI APPEL
3 9 SF 352.205 82
3 10 sc/es/7939



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Senate Amendment 3154

PAG LIN

1 1 Amend Senate File 418 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 321.1, Code 2007, is amended
1 5 by adding the following new subsections:
1 6 NEW SUBSECTION. 7A. "Business trade truck" means
1 7 a motor truck with an unladen weight of seven thousand
1 8 five hundred pounds or less that is any of the
1 9 following:
1 10 a. Owned, leased, or used by a person who files a
1 11 schedule C form with the federal internal revenue
1 12 service.
1 13 b. Eligible for depreciation under 26 U.S.C. }
1 14 167.
1 15 c. Owned, leased, or used by a person engaged in a
1 16 business or trade and regularly used to haul supplies,
1 17 trade tools, equipment, merchandise, or freight for
1 18 that business or trade.
1 19 NEW SUBSECTION. 95. "Farm truck" means a motor
1 20 truck with an unladen weight of seven thousand five
1 21 hundred pounds or less that is any of the following:
1 22 a. Owned, leased, or used by a person who files a
1 23 schedule F form with the federal internal revenue
1 24 service.
1 25 b. Eligible for depreciation under 26 U.S.C. }
1 26 167.
1 27 c. Owned, leased, or used by a person who is
1 28 engaged in the production of farm products, including
1 29 but not limited to crops, energy, livestock, or
1 30 poultry, equal in value to more than one thousand
1 31 dollars annually.>
1 32 #2. Page 1, line 8, by striking the figure and
1 33 words <321.122, special trucks> and inserting the
1 34 following: <321.120, 321.121, or 321.122>.
1 35 #3. Page 2, by inserting after line 20 the
1 36 following:
1 37 <Sec. ____ . NEW SECTION. 321.120 BUSINESS TRADE
1 38 TRUCKS AND FARM TRUCKS.
1 39 1. The annual registration fee for a business
1 40 trade truck or farm truck shall be determined pursuant
1 41 to section 321.122, subsection 1, paragraph "a" or
1 42 "b".
1 43 2. Upon application for a new registration or a
1 44 renewal, an owner who registers a 2009 or subsequent
1 45 model year vehicle as a business trade truck or farm
1 46 truck may be required to provide proof or certify by
1 47 signed affidavit that the vehicle meets the definition
1 48 of a business trade truck or farm truck. The
1 49 department may adopt rules as necessary to prescribe
1 50 the documentation required as proof or certification



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Senate Amendment 3154 continued

2 1 under this subsection.
2 2 3. If the department determines by audit or other
2 3 means that a person has registered a vehicle as a
2 4 business trade truck or farm truck that is not
2 5 qualified for such registration, the person may be
2 6 required to pay regular registration fees applicable
2 7 to the vehicle under section 321.109 or 321.113, in
2 8 addition to any other penalty or sanction imposed by
2 9 law.>
2 10 #4. Page 2, line 25, by inserting after the word
2 11 <trucks> the following: <, other than business trade
2 12 trucks and farm trucks,>.
2 13 #5. By renumbering as necessary.
2 14
2 15
2 16
2 17 EUGENE S. FRAISE
2 18 SF 418.501 82
2 19 dea/je/7535



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Senate Amendment 3155

PAG LIN

1 1 Amend Senate File 401 as follows:
1 2 #1. Page 1, by inserting after line 2 the
1 3 following:
1 4 <Section 1. Section 306C.11, subsection 2, Code
1 5 2007, is amended to read as follows:
1 6 2. Advertising devices concerning activities
1 7 conducted on the property on which they are located,
1 8 nor shall the property upon which they are located be
1 9 construed to mean located upon any contiguous area
1 10 having inconsistent use, size, shape, or ownership.
1 11 However, businesses located within the limits of a
1 12 commercial or industrial development may be advertised
1 13 on a sign located anywhere within the development
1 14 regardless of land ownership.>
1 15 #2. Page 7, by inserting after line 1 the
1 16 following:
1 17 <Sec. _____. Section 321.285, Code 2007, is amended
1 18 by adding the following new subsection:
1 19 NEW SUBSECTION. 7. Notwithstanding any other
1 20 speed restrictions, a self-propelled implement of
1 21 husbandry equipped with flotation tires that is
1 22 designed to be loaded and operated in the field and
1 23 used exclusively for the application of organic or
1 24 inorganic plant food materials, agricultural
1 25 limestone, or agricultural chemicals shall not be
1 26 operated on a highway at a speed in excess of
1 27 thirty-five miles per hour.>
1 28 #3. Page 7, by inserting after line 10 the
1 29 following:
1 30 <Sec. _____. Section 321.463, subsection 4,
1 31 paragraph a, unnumbered paragraph 1, Code 2007, is
1 32 amended to read as follows:
1 33 Self-propelled implements of husbandry used
1 34 exclusively for the application of organic or
1 35 inorganic plant food materials, agricultural
1 36 limestone, or agricultural chemicals, unless traveling
1 37 under a permit issued pursuant to section 321E.8A,
1 38 shall be operated in compliance with this section.
1 39 Sec. _____. Section 321E.2, unnumbered paragraph 1,
1 40 Code 2007, is amended to read as follows:
1 41 Annual, multi-trip, and single-trip permits shall
1 42 be issued by the authority responsible for the
1 43 maintenance of the system of highways or streets.
1 44 However, the department may issue permits on primary
1 45 road extensions in cities in conjunction with
1 46 movements on the rural primary road system. The
1 47 department may issue an all-system permit under
1 48 section 321E.8 which is valid for movements on all
1 49 highways or streets under the jurisdiction of either
1 50 the state or those local authorities which have



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2 1 indicated in writing to the department those streets
2 2 or highways for which an all-system permit is not
2 3 valid. The department may issue annual permits
2 4 pursuant to section 321E.8A valid only for operation
2 5 on noninterstate highways in counties stipulated in
2 6 the permit.

2 7 Sec. _____. Section 321E.7, Code 2007, is amended by
2 8 adding the following new subsection:

2 9 NEW SUBSECTION. 4. Notwithstanding subsections 1
2 10 and 2, a self-propelled implement of husbandry
2 11 traveling under a permit issued pursuant to section
2 12 321E.8A may exceed the maximum axle loads prescribed
2 13 under section 321.463 only when operated unladen on a
2 14 noninterstate highway in a county covered under the
2 15 permit, provided the weight on any one axle does not
2 16 exceed twenty-five thousand pounds, and provided the
2 17 current and valid permit is carried in the vehicle.
2 18 For purposes of this subsection, "noninterstate
2 19 highway" does not include a bridge.

2 20 Sec. _____. NEW SECTION. 321E.8A SELF-PROPELLED
2 21 IMPLEMENT OF HUSBANDRY == ANNUAL PERMIT.

2 22 1. A self-propelled implement of husbandry
2 23 equipped with flotation tires that is designed to be
2 24 loaded and operated in the field and used exclusively
2 25 for the application of organic or inorganic plant food
2 26 materials, agricultural limestone, or agricultural
2 27 chemicals, and that, as newly manufactured, exceeds
2 28 the axle weight limits under section 321.463 when
2 29 unloaded, may be operated on noninterstate highways,
2 30 excluding bridges, in a county pursuant to a permit
2 31 issued by the department for travel within the county.
2 32 Prior to issuing a permit, the department shall
2 33 collect a fee of six hundred dollars for each county
2 34 in which the vehicle will be operated during the
2 35 period of the permit beginning July 1 and ending June
2 36 30, provided that a permit shall not be issued for a
2 37 vehicle for operation in more than ten counties and
2 38 the total amount of fees collected for a vehicle for
2 39 the period of the permit shall not exceed three
2 40 thousand five hundred dollars. Moneys collected by
2 41 the department on behalf of the counties in which the
2 42 vehicle will be operated shall be allotted equally to
2 43 those counties and deposited in the secondary road
2 44 funds of those counties. A vehicle for which a permit
2 45 is issued under this section shall be assigned a
2 46 permit number that shall be displayed on the door of
2 47 the vehicle in numbers that contrast sharply in color
2 48 with the background on which the number is placed, be
2 49 readily legible during daylight hours from a distance
2 50 of fifty feet when the vehicle is stationary, and be



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3 1 maintained in a manner that retains the legibility.
3 2 Only vehicles originally purchased or ordered prior to
3 3 February 1, 2007, are eligible for a permit. New
3 4 permits shall not be issued on or after July 1, 2007;
3 5 however, a permit issued for a vehicle under this
3 6 section prior to July 1, 2007, may be renewed for that
3 7 vehicle annually upon payment of the appropriate
3 8 county fees.
3 9 2. A vehicle described in subsection 1 shall not
3 10 be operated on a highway without a permit issued under
3 11 this section. The owner of a vehicle that is operated
3 12 in violation of section 321E.7, subsection 4, or this
3 13 section is subject to a civil penalty of ten thousand
3 14 dollars, in addition to any other penalties that may
3 15 apply.>
3 16 #4. Page 14, by inserting after line 32 the
3 17 following:
3 18 <Sec. ____ . IMPLEMENTATION OF PERMITTING PROCESS
3 19 FOR CERTAIN SELF=PROPELLED IMPLEMENTS OF HUSBANDRY.
3 20 The department of transportation shall begin accepting
3 21 applications for permits required under section
3 22 321E.8A, as enacted in this Act, on or before June 1,
3 23 2007, and shall provide for the issuance of those
3 24 permits prior to July 1, 2007, to be effective July 1,
3 25 2007.>
3 26 #5. Page 15, by inserting after line 12 the
3 27 following:
3 28 <5. The section of this Act requiring the
3 29 department of transportation to implement the
3 30 permitting process for certain self-propelled
3 31 implements of husbandry, being deemed of immediate
3 32 importance, takes effect upon enactment.>
3 33 #6. Title page, line 4, by inserting after the
3 34 word <to> the following: <the placement of
3 35 advertising devices along primary highways,>.
3 36 #7. Title page, line 9, by striking the words <and
3 37 fees>.
3 38 #8. Title page, line 12, by inserting after the
3 39 word <trucks,> the following: <requirements for
3 40 operation of certain self-propelled implements of
3 41 husbandry on secondary roads,>.
3 42 #9. By renumbering as necessary.
3 43
3 44
3 45
3 46 THOMAS RIELLY
3 47 SF 401.301 82
3 48 dea/cf/7536



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Senate Amendment 3156

PAG LIN

1 1 Amend Senate File 454 as follows:

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

1 4 <Section 1. Section 4.1, subsection 28, Code 2007,
1 5 is amended to read as follows:

1 6 28. SEAL. Where the seal of a court, public
1 7 office ~~or~~, public officer, or public or private
1 8 corporation, ~~may~~ be required to be affixed to any
1 9 paper, the word "seal" shall include an impression
1 10 upon the paper alone, ~~as well as~~ or upon wax or a
1 11 wafer affixed ~~thereto~~ to the paper, or an official ink
1 12 stamp if a notarial seal. If the seal of a court is
1 13 required, the word "seal" may also include a visible
1 14 electronic image of the seal on an electronic
1 15 document.

1 16 Sec. 2. Section 602.4301, subsection 2, Code 2007,
1 17 is amended to read as follows:

1 18 2. The clerk of the supreme court shall have an
1 19 office at the seat of government, shall keep a
1 20 complete record of the proceedings of the court, and
1 21 shall not allow an opinion filed in the office to be
1 22 removed. Opinions shall be open to examination and,
1 23 upon request, may be copied and certified. The clerk
1 24 promptly shall announce by ordinary or electronic mail
1 25 to one of the attorneys on each side any ruling made
1 26 or decision rendered, shall record every opinion
1 27 rendered as soon as filed, shall send by ordinary or
1 28 electronic mail a copy of each opinion rendered to
1 29 each attorney of record and to each party not
1 30 represented by counsel, and shall perform all other
1 31 duties pertaining to the office of clerk.

1 32 Sec. 3. Section 805.6, subsection 1, unnumbered
1 33 paragraph 3, Code 2007, is amended to read as follows:

1 34 Notwithstanding other contrary requirements of this
1 35 section, a uniform citation and complaint may be
1 36 originated from a computerized device. The officer
1 37 issuing the citation through a computerized device
1 38 shall electronically sign and date the citation or
1 39 complaint and shall obtain electronically the
1 40 signature of the person cited as provided in section
1 41 805.3 and shall give two copies of the citation to the
1 42 person cited and shall provide a record of the
1 43 citation to the court where the person cited is to
1 44 appear and to the law enforcement agency of the
1 45 officer by an electronic process which accurately
1 46 reproduces or forms a durable medium for accurately
1 47 and legibly reproducing an unaltered image or copy of
1 48 the citation.>

1 49 #2. Title page, line 2, by striking the word
1 50 <eliminating> and inserting the following: <involving



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Senate Amendment 3156 continued

2 1 the>.
2 2 #3. Title page, lines 3 and 4, by striking the
2 3 words <making confidential personal information,>.
2 4
2 5
2 6
2 7 KEITH A. KREIMAN
2 8 SF 454.702 82
2 9 jm/gg/7246



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Senate Amendment 3157

PAG LIN

1 1 Amend Senate File 512 as follows:
1 2 #1. Page 4, by striking lines 27 and 28 and
1 3 inserting the following:
1 4 <a. The aggregate amount of all rebates>.
1 5
1 6
1 7
1 8 JEFF DANIELSON
1 9 SF 512.501 82
1 10 pf/je/7791
1 11
1 12
1 13
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Senate Amendment 3158

PAG LIN

1 1 Amend Senate File 513 as follows:

1 2 #1. Page 1, by striking line 1 and inserting the
1 3 following:

1 4 <Section 1. Section 26.2, subsection 1, Code 2007,
1 5 is amended to read as follows:

1 6 1. "Estimated total cost of a public improvement"
1 7 or "estimated total cost" means the estimated total
1 8 cost to the governmental entity to construct a public
1 9 improvement, including cost of labor, materials,
1 10 equipment, and supplies, but excluding the cost of
1 11 architectural, landscape architectural, or engineering
1 12 design services and inspection.

1 13 Sec. _____. Section 26.2, subsection 4, Code 2007,
1 14 is amended to read as follows:

1 15 4. "Repair or maintenance work" means the
1 16 preservation of a ~~road, street, bridge, culvert~~
1 17 building, storm sewer, sanitary sewer, or other public
1 18 facility or structure so that it remains in sound or
1 19 proper condition, including minor replacements and
1 20 additions as necessary to restore the public facility
1 21 or structure to its original condition with the same
1 22 design.

1 23 Sec. _____. Section 26.3, subsections 1 and 2, Code
1 24 2007, are>.

1 25 #2. Page 1, by striking lines 9 through 12 and
1 26 inserting the following: <to bidders shall be
1 27 published at least once, not less than four and not
1 28 more than forty-five days before the date for filing
1 29 bids, in a newspaper published at least once weekly
1 30 within the geographic area served by the governmental
1 31 entity. Additionally, the governmental entity may>.

1 32 #3. Page 1, by inserting after line 20 the
1 33 following:

1 34 <2. A governmental entity shall have an engineer
1 35 licensed under chapter 542B, a landscape architect
1 36 licensed under chapter 544B, or an architect
1 37 registered under chapter 544A prepare plans and
1 38 specifications, and calculate the estimated total cost
1 39 of a proposed public improvement.

1 40 Sec. _____. Section 26.4, Code 2007, is amended to
1 41 read as follows:

1 42 26.4 EXEMPTIONS FROM COMPETITIVE BIDS AND
1 43 QUOTATIONS.

1 44 Architectural, landscape architectural, or
1 45 engineering design services procured for a public
1 46 improvement are not subject to sections 26.3 and
1 47 26.14.>

1 48 #4. Page 4, by inserting after line 8 the
1 49 following: <Good faith effort shall include advising
1 50 all contractors who have filed with the governmental



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2 1 entity a request for notice of projects. The
2 2 governmental entity shall provide such notice in a
2 3 timely manner so that a requesting contractor will
2 4 have a reasonable opportunity to submit a competitive
2 5 quotation.>
2 6 #5. Page 4, line 12, by inserting after the word
2 7 <architect> the following: <, landscape architect,>.
2 8 #6. Page 4, line 12, by inserting after the figure
2 9 <542B> the following: <, 544B,>.
2 10 #7. By striking page 4, line 24, through page 5,
2 11 line 27.
2 12 #8. Page 5, line 28, by striking the words <~~b.~~
2 13 c.> and inserting the following: <b.>
2 14 #9. Page 6, line 17, by striking the words <~~e.~~
2 15 d.> and inserting the following: <c.>
2 16 #10. By renumbering as necessary.
2 17
2 18
2 19
2 20 HERMAN C. QUIRMBACH
2 21 SF 513.501 82
2 22 eg/je/7249



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1 1 Amend Senate File 369 as follows:

1 2 #1. Page 2, by inserting after line 9 the
1 3 following:

1 4 <Sec. _____. Section 49.53, unnumbered paragraph 1,
1 5 Code 2007, is amended to read as follows:

1 6 The commissioner shall not less than four nor more
1 7 than twenty days before the day of each election,
1 8 except those for which different publication
1 9 requirements are prescribed by law, publish notice of
1 10 the election. The notice shall contain a facsimile of
1 11 the portion of the ballot containing the first
1 12 rotation as prescribed by section 49.31, subsection 2,
1 13 and shall show the names of all candidates or nominees
1 14 and the office each seeks, and all public questions,
1 15 to be voted upon at the election. The sample ballot
1 16 published as a part of the notice may at the
1 17 discretion of the commissioner be reduced in size
1 18 relative to the actual ballot but such reduction shall
1 19 not cause upper case letters appearing in candidates'
1 20 names or in summaries of public measures on the
1 21 published sample ballot to be less than ninety percent
1 22 of the size of such upper case letters appearing on
1 23 the actual ballot. The notice shall also state the
1 24 date of the election, the hours the polls will be
1 25 open, the location of each polling place at which
1 26 voting is to occur in the election, the location of
1 27 the polling places designated as early ballot pick-up
1 28 sites, and the names of the precincts voting at each
1 29 polling place, but the statement need not set forth
1 30 any fact which is apparent from the portion of the
1 31 ballot appearing as a part of the same notice. The
1 32 notice shall include the full text of all public
1 33 measures to be voted upon at the election. ~~The notice~~
~~1 34 shall also include notice of testing required pursuant~~
~~1 35 to sections 52.9, 52.35, and 52.38.>~~

1 36 #2. Page 6, by inserting after line 27 the
1 37 following:

1 38 <Sec. _____. Section 52.9, unnumbered paragraph 2,
1 39 Code 2007, is amended to read as follows:

1 40 It shall be the duty of the commissioner or the
1 41 commissioner's duly authorized agents to examine and
1 42 test the voting machines to be used at any election,
1 43 after the machines have been prepared for the election
1 44 and not less than twelve hours before the opening of
1 45 the polls on the morning of the election. For any
1 46 election to fill a partisan office, the county
1 47 chairperson of each political party referred to in
1 48 section 49.13 shall be notified in writing of the
1 49 date, time said, and place the machines shall be
1 50 examined and tested so that they may be present, or



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2 1 have a representative present. For every election,
2 2 the commissioner shall ~~include the~~ publish notice of
2 3 the date, time, and place the examination and testing
2 4 will be conducted. The commissioner may include such
2 5 notice in the notice of the election published as
~~2 6 required by pursuant to~~ section 49.53. Those present
2 7 for the examination and testing shall sign a
2 8 certificate which shall read substantially as
2 9 follows:>
2 10 #3. Page 7, by inserting after line 16 the
2 11 following:
2 12 <Sec. _____. Section 52.35, unnumbered paragraph 1,
2 13 Code 2007, is amended to read as follows:
2 14 ~~Within five days before~~ Before the date of any
2 15 election at which votes are to be cast by means of an
2 16 electronic optical scan voting system and tabulated at
~~2 17 a counting center established under section 52.34, the~~
2 18 ~~commissioner in charge of the counting center where~~
~~2 19 votes so cast are to be tabulated~~ shall have the
2 20 automatic tabulating equipment, including the portable
2 21 tabulating devices, tested to ascertain that it will
2 22 correctly count the votes cast for all offices and on
2 23 all public questions. Testing shall be completed not
2 24 later than twelve hours before the opening of the
2 25 polls on the morning of the election. The procedure
2 26 for conducting the test shall be as follows:
2 27 Sec. _____. Section 52.35, subsections 1 and 3, Code
2 28 2007, are amended to read as follows:
2 29 1. For any election to fill a partisan office, the
2 30 county chairperson of each political party shall be
2 31 notified in writing of the date, time, and place the
2 32 test will be conducted, so that they may be present or
2 33 have a representative present. For every election,
2 34 the commissioner shall ~~include such~~ publish notice of
2 35 the date, time, and place the test will be conducted.
~~2 36 The commissioner may include such notice in the notice~~
2 37 ~~of the election published as required by pursuant to~~
2 38 ~~section 49.53. The test shall be open to the public.~~
2 39 3. The test group of ballots used for the test
2 40 shall be clearly labeled as such, and retained in the
2 41 ~~counting center commissioner's office. The test~~
~~2 42 prescribed in subsection 2 shall be repeated~~
~~2 43 immediately before the start of the official~~
~~2 44 tabulation of ballots cast in the election, and again~~
~~2 45 immediately after the tabulation is completed. The~~
2 46 ~~test group of ballots and the programs used for the~~
2 47 ~~counting procedure shall be sealed, retained for the~~
2 48 ~~time required for and disposed of in the same manner~~
2 49 ~~as ballots cast in the election.~~
2 50 Sec. _____. Section 52.35, Code 2007, is amended by



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1 1 Amend Senate File 559 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <DIVISION I
1 5 CEMETERY AND FUNERAL MERCHANDISE,
1 6 FUNERAL SERVICES, AND CEMETERIES == REGULATION
1 7 Section 1. Section 22.7, Code 2007, is amended by
1 8 adding the following new subsection:
1 9 NEW SUBSECTION. 58. Information filed with the
1 10 commissioner of insurance pursuant to sections
1 11 523A.204 and 523A.502A.
1 12 Sec. 2. Section 523A.102, subsection 6, Code 2007,
1 13 is amended to read as follows:
1 14 6. "Commissioner" means the commissioner of
1 15 insurance or the ~~deputy administrator authorized in~~
~~1 16 section 523A.801 to the extent the commissioner~~
~~1 17 delegates functions to the deputy administrator~~
1 18 commissioner's designee.
1 19 Sec. 3. Section 523A.102, subsection 11, Code
1 20 2007, is amended by striking the subsection.
1 21 Sec. 4. Section 523A.102, Code 2007, is amended by
1 22 adding the following new subsection:
1 23 NEW SUBSECTION. 26A. "Sales agent" means a
1 24 person, including an employee, who is authorized by a
1 25 seller to sell cemetery merchandise, funeral
1 26 merchandise, funeral services, or a combination
1 27 thereof, on behalf of the seller.
1 28 Sec. 5. Section 523A.102, subsection 27, Code
1 29 2007, is amended to read as follows:
1 30 27. "Seller" or "preneed seller" means a person
1 31 doing business within this state, including a person
1 32 doing business within this state who sells insurance,
1 33 who advertises, sells, promotes, or offers to furnish
1 34 cemetery merchandise, funeral merchandise, funeral
1 35 services, or a combination thereof when performance or
1 36 delivery may be more than one hundred twenty days
1 37 following the initial payment on the account whether
1 38 the transaction is completed or offered in person,
1 39 through the mail, over the telephone, by the internet,
1 40 or through any other means of commerce. "Seller" or
~~1 41 "preneed seller"~~ includes any person performing any
1 42 term of a purchase agreement executed within this
1 43 state, and any person identified under a burial
1 44 account as the provider of cemetery merchandise,
1 45 funeral merchandise, funeral services, or a
1 46 combination thereof.
1 47 Sec. 6. Section 523A.201, subsection 3, Code 2007,
1 48 is amended to read as follows:
1 49 3. If a purchase agreement for cemetery
1 50 merchandise, funeral merchandise, funeral services, or



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2 1 a combination thereof provides that payments are to be
2 2 made in installments, the seller shall deposit eighty
2 3 percent of each payment in the trust fund until the
2 4 full amount required to be placed in trust has been
2 5 deposited. If the purchase agreement is financed with
2 6 or sold to a financial institution, the purchase
2 7 agreement shall be considered paid in full and the
2 8 trust requirements shall be satisfied within fifteen
2 9 days after the ~~close of the month in which the seller~~
2 10 receives funds from the financial institution.

2 11 Sec. 7. Section 523A.201, subsection 5, Code 2007,
2 12 is amended by striking the subsection and inserting in
2 13 lieu thereof the following:

2 14 5. Unless a seller deposits all of each payment in
2 15 a trust fund that meets the requirements of this
2 16 section and section 523A.202, the seller shall have a
2 17 fidelity bond or similar insurance in an amount of not
2 18 less than fifty thousand dollars to protect against
2 19 the loss of purchaser payments not placed in trust
2 20 within the time period required by this section and
2 21 section 523A.202. The commissioner may require a
2 22 greater amount as the commissioner determines is
2 23 necessary. If the seller changes ownership, the
2 24 fidelity bond or similar insurance shall continue in
2 25 force for at least one year after the transfer of
2 26 ownership.

2 27 Sec. 8. Section 523A.201, subsections 8 and 10,
2 28 Code 2007, are amended to read as follows:

2 29 8. Interest or income earned on amounts deposited
2 30 in trust shall remain in trust under the same terms
2 31 and conditions as payments made under the purchase
2 32 agreement, ~~except that the seller may withdraw so much~~
~~2 33 of the interest or income as represents the difference~~
~~2 34 between the amount needed to adjust the trust funds~~
~~2 35 for inflation as set by the commissioner based on the~~
~~2 36 consumer price index and the interest or income earned~~
~~2 37 during the preceding year not to exceed fifty percent~~
~~2 38 of the total interest or income on a calendar-year~~
~~2 39 basis. The early withdrawal of interest or income~~
~~2 40 under this provision does not affect the purchaser's~~
~~2 41 right to a credit of such interest or income in the~~
~~2 42 event of a nonguaranteed price agreement,~~
~~2 43 cancellation, or nonperformance by the seller.~~

2 44 10. If a seller voluntarily or involuntarily
2 45 ceases doing business and the seller's obligation to
2 46 provide merchandise or services has not been assumed
2 47 by another ~~establishment~~ seller holding a current
2 48 ~~establishment permit~~ preneed seller's license, all
2 49 trust funds, including accrued interest or income,
2 50 shall be repaid to the purchaser within ~~one hundred~~



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~~3 1 twenty thirty days following the seller's cessation of
3 2 business or, in the event of circumstances where a
3 3 payment is not possible within one hundred twenty
3 4 days, as soon as is reasonably practicable. A seller
3 5 may petition the commissioner, upon a showing of good
3 6 cause, for a longer period of time for repayment. A
3 7 seller shall notify the commissioner at least thirty
3 8 days prior to ceasing business.~~

3 9 Sec. 9. Section 523A.202, subsection 4, Code 2007,
3 10 is amended to read as follows:

3 11 4. This section does not prohibit moving trust
3 12 funds from one financial institution to another if the
3 13 commissioner is notified of the change within thirty
3 14 days of the transfer of the trust funds.

3 15 Sec. 10. Section 523A.203, Code 2007, is amended
3 16 by adding the following new subsection:

3 17 NEW SUBSECTION. 7. Unless proceeding under
3 18 section 523A.403, investment and management decisions
3 19 for all trust funds shall be made in accordance with
3 20 the provisions of section 633A.4302.

3 21 Sec. 11. Section 523A.204, Code 2007, is amended
3 22 by striking the section and inserting in lieu thereof
3 23 the following:

3 24 523A.204 PRENEED SELLER ANNUAL REPORTING
3 25 REQUIREMENTS.

3 26 1. A preneed seller shall file with the
3 27 commissioner not later than April 1 of each year an
3 28 annual report on a form prescribed by the
3 29 commissioner.

3 30 2. A preneed seller filing an annual report shall
3 31 pay a filing fee of ten dollars per purchase agreement
3 32 sold during the year covered by the report. Duplicate
3 33 fees are not required for the same purchase agreement.
3 34 If a purchase agreement has multiple sellers, the fee
3 35 shall be paid by the preneed seller actually providing
3 36 the merchandise and services.

3 37 3. All records maintained by the commissioner
3 38 under this section shall be confidential pursuant to
3 39 section 22.7, subsection 58, and shall not be made
3 40 available for inspection or copying except upon the
3 41 approval of the commissioner or the attorney general.

3 42 4. The commissioner shall levy an administrative
3 43 penalty in the amount of five hundred dollars against
3 44 a preneed seller that fails to file the annual report
3 45 when due, payable to the state for deposit in the
3 46 general fund of the state.

3 47 5. A preneed seller that fails to file the annual
3 48 report when due shall immediately cease soliciting or
3 49 executing purchase agreements until the annual report
3 50 is filed and any administrative penalty assessed has



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4 1 been paid.
4 2 Sec. 12. Section 523A.206, Code 2007, is amended
4 3 by striking the section and inserting in lieu thereof
4 4 the following:
4 5 523A.206 EXAMINATIONS == AUTHORITY AND SCOPE.
4 6 1. The commissioner may conduct an examination
4 7 under this chapter of any seller as often as the
4 8 commissioner deems appropriate. If a seller has a
4 9 trust arrangement, the commissioner shall conduct an
4 10 examination of such seller doing business in this
4 11 state not less than once every three years unless the
4 12 seller has provided to the commissioner, on an annual
4 13 basis, a certified copy of an audit conducted by an
4 14 independent certified public accountant verifying
4 15 compliance with this chapter. The commissioner may
4 16 require an audit of a seller, or other person by a
4 17 certified public accountant to verify compliance with
4 18 the requirements of this chapter, including rules
4 19 adopted and orders issued pursuant to this chapter.
4 20 2. A seller shall reimburse the division for the
4 21 expense of conducting the examination, including an
4 22 audit conducted by a certified public accountant,
4 23 unless the commissioner waives this requirement, or
4 24 the seller has previously provided to the commissioner
4 25 a certified copy of an audit conducted by an
4 26 independent certified public accountant verifying
4 27 compliance with this chapter for each year in question
4 28 and the examination conducted by the commissioner does
4 29 not disclose that the seller has not complied with
4 30 this chapter for the years in question. The expense
4 31 of an examination involving multiple sellers or other
4 32 persons shall be prorated among them upon any
4 33 reasonable basis as determined by the commissioner.
4 34 3. For purposes of completing an examination under
4 35 this chapter, the commissioner may examine or
4 36 investigate any person, or the business of any person,
4 37 if the examination or investigation is, in the sole
4 38 discretion of the commissioner, necessary or material
4 39 to the examination of the seller.
4 40 4. Upon determining that an examination should be
4 41 conducted, the commissioner may appoint one or more
4 42 examiners to perform the examination and instruct
4 43 those examiners as to the scope of the examination.
4 44 5. A seller, or other person from whom information
4 45 is sought, and its officers, directors, employees, and
4 46 agents shall provide to the examiners appointed under
4 47 subsection 4, timely, convenient, and free access at
4 48 their offices, at all reasonable hours, to all books,
4 49 records, accounts, papers, documents, and all
4 50 electronic or other recordings related to the



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5 1 property, assets, business, and affairs of the seller
5 2 being examined and shall facilitate the examination as
5 3 much as possible.

5 4 a. The refusal of a seller, by its officers,
5 5 directors, employees, or agents, to submit to an
5 6 examination or to comply with a reasonable written
5 7 request of an examiner shall constitute grounds for
5 8 the suspension, revocation, or nonrenewal of any
5 9 license held by the seller to engage in business
5 10 subject to the commissioner's jurisdiction.

5 11 b. If a seller declines or refuses to submit to an
5 12 examination as provided in this chapter, the
5 13 commissioner shall immediately suspend, revoke, or
5 14 nonrenew any license held by the seller or business to
5 15 engage in business subject to the commissioner's
5 16 jurisdiction, and shall report the commissioner's
5 17 action to the attorney general, who shall immediately
5 18 apply to the district court for the appointment of a
5 19 receiver to administer the final affairs of the
5 20 seller.

5 21 6. The commissioner shall not make information
5 22 obtained in the course of an examination public,
5 23 except when a duty under this chapter requires the
5 24 commissioner to take action against a seller or to
5 25 cooperate with another law enforcement agency, or when
5 26 the commissioner is called as a witness in a civil or
5 27 criminal proceeding.

5 28 7. This section shall not be construed to limit
5 29 the commissioner's authority to terminate or suspend
5 30 any examination in order to pursue other legal or
5 31 regulatory actions pursuant to this chapter. Findings
5 32 of fact and conclusions made pursuant to an
5 33 examination are deemed to be prima facie evidence in
5 34 any legal or regulatory action.

5 35 Sec. 13. NEW SECTION. 523A.207 AUDITS BY
5 36 CERTIFIED PUBLIC ACCOUNTANTS.

5 37 A purchase agreement shall not be sold or
5 38 transferred, as part of the sale of a business or the
5 39 assets of a business, until an audit has been
5 40 performed by a certified public accountant and filed
5 41 with the commissioner that expresses the auditor's
5 42 opinion of the adequacy of funding related to the
5 43 purchase agreements to be sold or transferred.

5 44 Sec. 14. Section 523A.404, subsection 1,
5 45 unnumbered paragraph 1, Code 2007, is amended to read
5 46 as follows:

5 47 Trust requirements do not apply to payments made
5 48 pursuant to a purchase agreement executed prior to

5 49 July 1, 2007, for outer burial containers made of
5 50 either polystyrene or polypropylene or cemetery



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6 1 merchandise delivered to the purchaser or stored in an
6 2 independent third-party storage facility not owned or
6 3 controlled by the seller when approved by the
6 4 commissioner. The seller or the storage facility must
6 5 demonstrate that they will do all of the following:

6 6 Sec. 15. Section 523A.404, subsection 1,
6 7 paragraphs f and h, Code 2007, are amended to read as
6 8 follows:

6 9 f. Use a method of storage that allows for visual
6 10 ~~audits~~ examinations of the merchandise.

6 11 h. File a consent to be ~~audited~~ examined and
6 12 inspected by the commissioner.

6 13 Sec. 16. Section 523A.501, Code 2007, is amended
6 14 to read as follows:

6 15 523A.501 ~~ESTABLISHMENT == PERMITS~~ PRENEED SELLERS
6 16 == LICENSES.

6 17 1. A person shall not advertise, sell, promote, or
6 18 offer to furnish cemetery merchandise, funeral
6 19 merchandise, funeral services, or a combination
6 20 thereof when performance or delivery may be more than
6 21 one hundred twenty days following the initial payment
6 22 on the account without ~~an establishment permit a~~
6 23 preneed seller's license. ~~Each establishment must~~
6 24 ~~have an establishment permit.~~

6 25 2. An application for ~~an establishment permit a~~
6 26 preneed seller's license shall be filed on a form
6 27 prescribed by the commissioner, ~~and be accompanied by~~
6 28 ~~a fifty dollar filing fee, and include a copy of each~~
6 29 ~~purchase agreement the person will use for sales of~~
6 30 ~~cemetery merchandise, funeral merchandise, funeral~~
6 31 ~~services, or a combination thereof.~~

6 32 3. ~~The application shall contain:~~

6 33 a. ~~The name and address of the establishment.~~

6 34 b. ~~The name and address of any additional provider~~
6 35 ~~of cemetery merchandise, funeral merchandise, funeral~~
6 36 ~~services, or a combination thereof.~~

6 37 c. ~~The name and address of each owner, officer, or~~
6 38 ~~other official of the establishment, including when~~
6 39 ~~relevant the chief executive officer and the members~~
6 40 ~~of the board of directors.~~

6 41 d. ~~A description of any common business enterprise~~
6 42 ~~or parent company.~~

6 43 e. ~~The types of cemetery merchandise, funeral~~
6 44 ~~merchandise, funeral services, or a combination~~
6 45 ~~thereof to be sold.~~

6 46 f. ~~The types of trust or trust alternatives~~
6 47 ~~utilized by the establishment and a list of the~~
6 48 ~~financial institutions, storage facilities, surety~~
6 49 ~~companies, and insurance companies utilized by the~~
6 50 ~~establishment on a regular basis.~~



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7 1 ~~4. A permit holder shall inform the commissioner~~
7 2 ~~of changes in the information required to be provided~~
7 3 ~~by subsection 3 within thirty days of the change.~~
7 4 3. a. The commissioner shall request and obtain,
7 5 notwithstanding section 692.2, subsection 5, criminal
7 6 history data for any applicant for an initial license
7 7 issued pursuant to this section, any applicant for
7 8 reinstatement of a license issued pursuant to this
7 9 section, or any licensee who is being monitored as a
7 10 result of a commission order or agreement resolving an
7 11 administrative disciplinary action, for the purpose of
7 12 evaluating the applicant's or licensee's eligibility
7 13 for licensure or suitability for continued practice as
7 14 a preneed seller. The commissioner shall adopt rules
7 15 pursuant to chapter 17A to implement this section.
7 16 The commissioner shall inform the applicant or
7 17 licensee of the criminal history requirement and
7 18 obtain a signed waiver from the applicant or licensee
7 19 prior to submitting a criminal history data request.
7 20 b. A request for criminal history data shall be
7 21 submitted to the department of public safety, division
7 22 of criminal investigation, pursuant to section 692.2,
7 23 subsection 1. The commissioner may also require such
7 24 applicants or licensees to provide a full set of
7 25 fingerprints, in a form and manner prescribed by the
7 26 commission. Such fingerprints may be submitted to the
7 27 federal bureau of investigation through the state
7 28 criminal history repository for a national criminal
7 29 history check. The commissioner may authorize
7 30 alternate methods or sources for obtaining criminal
7 31 history record information. The commissioner may, in
7 32 addition to any other fees, charge and collect such
7 33 amounts as may be incurred by the commissioner, the
7 34 department of public safety, or the federal bureau of
7 35 investigation in obtaining criminal history
7 36 information. Amounts collected shall be considered
7 37 repayment receipts as defined in section 8.2.
7 38 c. Criminal history information relating to an
7 39 applicant or licensee obtained by the commissioner
7 40 pursuant to this section is confidential. The
7 41 commissioner may, however, use such information in a
7 42 license denial proceeding.
7 43 4. The commissioner shall request and obtain a
7 44 financial history for any applicant for an initial
7 45 license issued pursuant to this section, any applicant
7 46 for reinstatement of a license issued pursuant to this
7 47 section, or any licensee who is being monitored as a
7 48 result of a commission order or agreement resolving an
7 49 administrative disciplinary action, for the purpose of
7 50 evaluating the applicant's or licensee's eligibility



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8 1 for licensure or suitability for continued practice as
8 2 a preneed seller. "Financial history" means the
8 3 record of a person's current loans, the date of a
8 4 person's loans, the amount of the loans, the person's
8 5 payment record on the loans, current liens against the
8 6 person's property, and the person's most recent
8 7 financial statement setting forth the assets,
8 8 liabilities, and the net worth of the person.

8 9 5. ~~An establishment permit~~ A preneed seller's
8 10 license is not assignable or transferable. A ~~permit~~
8 11 holder licensee selling all or part of an
8 12 establishment a business entity that has a preneed
8 13 seller's license shall cancel the ~~permit~~ license, and
8 14 the purchaser shall apply for a new ~~permit~~ license in
8 15 the purchaser's name within thirty days of the sale.

8 16 6. If no denial order is in effect and no
8 17 proceeding is pending under section 523A.503, the
8 18 application becomes effective at noon of the thirtieth
8 19 day after a completed application or an amendment
8 20 completing the application is filed, unless waived by
8 21 the applicant. The commissioner may specify an
8 22 earlier effective date. Automatic effectiveness under
8 23 this subsection shall not be deemed approval of the
8 24 application. If the commissioner does not grant the
8 25 ~~permit~~ license, the commissioner shall notify the
8 26 person in writing of the reasons for the denial.

8 27 7. ~~An initial permit is valid for two years from~~
8 28 ~~the date the application is filed. A permit may be~~
8 29 ~~renewed for two years by filing the form prescribed by~~
8 30 ~~the commissioner under subsection 2, accompanied by a~~
8 31 ~~ten dollar renewal fee. Submission of purchase~~
8 32 ~~agreements is not required for renewals unless the~~
8 33 ~~purchase agreements have been modified since the last~~
8 34 ~~filing. A preneed seller's license shall remain valid~~
8 35 ~~until it is denied, suspended, revoked, or~~
8 36 ~~surrendered.~~

8 37 8. The commissioner may by rule create or accept a
8 38 multijurisdiction ~~establishment permit~~ preneed
8 39 seller's license. If the ~~establishment permit~~ preneed
8 40 seller's license is issued by another jurisdiction,
8 41 the rules shall require the filing of an application
8 42 or notice form and payment of the applicable filing
8 43 fee of fifty dollars for an initial application and
8 44 ~~ten dollars for a renewal application. The~~
8 45 application or notice form utilized and the effective
8 46 dates and terms of the ~~permit~~ license may vary from
8 47 the provisions set forth in ~~subsections 2, 3, and 7~~
8 48 ~~this section.~~

8 49 Sec. 17. Section 523A.502, Code 2007, is amended
8 50 to read as follows:

9 1 523A.502 SALES ~~PERMITS~~ AGENTS == LICENSES.

9 2 1. A person shall not advertise, sell, promote, or
9 3 offer to furnish cemetery merchandise, funeral
9 4 merchandise, funeral services, or a combination
9 5 thereof when performance or delivery may be more than
9 6 one hundred twenty days following initial payment on



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9 7 the account ~~without~~ unless the person has a sales
9 8 ~~permit. A permit holder must be an employee or~~
9 9 ~~license and is a sales agent of a person holding an~~
~~9 10 establishment permit who can deliver the cemetery~~
~~9 11 merchandise, funeral merchandise, funeral services, or~~
~~9 12 a combination thereof being sold a preneed seller's~~
9 13 license. A person must have a sales permit for each
~~9 14 establishment at which the person works. However, a~~
~~9 15 person may apply for a sales permit covering multiple~~
~~9 16 establishments, if the establishments have common~~
~~9 17 ownership. The establishment permit holder preneed~~
9 18 seller licensee is liable for the acts of its
9 19 ~~employees and sales agents performed in advertising,~~
9 20 ~~selling, promoting, or offering to furnish, upon the~~
9 21 ~~future death of a person named or implied in a~~
9 22 ~~purchase agreement, cemetery merchandise, funeral~~
9 23 ~~merchandise, funeral services, or a combination~~
9 24 ~~thereof.~~
9 25 2. This chapter does not permit a person to
9 26 practice mortuary science without a license. A person
9 27 holding a current sales ~~permit~~ license may advertise,
9 28 sell, promote, or offer to furnish a funeral
9 29 director's services as an employee or agent of a
9 30 funeral establishment furnishing the funeral services
9 31 under chapter 156.
9 32 3. An application for a sales ~~permit~~ license shall
9 33 be filed on a form prescribed by the commissioner and
9 34 be accompanied by a ~~five dollar~~ filing fee in an
9 35 amount set by the commissioner by rule.
9 36 4. ~~The application shall contain:~~
9 37 a. ~~The name and address of the person.~~
9 38 b. ~~The name and address of the person's employer~~
~~9 39 and each establishment on whose behalf the person will~~
~~9 40 be advertising, selling, promoting, or offering to~~
~~9 41 furnish cemetery merchandise, funeral merchandise,~~
~~9 42 funeral services, or a combination thereof.~~
9 43 c. ~~The name and address of the provider who will~~
~~9 44 provide the cemetery merchandise, funeral merchandise,~~
~~9 45 funeral services, or a combination thereof if~~
~~9 46 different from the person's employer.~~
9 47 4. a. The commissioner shall request and obtain,
9 48 notwithstanding section 692.2, subsection 5, criminal
9 49 history data for any applicant for an initial license
9 50 issued pursuant to this section, any applicant for



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10 1 reinstatement of a license issued pursuant to this
10 2 section, or any licensee who is being monitored as a
10 3 result of a commission order or agreement resolving an
10 4 administrative disciplinary action, for the purpose of
10 5 evaluating the applicant's or licensee's eligibility
10 6 for licensure or suitability for continued practice as
10 7 a sales agent. The commissioner shall adopt rules
10 8 pursuant to chapter 17A to implement this section.
10 9 The commissioner shall inform the applicant or
10 10 licensee of the criminal history requirement and
10 11 obtain a signed waiver from the applicant or licensee
10 12 prior to submitting a criminal history data request.
10 13 b. A request for criminal history data shall be
10 14 submitted to the department of public safety, division
10 15 of criminal investigation, pursuant to section 692.2,
10 16 subsection 1. The commissioner may also require such
10 17 applicants or licensees, to provide a full set of
10 18 fingerprints, in a form and manner prescribed by the
10 19 commission. Such fingerprints may be submitted to the
10 20 federal bureau of investigation through the state
10 21 criminal history repository for a national criminal
10 22 history check. The commissioner may authorize
10 23 alternate methods or sources for obtaining criminal
10 24 history record information. The commissioner may, in
10 25 addition to any other fees, charge and collect such
10 26 amounts as may be incurred by the commissioner, the
10 27 department of public safety, or the federal bureau of
10 28 investigation in obtaining criminal history
10 29 information. Amounts collected shall be considered
10 30 repayment receipts as defined in section 8.2.
10 31 c. Criminal history information relating to an
10 32 applicant or licensee obtained by the commissioner
10 33 pursuant to this section is confidential. The
10 34 commissioner may, however, use such information in a
10 35 license denial proceeding.
10 36 5. ~~An initial permit expires one year from the~~
10 37 ~~date the application is filed. The permit may be~~
10 38 ~~renewed for four years by filing the form prescribed~~
10 39 ~~by the commissioner under subsection 3, accompanied by~~
10 40 ~~a twenty dollar filing fee. The sales license shall~~
10 41 ~~be valid until denied, suspended, revoked, or~~
10 42 ~~surrendered.~~
10 43 6. A sales agent licensed pursuant to this section
10 44 shall satisfactorily fulfill continuing education
10 45 requirements for the license as prescribed by the
10 46 commissioner by rule.
10 47 ~~6.~~ 7. A ~~permit holder~~ sales licensee shall inform
10 48 the commissioner of changes in the information
10 49 required to be provided by ~~subsection 4~~ in the
10 50 application within thirty days of the change.



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11 1 ~~7.~~ 8. A sales ~~permit~~ license is not assignable or
11 2 transferable. ~~An establishment selling all or part of~~
~~11 3 its business to a purchaser shall cancel the~~
~~11 4 establishment's sales permit. The purchaser shall~~
~~11 5 apply for a new sales permit in the purchaser's name~~
~~11 6 within thirty days of the sale.~~

11 7 ~~8.~~ 9. If no denial order is in effect and no
11 8 proceeding is pending under section 523A.503, the
11 9 application becomes effective at noon of the thirtieth
11 10 day after a completed application or an amendment
11 11 completing the application is filed, unless waived by
11 12 the applicant. The commissioner may specify an
11 13 earlier effective date. Automatic effectiveness under
11 14 this subsection shall not be deemed approval of the
11 15 application. If the commissioner does not grant the
11 16 permit license, the commissioner shall notify the
11 17 applicant in writing of the reasons for the denial.

11 18 ~~9.~~ 10. The commissioner may by rule create or
11 19 accept a multijurisdiction sales ~~permit~~ license. If
11 20 the sales ~~permit~~ license is issued by another
11 21 jurisdiction, the rules shall require the filing of an
11 22 application or notice form and payment of the
11 23 applicable filing fee ~~of five dollars for each year.~~
11 24 The application or notice form utilized and the
11 25 effective dates and terms of the permit license may
11 26 vary from the provisions set forth in subsections 3
11 27 and 5.

11 28 Sec. 18. NEW SECTION. 523A.502A SALES AGENT
11 29 ANNUAL REPORTING REQUIREMENTS.

11 30 1. A sales agent shall file with the commissioner
11 31 not later than April 1 of each year an annual report
11 32 on a form prescribed by the commissioner, including a
11 33 copy of each purchase agreement sold by the sales
11 34 agent during the year.

11 35 2. All records maintained by the commissioner
11 36 under this section shall be confidential pursuant to
11 37 section 22.7, subsection 58, and shall not be made
11 38 available for inspection or copying except upon the
11 39 approval of the commissioner or the attorney general.

11 40 3. The commissioner shall levy an administrative
11 41 penalty in the amount of five hundred dollars against
11 42 a sales agent who fails to file an annual report when
11 43 due, payable to the state for deposit in the general
11 44 fund.

11 45 4. A sales agent who fails to file the annual
11 46 report when due shall immediately cease soliciting or
11 47 executing purchase agreements until the annual report
11 48 is filed and any administrative penalty assessed has
11 49 been paid.

11 50 Sec. 19. Section 523A.503, Code 2007, is amended



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12 1 to read as follows:

12 2 523A.503 DENIAL, SUSPENSION, REVOCATION, AND
12 3 SURRENDER OF ~~PERMITS~~ LICENSES.

12 4 1. The commissioner may, pursuant to chapter 17A,
12 5 deny any ~~permit~~ license application, or immediately
12 6 suspend, revoke, or otherwise impose disciplinary
12 7 action related to any ~~permit~~ license issued under ~~this~~
~~12 8 chapter~~ section 523A.501 or 523A.502 for several
12 9 reasons, including but not limited to:

12 10 a. Committing a fraudulent act, engaging in a
12 11 fraudulent practice, or violating any provision of
12 12 this chapter or any implementing rule or order issued
12 13 under this chapter.

12 14 b. Violating any other state or federal law
12 15 applicable to the conduct of the applicant's or ~~permit~~
~~12 16 holder's~~ licensee's business.

12 17 c. Insolvency or financial condition.

12 18 d. The ~~permit holder~~ licensee, for the purpose of
12 19 avoiding the trust requirement for funeral services,
12 20 attributes amounts paid under the purchase agreement
12 21 to cemetery merchandise or funeral merchandise that is
12 22 delivered under section 523A.404 rather than to
12 23 funeral services sold to the purchaser. The sale of
12 24 funeral services at a lower price when the sale is
12 25 made in conjunction with the sale of cemetery
12 26 merchandise or funeral merchandise to be delivered
12 27 under section 523A.404 than the services are regularly
12 28 and customarily sold for when not sold in conjunction
12 29 with cemetery merchandise or funeral merchandise is
12 30 evidence that the ~~permit holder~~ licensee is acting
12 31 with the purpose of avoiding the trust requirement for
12 32 funeral services under section 523A.201.

12 33 e. Engaging in a deceptive act or practice or
12 34 deliberately misrepresenting or omitting a material
12 35 fact regarding the sale of cemetery merchandise,
12 36 funeral merchandise, funeral services, or a
12 37 combination thereof under this chapter.

12 38 f. Conviction of a criminal offense involving
12 39 dishonesty or a false statement including but not
12 40 limited to fraud, theft, misappropriation of funds,
12 41 falsification of documents, deceptive acts or
12 42 practices, or other related offenses.

12 43 g. Inability to provide the cemetery merchandise,
12 44 funeral merchandise, funeral services, or a
12 45 combination thereof which the applicant or ~~permit~~
~~12 46 holder~~ licensee purports to sell.

12 47 h. The applicant or ~~permit holder~~ licensee sells
12 48 the business without filing a prior notice of sale
12 49 with the commissioner. The ~~permit~~ license shall be
12 50 revoked thirty days following such sale.



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13 1 i. Selling by a person who is not ~~an employee or~~
~~13 2 agent of the applicant or permit holder~~ a licensed
13 3 sales agent.

13 4 j. The applicant or licensee is named in an order
13 5 issued pursuant to section 523A.807, subsection 3,
13 6 paragraph "b".

13 7 2. The commissioner may, for good cause shown,
13 8 suspend any permit license for a period not exceeding
13 9 thirty days, pending investigation.

13 10 3. Except as provided in subsection 2, a permit
13 11 license shall not be revoked, suspended, or otherwise
13 12 be the subject of disciplinary action except after
13 13 notice and hearing under chapter 17A.

13 14 4. Any ~~permit holder~~ licensee may surrender a
13 15 permit license by delivering to the commissioner
13 16 written notice that the ~~permit holder~~ licensee
13 17 surrenders the permit license, but the surrender shall
13 18 not affect the ~~permit holder's~~ licensee's civil or
13 19 criminal liability for acts committed before the
13 20 surrender.

13 21 5. Denial, revocation, suspension, or surrender of
13 22 a permit license does not impair or affect the
13 23 obligation of any preexisting lawful agreement between
13 24 the ~~permit holder~~ licensee and any person.

~~13 25 6. The commissioner may impose a civil penalty in~~
~~13 26 an amount not exceeding ten thousand dollars per~~
~~13 27 violation against any person violating this chapter.~~
~~13 28 Each day of a continuing violation constitutes a~~
~~13 29 separate offense.~~

13 30 Sec. 20. NEW SECTION. 523A.504 APPOINTMENT OF
13 31 SALES AGENTS.

13 32 1. A person shall not sell or offer to furnish
13 33 cemetery merchandise, funeral merchandise, funeral
13 34 services, or a combination thereof when performance or
13 35 delivery may be more than one hundred twenty days
13 36 following initial payment on the account except
13 37 through a sales agent who holds a sales license issued
13 38 pursuant to section 523A.502. If a person holding a
13 39 preneed seller's license appoints a sales agent to act
13 40 on behalf of the preneed seller, the person shall file
13 41 a notice of such appointment with the commissioner
13 42 within thirty days of the appointment, in a format
13 43 approved by the commissioner, and annually thereafter.

13 44 2. A preneed seller shall pay an annual fee of
13 45 five dollars for each sales agent appointed by the
13 46 preneed seller, which fee shall be submitted with the
13 47 annual report.

13 48 Sec. 21. Section 523A.601, subsection 1, paragraph
13 49 a, Code 2007, is amended to read as follows:
13 50 a. Identify the ~~seller~~ preneed seller by name and



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14 1 license number, the ~~salesperson's permit and~~
~~14 2 establishment sales agent by name and permit license~~
14 3 number, ~~the expiration date of the salesperson's~~
~~14 4 permit,~~ the purchaser, and the person for whom the
14 5 cemetery merchandise, funeral merchandise, funeral
14 6 services, or a combination thereof is purchased, if
14 7 other than the purchaser.
14 8 Sec. 22. Section 523A.601, Code 2007, is amended
14 9 by adding the following new subsection:
14 10 NEW SUBSECTION. 6. a. A purchase agreement that
14 11 is funded by a trust shall include a conspicuous
14 12 statement in language substantially similar to the
14 13 following language:
14 14 "For your prearranged funeral agreement, we will
14 15 deposit not less than eighty percent of your payments
14 16 in trust at (name of financial institution), (street
14 17 address), (city), (state) (zip code) within fifteen
14 18 days following the end of the calendar month that we
14 19 received the funds. For your protection, you have the
14 20 right to contact the financial institution directly to
14 21 confirm that the deposit of these funds occurred as
14 22 required by law. If you are unable to confirm the
14 23 deposit of these funds in trust, you may contact the
14 24 Iowa insurance division for assistance by calling the
14 25 insurance division at (telephone number) or by mail at
14 26 (street address), (city), Iowa (zip code)."
14 27 b. A purchase agreement that is funded with an
14 28 insurance policy or an annuity shall include a
14 29 conspicuous statement in language substantially
14 30 similar to the following language:
14 31 "If an insurance policy or annuity is not purchased
14 32 to fund your prearranged funeral agreement, it is
14 33 possible that the seller may not be able to deliver on
14 34 the arrangements contained in the agreement due to
14 35 insufficient funding. An (insurance policy or
14 36 annuity) will be purchased from (name of issuer of the
14 37 policy or annuity), (street address), (city), (state)
14 38 (zip code). You should receive confirmation of the
14 39 purchase of an insurance policy or certificate, or an
14 40 annuity within sixty days of making payment. Delivery
14 41 of the actual insurance policy or certificate or
14 42 annuity shall also constitute confirmation. If you do
14 43 not receive confirmation that an insurance policy or
14 44 certificate or an annuity has been purchased or
14 45 receive the insurance policy or certificate or the
14 46 annuity, you should report this fact to the Iowa
14 47 insurance division, by calling the insurance division
14 48 at (telephone number). Written reports should be
14 49 mailed to the Iowa insurance division at (street
14 50 address), (city), Iowa (zip code)."



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15 1 c. A purchase agreement that is funded with a
15 2 surety bond shall include a conspicuous statement in
15 3 language substantially similar to the following
15 4 language:
15 5 "If a surety bond is not purchased to fund your
15 6 prearranged funeral agreement, it is possible that the
15 7 seller may not be able to deliver on the arrangements
15 8 contained in the agreement due to insufficient
15 9 funding. Coverage under a surety bond, in the amount
15 10 of \$(amount) will be purchased from (name of issuer of
15 11 surety bond), (street address), (city), (state) (zip
15 12 code) to fund your purchase. If you pay pursuant to
15 13 your purchase agreement with a single payment, you
15 14 should receive confirmation of the purchase of a
15 15 surety bond within sixty days of making the payment.
15 16 If you pay pursuant to your purchase agreement with
15 17 multiple, periodic payments, you should receive
15 18 confirmation of the purchase of a surety bond within
15 19 sixty days of making the first payment and within
15 20 sixty days of making the last payment pursuant to the
15 21 agreement. If you do not receive confirmation of
15 22 coverage under a surety bond within sixty days of
15 23 making the first payment and within sixty days of
15 24 making the last payment, you should report this fact
15 25 to the Iowa insurance division, by calling the
15 26 insurance division at (telephone number). Written
15 27 reports should be mailed to the Iowa insurance
15 28 division at (street address), (city), Iowa (zip
15 29 code)."
15 30 Sec. 23. NEW SECTION. 523A.603 SECURITY AND
15 31 NOTICE REQUIREMENTS.
15 32 1. If a purchase agreement is funded with an
15 33 insurance policy or an annuity, the purchaser shall
15 34 receive a notice thereof from the insurance company
15 35 within sixty days of making payment. The notice shall
15 36 include the name and address of the insurance company,
15 37 the policy number of the insurance policy that secures
15 38 the agreement, the name of the insured under the
15 39 insurance policy or annuity, and the amount of the
15 40 accumulated death benefit. Delivery of the insurance
15 41 policy or certificate or annuity shall satisfy this
15 42 notice requirement.
15 43 2. If a purchase agreement is funded by a surety
15 44 bond, the purchaser shall receive a notice from the
15 45 surety company that evidences coverage under the bond,
15 46 the name of the purchaser or beneficiary, and the
15 47 amount of coverage. If the purchase agreement is paid
15 48 with a single payment, the purchaser shall receive
15 49 notice of the surety bond within sixty days of making
15 50 the payment. If the purchase agreement is being paid



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16 1 with multiple, periodic payments, the purchaser shall
16 2 receive notice of the surety bond within sixty days of
16 3 making the last payment. Compliance with this notice
16 4 requirement does not require a seller to purchase
16 5 individual surety bonds for each purchaser and
16 6 beneficiary. A seller may file a single bond with the
16 7 commissioner.

16 8 Sec. 24. NEW SECTION. 523A.604 PURCHASE
16 9 AGREEMENTS == NUMBERING.

16 10 Purchase agreements for cemetery merchandise,
16 11 funeral merchandise, funeral services, or a
16 12 combination thereof shall be sequentially numbered by
16 13 each seller in compliance with procedures specified by
16 14 the commissioner by rules adopted under chapter 17A.

16 15 Sec. 25. Section 523A.703, subsection 5, Code
16 16 2007, is amended to read as follows:

16 17 5. Knowingly sells or offers cemetery merchandise,
16 18 funeral merchandise, funeral services, or a
16 19 combination thereof without ~~an establishment permit a~~
16 20 preneed seller's license or a sales agent license.

16 21 Sec. 26. NEW SECTION. 523A.704 VIOLATIONS.

16 22 A person who willfully violates the provisions of
16 23 section 523A.201, 523A.202, 523A.401, 523A.402,
16 24 523A.403, 523A.404, 523A.405, 523A.501, or 523A.502 of
16 25 this chapter or any rules adopted pursuant thereto is
16 26 guilty of a class "D" felony.

16 27 Sec. 27. Section 523A.801, subsection 1, Code
16 28 2007, is amended to read as follows:

16 29 1. This chapter shall be administered by the
16 30 commissioner. ~~The deputy administrator appointed~~
~~16 31 pursuant to section 502.601 shall be the principal~~
~~16 32 operations officer responsible to the commissioner for~~
~~16 33 the routine administration of this chapter and~~
~~16 34 management of the administrative staff. In the~~
~~16 35 absence of the commissioner, whether because of~~
~~16 36 vacancy in the office due to absence, physical~~
~~16 37 disability, or other cause, the deputy administrator~~
~~16 38 shall, for the time being, have and exercise the~~
~~16 39 authority conferred upon the commissioner. The~~
16 40 commissioner may by order from time to time delegate
~~16 41 to the deputy administrator any or all of the~~
~~16 42 functions assigned to the commissioner in this~~
~~16 43 chapter. The deputy administrator shall employ~~
16 44 officers, attorneys, accountants, and other employees
16 45 as needed for administering this chapter.

16 46 Sec. 28. Section 523A.807, Code 2007, is amended
16 47 by adding the following new subsections:

16 48 NEW SUBSECTION. 3. If the commissioner finds that
16 49 a person has violated section 523A.201, 523A.202,
16 50 523A.401, 523A.402, 523A.403, 523A.404, 523A.405,



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17 1 523A.501, or 523A.502 or any rule adopted pursuant
17 2 thereto, the commissioner may order any or all of the
17 3 following:

17 4 a. Payment of a civil penalty of not more than one
17 5 thousand dollars for each violation, but not exceeding
17 6 an aggregate of ten thousand dollars during any
17 7 six-month period, except that if the commissioner
17 8 finds that the person knew or reasonably should have
17 9 known that the person was in violation of such
17 10 provisions or rules adopted thereto, the penalty shall
17 11 be not more than five thousand dollars for each
17 12 violation, but not exceeding an aggregate of fifty
17 13 thousand dollars during any six-month period. The
17 14 commissioner shall assess the penalty on the employer
17 15 of an individual and not on the individual, if the
17 16 commissioner finds that the violations committed by
17 17 the individual were directed, encouraged, condoned,
17 18 ignored, or ratified by the individual's employer.

17 19 b. Issuance of an order prohibiting the person
17 20 committing a violation from selling funeral
17 21 merchandise, cemetery merchandise, funeral services,
17 22 or a combination thereof, and from managing,
17 23 operating, or otherwise exercising control over any
17 24 business entity that is subject to regulation under
17 25 this chapter or chapter 523I. A person who has been
17 26 named in such an order may contest the order by filing
17 27 a request for a contested case proceeding as provided
17 28 in chapter 17A and in accordance with rules adopted by
17 29 the commissioner. The commissioner may, pursuant to
17 30 chapter 17A, deny any application filed under section
17 31 523A.501 or 523A.502 if the applicant, or an officer,
17 32 director, or owner of the applicant is named in a
17 33 final order issued pursuant to this subsection.

17 34 NEW SUBSECTION. 4. The commissioner shall post on
17 35 the website of the division of insurance of the
17 36 department of commerce a list of all persons licensed
17 37 under chapter 523A and an index of orders issued by
17 38 the commissioner pertaining to such persons.

17 39 Sec. 29. Section 523A.811, subsection 1, Code
17 40 2007, is amended by adding the following new
17 41 paragraph:

17 42 NEW PARAGRAPH. f. A receivership has been
17 43 established for a cemetery subject to chapter 523I
17 44 that is owned or operated by a seller who is subject
17 45 to this chapter.

17 46 Sec. 30. Section 523A.811, Code 2007, is amended
17 47 by adding the following new subsection:

17 48 NEW SUBSECTION. 3. If a seller who is subject to
17 49 this chapter owns or operates a cemetery subject to
17 50 chapter 523I, for which a receivership has been



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18 1 established, the receivership provisions of section
18 2 523I.212 shall apply to any receivership established
18 3 under this section.

18 4 Sec. 31. Section 523A.812, Code 2007, is amended
18 5 to read as follows:

18 6 523A.812 INSURANCE DIVISION REGULATORY FUND.

18 7 The insurance division may authorize the creation
18 8 of a special revenue fund in the state treasury, to be
18 9 known as the insurance division regulatory fund. The
18 10 commissioner shall allocate annually from the fees
18 11 paid pursuant to section 523A.204, two dollars for
18 12 each purchase agreement reported on ~~an establishment~~
~~18 13 permit holder's~~ a preneed seller's annual report filed
18 14 pursuant to section 523A.204 for deposit to the

18 15 regulatory fund. The remainder of the fees collected
18 16 pursuant to section 523A.204 shall be deposited into
18 17 the general fund of the state. The commissioner shall
18 18 also allocate annually the ~~audit examination~~ fees paid
18 19 pursuant to section 523A.814 and any examination
18 20 expense reimbursement for deposit to the regulatory

18 21 fund. The moneys in the regulatory fund shall be
18 22 retained in the fund. The moneys are appropriated
18 23 and, subject to authorization by the commissioner, may
18 24 be used to pay ~~auditors, audit examiners,~~ examination
18 25 expenses, investigative expenses, the expenses of
18 26 mediation ordered by the commissioner, consumer
18 27 education expenses, the expenses of a toll-free
18 28 telephone line to receive consumer complaints, and the
18 29 expenses of receiverships established under section

18 30 523A.811. If the commissioner determines that funding
18 31 is not otherwise available to reimburse the expenses
18 32 of a person who receives title to a cemetery subject
18 33 to chapter 523I, pursuant to such a receivership, the
18 34 commissioner shall use moneys in the regulatory fund
18 35 as necessary to preserve, protect, restore, and
18 36 maintain the physical integrity of that cemetery and
18 37 to satisfy claims or demands for cemetery merchandise,
18 38 funeral merchandise, and funeral services based on
18 39 purchase agreements which the commissioner determines
18 40 are just and outstanding. An annual allocation to the
18 41 regulatory fund shall not be imposed if the current
18 42 balance of the fund exceeds ~~two~~ five hundred thousand
18 43 dollars.

18 44 Sec. 32. Section 523A.814, Code 2007, is amended
18 45 to read as follows:

18 46 523A.814 ~~AUDIT~~ EXAMINATION FEE.

18 47 In addition to the filing fee paid pursuant to
18 48 section 523A.204, subsection 5 2, ~~an establishment a~~
18 49 seller filing an annual report shall pay an ~~audit~~
18 50 examination fee in the amount of five dollars for each
19 1 purchase agreement subject to a filing fee that is
19 2 sold between July 1, 2005, and December 31, 2007, and
19 3 in the amount of ten dollars for each purchase
19 4 agreement subject to a filing fee that is sold after
19 5 December 31, 2007.

19 6 Sec. 33. Section 523I.102, subsections 3 and 8,



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19 7 Code 2007, are amended to read as follows:

19 8 3. "Capital gains" means appreciation in the value
19 9 of trust assets for which a market value may be
19 10 determined with reasonable certainty after deduction
19 11 of investment losses, taxes, expenses incurred in the
19 12 sale of trust assets, any costs of the operation of
19 13 the trust, examination expenses, and any ~~annual~~ audit
19 14 ~~fees~~ expenses.

19 15 8. "Commissioner" means the commissioner of
19 16 insurance or the ~~deputy administrator authorized in~~
~~19 17 section 523A.801 to the extent the commissioner~~
~~19 18 delegates functions to the deputy administrator~~
19 19 commissioner's designee authorized in section
19 20 523A.801.

19 21 Sec. 34. Section 523I.102, subsection 17,
19 22 unnumbered paragraph 1, Code 2007, is amended to read
19 23 as follows:

19 24 "Income" means the return in money or property
19 25 derived from the use of trust principal after
19 26 deduction of investment losses, taxes, and expenses
19 27 incurred in the sale of trust assets, any cost of the
19 28 operation of the trust, examination expenses or fees,
19 29 and any ~~annual~~ audit ~~fees~~ expenses. "Income" includes
19 30 but is not limited to:

19 31 Sec. 35. Section 523I.201, subsection 1, Code
19 32 2007, is amended to read as follows:

19 33 1. This chapter shall be administered by the
19 34 commissioner. ~~The deputy administrator appointed~~
~~19 35 pursuant to section 502.601 shall be the principal~~
~~19 36 operations officer responsible to the commissioner for~~
~~19 37 the routine administration of this chapter and~~
~~19 38 management of the administrative staff. In the~~
~~19 39 absence of the commissioner, whether because of~~
~~19 40 vacancy in the office due to absence, physical~~
~~19 41 disability, or other cause, the deputy administrator~~
~~19 42 shall, for the time being, have and exercise the~~
~~19 43 authority conferred upon the commissioner. The~~
19 44 commissioner ~~may by order from time to time delegate~~
~~19 45 to the deputy administrator any or all of the~~
~~19 46 functions assigned to the commissioner in this~~
~~19 47 chapter. The deputy administrator shall employ~~
19 48 officers, attorneys, accountants, and other employees
19 49 as needed for administering this chapter.

19 50 Sec. 36. Section 523I.212, subsection 1, Code



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20 1 2007, is amended by adding the following new
20 2 paragraph:

20 3 NEW PARAGRAPH. d. A receivership has been
20 4 established for a seller subject to chapter 523A who
20 5 owns or operates a cemetery that is subject to this
20 6 chapter.

20 7 Sec. 37. Section 523I.212, subsection 2, Code
20 8 2007, is amended to read as follows:

20 9 2. The commissioner or attorney general may apply
20 10 to the district court in any county of the state for
20 11 the establishment of a receivership. Upon proof that
20 12 any of the conditions described in this section have
20 13 occurred, the court may grant a receivership. The
20 14 commissioner may request that the insurance division
20 15 be named as a receiver or that the court appoint a
20 16 third party as a receiver. If the division is
20 17 appointed as a receiver, the division shall not be
20 18 subject to the requirements concerning an oath and
20 19 surety bond contained in section 680.3.

20 20 Sec. 38. Section 523I.212, Code 2007, is amended
20 21 by adding the following new subsections:

20 22 NEW SUBSECTION. 3. In addition to the powers
20 23 granted to receivers under chapter 680, a receiver
20 24 appointed under this section shall be granted all
20 25 powers necessary to locate and to temporarily preserve
20 26 and protect perpetual care trust funds, consumer and
20 27 business assets, interment records, records of
20 28 consumer purchases of interment rights, and records of
20 29 consumer purchases of funeral services and funeral or
20 30 cemetery merchandise as defined in chapter 523A. The
20 31 receiver shall also be granted such powers as are
20 32 necessary in the course of the receivership to
20 33 temporarily preserve and protect a cemetery or burial
20 34 site and to temporarily restore or sustain cemetery
20 35 operations, including interments, as operating funds
20 36 or trust funds become available.

20 37 NEW SUBSECTION. 4. The commissioner may petition
20 38 the court to terminate a receivership at any time and
20 39 to enter such orders as are necessary to transfer the
20 40 duty to preserve and protect the physical integrity of
20 41 the cemetery or burial site, the interment records,
20 42 and other records documenting consumer purchases of
20 43 interment rights to the applicable governmental
20 44 subdivision, as provided in section 523I.316,
20 45 subsection 3. The court shall grant the petition if
20 46 following the first one hundred twenty days of the
20 47 receivership such duty to preserve and protect cannot
20 48 be reasonably assumed by a private entity,
20 49 association, or by other means.

20 50 Sec. 39. Section 523I.213, Code 2007, is amended



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21 1 to read as follows:
21 2 523I.213 INSURANCE DIVISION'S ENFORCEMENT FUND.
21 3 A special revenue fund in the state treasury, to be
21 4 known as the insurance division's enforcement fund, is
21 5 created under the authority of the commissioner. The
21 6 commissioner shall allocate annually from the ~~audit~~
21 7 examination fees paid pursuant to section 523I.808, an
21 8 amount not exceeding fifty thousand dollars, for
21 9 deposit to the insurance division's enforcement fund.
21 10 The moneys in the enforcement fund shall be retained
21 11 in the fund. The moneys are appropriated and, subject
21 12 to authorization by the commissioner, shall be used to
21 13 pay ~~auditors, audit~~ examiners, examination expenses,
21 14 investigative expenses, the expenses of consumer
21 15 education, compliance, and education programs for
21 16 filers and other regulated persons, and educational or
21 17 compliance program materials, the expenses of a
21 18 toll-free telephone line for consumer complaints, and
21 19 the expenses of receiverships of perpetual care
21 20 cemeteries established under section 523I.212.
21 21 Sec. 40. NEW SECTION. 523I.213A EXAMINATIONS ==
21 22 AUTHORITY AND SCOPE.
21 23 1. The commissioner or the commissioner's designee
21 24 may conduct an examination under this chapter of any
21 25 cemetery as often as the commissioner deems
21 26 appropriate. If a cemetery has a trust arrangement,
21 27 the commissioner shall conduct an examination not less
21 28 than once every five years.
21 29 2. A cemetery shall reimburse the division for the
21 30 expense of conducting the examination unless the
21 31 commissioner waives this requirement. The expense of
21 32 an examination involving multiple cemeteries or other
21 33 persons shall be prorated among them upon any
21 34 reasonable basis as determined by the commissioner.
21 35 3. For purposes of completing an examination
21 36 pursuant to this chapter, the commissioner may examine
21 37 or investigate any person, or the business of any
21 38 person, if the examination or investigation is, in the
21 39 sole discretion of the commissioner, necessary or
21 40 material to the examination of the cemetery.
21 41 4. Upon determining that an examination should be
21 42 conducted, the commissioner or the commissioner's
21 43 designee may appoint one or more examiners to perform
21 44 the examination and instruct them as to the scope of
21 45 the examination.
21 46 5. A cemetery or person from whom information is
21 47 sought, and its officers, directors, and agents shall
21 48 provide to the examiners appointed under subsection 4,
21 49 timely, convenient, and free access at their offices,
21 50 at all reasonable hours, to all books, records,



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22 1 accounts, papers, documents, and all electronic or
22 2 other recordings related to the property, assets,
22 3 business, and affairs of the cemetery being examined
22 4 and shall facilitate the examination as much as
22 5 possible. If a cemetery, by its officers, directors,
22 6 employees, or agents, refuses to submit to an
22 7 examination as provided in this chapter, the
22 8 commissioner shall immediately report the refusal to
22 9 the attorney general, who shall then immediately apply
22 10 to district court for the appointment of a receiver to
22 11 administer the final affairs of the cemetery.

22 12 6. This section shall not be construed to limit
22 13 the commissioner's authority to terminate or suspend
22 14 any examination in order to pursue other legal or
22 15 regulatory actions pursuant to this chapter. Findings
22 16 of fact and conclusions made pursuant to an
22 17 examination are deemed to be prima facie evidence in
22 18 any legal or regulatory action.

22 19 Sec. 41. NEW SECTION. 523I.213B VENUE.

22 20 All actions relating to the enforcement of this
22 21 chapter shall be governed by the laws of the state of
22 22 Iowa. Venue of any action relating to enforcement of
22 23 this chapter may be in a court of competent
22 24 jurisdiction in Polk county, at the discretion of the
22 25 commissioner.

22 26 Sec. 42. Section 523I.305, subsection 3, Code
22 27 2007, is amended to read as follows:

22 28 3. SPECIFICATIONS. Upon request, a cemetery shall
22 29 provide reasonable written specifications and
22 30 instructions governing installation of memorials,
22 31 which shall apply to all installations whether
22 32 performed by the cemetery or another person. The
22 33 written specifications shall include provisions
22 34 governing hours of installation or any other relevant
22 35 administrative requirements of the cemetery. A copy
22 36 of these specifications and instructions shall be
22 37 provided upon request, without charge, to the owner of
22 38 the interment space, next of kin, or a personal
22 39 representative or agent of the owner, including the
22 40 person installing the memorial. The person installing
22 41 the memorial shall comply with the cemetery's written
22 42 installation specifications and instructions. In
22 43 order to verify that a memorial is installed on the
22 44 proper interment space in accordance with cemetery
22 45 rules and regulations, the cemetery shall mark the
22 46 place on the interment space where the memorial is to
22 47 be installed and shall inspect the installation when
22 48 completed. This subsection shall not be construed to
22 49 require that a cemetery lay out or engineer an
22 50 interment space for the installation of a memorial. A



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23 1 cemetery shall not adopt or enforce any rule
23 2 prohibiting the installation of a memorial by a
23 3 memorial dealer or independent third party, unless the
23 4 rule is ~~adopted~~ applicable to all memorials from
23 5 whatever source obtained and enforced uniformly for

23 6 all memorials installed in the cemetery.

23 7 Sec. 43. NEW SECTION. 523I.314A STANDARDS FOR
23 8 INTERMENT SPACES.

23 9 1. A standard interment space for full body
23 10 interment developed on or after July 1, 2007, shall
23 11 measure at least forty inches in width and ninety-six
23 12 inches in length.

23 13 2. Prior to the sale of interment rights in an
23 14 undeveloped area of a cemetery, internal reference
23 15 markers shall be installed and maintained no more than
23 16 one hundred feet apart. The internal reference
23 17 markers shall be established with reference to survey
23 18 markers that are no more than two hundred feet apart,
23 19 have been set by a surveyor and mapper, and have been
23 20 documented in a land survey. Both the map and the
23 21 land survey shall be maintained by the cemetery and
23 22 made available upon request to the commissioner and to
23 23 members of the public.

23 24 Sec. 44. Section 523I.808, Code 2007, is amended
23 25 to read as follows:

23 26 523I.808 ~~AUDIT~~ EXAMINATION FEE.

23 27 An ~~audit~~ examination fee shall be submitted with
23 28 the cemetery's annual report in an amount equal to
23 29 five dollars for each certificate of interment rights
23 30 issued during the fiscal year covered by the report.
23 31 The cemetery may charge the ~~audit~~ examination fee

23 32 directly to the purchaser of the interment rights.
23 33 Sec. 45. Section 523I.810, subsection 9, Code
23 34 2007, is amended to read as follows:

23 35 9. A cemetery may, by resolution adopted by a vote
23 36 of at least two-thirds of the members of its board at
23 37 any authorized meeting of the board, authorize the
23 38 withdrawal and use of not more than twenty percent of
23 39 the principal of the care fund to acquire additional
23 40 land for cemetery purposes, to repair a mausoleum or
23 41 other building or structure intended for cemetery
23 42 purposes, ~~or~~ to build, improve, or repair roads and
23 43 walkways in the cemetery, or to purchase recordkeeping
23 44 software used to maintain ownership records or

23 45 interment records. The resolution shall establish a
23 46 reasonable repayment schedule, not to exceed five
23 47 years, and provide for interest in an amount
23 48 comparable to the care fund's current rate of return
23 49 on its investments. However, the care fund shall not
23 50 be diminished below an amount equal to the greater of



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24 1 twenty-five thousand dollars or five thousand dollars
24 2 per acre of land in the cemetery. The resolution, and
24 3 either a bond or proof of insurance to guarantee
24 4 replenishment of the care fund, shall be filed with
24 5 the commissioner thirty days prior to the withdrawal
24 6 of funds.

24 7 Sec. 46. Section 523I.813, subsection 1, Code
24 8 2007, is amended by striking the subsection and
24 9 inserting in lieu thereof the following:

24 10 1. A perpetual care cemetery shall file an annual
24 11 report at the end of each fiscal year of the cemetery.

24 12 Sec. 47. Section 523I.813, Code 2007, is amended
24 13 by adding the following new subsection:

24 14 NEW SUBSECTION. 3. The commissioner shall levy an
24 15 administrative penalty in the amount of five hundred
24 16 dollars against a cemetery that fails to file the
24 17 annual report when due, payable to the state for
24 18 deposit in the general fund of the state.

24 19 DIVISION II

24 20 COORDINATING AMENDMENTS

24 21 Sec. 48. Section 523A.102, subsection 9,
24 22 paragraphs b and c, Code 2007, are amended to read as
24 23 follows:

24 24 b. If authorized by a purchaser under a purchase
24 25 agreement, cemetery merchandise has been permanently
24 26 identified with the name of the purchaser or the
24 27 beneficiary and delivered to a bonded warehouse or
24 28 storage facility approved by the commissioner and both
24 29 title to the merchandise and a warehouse receipt have
24 30 been delivered to the purchaser or beneficiary and a
24 31 copy of the warehouse receipt has been delivered to
24 32 the ~~establishment~~ seller for retention in its files.

24 33 c. If authorized by a purchaser under a purchase
24 34 agreement, a polystyrene or polypropylene outer burial
24 35 container has been permanently identified with the
24 36 name of the purchaser or the beneficiary and delivered
24 37 to a bonded warehouse or storage facility approved by
24 38 the commissioner and both title to the merchandise and
24 39 a warehouse receipt have been delivered to the
24 40 purchaser or beneficiary and a copy of the warehouse
24 41 receipt has been delivered to the ~~establishment~~ seller
24 42 for retention in its files.

24 43 Sec. 49. Section 523A.102, subsection 21, Code
24 44 2007, is amended to read as follows:

24 45 21. "Parent company" means a corporation that has
24 46 a controlling interest in ~~an establishment~~ a seller.

24 47 Sec. 50. Section 523A.205, subsection 1, Code
24 48 2007, is amended to read as follows:

24 49 1. A financial institution shall file with the
24 50 commissioner not later than March 1 of each year an



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25 1 annual report on a form prescribed by the commissioner
25 2 showing all funds deposited by ~~an establishment a~~
25 3 seller under a trust agreement during the previous
25 4 year. Each report shall contain all information
25 5 requested.

25 6 Sec. 51. Section 523A.401, subsection 5,
25 7 paragraphs a and b, Code 2007, are amended to read as
25 8 follows:

25 9 a. Except as necessary and appropriate to satisfy
25 10 the requirements regarding burial trust funds under
25 11 Title XIX of the federal Social Security Act, the
25 12 policy shall not be owned by the ~~establishment seller,~~
25 13 the policy shall not be irrevocably assigned to the
25 14 ~~establishment seller,~~ and the assignment of proceeds
25 15 from the insurance policy to the ~~establishment seller~~
25 16 shall be limited to the ~~establishment's seller's~~
25 17 interests as they appear in the purchase agreement,
25 18 and conditioned on the ~~establishment's seller's~~
25 19 delivery of cemetery merchandise, funeral merchandise,
25 20 and funeral services pursuant to a purchase agreement.

25 21 b. The policy shall provide that any assignment of
25 22 benefits is contingent upon the ~~establishment's~~
25 23 seller's delivery of cemetery merchandise, funeral
25 24 merchandise, and funeral services pursuant to a
25 25 purchase agreement.

25 26 Sec. 52. Section 523A.401, subsection 6,
25 27 unnumbered paragraph 1, Code 2007, is amended to read
25 28 as follows:

25 29 With the written consent of the purchaser, an
25 30 existing prepaid purchase agreement with trust-funded
25 31 benefits may be converted to a prepaid purchase
25 32 agreement with insurance-funded benefits provided the
25 33 ~~establishment seller~~ and the insurance benefits comply
25 34 with the following provisions:

25 35 Sec. 53. Section 523A.401, subsection 6, paragraph
25 36 d, Code 2007, is amended to read as follows:

25 37 d. The ~~establishment seller~~ shall maintain a copy
25 38 of any prepaid trust-funded purchase agreement that
25 39 was converted to a prepaid insurance-funded purchase
25 40 agreement and retain the payment history records for
25 41 each converted purchase agreement prior to conversion
25 42 until the cemetery merchandise, funeral merchandise,
25 43 and funeral services have been delivered.

25 44 Sec. 54. Section 523A.401, subsection 8, Code
25 45 2007, is amended to read as follows:

25 46 8. An insurance company issuing policies funding
25 47 purchase agreements subject to this chapter shall file
25 48 an annual report with the commissioner on a form
25 49 prescribed by the commissioner. The report shall list
25 50 the applicable insurance policies outstanding for each



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26 1 ~~establishment~~ seller. Computer printouts may be
26 2 submitted so long as each legibly provides the same
26 3 information required in the prescribed form.
26 4 Sec. 55. Section 523A.402, subsection 5,
26 5 paragraphs a and b, Code 2007, are amended to read as
26 6 follows:
26 7 a. Except as necessary and appropriate to satisfy
26 8 the requirements regarding burial trust funds under
26 9 Title XIX of the federal Social Security Act, the
26 10 annuity shall not be owned by the ~~establishment~~ seller
26 11 or irrevocably assigned to the ~~establishment~~ seller
26 12 and any designation of the ~~establishment~~ seller as a
26 13 beneficiary shall not be made irrevocable.
26 14 b. The annuity shall provide that any assignment
26 15 of benefits is contingent upon the ~~establishment's~~
26 16 seller's delivery of cemetery merchandise, funeral
26 17 merchandise, and funeral services pursuant to a
26 18 purchase agreement.
26 19 Sec. 56. Section 523A.402, subsection 6,
26 20 unnumbered paragraph 1, Code 2007, is amended to read
26 21 as follows:
26 22 With the written consent of the purchaser, an
26 23 existing prepaid purchase agreement with trust-funded
26 24 benefits may be converted to a prepaid purchase
26 25 agreement with annuity-funded benefits provided the
26 26 ~~establishment~~ seller and the annuity benefits comply
26 27 with the following provisions:
26 28 Sec. 57. Section 523A.402, subsection 6, paragraph
26 29 d, Code 2007, is amended to read as follows:
26 30 d. The ~~establishment~~ seller shall maintain a copy
26 31 of any prepaid trust-funded purchase agreement that
26 32 was converted to a prepaid annuity-funded purchase
26 33 agreement and retain the payment history records for
26 34 each converted purchase agreement prior to conversion
26 35 until the cemetery merchandise, funeral merchandise,
26 36 and funeral services have been delivered.
26 37 Sec. 58. Section 523A.402, subsection 8, Code 2007,
26 38 is amended to read as follows:
26 39 8. An insurance company issuing annuities funding
26 40 purchase agreements subject to this chapter shall file
26 41 an annual report with the commissioner on a form
26 42 prescribed by the commissioner. The report shall list
26 43 the applicable annuities outstanding for each
26 44 ~~establishment~~ seller. Computer printouts may be
26 45 submitted so long as each legibly provides the same
26 46 information required in the prescribed form.
26 47 Sec. 59. Section 523A.404, subsection 4, Code
26 48 2007, is amended to read as follows:
26 49 4. ~~An establishment~~ A seller is prohibited from
26 50 requiring delivery as a condition of the sale.



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27 1 Sec. 60. Section 523A.405, subsection 9,
27 2 unnumbered paragraph 1, Code 2007, is amended to read
27 3 as follows:
27 4 With the consent of the purchaser, an existing
27 5 prepaid purchase agreement with trust-funded benefits
27 6 may be converted to a prepaid purchase agreement
27 7 funded by a surety bond provided the ~~establishment~~
27 8 seller and the surety bond comply with the following
27 9 provisions:
27 10 Sec. 61. Section 523A.405, subsection 9, paragraph
27 11 c, Code 2007, is amended to read as follows:
27 12 c. The ~~establishment~~ seller shall maintain a copy
27 13 of any prepaid trust-funded agreement that was
27 14 converted to a prepaid purchase agreement funded by a
27 15 surety bond and retain the payment history records for
27 16 each converted purchase agreement prior to conversion
27 17 until the cemetery merchandise, funeral merchandise,
27 18 and funeral services have been delivered.
27 19 Sec. 62. Section 523A.601, subsection 2, paragraph
27 20 e, Code 2007, is amended to read as follows:
27 21 e. State clearly that the purchaser is entitled to
27 22 transfer the trust funding, insurance funding, or
27 23 other trust assets or select another ~~establishment~~
27 24 seller to receive the trust funding, insurance
27 25 funding, or any other trust assets.
27 26 Sec. 63. Section 523A.601, subsection 5, paragraph
27 27 h, Code 2007, is amended to read as follows:
27 28 h. If the funding is being transferred from
27 29 another ~~establishment~~ seller, any material facts
27 30 related to the revocation of the prior purchase
27 31 agreement and the transfer of the existing trust
27 32 funds.
27 33 Sec. 64. Section 523A.602, subsection 2, paragraph
27 34 b, subparagraphs (1) and (2), Code 2007, are amended
27 35 to read as follows:
27 36 (1) If a purchase agreement is canceled, a
27 37 purchaser requests a transfer of the trust assets upon
27 38 cancellation of a purchase agreement, or another
27 39 ~~establishment~~ seller provides merchandise or services
27 40 designated in a purchase agreement, the seller shall
27 41 refund or transfer within thirty days of receiving a
27 42 written demand no less than the purchase price of the
27 43 applicable cemetery merchandise, funeral merchandise,
27 44 and funeral services adjusted for inflation, using the
27 45 consumer price index amounts announced by the
27 46 commissioner annually, less any actual expenses
27 47 incurred by the seller pursuant to the purchase
27 48 agreement as set forth in the purchase agreement under
27 49 section 523A.601, subsection 1, paragraph "f". The
27 50 amount of the actual expenses deducted by the seller



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28 1 shall not exceed ten percent of the purchase price of
28 2 the applicable cemetery merchandise, funeral
28 3 merchandise, and funeral services. The seller may
28 4 also deduct the value of the cemetery merchandise,
28 5 funeral merchandise, and funeral services already
28 6 received by, delivered to, or warehoused for the
28 7 purchaser.

28 8 (2) If a purchase agreement is canceled before the
28 9 purchase price is paid in full, a purchaser requests a
28 10 transfer of the trust assets upon cancellation of a
28 11 purchase agreement before the purchase price is paid
28 12 in full, or another ~~establishment~~ seller provides
28 13 cemetery merchandise, funeral merchandise, funeral
28 14 services, or a combination thereof, designated in a
28 15 purchase agreement before the purchase price is paid
28 16 in full, the seller shall refund or transfer within
28 17 thirty days of receiving a written demand no less than
28 18 the amount paid by the purchaser, less any actual
28 19 expenses incurred by the seller pursuant to the
28 20 purchase agreement as set forth in the purchase
28 21 agreement under section 523A.601, subsection 1,
28 22 paragraph "f". The amount of the actual expenses
28 23 deducted by the seller shall not exceed ten percent of
28 24 the total original purchase price of the applicable
28 25 cemetery merchandise, funeral merchandise, funeral
28 26 services, or a combination thereof. The seller may
28 27 also deduct the value of the cemetery merchandise,
28 28 funeral merchandise, and funeral services already
28 29 received by, delivered to, or warehoused for the
28 30 purchaser.

28 31 Sec. 65. Section 523A.602, subsection 2, paragraph
28 32 b, subparagraph (3), unnumbered paragraph 1, Code
28 33 2007, is amended to read as follows:

28 34 For the purposes of this paragraph "b", "actual
28 35 expenses" means all reasonable business expenses of ~~an~~
~~28 36 establishment~~ a seller that are associated with the
28 37 sale of cemetery merchandise, funeral merchandise,
28 38 funeral services, or a combination thereof. "Actual
28 39 expenses" includes but is not limited to the
28 40 following:

28 41 Sec. 66. Section 523A.602, subsection 2, paragraph
28 42 b, subparagraph (3), subparagraph subdivisions (d) and
28 43 (g), Code 2007, are amended to read as follows:

28 44 (d) Licensing fees of the ~~establishment~~ seller.
28 45 (g) Expenses related to employees of the
28 46 ~~establishment~~ seller such as licensing fees,
28 47 continuing education, and salaries and commissions.

28 48 Sec. 67. Section 523A.802, subsection 1, Code
28 49 2007, is amended to read as follows:

28 50 1. This chapter applies to any advertisement,
29 1 sale, promotion, or offer made by a person to furnish,
29 2 upon the future death of a person named or implied in
29 3 a purchase agreement, cemetery merchandise, funeral
29 4 merchandise, funeral services, or a combination
29 5 thereof. Burial accounts and insurance policies are
29 6 included if the account records or related documents



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29 7 identify the ~~establishment~~ seller that will provide
29 8 the cemetery merchandise, funeral merchandise, funeral
29 9 services, or a combination thereof.

29 10 Sec. 68. Section 523A.803, subsection 1, paragraph
29 11 d, Code 2007, is amended to read as follows:

29 12 d. Investigate the ~~establishment~~ seller and
29 13 examine the books, accounts, papers, correspondence,
29 14 memoranda, purchase agreements, files, or other
29 15 documents or records used by every applicant and
29 16 ~~permit holder~~ licensee under this chapter.

29 17 Sec. 69. Section 523A.804, unnumbered paragraph 1,
29 18 Code 2007, is amended to read as follows:

29 19 The commissioner may order ~~an establishment a~~
29 20 seller to participate in mediation in any dispute
29 21 regarding a purchase agreement. Mediation performed
29 22 under this section shall be conducted by a mediator
29 23 appointed by the commissioner and shall comply with
29 24 the provisions of chapter 679C.

29 25 Sec. 70. Section 523A.806, subsection 2, Code
29 26 2007, is amended to read as follows:

29 27 2. Revocation or suspension of any ~~permit~~ license
29 28 issued under this chapter.

29 29 Sec. 71. Section 523A.901, subsection 1, Code
29 30 2007, is amended to read as follows:

29 31 1. GROUNDS FOR LIQUIDATION. The commissioner may
29 32 petition the district court for an order directing the
29 33 commissioner to liquidate ~~an establishment the~~
29 34 business of a seller on either of the following
29 35 grounds:

29 36 a. The ~~establishment~~ seller did not deposit funds
29 37 pursuant to section 523A.201 or withdrew funds in a
29 38 manner inconsistent with this chapter and is
29 39 insolvent.

29 40 b. The ~~establishment~~ seller did not deposit funds
29 41 pursuant to section 523A.201 or withdrew funds in a
29 42 manner inconsistent with this chapter and the
29 43 condition of the ~~establishment~~ seller is such that
29 44 further transaction of business would be hazardous,
29 45 financially or otherwise, to purchasers or the public.

29 46 Sec. 72. Section 523A.901, subsection 2,
29 47 paragraphs a, b, c, and e, Code 2007, are amended to
29 48 read as follows:

29 49 a. An order to liquidate the business of ~~an~~
29 50 ~~establishment a~~ seller shall appoint the commissioner



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30 1 as liquidator and shall direct the liquidator to
30 2 immediately take possession of the assets of the
30 3 ~~establishment~~ seller and to administer them under the
30 4 general supervision of the court. The liquidator is
30 5 vested with the title to the property, contracts, and
30 6 rights of action and the books and records of the
30 7 ~~establishment~~ seller ordered liquidated, wherever
30 8 located, as of the entry of the final order of
30 9 liquidation. The filing or recording of the order
30 10 with the clerk of court and the recorder of deeds of
30 11 the county in which its principal office or place of
30 12 business is located, or in the case of real estate,
30 13 with the recorder of deeds of the county where the
30 14 property is located, is notice as a deed, bill of
30 15 sale, or other evidence of title duly filed or
30 16 recorded with the recorder of deeds.

30 17 b. Upon issuance of an order, the rights and
30 18 liabilities of ~~an establishment~~ a seller and of the
30 19 ~~establishment's~~ seller's creditors, purchasers,
30 20 owners, and other persons interested in the
30 21 ~~establishment's~~ seller's estate shall become fixed as
30 22 of the date of the entry of the order of liquidation,
30 23 except as provided in subsection 14.

30 24 c. At the time of petitioning for an order of
30 25 liquidation, or at any time after the time of
30 26 petitioning, the commissioner, after making
30 27 appropriate findings of ~~an establishment's~~ a seller's
30 28 insolvency, may petition the court for a declaration
30 29 of insolvency. After providing notice and hearing as
30 30 it deems proper, the court may make the declaration.

30 31 e. Within five days after the initiation of an
30 32 appeal of an order of liquidation, which order has not
30 33 been stayed, the commissioner shall present for the
30 34 court's approval a plan for the continued performance
30 35 of the ~~establishment's~~ seller's obligations during the
30 36 pendency of an appeal. The plan shall provide for the
30 37 continued performance of purchase agreements in the
30 38 normal course of events, notwithstanding the grounds
30 39 alleged in support of the order of liquidation
30 40 including the ground of insolvency. If the defendant
30 41 ~~establishment's~~ seller's financial condition, in the
30 42 judgment of the commissioner, will not support the
30 43 full performance of all obligations during the appeal
30 44 pendency period, the plan may prefer the claims of
30 45 certain purchasers and claimants over creditors and
30 46 interested parties as well as other purchasers and
30 47 claimants, as the commissioner finds to be fair and
30 48 equitable considering the relative circumstances of
30 49 such purchasers and claimants. The court shall
30 50 examine the plan submitted by the commissioner and if



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31 1 it finds the plan to be in the best interests of the
31 2 parties, the court shall approve the plan. An action
31 3 shall not lie against the commissioner or any of the
31 4 commissioner's deputies, agents, clerks, assistants,
31 5 or attorneys by any party based on preference in an
31 6 appeal pendency plan approved by the court.
31 7 Sec. 73. Section 523A.901, subsection 3, paragraph
31 8 a, subparagraphs (4), (6), (7), (8), (9), (10), (11),
31 9 (12), (13), (14), (17), and (18), Code 2007, are
31 10 amended to read as follows:
31 11 (4) Pay reasonable compensation to persons
31 12 appointed and defray from the funds or assets of the
31 13 ~~establishment~~ seller all expenses of taking possession
31 14 of, conserving, conducting, liquidating, disposing of,
31 15 or otherwise dealing with the business and property of
31 16 the ~~establishment~~ seller. If the property of the
31 17 ~~establishment~~ seller does not contain sufficient cash
31 18 or liquid assets to defray the costs incurred, the
31 19 commissioner may advance the costs so incurred out of
31 20 the insurance division regulatory fund. Amounts so
31 21 advanced for expenses of administration shall be
31 22 repaid to the insurance division regulatory fund for
31 23 the use of the division out of the first available
31 24 moneys of the ~~establishment~~ seller.
31 25 (6) Collect debts and moneys due and claims
31 26 belonging to the ~~establishment~~ seller, wherever
31 27 located. Pursuant to this subparagraph, the
31 28 liquidator may do any of the following:
31 29 (a) Institute timely action in other jurisdictions
31 30 to forestall garnishment and attachment proceedings
31 31 against debts.
31 32 (b) Perform acts as are necessary or expedient to
31 33 collect, conserve, or protect its assets or property,
31 34 including the power to sell, compound, compromise, or
31 35 assign debts for purposes of collection upon terms and
31 36 conditions as the liquidator deems best.
31 37 (c) Pursue any creditor's remedies available to
31 38 enforce claims.
31 39 (7) Conduct public and private sales of the
31 40 property of the ~~establishment~~ seller.
31 41 (8) Use assets of the ~~establishment~~ seller under a
31 42 liquidation order to transfer obligations of purchase
31 43 agreements to a solvent ~~establishment~~ seller, if the
31 44 transfer can be accomplished without prejudice to the
31 45 applicable priorities under subsection 18.
31 46 (9) Acquire, hypothecate, encumber, lease,
31 47 improve, sell, transfer, abandon, or otherwise dispose
31 48 of or deal with property of the ~~establishment~~ seller
31 49 at its market value or upon terms and conditions as
31 50 are fair and reasonable. The liquidator shall also



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32 1 have power to execute, acknowledge, and deliver deeds,
32 2 assignments, releases, and other instruments necessary
32 3 to effectuate a sale of property or other transaction
32 4 in connection with the liquidation.
32 5 (10) Borrow money on the security of the
32 6 ~~establishment's~~ seller's assets or without security
32 7 and execute and deliver documents necessary to that
32 8 transaction for the purpose of facilitating the
32 9 liquidation. Money borrowed pursuant to this
32 10 subparagraph shall be repaid as an administrative
32 11 expense and shall have priority over any other class 1
32 12 claims under the priority of distribution established
32 13 in subsection 18.
32 14 (11) Enter into contracts as necessary to carry
32 15 out the order to liquidate and affirm or disavow
32 16 contracts to which the ~~establishment~~ seller is a
32 17 party.
32 18 (12) Continue to prosecute and to institute in the
32 19 name of the ~~establishment~~ seller or in the
32 20 liquidator's own name any and all suits and other
32 21 legal proceedings, in this state or elsewhere, and to
32 22 abandon the prosecution of claims the liquidator deems
32 23 unprofitable to pursue further.
32 24 (13) Prosecute an action on behalf of the
32 25 creditors, purchasers, or owners against an officer of
32 26 the ~~establishment~~ seller or any other person.
32 27 (14) Remove records and property of the
32 28 ~~establishment~~ seller to the offices of the
32 29 commissioner or to other places as may be convenient
32 30 for the purposes of efficient and orderly execution of
32 31 the liquidation.
32 32 (17) File necessary documents for recording in the
32 33 office of the recorder of deeds or record office in
32 34 this state or elsewhere where property of the
32 35 ~~establishment~~ seller is located.
32 36 (18) Assert defenses available to the
32 37 ~~establishment~~ seller against third persons including
32 38 statutes of limitations, statutes of fraud, and the
32 39 defense of usury. A waiver of a defense by the
32 40 ~~establishment~~ seller after a petition in liquidation
32 41 has been filed shall not bind the liquidator.
32 42 Sec. 74. Section 523A.901, subsection 4, paragraph
32 43 a, subparagraphs (1) and (2), Code 2007, are amended
32 44 to read as follows:
32 45 (1) Mailing notice, by first-class mail, to all
32 46 persons known or reasonably expected to have claims
32 47 against the ~~establishment~~ seller, including
32 48 purchasers, at their last known address as indicated
32 49 by the records of the ~~establishment~~ seller.
32 50 (2) Publication of notice in a newspaper of



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33 1 general circulation in the county in which the
33 2 ~~establishment~~ seller has its principal place of
33 3 business and in other locations as the liquidator
33 4 deems appropriate.
33 5 Sec. 75. Section 523A.901, subsection 4, paragraph
33 6 c, Code 2007, is amended to read as follows:
33 7 c. If notice is given pursuant to this subsection,
33 8 the distribution of assets of the ~~establishment~~ seller
33 9 under this chapter shall be conclusive with respect to
33 10 claimants, whether or not a claimant actually received
33 11 notice.
33 12 Sec. 76. Section 523A.901, subsection 5, Code
33 13 2007, is amended to read as follows:
33 14 5. ACTIONS BY AND AGAINST LIQUIDATOR.
33 15 a. After issuance of an order appointing a
33 16 liquidator of ~~an establishment~~ the business of a
33 17 seller, an action at law or equity shall not be
33 18 brought against the ~~establishment~~ seller within this
33 19 state or elsewhere, and existing actions shall not be
33 20 maintained or further presented after issuance of the
33 21 order. Whenever in the liquidator's judgment,
33 22 protection of the estate of the ~~establishment~~ seller
33 23 necessitates intervention in an action against the
33 24 ~~establishment~~ seller that is pending outside this
33 25 state, the liquidator may intervene in the action.
33 26 The liquidator may defend, at the expense of the
33 27 estate of the ~~establishment~~ seller, an action in which
33 28 the liquidator intervenes under this section.
33 29 b. Within two years or such additional time as
33 30 applicable law may permit, the liquidator, after the
33 31 issuance of an order for liquidation, may institute an
33 32 action or proceeding on behalf of the estate of the
33 33 ~~establishment~~ seller upon any cause of action against
33 34 which the period of limitation fixed by applicable law
33 35 has not expired at the time of the filing of the
33 36 petition upon which the order is entered. If a period
33 37 of limitation is fixed by agreement for instituting a
33 38 suit or proceeding upon a claim, or for filing a
33 39 claim, proof of claim, proof of loss, demand, notice,
33 40 or the like, or if in a proceeding, judicial or
33 41 otherwise, a period of limitation is fixed in the
33 42 proceeding or pursuant to applicable law for taking an
33 43 action, filing a claim or pleading, or doing an act,
33 44 and if the period has not expired at the date of the
33 45 filing of the petition, the liquidator may, for the
33 46 benefit of the estate, take any action or do any act,
33 47 required of or permitted to the ~~establishment~~ seller,
33 48 within a period of one hundred eighty days subsequent
33 49 to the entry of an order for liquidation, or within a
33 50 further period as is shown to the satisfaction of the



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34 1 court not to be unfairly prejudicial to the other
34 2 party.
34 3 c. A statute of limitations or defense of laches
34 4 shall not run with respect to an action against ~~an~~
~~34 5 establishment a seller~~ between the filing of a
34 6 petition for liquidation against the ~~establishment~~
34 7 business of a seller and the denial of the petition.
34 8 An action against the ~~establishment~~ seller that might
34 9 have been commenced when the petition was filed may be
34 10 commenced within sixty days after the petition is
34 11 denied.
34 12 Sec. 77. Section 523A.901, subsection 6, paragraph
34 13 a, Code 2007, is amended to read as follows:
34 14 a. As soon as practicable after the liquidation
34 15 order but not later than one hundred twenty days after
34 16 such order, the liquidator shall prepare in duplicate
34 17 a list of the ~~establishment's~~ seller's assets. The
34 18 list shall be amended or supplemented as the
34 19 liquidator may determine. One copy shall be filed in
34 20 the office of the clerk of court, and one copy shall
34 21 be retained for the liquidator's files. Amendments
34 22 and supplements shall be similarly filed.
34 23 Sec. 78. Section 523A.901, subsection 7, paragraph
34 24 a, Code 2007, is amended to read as follows:
34 25 a. A transfer made and an obligation incurred by
34 26 ~~an establishment a seller whose business is~~ within one
34 27 year prior to the filing of a successful petition for
34 28 liquidation under this chapter is fraudulent as to
34 29 then existing and future creditors if made or incurred
34 30 without fair consideration, or with actual intent to
34 31 hinder, delay, or defraud either existing or future
34 32 creditors. A fraudulent transfer made or an
34 33 obligation incurred by ~~an establishment a seller whose~~
~~34 34 business is~~ ordered to be liquidated under this
34 35 chapter may be avoided by the liquidator, except as to
34 36 a person who in good faith is a purchaser, lienor, or
34 37 obligee for a present fair equivalent value. A
34 38 purchaser, lienor, or obligee, who in good faith has
34 39 given a consideration less than present fair
34 40 equivalent value for such transfer, lien, or
34 41 obligation, may retain the property, lien, or
34 42 obligation as security for repayment. The court may,
34 43 on due notice, order any such transfer, lien, or
34 44 obligation to be preserved for the benefit of the
34 45 estate, and in that event, the receiver shall succeed
34 46 to and may enforce the rights of the purchaser,
34 47 lienor, or obligee.
34 48 Sec. 79. Section 523A.901, subsection 7, paragraph
34 49 b, subparagraph (2), Code 2007, is amended to read as
34 50 follows:



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35 1 (2) A transfer of real property is made when it
35 2 becomes perfected so that a subsequent bona fide
35 3 purchaser from the ~~establishment~~ seller could not
35 4 obtain rights superior to the rights of the
35 5 transferee.
35 6 Sec. 80. Section 523A.901, subsection 8,
35 7 paragraphs a, b, and c, Code 2007, are amended to read
35 8 as follows:
35 9 a. After a petition for liquidation has been
35 10 filed, a transfer of real property of the
35 11 ~~establishment~~ seller made to a person acting in good
35 12 faith is valid against the liquidator if made for a
35 13 present fair equivalent value. If the transfer is not
35 14 made for a present fair equivalent value, then the
35 15 transfer is valid to the extent of the present
35 16 consideration actually paid for which amount the
35 17 transferee shall have a lien on the property
35 18 transferred. The commencement of a proceeding in
35 19 liquidation is constructive notice upon the recording
35 20 of a copy of the petition for or order of liquidation
35 21 with the recorder of deeds in the county where any
35 22 real property in question is located. The exercise by
35 23 a court of the United States or a state or
35 24 jurisdiction to authorize a judicial sale of real
35 25 property of the ~~establishment~~ seller within a county
35 26 in a state shall not be impaired by the pendency of a
35 27 proceeding unless the copy is recorded in the county
35 28 prior to the consummation of the judicial sale.
35 29 b. After a petition for liquidation has been filed
35 30 and before either the liquidator takes possession of
35 31 the property of the ~~establishment~~ seller or an order
35 32 of liquidation is granted:
35 33 (1) A transfer of the property, other than real
35 34 property, of the ~~establishment~~ seller made to a person
35 35 acting in good faith is valid against the liquidator
35 36 if made for a present fair equivalent value. If the
35 37 transfer was not made for a present fair equivalent
35 38 value, then the transfer is valid to the extent of the
35 39 present consideration actually paid for which amount
35 40 the transferee shall have a lien on the property
35 41 transferred.
35 42 (2) If acting in good faith, a person indebted to
35 43 the ~~establishment~~ seller or holding property of the
35 44 ~~establishment~~ seller may pay the debt or deliver the
35 45 property, or any part of the property, to the
35 46 ~~establishment~~ seller or upon the ~~establishment's~~
35 47 seller's order as if the petition were not pending.
35 48 (3) A person having actual knowledge of the
35 49 pending liquidation is not acting in good faith.
35 50 (4) A person asserting the validity of a transfer



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36 1 under this subsection has the burden of proof. Except
36 2 as provided in this subsection, a transfer by or on
36 3 behalf of the ~~establishment~~ seller after the date of
36 4 the petition for liquidation by any person other than
36 5 the liquidator is not valid against the liquidator.

36 6 c. A person receiving any property from the
36 7 ~~establishment~~ seller or any benefit of the property of
36 8 the ~~establishment~~ seller which is a fraudulent
36 9 transfer under paragraph "a" is personally liable for
36 10 the property or benefit and shall account to the
36 11 liquidator.

36 12 Sec. 81. Section 523A.901, subsection 9, paragraph
36 13 a, subparagraphs (1) and (2), Code 2007, are amended
36 14 to read as follows:

36 15 (1) A preference is a transfer of the property of
36 16 ~~an establishment~~ a seller to or for the benefit of a
36 17 creditor for an antecedent debt made or suffered by
36 18 the ~~establishment~~ seller within one year before the
36 19 filing of a successful petition for liquidation under
36 20 this chapter, the effect of which transfer may be to
36 21 enable the creditor to obtain a greater percentage of
36 22 this debt than another creditor of the same class
36 23 would receive. If a liquidation order is entered
36 24 while the ~~establishment~~ seller is already subject to a
36 25 receivership, then the transfers are preferences if
36 26 made or suffered within one year before the filing of
36 27 the successful petition for the receivership, or
36 28 within two years before the filing of the successful
36 29 petition for liquidation, whichever time is shorter.

36 30 (2) A preference may be avoided by the liquidator
36 31 if any of the following exist:

36 32 (a) The ~~establishment~~ seller was insolvent at the
36 33 time of the transfer.

36 34 (b) The transfer was made within four months
36 35 before the filing of the petition.

36 36 (c) At the time the transfer was made, the
36 37 creditor receiving it or to be benefited by the
36 38 transfer or the creditor's agent acting with reference
36 39 to the transfer had reasonable cause to believe that
36 40 the ~~establishment~~ seller was insolvent or was about to
36 41 become insolvent.

36 42 (d) The creditor receiving the transfer was an
36 43 officer, or an employee, attorney, or other person who
36 44 was in fact in a position of comparable influence in
36 45 the ~~establishment~~ seller to an officer whether or not
36 46 the person held the position of an officer, owner, or
36 47 other person, firm, corporation, association, or
36 48 aggregation of persons with whom the ~~establishment~~
36 49 seller did not deal at arm's length.

36 50 Sec. 82. Section 523A.901, subsection 9, paragraph



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37 1 b, subparagraph (2), Code 2007, is amended to read as
37 2 follows:

37 3 (2) A transfer of real property is made when it
37 4 becomes perfected so that a subsequent bona fide
37 5 purchaser from the ~~establishment~~ seller could not
37 6 obtain rights superior to the rights of the
37 7 transferee.

37 8 Sec. 83. Section 523A.901, subsection 9,
37 9 paragraphs e, i, and j, Code 2007, are amended to read
37 10 as follows:

37 11 e. If a lien which is voidable under paragraph
37 12 "a", subparagraph (2), has been dissolved by the
37 13 furnishing of a bond or other obligation, the surety
37 14 of which has been indemnified directly or indirectly
37 15 by the transfer or the creation of a lien upon
37 16 property of ~~an establishment~~ a seller before the
37 17 filing of a petition under this chapter which results
37 18 in the liquidation order, the indemnifying transfer or
37 19 lien is also voidable.

37 20 i. If a creditor has been preferred for property
37 21 which becomes a part of the ~~establishment's~~ seller's
37 22 estate, and afterward in good faith gives the
37 23 ~~establishment~~ seller further credit without security
37 24 of any kind, the amount of the new credit remaining
37 25 unpaid at the time of the petition may be set off
37 26 against the preference which would otherwise be
37 27 recoverable from the creditor.

37 28 j. If within four months before the filing of a
37 29 successful petition for liquidation under this
37 30 chapter, or at any time in contemplation of a
37 31 proceeding to liquidate, ~~an establishment~~ a seller,
37 32 directly or indirectly, pays money or transfers
37 33 property to an attorney for services rendered or to be
37 34 rendered, the transaction may be examined by the court
37 35 on its own motion or shall be examined by the court on
37 36 petition of the liquidator. The payment or transfer
37 37 shall be held valid only to the extent of a reasonable
37 38 amount to be determined by the court. The excess may
37 39 be recovered by the liquidator for the benefit of the
37 40 estate. However, where the attorney is in a position
37 41 of influence in the ~~establishment~~ business of the
37 42 seller or an affiliate, payment of any money or the
37 43 transfer of any property to the attorney for services
37 44 rendered or to be rendered shall be governed by the
37 45 provisions of paragraph "a", subparagraph (2),
37 46 subparagraph subdivision (d).

37 47 Sec. 84. Section 523A.901, subsection 9, paragraph
37 48 k, subparagraphs (1) and (2), Code 2007, are amended
37 49 to read as follows:

37 50 (1) An officer, manager, employee, shareholder,



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38 1 subscriber, attorney, or other person acting on behalf
38 2 of the ~~establishment~~ seller who knowingly participates
38 3 in giving any preference when the person has
38 4 reasonable cause to believe the ~~establishment~~ seller
38 5 is or is about to become insolvent at the time of the
38 6 preference is personally liable to the liquidator for
38 7 the amount of the preference. There is an inference
38 8 that reasonable cause exists if the transfer was made
38 9 within four months before the date of filing of this
38 10 successful petition for liquidation.

38 11 (2) A person receiving property from the
38 12 ~~establishment~~ seller or the benefit of the property of
38 13 the ~~establishment~~ seller as a preference voidable
38 14 under paragraph "a" is personally liable for the
38 15 property and shall account to the liquidator.

38 16 Sec. 85. Section 523A.901, subsection 13,
38 17 paragraph d, Code 2007, is amended to read as follows:

38 18 d. A judgment or order against ~~an establishment a~~
38 19 seller entered after the date of filing of a
38 20 successful petition for liquidation, or a judgment or
38 21 order against the ~~establishment~~ seller entered at any
38 22 time by default or by collusion need not be considered
38 23 as evidence of liability or of the amount of damages.
38 24 A judgment or order against ~~an establishment a~~ seller
38 25 before the filing of the petition need not be
38 26 considered as evidence of liability or of the amount
38 27 of damages.

38 28 Sec. 86. Section 523A.901, subsection 16, Code
38 29 2007, is amended to read as follows:

38 30 16. CLAIMS OF OTHER PERSON. If a creditor, whose
38 31 claim against ~~an establishment a~~ seller is secured in
38 32 whole or in part by the undertaking of another person,
38 33 fails to prove and file that claim, then the other
38 34 person may do so in the creditor's name and shall be
38 35 subrogated to the rights of the creditor, whether the
38 36 claim has been filed by the creditor or by the other
38 37 person in the creditor's name to the extent that the
38 38 other person discharges the undertaking. However, in
38 39 the absence of an agreement with the creditor to the
38 40 contrary, the other person is not entitled to any
38 41 distribution until the amount paid to the creditor on
38 42 the undertaking plus the distributions paid on the
38 43 claim from the ~~establishment's~~ seller's estate to the
38 44 creditor equal the amount of the entire claim of the
38 45 creditor. An excess received by the creditor shall be
38 46 held by the creditor in trust for the other person.

38 47 Sec. 87. Section 523A.901, subsection 18,
38 48 unnumbered paragraph 1, Code 2007, is amended to read
38 49 as follows:

38 50 The priority of distribution of claims from the
39 1 ~~establishment's~~ seller's estate shall be in accordance
39 2 with the order in which each class of claims is set
39 3 forth. Claims in each class shall be paid in full or
39 4 adequate funds retained for the payment before the
39 5 members of the next class receive any payment.
39 6 Subclasses shall not be established within a class.



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39 7 The order of distribution of claims is as follows:

39 8 Sec. 88. Section 523A.901, subsection 18,
39 9 paragraph a, subparagraph (1), Code 2007, is amended
39 10 to read as follows:

39 11 (1) Actual and necessary costs of preserving or
39 12 recovering the assets of the ~~establishment~~ seller.

39 13 Sec. 89. Section 523A.901, subsection 19,
39 14 paragraph a, Code 2007, is amended to read as follows:

39 15 a. The liquidator shall review claims duly filed
39 16 in the liquidation and shall make further
39 17 investigation as necessary. The liquidator may
39 18 compound, compromise, or in any other manner negotiate
39 19 the amount for which claims will be recommended to the
39 20 court except where the liquidator is required by law
39 21 to accept claims as settled by a person or
39 22 organization. Unresolved disputes shall be determined
39 23 under subsection 15. As soon as practicable, the
39 24 liquidator shall present to the court a report of the
39 25 claims against the ~~establishment~~ seller with the
39 26 liquidator's recommendations. The report shall
39 27 include the name and address of each claimant and the
39 28 amount of the claim finally recommended.

39 29 Sec. 90. Section 523A.901, subsection 21,
39 30 paragraph b, Code 2007, is amended to read as follows:

39 31 b. Funds withheld under subsection 14 and not
39 32 distributed shall upon discharge of the liquidator be
39 33 deposited with the treasurer of state and paid
39 34 pursuant to subsection 18. Sums remaining which under
39 35 subsection 18 would revert to the undistributed assets
39 36 of the ~~establishment~~ seller shall be transferred to
39 37 the insurance division regulatory fund and become the
39 38 property of the state as provided under paragraph "a",
39 39 unless the commissioner in the commissioner's
39 40 discretion petitions the court to reopen the
39 41 liquidation pursuant to subsection 23.

39 42 Sec. 91. Section 523A.901, subsection 24, Code
39 43 2007, is amended to read as follows:

39 44 24. DISPOSITION OF RECORDS DURING AND AFTER
39 45 TERMINATION OF LIQUIDATION. If it appears to the
39 46 commissioner that the records of ~~an establishment~~ the
39 47 business of a seller in the process of liquidation or
39 48 completely liquidated are no longer useful, the
39 49 commissioner may recommend to the court and the court
39 50 shall direct what records shall be retained for future



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40 1 reference and what records shall be destroyed.>
40 2
40 3
40 4
40 5 BRIAN SCHOENJAHN
40 6 SF 559.501 82
40 7 av/je/7251



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Senate Amendment 3161

PAG LIN

1 1 Amend Senate File 447 as follows:
1 2 #1. Page 6, line 12, by inserting after the word
1 3 <operations> the following: <, expand the scope and
1 4 availability of classes through the Iowa
1 5 communications network and the online advanced
1 6 placement program,>.
1 7
1 8
1 9
1 10 KEITH A. KREIMAN
1 11 SF 447.501 82
1 12 ak/je/7442
1 13
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Senate Amendment 3162

PAG LIN

1 1 Amend Senate File 564 as follows:
1 2 #1. Page 13, by inserting after line 34 the
1 3 following:
1 4 <Sec. _____. INTENT OF THE GENERAL ASSEMBLY ==
1 5 ELIMINATION OF FULL=TIME EQUIVALENT POSITIONS. It is
1 6 the intent of the general assembly that any additional
1 7 full=time equivalent positions authorized to be filled
1 8 by the department of agriculture and land stewardship
1 9 relating to the regulation of persons required to
1 10 register with the department as a condition of owning
1 11 or possessing a dangerous wild animal pursuant to
1 12 section 717F.4, as enacted in this Act, be eliminated
1 13 once the regulation is no longer necessary.>
1 14 #2. By renumbering as necessary.
1 15
1 16
1 17
1 18 LARRY McKIBBEN
1 19
1 20
1 21
1 22 Dr. JOE M. SENG
1 23 SF 564.201 82
1 24 da/es/7920
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Senate Amendment 3163

PAG LIN

1 1 Amend Senate File 355 as follows:
1 2 #1. Page 2, line 25, by striking the word <may>
1 3 and inserting the following: <shall>.
1 4 #2. Page 2, line 25, by striking the word
1 5 <department> and inserting the following: <board>.
1 6 #3. Page 2, line 34, by inserting after the word
1 7 <project> the following: <with at least fifty-one
1 8 percent of the total financial benefits over the life
1 9 of the project flowing to the qualifying owners>.
1 10 #4. Page 3, by striking lines 6 through 12.
1 11 #5. Page 5, line 35, by inserting after the words
1 12 <assessment study> the following: <if funds are
1 13 appropriated for the study by the general assembly>.
1 14 #6. Page 7, line 12, by striking the words
1 15 <twenty=five> and inserting the following: <twenty>.
1 16 #7. Page 7, line 18, by inserting after the word
1 17 <feasibility> the following: <, consistent with
1 18 federal energy regulatory commission guidelines>.
1 19
1 20
1 21
1 22 JOHN P. KIBBIE
1 23 SF 355.205 82
1 24 rn/es/7967
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Senate Amendment 3164

PAG LIN

1 1 Amend the amendment, S=3089, to Senate File 355 as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 through 5 and
1 4 inserting the following:
1 5 <#____. Page 3, by striking lines 14 through 32 and
1 6 inserting the following:
1 7 <a. The board shall establish a community-based
1 8 wind energy project tariff for each utility service
1 9 area. The board shall calculate the tariff for a
1 10 period of twenty years using net present value
1 11 calculations. The discount rate required to calculate
1 12 the net present value shall be that discount rate used
1 13 by the electric utility for other purposes in the
1 14 ordinary course of the electric utility's business.
1 15 The tariff established by the board pursuant to this
1 16 subsection shall be at a sufficient rate to provide an
1 17 incentive for the development of community-based wind
1 18 energy projects, and shall be established at a higher
1 19 rate for the first ten years of the power purchase
1 20 agreement than in the last ten years of the power
1 21 purchase agreement.>>
1 22
1 23
1 24
1 25 JOHN P. KIBBIE
1 26 SF 355.204 82
1 27 rn/es/7968
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PAG LIN

1 1 Amend Senate File 484 as follows:
1 2 #1. Page 1, line 10, by inserting after the word
1 3 <transported> the following: <from point of harvest
1 4 to storage or distribution points>.
1 5 #2. Page 1, by striking lines 12 through 14 and
1 6 inserting the following: <maximum gross weight of
1 7 ninety thousand pounds, do not exceed the maximum axle
1 8 weight limit determined under the nonprimary highway
1 9 maximum gross weight table in paragraph "b" by more
1 10 than ten percent, do not exceed twenty thousand pounds
1 11 on any one axle, and comply with posted limits on
1 12 bridges.>
1 13
1 14
1 15
1 16 EUGENE S. FRAISE
1 17 SF 484.502 82
1 18 dea/je/3245
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PAG LIN

1 1 Amend Senate File 427 as follows:
1 2 #1. Page 8, by inserting after line 4 the
1 3 following:
1 4 <Sec. ____ . NEW SECTION. 216.21 CONSTRUCTION OF
1 5 CHAPTER.
1 6 This chapter shall not be construed to allow
1 7 marriage between persons of the same sex, in
1 8 accordance with chapter 595.>
1 9 #2. By renumbering as necessary.
1 10
1 11
1 12
1 13 DAVID L. HARTSUCH
1 14 JEFF ANGELO
1 15 MARY A. LUNDBY
1 16 RON WIECK
1 17 JERRY BEHN
1 18 DAVID JOHNSON
1 19 LARRY McKIBBEN
1 20 JAMES F. HAHN
1 21 JOHN PUTNEY
1 22 MARK ZIEMAN
1 23 STEVE KETTERING
1 24 NANCY J. BOETTGER
1 25 DAVE MULDER
1 26 PAT WARD
1 27 PAUL McKINLEY
1 28 LARRY NOBLE
1 29 JAMES A. SEYMOUR
1 30 SF 427.204 82
1 31 rh/es/7575
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 3167

PAG LIN

1 1 Amend Senate File 427 as follows:
1 2 #1. Page 8, by inserting after line 4 the
1 3 following:
1 4 <Sec _____. NEW SECTION. 216.21 ATTORNEY FEES.
1 5 A person filing a complaint or action alleging a
1 6 discriminatory practice under this chapter who is
1 7 unsuccessful shall be liable for any reasonable
1 8 attorney fees incurred by the resisting party.>
1 9 #2. By renumbering as necessary.
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1 13 PAUL MCKINLEY
1 14 JERRY BEHN
1 15 MARY A. LUNDBY
1 16 JEFF ANGELO
1 17 DAVID JOHNSON
1 18 LARRY MCKIBBEN
1 19 MARK ZIEMAN
1 20 JOHN PUTNEY
1 21 RON WIECK
1 22 NANCY J. BOETTGER
1 23 STEVE KETTERING
1 24 DAVE MULDER
1 25 PAT WARD
1 26 LARRY NOBLE
1 27 JAMES A. SEYMOUR
1 28 SF 427.506 82
1 29 rh/je/7574
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 26, 2007**

Senate Amendment 3168

PAG LIN

1 1 Amend Senate File 427 as follows:
 1 2 #1. Page 1, by inserting before line 1 the
 1 3 following:
 1 4 <Section 1. NEW SECTION. 2C.9A TELEPHONE HOTLINE
 1 5 == CERTAIN CIVIL RIGHTS EMPLOYMENT DECISIONS.
 1 6 The citizens' aide shall establish and provide
 1 7 staffing for a statewide toll-free telephone hotline
 1 8 to assist and advise small business owners in making
 1 9 employment decisions relating to chapter 216.>
 1 10 #2. Page 8, by inserting after line 4 the
 1 11 following:
 1 12 <Sec. ____ . APPROPRIATION ALLOCATION == CITIZENS'
 1 13 AIDE HOTLINE == CIVIL RIGHTS. There is allocated from
 1 14 the funds appropriated under section 2.12 to the
 1 15 office of the citizens' aide for the fiscal year
 1 16 beginning July 1, 2007, and ending June 30, 2008, the
 1 17 following amount, or so much thereof as is necessary,
 1 18 to be used for the purpose designated:
 1 19 For the establishment and staffing of a statewide
 1 20 toll-free telephone hotline to assist and advise small
 1 21 business owners in making employment decisions
 1 22 relating to chapter 216:
 1 23 \$ 250,000>
 1 24 #3. Title page, line 2 by inserting after the word
 1 25 <identity> the following: <, and providing for an
 1 26 appropriation>.
 1 27 #4. By renumbering as necessary.
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 1 31 PAUL McKINLEY
 1 32 JERRY BEHN
 1 33 DAVID JOHNSON
 1 34 JEFF ANGELO
 1 35 PAT WARD
 1 36 LARRY McKIBBEN
 1 37 JAMES F. HAHN
 1 38 JOHN PUTNEY
 1 39 MARK ZIEMAN
 1 40 RON WIECK
 1 41 JAMES A. SEYMOUR
 1 42 NANCY J. BOETTGER
 1 43 BRAD ZAUN
 1 44 LARRY NOBLE
 1 45 DAVE MULDER
 1 46 SF 427.203 82
 1 47 rh/es/7576
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Senate Amendment 3169

PAG LIN

1 1 Amend Senate File 427 as follows:
1 2 #1. Page 8, by inserting after line 4 the
1 3 following:
1 4 <Sec. ____ . NEW SECTION. 216.21 RIGHT OF
1 5 CONSCIENTIOUS OBJECTION.
1 6 A person subject to this chapter shall not be
1 7 required by law or contract in any circumstance to act
1 8 in accordance with the provisions of this chapter
1 9 relating to a discriminatory practice and sexual
1 10 orientation or gender identity if the person objects
1 11 to so doing for reasons of conscience or religion.>
1 12 #2. By renumbering as necessary.
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1 16 DAVID L. HARTSUCH
1 17 DAVID JOHNSON
1 18 DAVE MULDER
1 19 JERRY BEHN
1 20 MARY A. LUNDBY
1 21 JEFF ANGELO
1 22 RON WIECK
1 23 NANCY J. BOETTGER
1 24 JAMES F. HAHN
1 25 STEVE KETTERING
1 26 MARK ZIEMAN
1 27 LARRY McKIBBEN
1 28 JOHN PUTNEY
1 29 PAUL McKINLEY
1 30 JAMES A. SEYMOUR
1 31 LARRY NOBLE
1 32 SF 427.504 82
1 33 rh/je/7567
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Iowa General Assembly
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Senate Amendment 3170

PAG LIN

1 1 Amend Senate File 520 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 714.16, subsection 2,
1 5 paragraph a, unnumbered paragraph 4, Code 2007, is
1 6 amended by striking the paragraph.>
1 7 #2. Page 1, by inserting after line 17 the
1 8 following:
1 9 <___. "Puffery" means a statement that
1 10 exaggerates, blusters, or boasts, but upon which no
1 11 reasonable consumer would rely when purchasing a
1 12 product.>
1 13 #3. Page 2, line 2, by inserting after the figure
1 14 <2> the following: <, paragraphs "b" through "d" and
1 15 "f" through "n".>
1 16 #4. Page 2, by striking lines 22 and 23 and
1 17 inserting the following:
1 18 <c. Conduct that constitutes puffery.
1 19 d. Insurance companies subject to Title XIII.
1 20 e. A hospital licensed pursuant to chapter 135B.
1 21 f. A health care facility licensed pursuant to
1 22 chapter 135C.
1 23 g. Federally insured depository institutions.
1 24 h. An individual licensed, certified, or
1 25 registered under chapter 148, 150, 150A, 151, 153,
1 26 154, 155, or 155A, while engaged in the practice of
1 27 the profession for which the individual is licensed,
1 28 certified, or registered and while acting in
1 29 compliance with the laws, rules, and regulations
1 30 applicable to the respective profession.
1 31 i. An attorney licensed to practice law in this
1 32 state while engaged in the practice of that profession
1 33 and while acting in compliance with the laws, rules,
1 34 and regulations applicable to the legal profession.
1 35 j. An individual licensed, certified, or
1 36 registered under chapter 522B, 542, 542B, 543B, 544A,
1 37 544B, or 544C, while engaged in the practice of that
1 38 profession for which the individual is licensed,
1 39 certified, or registered and while acting in
1 40 compliance with the laws, rules, and regulations
1 41 applicable to the respective profession.>
1 42 #5. Page 2, line 31, by striking the word <five>
1 43 and inserting the following: <eight>.
1 44 #6. Page 3, by striking lines 6 through 11 and
1 45 inserting the following:
1 46 <1. A consumer who suffers an ascertainable loss
1 47 of money or property, real or personal, as the result
1 48 of a prohibited practice in violation of this chapter
1 49 may bring an action at law to recover actual economic
1 50 damages. The court may order>.



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Senate Amendment 3170 continued

2 1 #7. Page 4, line 6, by inserting after the word
2 2 <finds> the following: <by a preponderance of clear,
2 3 convincing, and satisfactory evidence>.
2 4 #8. Page 4, line 9, by inserting after the word
2 5 <actual> the following: <economic>.
2 6 #9. Page 4, line 10, by inserting after the word
2 7 <actual> the following: <economic>.
2 8 #10. Page 5, line 19, by inserting before the word
2 9 <In> the following: <1.>
2 10 #11. Page 5, by inserting after line 26 the
2 11 following:
2 12 <2. Each plaintiff seeking to serve as a
2 13 representative party on behalf of a class shall
2 14 provide a sworn certification personally signed by
2 15 such plaintiff and filed with the petition that does
2 16 all of the following:
2 17 a. States that the plaintiff has reviewed the
2 18 petition and has authorized the filing of the
2 19 petition.
2 20 b. States that the plaintiff did not purchase the
2 21 merchandise that is the subject of the petition at the
2 22 direction of plaintiff's counsel or in order to
2 23 participate in any private action arising under this
2 24 chapter.
2 25 c. States that the plaintiff is willing to serve
2 26 as a representative party on behalf of a class
2 27 including providing testimony at deposition and trial,
2 28 if necessary.
2 29 d. Identifies any other action under this chapter
2 30 filed during the three-year period preceding the date
2 31 on which the certification is signed by the plaintiff
2 32 in which the plaintiff has sought to serve as a
2 33 representative party on behalf of a class.
2 34 3. The certification filed pursuant to subsection
2 35 2 shall not be construed to be a waiver of the
2 36 attorney-client privilege.
2 37 4. a. Not later than twenty days after the date
2 38 on which the petition is filed, the plaintiff or
2 39 plaintiffs shall cause to be published, in a newspaper
2 40 of general circulation in the county in which the
2 41 petition is filed, a notice advising members of the
2 42 purported class of all of the following:
2 43 (1) Of the pendency of the action, the claims
2 44 asserted therein, and the purported class period.
2 45 (2) That not later than sixty days after the date
2 46 on which the notice is published any member of the
2 47 purported class may move the court to appoint the
2 48 member to serve as lead plaintiff of the purported
2 49 class.
2 50 b. If more than one action on behalf of a class



Iowa General Assembly
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Senate Amendment 3170 continued

3 1 asserting substantially the same claim or claims
3 2 arising under this chapter is filed, only the
3 3 plaintiff or plaintiffs in the first filed action
3 4 shall be required to cause notice to be published in
3 5 accordance with paragraph "a".
3 6 c. Any notices required by this subsection shall
3 7 be in addition to any notice required pursuant to the
3 8 rules of civil procedure.
3 9 5. a. Not later than ninety days after the date
3 10 on which a notice is published under subsection 4, the
3 11 court shall consider any motion made by a purported
3 12 class member in response to the notice, including any
3 13 motion by a class member who is not individually named
3 14 as a plaintiff in the petition or petitions, and shall
3 15 appoint as lead plaintiff the member or members of the
3 16 purported plaintiff class the court determines to be
3 17 most capable of adequately representing the interests
3 18 of class members, who shall be known as the most
3 19 adequate plaintiff.
3 20 b. If more than one action on behalf of a class
3 21 asserting substantially the same claim or claims
3 22 arising under this chapter has been filed and any
3 23 party has sought to consolidate those actions for
3 24 pretrial purposes or for trial, the court shall not
3 25 make a determination of the most adequate plaintiff
3 26 until after the decision on the motion to consolidate
3 27 is rendered. As soon as practicable after such
3 28 decision is rendered, the court shall appoint the most
3 29 adequate plaintiff as lead plaintiff for the
3 30 consolidated actions in accordance with this
3 31 paragraph.
3 32 c. (1) The court shall adopt a presumption that
3 33 the most adequate plaintiff in any private action
3 34 arising under this chapter is the person or group of
3 35 persons that meets all of the following requirements:
3 36 (a) Has either filed the petition or made a motion
3 37 in response to a notice required pursuant to
3 38 subsection 4.
3 39 (b) In the determination of the court, has the
3 40 largest financial interest in the relief sought by the
3 41 class.
3 42 (c) Otherwise satisfies the requirements of the
3 43 rules of civil procedure relating to class actions.
3 44 (2) The presumption regarding the most adequate
3 45 plaintiff described in subparagraph (1) may be
3 46 rebutted only upon proof by a member of the purported
3 47 plaintiff class of one of the following:
3 48 (a) The presumptively most adequate plaintiff will
3 49 not fairly and adequately protect the interests of the
3 50 class.



Iowa General Assembly
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Senate Amendment 3170 continued

4 1 (b) The presumptively most adequate plaintiff is
4 2 subject to unique defenses that render such plaintiff
4 3 incapable of adequately representing the class.
4 4 d. For purposes of this subsection, discovery
4 5 relating to whether a member or members of the
4 6 purported plaintiff class is the most adequate
4 7 plaintiff may be conducted by a plaintiff only if the
4 8 plaintiff first demonstrates a reasonable basis for a
4 9 finding that the presumptively most adequate plaintiff
4 10 is incapable of adequately representing the class.
4 11 e. The most adequate plaintiff shall, subject to
4 12 the approval of the court, select and retain counsel
4 13 to represent the class.
4 14 6. Except as the court may otherwise permit,
4 15 consistent with the purposes of this section, a person
4 16 who files a class action under this section may be a
4 17 lead plaintiff or an officer, director, or fiduciary
4 18 of a lead plaintiff, in no more than five class
4 19 actions brought as plaintiff class actions pursuant to
4 20 the federal or Iowa rules of civil procedure during
4 21 any three-year period.
4 22 7. Total attorney fees and expenses awarded by the
4 23 court to counsel for the plaintiff class shall not
4 24 exceed a reasonable percentage of the amount of any
4 25 damages and prejudgment interest actually paid to the
4 26 class.
4 27 8. Any proposed or final settlement agreement that
4 28 is published or otherwise disseminated to the class
4 29 shall include each of the following statements along
4 30 with a cover page summarizing the information
4 31 contained in such statements:
4 32 a. If reasonably subject to determination, the
4 33 amount of the settlement proposed to be distributed to
4 34 the parties to the action determined in the aggregate
4 35 and on an average per share basis. If the settlement
4 36 amount or average settlement amount per share to be
4 37 disclosed pursuant to this subsection is not
4 38 reasonably subject to determination at the time of the
4 39 publication or dissemination of the proposed or final
4 40 settlement agreement, the method by which the
4 41 settlement amount or average settlement amount per
4 42 share will be determined.
4 43 b. (1) If the settling parties agree on the
4 44 average settlement amount per share that would be
4 45 recoverable if the plaintiff prevailed on each claim
4 46 alleged under this chapter, a statement concerning the
4 47 average settlement amount per share.
4 48 (2) If the parties do not agree on the average
4 49 settlement amount per share that would be recoverable
4 50 if the plaintiff prevailed on each claim alleged under



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5 1 this chapter, a statement from each settling party
5 2 concerning the issue or issues on which the parties
5 3 disagree.
5 4 c. If any of the settling parties or their counsel
5 5 intend to apply to the court for an award of attorney
5 6 fees or costs from any fund established as part of the
5 7 settlement, a statement indicating which parties or
5 8 counsel intend to make such an application, the amount
5 9 of fees and costs that will be sought including the
5 10 amount of such fees and costs determined on an average
5 11 per share basis, and a brief explanation supporting
5 12 the fees and costs sought. Such information shall be
5 13 clearly summarized on the cover page of any notice to
5 14 a party of any proposed or final settlement agreement.
5 15 d. The name, telephone number, and address of one
5 16 or more representatives of counsel for the plaintiff
5 17 class who will be reasonably available to answer
5 18 questions from class members concerning any matter
5 19 contained in any notice of settlement published or
5 20 otherwise disseminated to the class.
5 21 e. A brief statement explaining the reasons why
5 22 the parties are proposing the settlement.
5 23 f. Such other information as may be required by
5 24 the court.
5 25 9. In any private action arising under this
5 26 chapter that is certified as a class action pursuant
5 27 to the rules of civil procedure, the court may require
5 28 an undertaking from the attorneys for the plaintiff
5 29 class, the plaintiff class, or both, or from the
5 30 attorneys for the defendant, the defendant, or both,
5 31 in such proportions and at such times as the court
5 32 determines are just and equitable, for the payment of
5 33 fees and expenses that may be awarded under this
5 34 section.
5 35 10. This section applies to each action arising
5 36 under this chapter that is brought as a class action
5 37 pursuant to the rules of civil procedure.>
5 38 #12. Title page, line 1, by striking the word
5 39 <creating> and inserting the following: <relating to
5 40 consumer frauds including the creation of>.
5 41 #13. By renumbering as necessary.
5 42
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5 45 KEITH A. KREIMAN
5 46 SF 520.202 82
5 47 rh/es/7569



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Senate Amendment 3171

PAG LIN

1 1 Amend Senate File 427 as follows:
1 2 #1. Page 8, by inserting after line 4 the
1 3 following:
1 4 <Sec. ____ . NEW SECTION. 216.21 EXEMPTION FOR
1 5 PUBLIC AND NONPUBLIC SCHOOLS == SEXUAL ORIENTATION AND
1 6 GENDER IDENTITY.
1 7 The provisions of this chapter relating to a
1 8 person's gender identity shall not apply to public
1 9 school districts and nonpublic schools in this state.>
1 10 #2. By renumbering as necessary.
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1 14 NANCY J. BOETTGER
1 15 BRAD ZAUN
1 16 DAVE MULDER
1 17 DAVID JOHNSON
1 18 PAT WARD
1 19 DAVID L. HARTSUCH
1 20 MARK ZIEMAN
1 21 JAMES F. HAHN
1 22 LARRY McKIBBEN
1 23 JOHN PUTNEY
1 24 JERRY BEHN
1 25 RON WIECK
1 26 STEVE KETTERING
1 27 LARRY NOBLE
1 28 JAMES A. SEYMOUR
1 29 SF 427.505 82
1 30 rh/je/7573
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Iowa General Assembly
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Senate Amendment 3172

PAG LIN

1 1 Amend Senate File 427 as follows:
1 2 #1. Page 8, by inserting after line 4 the
1 3 following:
1 4 <Sec. ____ . NEW SECTION. 216.21 EXEMPTION FOR
1 5 PRIVATE CLUBS OR ESTABLISHMENTS == SEXUAL ORIENTATION
1 6 AND GENDER IDENTITY.
1 7 The provisions of this chapter relating to a
1 8 person's sexual orientation or gender identity shall
1 9 not apply to private clubs or establishments exempted
1 10 from coverage under Title II of the federal Civil
1 11 Rights Act of 1964, 42 U.S.C. } 2000a, et seq., or to
1 12 religious organizations or entities controlled by
1 13 religious organizations, including places of worship.>
1 14 #2. By renumbering as necessary.
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1 18 DAVID L. HARTSUCH
1 19 PAUL McKINLEY
1 20 NANCY J. BOETTGER
1 21 MARK ZIEMAN
1 22 LARRY McKIBBEN
1 23 RON WIECK
1 24 JEFF ANGELO
1 25 JERRY BEHN
1 26 JOHN PUTNEY
1 27 DAVE MULDER
1 28 DAVID JOHNSON
1 29 PAT WARD
1 30 STEVE KETTERING
1 31 JAMES F. HAHN
1 32 BRAD ZAUN
1 33 RON WIECK
1 34 LARRY NOBLE
1 35 JAMES A. SEYMOUR
1 36 SF 427.702 82
1 37 rh/gg/7570
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Iowa General Assembly
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Senate Amendment 3173

PAG LIN

1 1 Amend Senate File 473 as follows:
1 2 #1. Page 8, by striking lines 9 through 11, and
1 3 inserting the following: <decedent's remains.>
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1 7 WALLY E. HORN
1 8 SF 473.201 82
1 9 av/es/7253
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Senate File 566 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 98)
(SUCCESSOR TO SSB 1082)

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

A BILL FOR

- 1 An Act relating to historic preservation and cultural and
- 2 entertainment district tax credits, making appropriations, and
- 3 providing applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1209SZ 82
- 6 tm/gg/14



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Senate File 566 - Introduced continued

PAG LIN

1 1 Section 1. Section 404A.1, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. A historic preservation and cultural and entertainment
1 4 district tax credit, subject to the availability of the
1 5 credit, is granted against the tax imposed under chapter 422,
1 6 division II, III, or V, or chapter 432, for the rehabilitation
1 7 of eligible property located in this state as provided in this
1 8 chapter. Tax credits in excess of tax liabilities shall be
1 9 refunded or credited as provided in section 404A.4, subsection
1 10 3.

1 11 Sec. 2. Section 404A.4, subsection 3, Code 2007, is
1 12 amended to read as follows:

1 13 3. A person receiving a historic preservation and cultural
1 14 and entertainment district tax credit under this chapter which
1 15 is in excess of the person's tax liability for the tax year is
1 16 entitled to a refund ~~of the excess at a discounted value. The~~
~~1 17 discounted value of the tax credit refund, as calculated by~~
~~1 18 the department of economic development, in consultation with~~
~~1 19 the department of revenue, shall be determined based on the~~
~~1 20 discounted value of the tax credit five years after the tax~~
~~1 21 year of the project completion at an interest rate equivalent~~
~~1 22 to the prime rate plus two percent. The refunded tax credit~~
~~1 23 shall not exceed seventy-five percent of the allowable tax~~
~~1 24 credit. Any credit in excess of the tax liability shall be~~
1 25 refunded with interest computed under section 422.25. In lieu
1 26 of claiming a refund, a taxpayer may elect to have the
1 27 overpayment shown on the taxpayer's final, completed return
1 28 credited to the tax liability for the following year.

1 29 Sec. 3. Section 404A.4, subsection 4, Code 2007, is
1 30 amended to read as follows:

1 31 4. The total amount of tax credits that may be approved
1 32 for a fiscal year under this chapter shall not exceed ~~two~~ ten
1 33 million ~~four hundred thousand~~ dollars in the fiscal year
1 34 beginning July 1, 2007, fifteen million dollars in the fiscal
1 35 year beginning July 1, 2008, and twenty million dollars in the



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Senate File 566 - Introduced continued

2 1 fiscal year beginning July 1, 2009, and each fiscal year
2 2 thereafter, less any amount appropriated pursuant to section
2 3 404A.6. For the fiscal period beginning July 1, 2005, and
2 4 ending June 30, 2015, an additional four million dollars of
2 5 tax credits may be approved each fiscal year for purposes of
2 6 projects located in cultural and entertainment districts
2 7 certified pursuant to section 303.3B. Of the tax credits
2 8 approved for a fiscal year under this chapter, ten percent of
2 9 the dollar amount of tax credits shall be allocated for
2 10 purposes of new projects with qualified costs of five hundred
2 11 thousand dollars or less, and forty percent of the dollar
2 12 amount of tax credits shall be allocated for purposes of new
2 13 projects located in cultural and entertainment districts
2 14 certified pursuant to section 303.3B or identified in Iowa
2 15 great places agreements developed pursuant to section 303.3C.
2 16 Any of the ~~additional~~ tax credits allocated for projects
2 17 located in certified cultural and entertainment districts or
2 18 identified in Iowa great places agreements and for projects
2 19 with a cost of five hundred thousand dollars or less that are
2 20 not ~~approved~~ reserved during a fiscal year shall be applied to
2 21 reserved tax credits issued in accordance with section 404A.3
2 22 in order of original reservation. The department of cultural
2 23 affairs shall establish by rule the procedures for the
2 24 application, review, selection, and awarding of certifications
2 25 of completion. The departments of ~~economic development,~~
2 26 cultural affairs, and revenue shall each adopt rules to
2 27 jointly administer this subsection and shall provide by rule
2 28 for the method to be used to determine for which fiscal year
2 29 the tax credits are available. With the exception of tax
2 30 credits issued pursuant to contracts entered into prior to
2 31 July 1, ~~2005~~ 2007, tax credits shall not be reserved for more
2 32 than ~~five~~ three years.
2 33 Sec. 4. NEW SECTION. 404A.6 APPROPRIATION ==
2 34 ADMINISTRATIVE COSTS.
2 35 For the fiscal year beginning July 1, 2007, and each fiscal



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Senate File 566 - Introduced continued

3 1 year thereafter, there is appropriated from the general fund
3 2 of the state to the department of cultural affairs one hundred
3 3 fifty thousand dollars, or so much thereof as is necessary,
3 4 for purposes of costs associated with administering this
3 5 chapter.

3 6 Sec. 5. Section 422.11D, subsection 1, Code 2007, is
3 7 amended to read as follows:

3 8 1. The taxes imposed under this division, less the credits
3 9 allowed under sections 422.12 and 422.12B, shall be reduced by
3 10 a historic preservation and cultural and entertainment
3 11 district tax credit equal to the amount as computed under
3 12 chapter 404A for rehabilitating eligible property. Any credit
3 13 in excess of the tax liability shall be refunded or credited
3 14 to the following year, as provided in section 404A.4,
3 15 subsection 3.

3 16 Sec. 6. Section 422.33, subsection 10, paragraph a, Code
3 17 2007, is amended to read as follows:

3 18 a. The taxes imposed under this division shall be reduced
3 19 by a historic preservation and cultural and entertainment
3 20 district tax credit equal to the amount as computed under
3 21 chapter 404A for rehabilitating eligible property. Any credit
3 22 in excess of the tax liability shall be refunded or credited
3 23 to the following year, as provided in section 404A.4,
3 24 subsection 3.

3 25 Sec. 7. Section 422.60, subsection 4, paragraph a, Code
3 26 2007, is amended to read as follows:

3 27 a. The taxes imposed under this division shall be reduced
3 28 by a historic preservation and cultural and entertainment
3 29 district tax credit equal to the amount as computed under
3 30 chapter 404A for rehabilitating eligible property. Any credit
3 31 in excess of the tax liability shall be refunded or credited
3 32 to the following year, as provided in section 404A.4,
3 33 subsection 3.

3 34 Sec. 8. Section 432.12A, subsection 1, Code 2007, is
3 35 amended to read as follows:



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Senate File 566 - Introduced continued

4 1 1. The tax imposed under this chapter shall be reduced by
4 2 a historic preservation and cultural and entertainment
4 3 district tax credit equal to the amount as computed under
4 4 chapter 404A for rehabilitating eligible property. Any credit
4 5 in excess of the tax liability shall be refunded or credited
4 6 to the following year, as provided in section 404A.4,
4 7 subsection 3.

4 8 Sec. 9. TAX CREDIT CERTIFICATES == RESERVATION DATES.

4 9 1. The department of cultural affairs shall reissue
4 10 historic preservation and cultural and entertainment district
4 11 tax credit certificates held by the original tax credit
4 12 certificate recipient. Tax credit certificates with a
4 13 redemption date in the year 2010 shall be reissued with a
4 14 redemption date of 2009. Tax credit certificates with a
4 15 redemption date in the year 2011 shall be reissued with a
4 16 redemption date of 2010. Tax credit certificates with a
4 17 redemption date in the years 2012, 2013, 2014, 2015, 2016, or
4 18 2017 shall be issued with a redemption date of 2011. Tax
4 19 credit certificates that have been sold since issuance shall
4 20 not be reissued pursuant to this subsection.

4 21 2. In the order of original reservation dates, the
4 22 department of cultural affairs shall modify the reservation
4 23 date of reserved historic preservation and cultural and
4 24 entertainment district tax credits based on the availability
4 25 of additional moneys for tax credits under this bill.

4 26 Sec. 10. APPLICABILITY. This Act applies to historic
4 27 preservation and cultural and entertainment district tax
4 28 credits applied for or reserved prior to July 1, 2007.

4 29 EXPLANATION

4 30 This bill relates to historic preservation and cultural and
4 31 entertainment district tax credits.

4 32 Currently, a person receiving a historic preservation and
4 33 cultural and entertainment district tax credit may receive a
4 34 tax credit refund at a discounted value for the amount in
4 35 excess of the taxpayer's tax liability in the year that the



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5 1 tax credit is claimed.

5 2 The bill eliminates the discounting of the value of a
5 3 refund and allows the entire value of the tax credit to be
5 4 refunded. In addition, the bill allows a taxpayer, in lieu of
5 5 claiming a refund, to elect to have the overpayment shown on
5 6 the person's final, completed return credited to the tax
5 7 liability for the following year. The bill makes conforming
5 8 amendments.

5 9 Currently, the total amount of historic preservation and
5 10 cultural and entertainment district tax credits that may be
5 11 approved for a fiscal year shall not exceed \$2.4 million. For
5 12 the fiscal period beginning July 1, 2005, and ending June 30,
5 13 2015, an additional \$4 million of tax credits may be approved
5 14 each fiscal year for purposes of projects located in certified
5 15 cultural and entertainment districts.

5 16 The bill increases the amount of tax credits that may be
5 17 approved each fiscal year to \$10 million for FY 2007=2008, \$15
5 18 million for FY 2008=2009, and \$20 million for FY 2009=2010 and
5 19 each fiscal year thereafter less the amount appropriated for
5 20 administrative costs. The bill provides that 10 percent of
5 21 the dollar amount of tax credits shall be allocated for
5 22 purposes of new projects with qualified costs of \$500,000 or
5 23 less, and 40 percent of the dollar amount of tax credits shall
5 24 be allocated for purposes of new projects located in certified
5 25 cultural and entertainment districts or identified in Iowa
5 26 great places agreements. The bill provides that any of the
5 27 tax credits allocated for projects located in certified
5 28 cultural and entertainment districts or identified in Iowa
5 29 great places agreements and for projects with a cost of
5 30 \$500,000 or less that are not reserved during a fiscal year
5 31 shall be applied to reserved tax credits in order of original
5 32 reservation.

5 33 Currently, with the exception of tax credits issued
5 34 pursuant to contracts entered into prior to July 1, 2005, tax
5 35 credits shall not be reserved for more than five years. The



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6 1 bill provides that with the exception of tax credits issued
6 2 pursuant to contracts entered into prior to July 1, 2007, tax
6 3 credits shall not be reserved for more than three years.

6 4 The bill appropriates \$150,000 each fiscal year for the
6 5 fiscal year beginning July 1, 2007, and each fiscal year
6 6 thereafter, from the general fund of the state to the
6 7 department of cultural affairs for purposes of costs
6 8 associated with administering Code chapter 404A.

6 9 The bill provides a procedure for the department to reissue
6 10 the tax credit certificates held by the original tax credit
6 11 certificate recipient. The bill provides that, in the order
6 12 of original reservation dates, the department shall modify the
6 13 reservation date of the tax credits based on the availability
6 14 of additional moneys for tax credits under the bill.

6 15 The bill applies to historic preservation and cultural and
6 16 entertainment district tax credits applied for or reserved
6 17 prior to July 1, 2007.

6 18 LSB 1209SZ 82

6 19 tm:sc/gg/14



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Senate File 567 - Introduced

SENATE FILE
BY ANGELO

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making appropriations to reimburse local jurisdictions for
- 2 certain property tax credits and including an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2219XS 82
- 5 mg/es/88



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1 1 Section 1. PROPERTY TAX CREDIT REIMBURSEMENT
 1 2 APPROPRIATIONS. Notwithstanding the amount of the standing
 1 3 appropriation from the general fund of the state in the
 1 4 following designated sections, there is appropriated from the
 1 5 general fund of the state in lieu of the appropriation in the
 1 6 following designated sections for the fiscal year beginning
 1 7 July 1, 2007, and ending June 30, 2008, the following amounts
 1 8 for the following designated purposes:
 1 9 1. For reimbursement for the homestead property tax credit
 1 10 under section 425.1:
 1 11 \$133,900,000
 1 12 2. For reimbursement for the agricultural land tax credit
 1 13 under section 426.1:
 1 14 \$113,369,000
 1 15 3. For reimbursement for the family farm tax credit under
 1 16 section 425A.1:
 1 17 \$ 55,000,000
 1 18 4. For reimbursement for the military service tax credit
 1 19 under section 426A.1A:
 1 20 \$ 10,494,000
 1 21 Notwithstanding section 426A.2, the amount of military
 1 22 service tax credit for which the state shall reimburse local
 1 23 jurisdictions shall equal, to the extent of the appropriation
 1 24 made in this subsection, the amount of the property taxes
 1 25 which would be due on the properties eligible for the military
 1 26 service tax exemption.
 1 27 5. For implementing the elderly and disabled tax credit
 1 28 and reimbursement pursuant to sections 425.16 through 425.39:
 1 29 \$ 20,900,000
 1 30 If the director of revenue determines that the amount of
 1 31 claims for credit for property taxes due plus the amount of
 1 32 claims for reimbursement for rent constituting property taxes
 1 33 paid which are to be paid during the fiscal year may exceed
 1 34 the amount appropriated, the director shall estimate the
 1 35 percentage of the credits and reimbursements which will be



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2 1 funded by the appropriation. The county treasurer shall
2 2 notify the director of the amount of property tax credits
2 3 claimed by June 8, 2007. The director shall estimate the
2 4 percentage of the property tax credit and rent reimbursement
2 5 claims that will be funded by the appropriation and notify the
2 6 county treasurer of the percentage estimate by June 15, 2007.
2 7 The estimated percentage shall be used in computing for each
2 8 claim the amount of property tax credit and reimbursement for
2 9 rent constituting property taxes paid for that fiscal year.
2 10 If the director overestimates the percentage of funding,
2 11 claims for reimbursement for rent constituting property taxes
2 12 paid shall be paid until they can no longer be paid at the
2 13 estimated percentage of funding. Rent reimbursement claims
2 14 filed after that point in time shall receive priority and
2 15 shall be paid in the following fiscal year. If the director
2 16 underestimates the percentage of funding, the overage shall
2 17 remain in the fund established in section 425.39 for payments
2 18 to be made in the next fiscal year.

2 19 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 20 immediate importance, takes effect upon enactment.

2 21 EXPLANATION

2 22 This bill makes specific dollar amount appropriations in
2 23 lieu of the standing appropriations in the Code for
2 24 reimbursements to local jurisdictions for certain property tax
2 25 credits. The appropriations in the bill are for FY 2007=2008.
2 26 The property tax credit reimbursements are those for the
2 27 homestead tax credit, the agricultural land tax credit, family
2 28 farm tax credit, military service tax credit, and the elderly
2 29 and disabled tax credit and reimbursement.

2 30 The bill takes effect upon enactment.

2 31 LSB 2219XS 82

2 32 mg:rj/es/88