



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2099 - Introduced

HOUSE FILE  
BY ZIRKELBACH

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

**A BILL FOR**

1 An Act prohibiting a city from adopting an ordinance that  
2 prevents discharging a firearm as a salute to an individual  
3 during an authorized parade or at a funeral or memorial  
4 service.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 5208HH 82  
7 md/sc/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2099 - Introduced continued

PAG LIN

1 1 Section 1. Section 364.3, Code 2007, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 10. A city shall not adopt or enforce any  
1 4 ordinance prohibiting an honor guard composed of members of  
1 5 the armed forces, law enforcement officers, or members of a  
1 6 recognized military veterans organization as listed in section  
1 7 35A.2, subsection 2, or section 37.2, subsection 1, from  
1 8 discharging a firearm with blank ammunition in a salute or to  
1 9 honor an individual during an authorized parade or in  
1 10 conjunction with a funeral or memorial service conducted at a  
1 11 cemetery or funeral home.

1 12 EXPLANATION

1 13 This bill prohibits municipalities from enacting or  
1 14 enforcing ordinances which would prevent an honor guard  
1 15 composed of members of the armed forces, law enforcement  
1 16 officers, or members of a recognized military veterans  
1 17 organization from discharging a firearm with blank ammunition  
1 18 in a salute or to honor an individual during an authorized  
1 19 parade or in conjunction with a funeral or memorial service  
1 20 conducted at a cemetery or funeral home.

1 21 LSB 5208HH 82

1 22 md/sc/14.2



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2100 - Introduced

HOUSE FILE  
BY PETERSEN, WISE, and  
BERRY

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

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

A BILL FOR

- 1 An Act relating to nutritional guidelines for food and beverages
- 2 sold on school grounds.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 5880YH 82
- 5 kh/nh/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2100 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, Code Supplement 2007, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 29. Prescribe nutritional guidelines for  
1 4 food and beverages sold on public school district grounds or  
1 5 on the grounds of nonpublic schools receiving funds under  
1 6 section 283A.10. The state board shall prohibit the use of  
1 7 trans fatty acids and partially hydrogenated vegetable oil in  
1 8 school breakfast or lunch programs and shall prohibit the sale  
1 9 of food and beverages that contain trans fatty acids or  
1 10 partially hydrogenated vegetable oil on public school district  
1 11 grounds or on the grounds of nonpublic schools receiving funds  
1 12 under section 283A.10.

1 13 EXPLANATION

1 14 This bill requires the state board of education to prohibit  
1 15 the use of trans fatty acids and partially hydrogenated  
1 16 vegetable oil in school meal programs and to prohibit the sale  
1 17 of foods and beverages that contain trans fatty acids or  
1 18 partially hydrogenated vegetable oil on the grounds of schools  
1 19 that receive federal meal program funding. The bill also  
1 20 requires the state board to prescribe nutritional guidelines  
1 21 for food and beverages sold on the school grounds.

1 22 LSB 5880YH 82

1 23 kh/nh/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2101 - Introduced

HOUSE FILE

BY BOAL, WIENCEK, BAUDLER,  
GRASSLEY, LUKAN, DRAKE,  
UPMEYER, RAECKER, GREINER,  
HEATON, RAYHONS, CHAMBERS,  
and HUSEMAN

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

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

A BILL FOR

- 1 An Act creating a mathematics and science teacher practical
- 2 experience incentive program, providing for a tax credit, and
- 3 including a retroactive applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5514YH 82
- 6 kh/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2101 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 272.34 MATHEMATICS AND SCIENCE  
1 2 TEACHER PRACTICAL EXPERIENCE INCENTIVE PROGRAM == TAX CREDIT.  
1 3 1. A mathematics and science teacher practical experience  
1 4 incentive program is established to provide a mathematics or  
1 5 science teacher with an opportunity to gain practical work or  
1 6 research experience through on-site employment with a  
1 7 business, industry, university, or state agency. The purpose  
1 8 of the program is to enhance the teacher's skills, give the  
1 9 teacher a better understanding of career opportunities in the  
1 10 field for students, create enthusiasm which motivates the  
1 11 teacher's students to pursue a postsecondary education and  
1 12 career in the fields of mathematics and science, and permit  
1 13 the teacher to bring the experience of working with the latest  
1 14 technologies back to the classroom.  
1 15 2. A teacher who is employed under an employment agreement  
1 16 with an eligible entity or a state university or agency for  
1 17 not less than two hundred forty hours during an eight-week  
1 18 period shall be credited with earning, at a minimum, eighty  
1 19 percent of the renewal units required for renewal of a license  
1 20 issued by the board of educational examiners under this  
1 21 chapter. In computing the renewal credit, fractions shall be  
1 22 rounded up to the next higher whole number.  
1 23 3. a. An eligible entity that meets the following  
1 24 criteria shall be entitled to a tax credit equal to an amount  
1 25 of twenty-five percent of the gross wages paid under the  
1 26 program to the teacher:  
1 27 (1) Enters into an employment agreement with a teacher for  
1 28 the period specified in subsection 2.  
1 29 (2) Employs the teacher in a position on-site that  
1 30 provides substantial practical experience in the mathematics  
1 31 or science subject area in which the teacher holds an  
1 32 endorsement and is employed to teach.  
1 33 (3) Pays the teacher an amount monthly that is at least  
1 34 equivalent to the teacher's monthly pay in the employ of the  
1 35 school district, accredited nonpublic school, or community



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House File 2101 - Introduced continued

2 1 college. However, the eligible entity may pay the teacher on  
2 2 a biweekly or weekly pay period basis.

2 3 b. The eligible entity shall claim the tax credit against  
2 4 taxes imposed under chapter 422, division II, III, or V, and  
2 5 chapter 432 and against the moneys and credits tax imposed in  
2 6 section 533.329. Any credit in excess of the tax liability  
2 7 shall be refunded. In lieu of claiming a refund, a taxpayer  
2 8 may elect to have the overpayment shown on the taxpayer's  
2 9 final, completed return credited to the tax liability for the  
2 10 following taxable year.

2 11 c. If the eligible entity is a partnership, S corporation,  
2 12 limited liability company, or estate or trust electing to have  
2 13 the income taxed directly to the individual, an individual may  
2 14 claim the tax credit allowed. The amount claimed by the  
2 15 individual shall be based upon the pro rata share of the  
2 16 individual's earnings of the partnership, S corporation,  
2 17 limited liability company, or estate or trust.

2 18 d. The eligible entity shall certify to the department of  
2 19 revenue that the program credit is in accordance with the  
2 20 agreement and shall provide other information the department  
2 21 may require.

2 22 4. For purposes of this section, unless the context  
2 23 otherwise requires:

2 24 a. "Eligible entity" means a business or consortium of  
2 25 businesses engaged in interstate or intrastate commerce and  
2 26 which substantially utilizes mathematics or science for the  
2 27 purpose of designing, engineering, manufacturing, processing,  
2 28 or assembling products, construction, conducting research and  
2 29 development, or providing services in interstate or intrastate  
2 30 commerce, but excludes a business engaged in retail services.

2 31 b. "State university or agency" means an institution of  
2 32 higher education governed by the state board of regents or any  
2 33 state agency.

2 34 c. "Teacher" means an individual who is a resident of  
2 35 Iowa; has been employed full-time as a teacher for a school



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2101 - Introduced continued

3 1 district, accredited nonpublic school, or community college in  
3 2 Iowa for at least one year; is licensed and endorsed to teach  
3 3 mathematics or science at the secondary level by the board of  
3 4 educational examiners under this chapter; and is currently  
3 5 employed in Iowa by a school district, accredited nonpublic  
3 6 school, or community college to teach mathematics or science  
3 7 at the secondary school level for more than sixty-six percent  
3 8 of their contracted time.

3 9 Sec. 2. NEW SECTION. 422.11V MATHEMATICS AND SCIENCE  
3 10 TEACHER PRACTICAL EXPERIENCE INCENTIVE TAX CREDIT.

3 11 The taxes imposed under this division, less the credits  
3 12 allowed under section 422.12 shall be reduced by a mathematics  
3 13 and science teacher practical experience incentive tax credit  
3 14 authorized pursuant to section 272.34, subsection 3.

3 15 Sec. 3. Section 422.33, Code Supplement 2007, is amended  
3 16 by adding the following new subsection:

3 17 NEW SUBSECTION. 25. The taxes imposed under this division  
3 18 shall be reduced by a mathematics and science teacher  
3 19 practical experience incentive tax credit authorized pursuant  
3 20 to section 272.34, subsection 3.

3 21 Sec. 4. Section 422.60, Code Supplement 2007, is amended  
3 22 by adding the following new subsection:

3 23 NEW SUBSECTION. 15. The taxes imposed under this division  
3 24 shall be reduced by a mathematics and science teacher  
3 25 practical experience incentive tax credit authorized pursuant  
3 26 to section 272.34, subsection 3.

3 27 Sec. 5. NEW SECTION. 432.12L MATHEMATICS AND SCIENCE  
3 28 TEACHER PRACTICAL EXPERIENCE INCENTIVE TAX CREDIT.

3 29 The taxes imposed under this chapter shall be reduced by a  
3 30 mathematics and science teacher practical experience incentive  
3 31 tax credit authorized pursuant to section 272.34, subsection  
3 32 3.

3 33 Sec. 6. Section 533.329, subsection 2, Code Supplement  
3 34 2007, is amended by adding the following new paragraph:

3 35 NEW PARAGRAPH. n. The moneys and credits tax imposed



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2101 - Introduced continued

4 1 under this section shall be reduced by a mathematics and  
4 2 science teacher practical experience incentive tax credit  
4 3 authorized pursuant to section 272.34, subsection 3.  
4 4 Sec. 7. RETROACTIVE APPLICABILITY DATE. This Act applies  
4 5 retroactively to January 1, 2008, for tax years beginning on  
4 6 and after that date.

4 7 EXPLANATION

4 8 This bill establishes a mathematics and science teacher  
4 9 practical experience incentive program to provide a  
4 10 mathematics or science teacher with an opportunity to gain  
4 11 practical work or research experience through on-site  
4 12 employment with an eligible entity, which includes a business,  
4 13 industry, university, or state agency. The bill provides for  
4 14 a tax credit and includes a retroactive applicability date.

4 15 The board of educational examiners shall credit a teacher  
4 16 who is employed under the program by a business, a consortium  
4 17 of businesses, a state university, or a state agency, for not  
4 18 less than 240 hours during an eight-week period, with earning  
4 19 80 percent of the renewal units required for renewal of a  
4 20 license issued by the board. In computing the renewal credit,  
4 21 fractions shall be rounded up to the next higher whole number.  
4 22 The bill defines "teacher" to include a resident of Iowa who  
4 23 has been employed full-time as a teacher for a school  
4 24 district, accredited nonpublic school, or community college in  
4 25 Iowa for at least one year; is licensed and endorsed to teach  
4 26 mathematics or science at the secondary level; and is  
4 27 currently employed by a school district, school, or community  
4 28 college to teach mathematics or science at the secondary  
4 29 school level for more than 66 percent of their contracted  
4 30 time.

4 31 A business or consortium of businesses that enters into an  
4 32 agreement with a mathematics and science teacher, that employs  
4 33 the teacher in a position on-site which provides substantial  
4 34 practical experience in the teacher's subject area, and that  
4 35 pays the teacher an amount which is at least equivalent to the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2101 - Introduced continued

5 1 amount the teacher is paid for the equivalent time period by a  
5 2 school district, accredited nonpublic school, or community  
5 3 college shall receive a tax credit equal to 25 percent of the  
5 4 gross wages paid under the program to the teacher.

5 5 The tax credit is allowed against personal and corporate  
5 6 income tax liabilities, franchise tax liabilities for  
5 7 financial institutions, insurance premium tax liabilities, and  
5 8 credit union moneys and credits tax liabilities. The tax  
5 9 credit is transferable to another taxpayer.

5 10 The bill defines "eligible entity" as a business or  
5 11 consortium of businesses engaged in interstate or intrastate  
5 12 commerce and which substantially utilizes mathematics or  
5 13 science for the purpose of designing, engineering,  
5 14 manufacturing, processing, or assembling products,  
5 15 construction, conducting research and development, or  
5 16 providing services in interstate or intrastate commerce, but  
5 17 excludes businesses engaging in retail services.

5 18 The bill is retroactively applicable to January 1, 2008,  
5 19 for tax years beginning on and after that date.

5 20 LSB 5514YH 82

5 21 kh/nh/5



Iowa General Assembly  
 Daily Bills, Amendments & Study Bills  
 January 30, 2008

House File 2102 - Introduced

HOUSE FILE

BY BOAL, WIENCEK, BAUDLER, JACOBS,  
 GRASSLEY, LUKAN, DE BOEF, DEYOE,  
 PETTENGILL, DRAKE, UPMEYER, PAULSEN,  
 RAECKER, SANDS, S. OLSON, HORBACH,  
 TYMESON, WATTS, KAUFMANN, TOMENGA,  
 STRUYK, WINDSCHITL, VAN FOSSEN,  
 RASMUSSEN, ARNOLD, WORTHAN, ALONS,  
 SODERBERG, FORRISTALL, L. MILLER,  
 TJEPKES, HEATON, RAYHONS, CHAMBERS,  
 VAN ENGELENHOVEN, and HUSEMAN

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

A BILL FOR

1 An Act relating to a property assessment adjustment for certain  
 2 elderly persons, providing a penalty, and including  
 3 retroactive applicability date provisions.  
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 5 TL5B 5163YH 82  
 6 sc/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2102 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 424A.1 HOMESTEAD ASSESSED VALUE  
1 2 ADJUSTMENT == PURPOSE.  
1 3 Persons who own their homesteads and who meet the  
1 4 qualifications provided in this chapter are eligible for an  
1 5 adjustment in the assessed value of their homesteads, as  
1 6 provided in this chapter, to prevent an increase in such  
1 7 values.  
1 8 Sec. 2. NEW SECTION. 424A.2 DEFINITIONS.  
1 9 As used in this chapter, unless the context otherwise  
1 10 requires:  
1 11 1. "Assessed value" means the actual value prior to any  
1 12 adjustment pursuant to section 441.21, subsection 4.  
1 13 2. "Base assessment year" means the assessment year  
1 14 beginning in the base year.  
1 15 3. "Base year" means the calendar year last ending before  
1 16 the claim is filed.  
1 17 4. "Claimant" means a person filing a claim for adjustment  
1 18 under this chapter who has attained the age of sixty-five  
1 19 years on or before December 31 of the base year and is  
1 20 domiciled in this state at the time the claim is filed or at  
1 21 the time of the person's death in the case of a claim filed by  
1 22 the executor or administrator of the claimant's estate.  
1 23 5. "Homestead" means the dwelling owned and actually used  
1 24 as a home by the claimant during any part of the fiscal year  
1 25 beginning July 1 of the base year, and so much of the land  
1 26 surrounding it including one or more contiguous lots or tracts  
1 27 of land, as is reasonably necessary for use of the dwelling as  
1 28 a home, and may consist of a part of a multidwelling or  
1 29 multipurpose building and a part of the land upon which it is  
1 30 built. It does not include personal property except that a  
1 31 manufactured or mobile home may be a homestead. Any dwelling  
1 32 or a part of a multidwelling or multipurpose building which is  
1 33 exempt from taxation does not qualify as a homestead under  
1 34 this chapter. A homestead must be located in this state.  
1 35 When a person is confined in a nursing home, extended-care



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2102 - Introduced continued

2 1 facility, or hospital, the person shall be considered as  
2 2 occupying or living in the person's homestead if the person is  
2 3 the owner of the homestead and the person maintains the  
2 4 homestead and does not lease, rent, or otherwise receive  
2 5 profits from other persons for the use of the homestead.

2 6 6. "Household", "household income", and "income" mean the  
2 7 same as those terms are defined in section 425.17.

2 8 7. "Owned" means owned by an owner as defined in section  
2 9 425.11.

2 10 Sec. 3. NEW SECTION. 424A.3 RIGHT TO FILE A CLAIM.

2 11 The right to file a claim for an assessed value adjustment  
2 12 under this chapter may be exercised by the claimant or on  
2 13 behalf of a claimant by the claimant's legal guardian, spouse,  
2 14 or attorney, or by the executor or administrator of the  
2 15 claimant's estate. If a claimant dies after having filed a  
2 16 claim for adjustment, the amount of any adjustment shall be  
2 17 made as if the claimant had not died.

2 18 Sec. 4. NEW SECTION. 424A.4 CLAIM FOR ADJUSTMENT.

2 19 Subject to the limitations provided in this chapter, a  
2 20 claimant may annually claim an adjustment of the assessed  
2 21 value of the claimant's homestead for the base assessment  
2 22 year. The adjustment claim shall be filed with the county  
2 23 assessor between January 1 and February 15 immediately  
2 24 following the close of the base assessment year. However, in  
2 25 case of sickness, absence, or other disability of the  
2 26 claimant, or if in the judgment of the county assessor good  
2 27 cause exists, the county assessor may extend the time for  
2 28 filing a claim for adjustment through June 30 of the same  
2 29 calendar year.

2 30 The county assessor shall notify the department of revenue  
2 31 by March 1 of the number of claimants receiving adjustments  
2 32 under this chapter and the total amount of the reduced  
2 33 assessed values for the base assessment year.

2 34 Sec. 5. NEW SECTION. 424A.5 QUALIFICATION AND ADJUSTMENT

2 35 == MAXIMUM TAX DOLLARS LEVIED.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2102 - Introduced continued

3 1 1. If the household income qualification specified in  
3 2 subsection 2 is met, the assessed value of the claimant's  
3 3 homestead in the base assessment year shall be adjusted, but  
3 4 not increased, to equal the assessed value, as such assessed  
3 5 value may have been adjusted pursuant to this chapter, in the  
3 6 assessment year preceding the base assessment year. However,  
3 7 if the property tax dollars to be raised by levy against the  
3 8 adjusted assessment exceed the property tax dollars raised by  
3 9 levy against the property in the fiscal year for which taxes  
3 10 were first levied against an adjusted assessment, the  
3 11 treasurer shall subtract the difference from the amount due.

3 12 2. A claimant is eligible for an adjustment to the  
3 13 assessed value of the claimant's homestead if the claimant's  
3 14 household income is twenty-five thousand dollars or less.

3 15 Sec. 6. NEW SECTION. 424A.6 ADMINISTRATION.

3 16 The director of revenue shall make available suitable forms  
3 17 for claiming an assessed value adjustment with instructions  
3 18 for claimants. Each assessor and county treasurer shall make  
3 19 available the forms and instructions. The claim shall be in a  
3 20 form as the director may prescribe.

3 21 Sec. 7. NEW SECTION. 424A.7 PROOF OF CLAIM.

3 22 Every claimant shall give the department of revenue, in  
3 23 support of the claim, reasonable proof of:

- 3 24 1. Age.
- 3 25 2. Changes of homestead.
- 3 26 3. Household membership.
- 3 27 4. Household income.
- 3 28 5. Size and nature of the property claimed as the  
3 29 homestead.

3 30 The director of revenue may require any additional proof  
3 31 necessary to support a claim.

3 32 Sec. 8. NEW SECTION. 424A.8 AUDIT == DENIAL.

3 33 If on the audit of a claim for adjustment under this  
3 34 chapter, the director of revenue determines the claim is not  
3 35 allowable, the director shall notify the claimant of the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2102 - Introduced continued

4 1 denial and the reasons for it. The director shall not deny a  
4 2 claim after three years from October 31 of the year in which  
4 3 the claim was filed. The director shall give notification to  
4 4 the county assessor of the denial of the claim and the county  
4 5 assessor shall instruct the county treasurer to proceed to  
4 6 collect the tax that would have been levied on the adjusted  
4 7 assessed value in the same manner as other property taxes due  
4 8 and payable are collected, if the property on which the  
4 9 adjustment was granted is still owned by the claimant.

4 10 Sec. 9. NEW SECTION. 424A.9 WAIVER OF CONFIDENTIALITY.

4 11 A claimant shall expressly waive any right to  
4 12 confidentiality relating to all income tax information  
4 13 obtainable through the department of revenue, including all  
4 14 information covered by sections 422.20 and 422.72. This  
4 15 waiver shall apply to information available to the county  
4 16 assessor who shall hold the information confidential except  
4 17 that it may be used as evidence to disallow the assessed value  
4 18 adjustment.

4 19 The department of revenue may release information  
4 20 pertaining to a person's eligibility or claim for or receipt  
4 21 of the assessed value adjustment to an employee of the  
4 22 department of inspections and appeals in the employee's  
4 23 official conduct of an audit or investigation.

4 24 Sec. 10. NEW SECTION. 424A.10 FALSE CLAIM == PENALTY.

4 25 A person who makes a false affidavit for the purpose of  
4 26 obtaining an adjustment in assessed value provided for in this  
4 27 chapter or who knowingly receives the adjustment without being  
4 28 legally entitled to it or makes claim for the adjustment in  
4 29 more than one county in the state without being legally  
4 30 entitled to it is guilty of a fraudulent practice. The claim  
4 31 for adjustment shall be disallowed in full and property tax  
4 32 shall be levied on the disallowed adjustment at the rate that  
4 33 would have been levied but for the adjustment. The director  
4 34 of revenue shall send a notice of disallowance of the claim.

4 35 Sec. 11. NEW SECTION. 424A.11 STATUTES APPLICABLE.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2102 - Introduced continued

5 1 To the extent not otherwise contrary, the provisions of  
5 2 sections 425.30, 425.31, 425.32, and 425.37 apply to this  
5 3 chapter.

5 4 Sec. 12. STATE FUNDING OF TAX CREDITS AND EXEMPTIONS ==  
5 5 INAPPLICABILITY. The provisions in section 25B.7, relating to  
5 6 the obligation of the state to reimburse local jurisdictions  
5 7 for property tax credits and exemptions, do not apply to  
5 8 chapter 424A, as enacted in this Act.

5 9 Sec. 13. APPLICABILITY DATES. This Act applies  
5 10 retroactively to January 1, 2008, for assessment years  
5 11 beginning on or after that date and to the filing of claims on  
5 12 or after January 1, 2009, for adjustments of assessed values.

5 13 EXPLANATION

5 14 This bill provides for an adjustment (freeze) in the  
5 15 assessed value of a homestead if the owner is a person who is  
5 16 65 or older and whose household income is \$25,000 or less. If  
5 17 those qualifications are met, the assessed value of the  
5 18 homestead upon which property taxes are levied in a fiscal  
5 19 year is the same assessed value as for the previous fiscal  
5 20 year. Assessed value is that value prior to any rollback  
5 21 being applied.

5 22 The bill provides that the provision in Code section 25B.7  
5 23 that requires the state to fund reimbursement for property tax  
5 24 credits and exemptions does not apply to the adjustment in  
5 25 value provided for in the bill.

5 26 The bill applies retroactively to January 1, 2008, for  
5 27 assessment years beginning on or after that date and applies  
5 28 to claims filed on or after January 1, 2009, for the  
5 29 adjustments.

5 30 LSB 5163YH 82

5 31 sc/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2103 - Introduced

HOUSE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 503)

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

A BILL FOR

1 An Act relating to appointments to the college student aid  
2 commission and including an effective date and applicability  
3 provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5225HV 82  
6 jp/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2103 - Introduced continued

PAG LIN

1 1 Section 1. Section 261.1, subsections 3 and 4, Code 2007,  
1 2 are amended to read as follows:  
1 3 3. a. ~~A member~~ Two members of the senate, one to be  
1 4 appointed by the president of the senate, after consultation  
~~1 5 with the majority leader and one to be appointed by the~~  
1 6 minority leader of the senate, to serve as an ex officio,  
~~1 7 nonvoting member for a term of four years beginning on July 1~~  
~~1 8 of the year of appointment members.~~  
1 9 b. ~~A member~~ Two members of the house of representatives,  
1 10 one to be appointed by the speaker of the house of  
1 11 representatives and one to be appointed by the minority leader  
1 12 of the house of representatives, to serve as an ex officio,  
1 13 nonvoting member for a term of four years beginning on July 1  
~~1 14 of the year of appointment members.~~  
1 15 c. The members of the senate and house of representatives  
1 16 shall serve at the pleasure of the appointing legislator for a  
1 17 term beginning upon the convening of the general assembly and  
1 18 expiring upon the convening of the following general assembly,  
1 19 or when the appointee's successor is appointed, whichever  
1 20 occurs later.  
1 21 Sec. 2. Section 261.1, subsection 5, unnumbered paragraph  
1 22 1, Code 2007, is amended to read as follows:  
1 23 Eight additional members to be appointed by the governor.  
1 24 One of the members shall be selected to represent private  
1 25 colleges, ~~private and~~ universities and private junior colleges  
1 26 located in the state of Iowa. When appointing this member,  
1 27 the governor shall give careful consideration to any person or  
1 28 persons nominated or recommended by any organization or  
1 29 association of some or all private colleges, private and  
1 30 universities and private junior colleges located in the state  
1 31 of Iowa. One of the members shall be selected to represent  
1 32 community colleges located in the state of Iowa. When  
1 33 appointing this member, the governor shall give careful  
1 34 consideration to any person or persons nominated or  
1 35 recommended by any organization or association of Iowa



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2103 - Introduced continued

2 1 community colleges. One member shall be enrolled as a student  
2 2 at a board of regents institution, community college, or  
2 3 accredited private institution. One member shall be a  
2 4 representative of a lending institution located in this state.  
2 5 One member shall be a ~~representative of the Iowa student loan~~  
~~2 6 liquidity corporation~~ an individual who is repaying or has  
2 7 repaid a student loan guaranteed by the commission. The other  
2 8 three members, none of whom shall be official board members or  
2 9 trustees of an institution of higher learning or of an  
2 10 association of institutions of higher learning, shall be  
2 11 selected to represent the general public.

2 12 Sec. 3. EFFECTIVE AND APPLICABILITY DATE.

2 13 1. This Act, being deemed of immediate importance, takes  
2 14 effect upon enactment.

2 15 2. The Act applies to members of the general assembly  
2 16 appointed to the college student aid commission before, on, or  
2 17 after the effective date of this Act.

2 18 3. The membership of the person who is the Iowa student  
2 19 loan liquidity corporation representative on the college  
2 20 student aid commission is terminated on the effective date of  
2 21 this Act. The term of the initial appointment of the  
2 22 individual who is repaying or repaid a student loan guaranteed  
2 23 by the commission shall expire on the date the term of the  
2 24 Iowa student loan liquidity corporation representative would  
2 25 have ended but for enactment of this Act.

2 26 EXPLANATION

2 27 This bill relates to appointments to the college student  
2 28 aid commission under Code section 261.1.

2 29 Current law provides for appointment of one member of the  
2 30 senate who is appointed by the president of the senate after  
2 31 consultation with the senate majority leader and minority  
2 32 leader and for appointment of one member of the house of  
2 33 representatives to be appointed by the speaker of the house of  
2 34 representatives. Current law provides for the legislative  
2 35 members to serve four-year terms beginning on July 1 of the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House File 2103 - Introduced continued

3 1 year of appointment.  
3 2 The bill increases the legislative members by one  
3 3 additional member from each chamber, specifying that the  
3 4 appointments are made by the current appointing authority and  
3 5 adding appointments by the minority leader of each chamber.  
3 6 The senate consultation requirement is deleted. The bill  
3 7 provides that the legislative appointees serve at the pleasure  
3 8 of the appointing legislator for terms beginning upon the  
3 9 convening of the general assembly and expiring upon the  
3 10 convening of the following general assembly or when the  
3 11 appointee's successor is appointed, whichever is later.  
3 12 The bill takes effect upon enactment and applies to both  
3 13 the current and future appointments of members of the general  
3 14 assembly to the college student aid commission. The bill also  
3 15 replaces a membership slot designated for a representative of  
3 16 the Iowa student loan liquidity corporation with a slot for a  
3 17 person who is repaying or has repaid a student loan guaranteed  
3 18 by the commission. The bill provides that the initial term of  
3 19 the replacement member ends on the date the term of the  
3 20 corporation representative would have ended if the bill had  
3 21 not been enacted.  
3 22 LSB 5225HV 82  
3 23 jp/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2104 - Introduced

HOUSE FILE

BY PETTENGILL, TYMESON, ARNOLD,  
HORBACH, RAYHONS, DE BOEF,  
MAY, S. OLSON, WIENCEK,  
BOAL, HUSEMAN, DRAKE,  
GREINER, LUKAN, DEYOE,  
RASMUSSEN, BAUDLER, and  
SODERBERG

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

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

**A BILL FOR**

- 1 An Act relating to a postsecondary tuition and mandatory fee
- 2 waiver for Iowa national guard veterans attending community
- 3 colleges or state universities.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5270YH 82
- 6 kh/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2104 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, subsection 2, Code 2007, is  
1 2 amended to read as follows:

1 3 2. Have authority to determine tuition rates for  
1 4 instruction.

1 5 a. Tuition for residents of Iowa shall not exceed the  
1 6 lowest tuition rate per semester, or the equivalent, charged  
1 7 by an institution of higher education under the state board of  
1 8 regents for a full-time resident student. However, except for  
1 9 students enrolled under chapter 261C, if a local school  
1 10 district pays tuition for a resident pupil of high school age,  
1 11 the limitation on tuition for residents of Iowa shall not  
1 12 apply, the amount of tuition shall be determined by the board  
1 13 of directors of the community college with the consent of the  
1 14 local school board, and the pupil shall not be included in the  
1 15 full-time equivalent enrollment of the community college for  
1 16 the purpose of computing general aid to the community college.

1 17 b. Tuition for nonresidents of Iowa shall not be less than  
1 18 the marginal cost of instruction of a student attending the  
1 19 college.

1 20 c. A lower tuition for nonresidents may be permitted under  
1 21 a reciprocal tuition agreement between a merged area and an  
1 22 educational institution in another state, if the agreement is  
1 23 approved by the director.

1 24 d. (1) The board shall waive tuition and mandatory fee  
1 25 charges for not more than one hundred twenty-eight semester  
1 26 credit hours or eight semesters of undergraduate study, or the  
1 27 trimester or quarter equivalent, less the amount of any fees  
1 28 paid under 10 U.S.C. } 2107(c) or 38 U.S.C. } 3104(a)(7)(A),  
1 29 if applicable, for a student who is a veteran. The limitation  
1 30 on credit hours and semesters of study shall be applied  
1 31 cumulatively within the state postsecondary education system.  
1 32 The waiver shall apply only for the amount of tuition and  
1 33 mandatory fee charges that exceeds the total amount of any  
1 34 state and federal education benefits, grants, or scholarships  
1 35 received by the veteran, including but not limited to the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2104 - Introduced continued

2 1 federal Pell grant and the federal Montgomery GI bill.

2 2 (2) The department of veterans affairs shall verify that

2 3 the veteran meets the requirements of this lettered paragraph

2 4 and was a resident of this state at the time of entry into the

2 5 Iowa national guard.

2 6 (3) For purposes of this lettered paragraph, "veteran"

2 7 means a resident of this state who served in active federal

2 8 service after September 11, 2001, for a minimum of eighteen

2 9 months while in the Iowa national guard, and who was

2 10 discharged under honorable conditions.

2 11 e. The board may designate that a portion of the tuition

2 12 moneys collected from students be used for student aid

2 13 purposes.

2 14 Sec. 2. Section 262.9, subsection 18, Code Supplement

2 15 2007, is amended by adding the following new paragraph:

2 16 NEW PARAGRAPH. c. (1) Direct each institution of higher

2 17 education to waive tuition and mandatory fee charges for not

2 18 more than one hundred twenty-eight semester credit hours or

2 19 eight semesters of undergraduate study, or fifty semester

2 20 credit hours or four semesters of postgraduate study, or the

2 21 trimester or quarter equivalent, less the amount of any fees

2 22 paid under 10 U.S.C. } 2107(c) or 38 U.S.C. } 3104(a)(7)(A),

2 23 if applicable, for a student who is a veteran. The limitation

2 24 on credit hours and semesters of study shall be applied

2 25 cumulatively within the state postsecondary education system.

2 26 The waiver shall apply only for the amount of tuition and

2 27 mandatory fee charges that exceeds the total amount of any

2 28 state and federal education benefits, grants, or scholarships

2 29 received by the veteran, including but not limited to the

2 30 federal Pell grant and the federal Montgomery GI bill.

2 31 (2) The department of veterans affairs shall verify that

2 32 the veteran meets the requirements of this lettered paragraph

2 33 and was a resident of this state at the time of entry into the

2 34 Iowa national guard.

2 35 (3) For purposes of this lettered paragraph, "veteran"



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**January 30, 2008**

House File 2104 - Introduced continued

3 1 means a resident of this state who served in active federal  
3 2 service after September 11, 2001, for a minimum of eighteen  
3 3 months while in the Iowa national guard, and who was  
3 4 discharged under honorable conditions.

3 5 EXPLANATION

3 6 This bill requires community colleges and state  
3 7 universities to waive tuition and mandatory fee charges for  
3 8 not more than 128 semester credit hours or eight semesters of  
3 9 undergraduate study, whichever is longer, or 50 semester  
3 10 credit hours or four semesters of postgraduate study, minus  
3 11 senior reserve officers' training corps scholarship and  
3 12 federal veterans administration's vocational rehabilitation  
3 13 and education program funds, if applicable, and any other  
3 14 state and federal education benefits, grants, or scholarships  
3 15 received by the veteran, including but not limited to the  
3 16 federal Pell grant and the federal Montgomery GI bill.

3 17 The limitation on credit hours and semesters of study shall  
3 18 be applied cumulatively within the state postsecondary  
3 19 education system.

3 20 The bill defines veteran to mean a resident of this state  
3 21 who served in federal active service after September 11, 2001,  
3 22 for a minimum of 18 months while in the Iowa national guard,  
3 23 and who was discharged under honorable conditions.

3 24 LSB 5270YH 82

3 25 kh/nh/5.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2105

HOUSE FILE  
BY KELLEY and STAED

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

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

**A BILL FOR**

- 1 An Act relating to removal from office of certain public
- 2 officials.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5738HH 82
- 5 sc/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2105 continued

PAG LIN

1 1 Section 1. Section 66.1A, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 8. For misuse or misappropriation of  
1 4 public funds or public property.

1 5 Sec. 2. Section 66.26, Code 2007, is amended by adding the  
1 6 following new subsection:

1 7 NEW SUBSECTION. 9A. Misuse or misappropriation of public  
1 8 funds or public property.

1 9 EXPLANATION

1 10 This bill adds misuse or misappropriation of public funds  
1 11 or property to the list of reasons for which an appointive or  
1 12 elective officer may be removed from office.

1 13 LSB 5738HH 82

1 14 sc/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2106 - Introduced

HOUSE FILE  
BY KELLEY

(COMPANION TO LSB 5663SS BY  
DANIELSON)

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

A BILL FOR

- 1 An Act beginning the compulsory education attendance age at age
- 2 five, providing for related matters, and providing an
- 3 effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5663YH 82
- 6 kh/nh/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2106 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.3, subsections 1 and 2, Code 2007,  
1 2 are amended to read as follows:

1 3 1. The board may exclude from school children under the  
1 4 age of ~~six~~ five years when in its judgment such children are  
1 5 not sufficiently mature to be benefited by regular  
1 6 instruction, or any child who is found to be physically or  
1 7 mentally unable to attend school under section 299.5, or whose  
1 8 presence in school has been found to be injurious to the  
1 9 health of other pupils, or is efficiently taught for the  
1 10 scholastic year at a state institution. However, the board  
1 11 shall provide special education programs and services under  
1 12 chapters 256B, 257, and 273 for all children requiring special  
1 13 education.

1 14 2. ~~The conditions of admission to public schools for work~~  
~~1 15 in the year immediately preceding the first grade and in the~~  
~~1 16 first grade shall be as follows:~~

1 17 A child under the age of ~~six~~ five years on ~~the fifteenth of~~  
1 18 September 15 of the current school year shall not be admitted  
1 19 to a public school unless the child participated in the prior  
1 20 year in an approved preschool program implemented by the board  
1 21 of directors of the school has adopted and put into effect  
~~1 22 courses of study for the school year immediately preceding the~~  
~~1 23 first grade, approved by the department of education, and has~~  
~~1 24 employed a practitioner or practitioners for this work with~~  
~~1 25 standards of training approved by the board of educational~~  
~~1 26 examiners.~~

1 27 No child shall be admitted to school work for the year  
~~1 28 immediately preceding the first grade unless the child is five~~  
~~1 29 years of age on or before the fifteenth of September of the~~  
~~1 30 current school year.~~

~~1 31 No child shall be admitted to the first grade unless the~~  
~~1 32 child is six years of age on or before the fifteenth of~~  
~~1 33 September of the current school year; except that a child~~  
~~1 34 under six years of age who has been admitted to school work~~  
~~1 35 for the year immediately preceding the first grade under~~



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

~~House File 2106 — Introduced continued~~

~~2 1 conditions approved by the department of education, district  
2 2 in accordance with chapter 256C or ~~who~~ the child has  
2 3 demonstrated the possession of sufficient ability to profit by  
2 4 ~~first-grade~~ kindergarten work on the basis of tests or other  
2 5 means of evaluation recommended or approved by the department  
2 6 of education, may be admitted to first grade at any time  
2 7 before December 31.~~

2 8 Sec. 2. Section 299.1A, Code 2007, is amended to read as  
2 9 follows:

2 10 299.1A COMPULSORY ATTENDANCE AGE.

2 11 A Except as provided in section 299.2, a child who has  
2 12 reached the age of ~~six~~ five and is under sixteen years of age  
2 13 by September 15 is of compulsory attendance age. However, if  
2 14 a child enrolled in a school district or accredited nonpublic  
2 15 school reaches the age of sixteen on or after September 15,  
2 16 the child remains of compulsory age until the end of the  
2 17 regular school calendar.

2 18 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance  
2 19 with section 25B.2, subsection 3, the state cost of requiring  
2 20 compliance with any state mandate included in this Act shall  
2 21 be paid by a school district from state school foundation aid  
2 22 received by the school district under section 257.16. This  
2 23 specification of the payment of the state cost shall be deemed  
2 24 to meet all the state funding-related requirements of section  
2 25 25B.2, subsection 3, and no additional state funding shall be  
2 26 necessary for the full implementation of this Act by and  
2 27 enforcement of this Act against all affected school districts.

2 28 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1,  
2 29 2009.

2 30 EXPLANATION

2 31 This bill lowers the minimum compulsory school attendance  
2 32 age from age six to age five.

2 33 The bill also lowers from age six to age five the age at  
2 34 which a child may be excluded from admission by the board of  
2 35 directors of a school district when in the board's judgment



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House File 2106 - Introduced continued

3 1 the child is not sufficiently mature, is found to be  
3 2 physically or mentally unable to attend school, or whose  
3 3 presence in school has been found to be injurious to the  
3 4 health of other pupils.  
3 5 The bill provides that a child under the age of five on  
3 6 September 15 shall not be admitted to public school unless the  
3 7 child participated in the prior year in an approved preschool  
3 8 program or the child has demonstrated the possession of  
3 9 sufficient ability to profit by kindergarten work on the basis  
3 10 of tests or other means of evaluation recommended or approved  
3 11 by the department of education.  
3 12 The bill may include a state mandate as defined in Code  
3 13 section 25B.3. The bill requires that the state cost of any  
3 14 state mandate included in the bill be paid by a school  
3 15 district from state school foundation aid received by the  
3 16 school district under Code section 257.16. The specification  
3 17 is deemed to constitute state compliance with any state  
3 18 mandate funding-related requirements of Code section 25B.2.  
3 19 The inclusion of this specification is intended to reinstate  
3 20 the requirement of political subdivisions to comply with any  
3 21 state mandates included in the bill.  
3 22 The bill takes effect July 1, 2009.  
3 23 LSB 5663YH 82  
3 24 kh/nh/14.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**House File 2107 - Introduced**

HOUSE FILE  
BY R. OLSON

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

**A BILL FOR**

1 An Act concerning limitations on granting new licenses to conduct  
2 gambling games and providing an effective date and retroactive  
3 applicability provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6004HH 82  
6 ec/nh/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2107 - Introduced continued

PAG LIN

1 1 Section 1. Section 99F.7, subsection 1, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 1. If the commission is satisfied that this chapter and  
1 4 its rules adopted under this chapter applicable to licensees  
1 5 have been or will be complied with, the commission shall issue  
1 6 a license for a period of not more than three years to an  
1 7 applicant to own a gambling game operation, to an applicant to  
1 8 operate a gambling structure, and to an applicant to operate  
1 9 an excursion gambling boat. If the commission issues any  
1 10 additional licenses to conduct gambling games under this  
1 11 chapter in addition to the number of licenses issued as of  
1 12 January 1, 2008, such license shall only be issued for a  
1 13 facility if the applicant facility will be located more than  
1 14 sixty miles from a facility to which a license to conduct  
1 15 gambling games has been granted under this chapter. The  
1 16 commission shall decide which of the gambling games authorized  
1 17 under this chapter the commission will permit. The commission  
1 18 shall decide the number, location, and type of gambling  
1 19 structures and excursion gambling boats licensed under this  
1 20 chapter. The commission shall allow the operation of an  
1 21 excursion boat or moored barge on or within one thousand feet  
1 22 of the high water marks of the rivers, lakes, and reservoirs  
1 23 of this state as established by the commission in consultation  
1 24 with the United States army corps of engineers, the department  
1 25 of natural resources, or other appropriate regulatory agency.  
1 26 The license shall set forth, as applicable, the name of the  
1 27 licensee, the type of license granted, the location of the  
1 28 gambling structure or the place where the excursion gambling  
1 29 boats will operate and dock, and the time and number of days  
1 30 during the excursion season and the off season when gambling  
1 31 may be conducted by the licensee.  
1 32 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This  
1 33 Act, being deemed of immediate importance, takes effect upon  
1 34 enactment and is retroactively applicable to January 1, 2008,  
1 35 and is applicable on and after that date.





Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**House File 2108 - Introduced**

HOUSE FILE  
BY WHITAKER

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

**A BILL FOR**

- 1 An Act relating to the annual registration fee for antique motor
- 2 vehicles owned by an antique motor vehicle dealer.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5411YH 82
- 5 dea/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2108 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.115, subsection 1, as enacted in  
1 2 2007 Acts, chapter 143, section 12, is amended to read as  
1 3 follows:  
1 4 1. a. A motor vehicle twenty=five years old or older may  
1 5 be registered as an antique vehicle upon payment of the fee  
1 6 provided for in section 321.113, 321.122, or 321.124. The  
1 7 owner of a motor vehicle registered under this subsection may  
1 8 display authentic Iowa registration plates from the model year  
1 9 of the motor vehicle, furnished by the person and approved by  
1 10 the department, in lieu of the current and valid Iowa  
1 11 registration plates issued for the vehicle, provided that the  
1 12 current and valid Iowa registration plates and the  
1 13 registration card issued for the vehicle are simultaneously  
1 14 carried within the vehicle and are available for inspection to  
1 15 any peace officer upon the officer's request.

1 16 b. A motor vehicle twenty=five years old or older that is  
1 17 owned by an antique motor vehicle dealer may be registered as  
1 18 an antique vehicle for a registration fee of five dollars per  
1 19 year, permitting the driving of the motor vehicle upon the  
1 20 public roads for the purpose of transporting, testing,  
1 21 demonstrating, or selling the vehicle.

1 22 Sec. 2. 2007 Acts, chapter 143, section 11, is repealed.

1 23 EXPLANATION

1 24 This bill amends a provision enacted in the 2007  
1 25 legislative session and scheduled to take effect July 1, 2008.  
1 26 That provision eliminates the \$5 annual registration fee for  
1 27 antique motor vehicles, which permits highway operation for  
1 28 limited purposes, and replaces it with registration fees  
1 29 applicable for older motor vehicles registered for regular  
1 30 highway use. The fees for such vehicles, which are 25 years  
1 31 of age or older, range from \$16 for cars to \$35 for small  
1 32 trucks. The bill reinstates the \$5 registration fee for  
1 33 antique motor vehicles owned by antique vehicle dealers, but  
1 34 only for vehicles operated for the purpose of transporting,  
1 35 testing, demonstrating, or selling the vehicle.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House File 2108 - Introduced continued

2 1 LSB 5411YH 82  
2 2 dea/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**House File 2109 - Introduced**

HOUSE FILE  
BY R. OLSON

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

**A BILL FOR**

1 An Act providing for membership in a protection occupation under  
2 the Iowa public employees' retirement system for members and  
3 employees of the board of parole.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5976HH 82  
6 ec/nh/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2109 - Introduced continued

PAG LIN

1 1 Section 1. Section 97B.49B, subsection 1, paragraph e,  
1 2 Code 2007, is amended by adding the following new  
1 3 subparagraph:  
1 4 NEW SUBPARAGRAPH. (9) A member of the board of parole and  
1 5 an employee of the board of parole.  
1 6 Sec. 2. PRIOR SERVICE FOR BOARD OF PAROLE MEMBERS AND  
1 7 EMPLOYEES. Service under chapter 97B as a member of the board  
1 8 of parole or as an employee of the board of parole prior to  
1 9 the effective date of this Act shall be considered service in  
1 10 a protection occupation for purposes of section 97B.49B.

1 11 EXPLANATION

1 12 This bill amends Code section 97B.49B to add members and  
1 13 employees of the board of parole as members in a protection  
1 14 occupation for purposes of the Iowa public employees'  
1 15 retirement system. The bill provides that service as a board  
1 16 of parole member or employee prior to July 1, 2008, shall be  
1 17 considered service as a member in a protection occupation.

1 18 LSB 5976HH 82

1 19 ec/nh/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**House File 2110 - Introduced**

HOUSE FILE  
BY DANDEKAR and HUSER

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

**A BILL FOR**

1 An Act relating to the annual registration fee for certain motor  
2 vehicles equipped for persons with disabilities or used by  
3 persons with wheelchairs.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5051HH 82  
6 md/rj/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House File 2110 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.109, subsection 1, paragraph b,  
1 2 Code 2007, is amended to read as follows:  
1 3 b. The annual registration fee for a ~~multipurpose~~ vehicle,  
1 4 otherwise subject to paragraph "a", with permanently installed  
1 5 equipment manufactured for and necessary to assist a person  
1 6 with a disability who is either the owner or a member of the  
1 7 owner's household in entry and exit of the vehicle or for such  
1 8 a ~~multipurpose~~ vehicle if the vehicle's owner or a member of  
1 9 the vehicle owner's household uses a wheelchair as the only  
1 10 means of mobility shall be sixty dollars. For purposes of  
1 11 this paragraph, "uses a wheelchair" does not include use of a  
1 12 wheelchair due to a temporary injury or medical condition.

1 13 EXPLANATION

1 14 Currently a \$60 annual registration fee applies to  
1 15 multipurpose vehicles, as defined in Code section 321.1,  
1 16 subsection 44, equipped for persons with disabilities or used  
1 17 by persons with wheelchairs.

1 18 This bill provides that the \$60 fee applies to any motor  
1 19 vehicle or station wagon so equipped. However, under current  
1 20 law and the bill the \$60 fee does not apply to a motor truck,  
1 21 motor home, ambulance, hearse, motorcycle, motorized bicycle,  
1 22 or a 1992 or older model year of a multipurpose vehicle.

1 23 LSB 5051HH 82

1 24 md/rj/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 596

SENATE/HOUSE FILE  
BY (PROPOSED ATTORNEY  
GENERAL BILL)

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

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

**A BILL FOR**

- 1 An Act relating to registration and bonding requirements for
- 2 contractors, and providing criminal and civil penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5305DP 82
- 5 ak/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 596 continued

PAG LIN

1 1 Section 1. Section 91C.6, Code 2007, is amended to read as  
1 2 follows:

1 3 91C.6 RULES.

1 4 The labor commissioner shall adopt rules, pursuant to  
1 5 chapter 17A, determined to be reasonably necessary for phasing  
1 6 in, administering, and enforcing the system of contractor  
1 7 registration and bonding established by this chapter.

1 8 Sec. 2. NEW SECTION. 91C.6A STATE CONTRACTS WITH  
1 9 UNREGISTERED CONTRACTORS PROHIBITED.

1 10 A contractor who is not registered with the labor  
1 11 commissioner as required by this chapter shall not be awarded  
1 12 a contract to perform work for the state or an agency of the  
1 13 state.

1 14 Sec. 3. NEW SECTION. 91C.6B HOME IMPROVEMENT CONTRACTOR  
1 15 PERFORMANCE BOND == PENALTY.

1 16 1. For purposes of this section, the following definitions  
1 17 shall apply:

1 18 a. "Division" means the division of labor services of the  
1 19 department of workforce development created under section  
1 20 84A.1.

1 21 b. "Home improvement contract" means any contract for the  
1 22 improvement or repair of existing residential property,  
1 23 including appurtenances to the property, but does not include  
1 24 contracts for less than two hundred dollars in the aggregate.

1 25 2. Any contractor, prior to entering into a home  
1 26 improvement contract in Iowa, shall file with the division a  
1 27 surety bond. The bond shall be in the amount of seventy=five  
1 28 thousand dollars and shall be for the benefit of any person  
1 29 who, in connection with a home improvement contract with the  
1 30 contractor, is damaged by the contractor's breach of the home  
1 31 improvement contract or by the contractor's violation of  
1 32 section 714.16, regardless of whether the person has a direct  
1 33 cause of action pursuant to section 714.16. Any person so  
1 34 damaged may bring suit directly on the bond without  
1 35 assignment, and may recover from bond proceeds actual damages,



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House Study Bill 596 continued

2 1 court costs, and reasonable attorney fees.  
2 2 3. A person filing suit pursuant to this section shall  
2 3 notify the division at the time the suit is filed, and the  
2 4 division shall maintain a record, available for public  
2 5 inspection and copying, of all suits commenced. Notification  
2 6 is not a precondition to filing of a suit, and failure to  
2 7 notify the division shall in no way affect the validity of a  
2 8 lawsuit. However, notification pursuant to this section must  
2 9 be completed prior to payout of any bond proceeds pursuant to  
2 10 this section.  
2 11 4. The attorney general may bring an action in equity on  
2 12 behalf of the state to recover bond proceeds for persons who  
2 13 incur damage due to a contractor's breach of a home  
2 14 improvement contract or violation of section 714.16 in  
2 15 connection with a person's home improvement contract with a  
2 16 contractor.  
2 17 5. Priority for payment of the proceeds of a bond filed  
2 18 pursuant to this section shall be based upon the time of  
2 19 filing a notice of suit with the division, except that any  
2 20 action by the attorney general to recover bond proceeds shall  
2 21 take precedence over all other claims on the bond, regardless  
2 22 of the time of filing.  
2 23 6. The surety bond shall be executed by a surety company  
2 24 authorized to do business in this state, and the bond shall be  
2 25 continuous in nature until canceled by the surety with not  
2 26 less than thirty days written notice to the contractor and to  
2 27 the division of the surety's decision to cancel bond. The  
2 28 surety's obligation under the bond shall continue until the  
2 29 surety has fully satisfied the notice requirements of this  
2 30 section.  
2 31 7. The failure of a contractor to have a valid surety bond  
2 32 on file with the division at any time a home improvement  
2 33 contract is in effect shall make the contract and any note,  
2 34 instrument, or other evidence of indebtedness executed or  
2 35 entered into in connection with the contract to the contractor



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 596 continued

3 1 voidable, and shall constitute a complete defense in any  
3 2 action based on the contract, note, instrument, or other  
3 3 evidence of indebtedness brought by the contractor or the  
3 4 contractor's successors or assigns.

3 5 8. A contractor who violates any provision of this section  
3 6 is guilty of a simple misdemeanor.

3 7 Sec. 4. Section 91C.7, subsection 1, Code 2007, is amended  
3 8 by striking the subsection.

3 9 Sec. 5. Section 91C.7, subsection 2, unnumbered paragraph  
3 10 1, Code 2007, is amended to read as follows:

3 11 ~~An~~ In addition to any bond required by section 91C.6B, an  
3 12 out-of-state contractor before commencing a contract in excess  
3 13 of five thousand dollars in value in ~~Iowa~~ this state, shall  
3 14 file a bond with the division of labor services of the  
3 15 department of workforce development. The surety bond shall be  
3 16 executed by a surety company authorized to do business in this  
3 17 state, and the bond shall be continuous in nature until  
3 18  canceled by the surety with not less than thirty days' written  
3 19 notice to the contractor and to the division of labor services  
3 20 of the department of workforce development indicating the  
3 21 surety's desire to cancel the bond. The surety company shall  
3 22 not be liable under the bond for any contract commenced after  
3 23 the cancellation of the bond. The bond shall be in the sum of  
3 24 the greater of the following:

3 25 Sec. 6. NEW SECTION. 91C.8 UNLAWFUL PRACTICE.

3 26 A violation of this chapter is an unlawful practice  
3 27 pursuant to section 714.16.

3 28 EXPLANATION

3 29 This bill relates to contractor registration and bonding  
3 30 requirements.

3 31 The bill requires in new Code section 91C.6B, that a  
3 32 contractor, prior to entering into a home improvement contract  
3 33 in this state, obtain a surety bond of \$75,000 before  
3 34 accepting work. The new bond is in addition to any other bond  
3 35 requirements in Code chapter 91C. The bond benefits a person



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House Study Bill 596 continued

4 1 who may be damaged by the contractor's breach of contract or  
4 2 by the contractor's violation of Code section 714.16, the  
4 3 consumer fraud statute, regardless of whether the person has a  
4 4 cause of action directly under that Code section. Any person  
4 5 damaged in either way may sue directly on the bond and may  
4 6 recover actual damages, court costs, and reasonable attorney  
4 7 fees. "Home improvement contract" is defined in the bill as  
4 8 any improvement or repair to an existing residential property  
4 9 or secondary structure but not contracts that are for a total  
4 10 of less than \$200.

4 11 When a suit is filed, the person who sues on the bond shall  
4 12 notify the division of labor services of the department of  
4 13 workforce development, which shall keep a public record of all  
4 14 suits commenced. Notification is not a precondition to filing  
4 15 a suit and failure to notify the division does not in any way  
4 16 invalidate the lawsuit. However, bond proceeds cannot be paid  
4 17 out to anyone who has not filed notification.

4 18 The bill states that the attorney general may also bring an  
4 19 action in equity against the bond on behalf of the state to  
4 20 recover bond proceeds for persons damaged due to a  
4 21 contractor's breach of contract or a contractor's violation of  
4 22 the consumer fraud statute in connection with a home  
4 23 improvement contract. The attorney general's action shall  
4 24 take precedence over all other claims on the bond regardless  
4 25 of the time of filing.

4 26 The bill requires a surety company licensed to do business  
4 27 in Iowa issue the surety bond to the contractor and that the  
4 28 bond be continuous until canceled by the surety, but there  
4 29 must be at least 30 days notice to the contractor and the  
4 30 division. The bill provides that the failure of a contractor  
4 31 to have a valid surety bond on file as of the date of a home  
4 32 improvement contract makes the contract and any note or  
4 33 instrument of indebtedness executed or entered into in  
4 34 connection with the contract to the contractor voidable, and  
4 35 shall be a complete defense in any action brought based on the



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**January 30, 2008**

House Study Bill 596 continued

5 1 contract or evidence of indebtedness by the contractor or the  
5 2 contractor's successors or assigns.  
5 3     The bill provides that a contractor who violates the  
5 4 provisions of new Code section 91C.6B is guilty of a simple  
5 5 misdemeanor. A simple misdemeanor is punishable by  
5 6 confinement for no more than 30 days or a fine of at least \$65  
5 7 but not more than \$625 or by both. The bill further provides  
5 8 that a failure to comply with Code chapter 91C is an unlawful  
5 9 practice pursuant to Code section 714.16, a civil statute  
5 10 enforced by the attorney general, and violations of which  
5 11 could result in the imposition of injunctive relief, civil  
5 12 penalties, attorney fees, and costs.  
5 13 LSB 5305DP 82  
5 14 ak/nh/8.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 597

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT BILL)

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

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

A BILL FOR

- 1 An Act relating to workers' compensation benefit payments for
- 2 burial expenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5507DP 82
- 5 av/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 597 continued

PAG LIN

1 1 Section 1. Section 85.28, Code 2007, is amended to read as  
1 2 follows:

1 3 85.28 BURIAL EXPENSE.

1 4 When death ensues from the injury, the employer shall pay  
1 5 the reasonable expenses of burial of such employee, not to  
1 6 exceed ~~seven thousand five hundred dollars~~ twelve times the  
1 7 statewide average weekly wage paid employees as determined by  
1 8 the department of workforce development under section 96.19,  
1 9 subsection 36, and in effect at the time of death, which shall  
1 10 be in addition to other compensation or any other benefit  
1 11 provided for in this chapter.

1 12 EXPLANATION

1 13 This bill provides a computation for determining workers'  
1 14 compensation benefit payments for burial expenses, changing  
1 15 from a flat \$7,500 to 12 times the statewide average weekly  
1 16 wage rate as determined by the department of workforce  
1 17 development.

1 18 LSB 5507DP 82

1 19 av/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 598

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

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

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

A BILL FOR

- 1 An Act relating to the boiler and pressure vessel safety and
- 2 elevator safety revolving funds under the control of the labor
- 3 commissioner.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5435DP 82
- 6 ak/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 598 continued

PAG LIN

1 1 Section 1. Section 89.8, subsection 2, Code 2007, is  
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 89A.19, subsection 2, Code 2007, is  
1 4 amended by striking the subsection.

1 5 EXPLANATION

1 6 This bill strikes provisions in Code sections 89.8 and  
1 7 89A.19 that terminate the boiler and pressure vessel safety  
1 8 revolving fund and elevator safety revolving fund,  
1 9 respectively, on July 1, 2012.

1 10 LSB 5435DP 82

1 11 ak/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 599

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

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

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

A BILL FOR

- 1 An Act relating to amusement ride safety inspections conducted by
- 2 special inspectors authorized by the division of labor
- 3 services in the department of workforce development.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5437DP 82
- 6 ak/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 599 continued

PAG LIN

1 1 Section 1. Section 88A.4, subsection 4, Code 2007, is  
1 2 amended by striking the subsection.  
1 3 EXPLANATION  
1 4 Current law provides for inspection of amusement rides by  
1 5 inspectors employed by the labor commissioner. As an  
1 6 alternative to such inspections, current law authorizes  
1 7 private amusement ride inspectors to be sponsored by amusement  
1 8 ride operators and to perform inspections for such operators.  
1 9 This bill strikes this authorization for private inspectors.  
1 10 LSB 5437DP 82  
1 11 ak/nh/8.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 600

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

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

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

A BILL FOR

- 1 An Act relating to employers' participation in unemployment
- 2 insurance adjudications.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5448DP 82
- 5 ak/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 600 continued

PAG LIN

1 1 Section 1. Section 96.3, subsection 7, Code 2007, is  
1 2 amended to read as follows:

1 3 7. RECOVERY OF OVERPAYMENT OF BENEFITS.

1 4 a. If an individual receives benefits for which the  
1 5 individual is subsequently determined to be ineligible, even  
1 6 though the individual acts in good faith and is not otherwise  
1 7 at fault, the benefits shall be recovered. The department in  
1 8 its discretion may recover the overpayment of benefits either  
1 9 by having a sum equal to the overpayment deducted from any  
1 10 future benefits payable to the individual or by having the  
1 11 individual pay to the department a sum equal to the  
1 12 overpayment.

1 13 b. If the department determines that an overpayment has  
1 14 been made, the charge for the overpayment against the  
1 15 employer's account shall be removed and the account shall be  
1 16 credited with an amount equal to the overpayment from the  
1 17 unemployment compensation trust fund and this credit shall  
1 18 include both contributory and reimbursable employers,  
1 19 notwithstanding section 96.8, subsection 5. However, benefits  
1 20 shall not be recovered from an individual if the employer did  
1 21 not participate in the initial determination to award benefits  
1 22 pursuant to section 96.6, subsection 2, and an overpayment  
1 23 occurred because of a subsequent reversal on appeal regarding  
1 24 the issue of the individual's separation from employment.

1 25 EXPLANATION

1 26 This bill provides that employers who do not participate in  
1 27 the initial fact-finding determination of eligibility for  
1 28 unemployment insurance benefits but who prevail upon appeal  
1 29 will not recover charges for benefits paid to claimants prior  
1 30 to the decision denying benefits.

1 31 LSB 5448DP 82

1 32 ak/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 601

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

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

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

A BILL FOR

- 1 An Act relating to unemployment insurance benefits and compliance
- 2 with federal law and including effective date and
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5473XD 82
- 6 ak/rj/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 601 continued

PAG LIN

1 1 Section 1. Section 96.3, subsection 5, Code 2007, is  
1 2 amended to read as follows:  
1 3 5. a. DURATION OF BENEFITS. The maximum total amount of  
1 4 benefits payable to an eligible individual during a benefit  
1 5 year shall not exceed the total of the wage credits accrued to  
1 6 the individual's account during the individual's base period,  
1 7 or twenty=six times the individual's weekly benefit amount,  
1 8 whichever is the lesser. The director shall maintain a  
1 9 separate account for each individual who earns wages in  
1 10 insured work. The director shall compute wage credits for  
1 11 each individual by crediting the individual's account with  
1 12 one=third of the wages for insured work paid to the individual  
1 13 during the individual's base period. However, the director  
1 14 shall recompute wage credits for an individual who is laid off  
1 15 due to the individual's employer going out of business at the  
1 16 factory, establishment, or other premises at which the  
1 17 individual was last employed, by crediting the individual's  
1 18 account with one=half, instead of one=third, of the wages for  
1 19 insured work paid to the individual during the individual's  
1 20 base period. Benefits paid to an eligible individual shall be  
1 21 charged against the base period wage credits in the  
1 22 individual's account which have not been previously charged,  
1 23 in the inverse chronological order as the wages on which the  
1 24 wage credits are based were paid. However if the state "off  
1 25 indicator" is in effect and if the individual is laid off due  
1 26 to the individual's employer going out of business at the  
1 27 factory, establishment, or other premises at which the  
1 28 individual was last employed, the maximum benefits payable  
1 29 shall be extended to thirty=nine times the individual's weekly  
1 30 benefit amount, but not to exceed the total of the wage  
1 31 credits accrued to the individual's account.  
1 32 b. TRAINING EXTENSION BENEFITS. An individual who has  
1 33 been separated from a declining occupation or who has been  
1 34 involuntarily separated from employment as a result of a  
1 35 permanent reduction of operations at the last place of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 601 continued

2 1 employment and who is in training with the approval of the  
2 2 director at the time regular benefits are exhausted may be  
2 3 eligible for training extension benefits. A declining  
2 4 occupation is one in which there is a lack of sufficient  
2 5 current demand in the individual's labor market area for the  
2 6 occupational skills for which the individual is fitted by  
2 7 training and experience or current physical or mental capacity  
2 8 and the lack of employment opportunities is expected to  
2 9 continue for an extended period of time, or the individual's  
2 10 occupation is one for which there is a seasonal variation in  
2 11 demand in the labor market and the individual has no other  
2 12 skill for which there is current demand. The training  
2 13 extension benefit amount shall be twenty-six times the  
2 14 individual's weekly benefit amount and the weekly benefit  
2 15 amount shall be equal to the individual's weekly benefit  
2 16 amount for the claim in which benefits were exhausted while in  
2 17 training. An individual who is receiving training extension  
2 18 benefits shall not be denied benefits due to application of  
2 19 section 96.4, subsection 3, or section 96.5, subsection 3.  
2 20 However, an employer's account shall not be charged with  
2 21 benefits so paid. Relief of charges under this paragraph "b"  
2 22 applies to both contributory and reimbursable employers,  
2 23 notwithstanding section 96.8, subsection 5. In order for the  
2 24 individual to be eligible for training extension benefits all  
2 25 of the following criteria must be met:  
2 26 (1) The training is for a high-demand or high-technology  
2 27 occupation, including fields of life sciences, advanced  
2 28 manufacturing, biotechnology, alternative fuels, insurance,  
2 29 and environmental technology. "High-demand occupation" means  
2 30 an occupation in a labor market area in which the department  
2 31 determines work opportunities are available and there is a  
2 32 lack of qualified applicants.  
2 33 (2) The individual must file any unemployment insurance  
2 34 claim to which the individual becomes entitled under state or  
2 35 federal law, and must draw any unemployment insurance benefits



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 601 continued

3 1 on that claim until the claim has expired or has been  
3 2 exhausted, in order to maintain the individual's eligibility  
3 3 under this paragraph "b". The state benefits paid shall be  
3 4 deducted from the total of the training extension benefit  
3 5 amount. Training extension benefits end upon completion of  
3 6 the training even though a portion of the training extension  
3 7 benefit amount may remain.

3 8 (3) To the extent permitted by federal law, benefits  
3 9 payable under any federal unemployment compensation law shall  
3 10 be included as benefits payable under this paragraph "b".

3 11 (4) The individual must be enrolled, participating in the  
3 12 training, and making satisfactory progress to complete the  
3 13 training.

3 14 (5) The individual is considered to be in training during  
3 15 regularly scheduled vacation or recess periods of three weeks  
3 16 or less but not during a summer vacation period or school  
3 17 break which is longer than three weeks. If the individual  
3 18 immediately returns to training after the summer vacation or  
3 19 break period of longer than three weeks, the individual may  
3 20 reopen the training extension benefit claim. Otherwise, the  
3 21 individual must be continuously in training in order to be  
3 22 eligible for training extension benefits.

3 23 (6) The beginning date of the training extension benefits  
3 24 is more than three years after the beginning date of any  
3 25 training extension benefits last received by the individual  
3 26 under this paragraph "b".

3 27 Sec. 2. Section 96.4, subsection 4, Code 2007, is amended  
3 28 to read as follows:

3 29 4. a. The individual has been paid wages for insured work  
3 30 during the individual's base period in an amount at least one  
3 31 and one-quarter times the wages paid to the individual during  
3 32 that quarter of the individual's base period in which the  
3 33 individual's wages were highest; provided that the individual  
3 34 has been paid wages for insured work totaling at least three  
3 35 and five-tenths percent of the statewide average annual wage



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 601 continued

4 1 for insured work, computed for the preceding calendar year if  
4 2 the individual's benefit year begins on or after the first  
4 3 full week in July and computed for the second preceding  
4 4 calendar year if the individual's benefit year begins before  
4 5 the first full week in July, in that calendar quarter in the  
4 6 individual's base period in which the individual's wages were  
4 7 highest, and the individual has been paid wages for insured  
4 8 work totaling at least one-half of the amount of wages  
4 9 required under this ~~subsection~~ paragraph in the calendar  
4 10 quarter of the base period in which the individual's wages  
4 11 were highest, in a calendar quarter in the individual's base  
4 12 period other than the calendar quarter in which the  
4 13 individual's wages were highest. The calendar quarter wage  
4 14 requirements shall be rounded to the nearest multiple of ten  
4 15 dollars.

4 16 b. For an individual who does not have sufficient wages in  
4 17 the base period, as defined in section 96.19, to otherwise  
4 18 qualify for benefits pursuant to this subsection, the  
4 19 individual's base period shall be the last four completed  
4 20 calendar quarters immediately preceding the first day of the  
4 21 individual's benefit year if such period qualifies the  
4 22 individual for benefits under this subsection.

4 23 (1) Wages that fall within the alternative base period  
4 24 established under this paragraph "b" are not available for  
4 25 qualifying benefits in any subsequent benefit year.

4 26 (2) Employers shall be charged in the manner provided in  
4 27 this chapter for benefits paid based upon quarters used in the  
4 28 alternative base period.

4 29 c. If the individual has drawn benefits in any benefit  
4 30 year, the individual must during or subsequent to that year,  
4 31 work in and be paid wages for insured work totaling at least  
4 32 two hundred fifty dollars, as a condition to receive benefits  
4 33 in the next benefit year.

4 34 Sec. 3. Section 96.5, subsection 1, Code Supplement 2007,  
4 35 is amended by adding the following new paragraph:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 601 continued

5 1 NEW PARAGRAPH. b. The individual left employment to  
5 2 accompany a spouse due to a change in location of the spouse's  
5 3 employment to a place from which it is impractical for the  
5 4 individual to commute.

5 5 Sec. 4. Section 96.5, subsection 1, paragraph c, Code  
5 6 Supplement 2007, is amended to read as follows:

5 7 c. ~~The individual left employment for the necessary and~~  
~~5 8 sole purpose of taking care of a member of the individual's~~  
~~5 9 immediate family who was then injured or ill, and if after~~  
~~5 10 said member of the family sufficiently recovered, the~~  
~~5 11 individual immediately returned to and offered the~~  
~~5 12 individual's services to the individual's employer, provided,~~  
~~5 13 however, that during such period the individual did not accept~~  
~~5 14 any other employment. The individual left employment as a~~  
5 15 result of the illness, injury, or disability of a member of  
5 16 the individual's immediate family.

5 17 Sec. 5. Section 96.5, subsection 1, Code Supplement 2007,  
5 18 is amended by adding the following new paragraph:

5 19 NEW PARAGRAPH. k. The individual left employment due to  
5 20 domestic abuse, as defined in section 236.2, or stalking, as  
5 21 described in section 708.11, perpetrated against the  
5 22 individual, and the individual reasonably believed such act  
5 23 was necessary to protect the safety of the individual or the  
5 24 individual's family. Benefits related to wage credits earned  
5 25 with the employer that the individual has left shall be  
5 26 charged to the unemployment compensation fund. This paragraph  
5 27 applies to both contributory and reimbursable employers,  
5 28 notwithstanding section 96.8, subsection 5. All evidence of  
5 29 domestic abuse or stalking experienced by an individual,  
5 30 including the individual's statement and any corroborating  
5 31 evidence, shall not be disclosed by the department, except to  
5 32 the parties in a contested benefit case proceeding and to the  
5 33 employment appeal board or courts in an appeal or unless  
5 34 consent for disclosure is granted in writing by the  
5 35 individual. Evidence of domestic abuse or stalking may



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House Study Bill 601 continued

6 1 include but is not limited to any of the following:

6 2 (1) A statement or report from a law enforcement agency or  
6 3 professional, medical professional, mental health  
6 4 professional, or domestic violence shelter or professional.

6 5 (2) Witness statements regarding an incident that causes  
6 6 the individual to believe the individual's life or safety or  
6 7 the life or safety of a member of the individual's family is  
6 8 in danger.

6 9 Sec. 6. Section 96.23, subsection 2, Code 2007, is amended  
6 10 to read as follows:

6 11 2. The individual did not receive wages from insured work  
6 12 for two calendar quarters and did not receive wages from  
6 13 insured work for another calendar quarter equal to or greater  
6 14 than the amount required for a calendar quarter, other than  
6 15 the calendar quarter in which the individual's wages were  
6 16 highest, under section 96.4, subsection 4, paragraph "a".

6 17 Sec. 7. FUTURE APPROPRIATION OF FEDERAL FUNDS. Any funds  
6 18 received by this state from the federal government pursuant to  
6 19 section 903 of the federal Social Security Act as a result of  
6 20 the enactment of this Act shall be appropriated by the general  
6 21 assembly to the department of workforce development to be used  
6 22 for the payment of unemployment insurance benefits or for the  
6 23 administration of the Iowa employment security law, chapter  
6 24 96, and public employment offices.

6 25 Sec. 8. EFFECTIVE AND APPLICABILITY DATES. The section of  
6 26 this Act amending section 96.3 applies to any week of  
6 27 unemployment benefits beginning on or after July 1, 2008. The  
6 28 sections of this Act amending sections 96.4 and 96.5 take  
6 29 effect June 29, 2008, and apply to any claim with an effective  
6 30 date on or after June 29, 2008.

6 31 EXPLANATION

6 32 This bill relates to unemployment insurance benefits and  
6 33 brings Iowa into compliance with federal law in order to  
6 34 receive additional federal funds.

6 35 The bill establishes a benefits extension for individuals



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 601 continued

7 1 enrolled in a training program. The individual must be  
7 2 separated from a declining occupation or have been  
7 3 involuntarily separated as a result of a permanent reduction  
7 4 of operations at the last place of employment. Regular  
7 5 benefits must be exhausted and the individual must be in a  
7 6 training program that is in a high=demand or a high=technology  
7 7 occupation which is targeted for growth and approved by the  
7 8 department of workforce development. The training extension  
7 9 provides a maximum of 26 additional weeks of benefits from  
7 10 which is deducted any federal extended benefits or succeeding  
7 11 year state regular benefits.

7 12 An alternate method of calculating the base period, to  
7 13 determine the monetary attachment=to=the=workforce eligibility  
7 14 of individuals for unemployment benefits, is also included for  
7 15 cases where the current method of calculation makes an  
7 16 individual ineligible for unemployment benefits. The bill  
7 17 moves the base period closer, by one quarter, to the benefit  
7 18 claim filing date so that the base period would consist of the  
7 19 first four calendar quarters immediately preceding the  
7 20 calendar quarter in which the claim for unemployment benefits  
7 21 is filed if doing so would qualify the individual for  
7 22 benefits.

7 23 The bill provides for benefits to an individual who leaves  
7 24 a job to accompany a spouse due to a change of location of the  
7 25 spouse's employment to a place where commuting for the  
7 26 individual is not practical. The bill provides for benefits  
7 27 to an individual who leaves a job as a result of the illness,  
7 28 injury, or disability of a member of the individual's  
7 29 immediate family.

7 30 The bill allows an individual to collect unemployment  
7 31 benefits due to domestic violence or stalking under certain  
7 32 circumstances and allows the employer to be relieved of  
7 33 charges of unemployment benefits paid due to the domestic  
7 34 violence or stalking. The bill requires the department to  
7 35 keep the record confidential to protect the safety of the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House Study Bill 601 continued

8 1 individual.

8 2 The bill also directs any possible future federal funds as  
8 3 a result of the bill to be appropriated to the department for  
8 4 the payment of unemployment insurance benefits or for the  
8 5 administration of the Iowa employment security law under Code  
8 6 chapter 96 and public employment offices.

8 7 The effective and applicability date of the bill section  
8 8 amending Code section 96.3 begins on or after July 1, 2008.  
8 9 Sections of the bill amending Code sections 96.4 and 96.5  
8 10 become effective and applicable to any claim effectively filed  
8 11 on or after June 29, 2008.

8 12 LSB 5473XD 82

8 13 ak/rj/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 602

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT BILL)

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

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

**A BILL FOR**

- 1 An Act relating to inclined or vertical wheelchair lifts
- 2 regulated by the elevator safety board.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5467DP 82
- 5 ak/nh/5



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House Study Bill 602 continued

PAG LIN

1 1 Section 1. Section 89A.1, subsection 10, Code Supplement  
 1 2 2007, is amended to read as follows:  
 1 3 10. "Inclined or vertical wheelchair lift" means a lift  
 1 4 ~~used as part of an accessible route in or at a public building~~  
 1 5 to transport a wheelchair as specified in the American society  
 1 6 ~~of mechanical engineers safety codes for elevators and~~  
 1 7 ~~escalators, A17.1 standard for platform lifts and stairway~~  
 1 8 chairlifts, A18.1.

1 9 Sec. 2. Section 89A.9, subsection 2, Code Supplement 2007,  
 1 10 is amended to read as follows:  
 1 11 2. The operating permit shall indicate the type of  
 1 12 equipment for which it is issued, and in the case of elevators  
 1 13 shall state whether passenger or freight, and also shall state  
 1 14 the contract load and speed for each conveyance. The permit  
 1 15 shall be posted conspicuously in the car of an elevator, or on  
 1 16 or near a dumbwaiter, escalator, moving walk, or inclined or  
 1 17 vertical wheelchair lift.

1 18 EXPLANATION  
 1 19 This bill updates the definition of "inclined or vertical  
 1 20 wheelchair lift" to reflect the current American society of  
 1 21 mechanical engineers safety standards. The bill also  
 1 22 specifies that operating permits need to be posted near  
 1 23 inclined or vertical wheelchair lifts.  
 1 24 LSB 5467DP 82  
 1 25 ak/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 603

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

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

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

A BILL FOR

- 1 An Act relating to circumstances for employees' right of recourse
- 2 when an employer is late paying wages.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5438DP 82
- 5 ak/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 603 continued

PAG LIN

1 1 Section 1. Section 91A.3, subsection 3, paragraph b, Code  
1 2 Supplement 2007, is amended to read as follows:  
1 3 b. If the employer fails to ~~send~~ pay an employee's wages  
1 4 ~~for direct deposit~~ on or by the regular payday in accordance  
1 5 with this subsection, the employer is liable for the amount of  
1 6 any overdraft charge if the overdraft is created on the  
1 7 employee's account because of the employer's failure to ~~send~~  
1 8 pay the wages on or by the regular payday. The overdraft  
1 9 charges may be the basis for a claim under section 91A.10 and  
1 10 for damages under section 91A.8.

1 11 EXPLANATION

1 12 This bill expands the circumstances under which an  
1 13 employee's overdraft charges that were caused by an employer's  
1 14 failure to pay wages timely would be the basis for a wage  
1 15 claim under Code chapter 91A to all failures to timely pay  
1 16 wages rather than only failures to send wages for direct  
1 17 deposit.

1 18 LSB 5438DP 82

1 19 ak/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 604

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

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

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

A BILL FOR

- 1 An Act relating to unemployment insurance tax penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5470DP 82
- 4 ak/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 604 continued

PAG LIN

1 1 Section 1. Section 96.14, subsection 2, paragraph d, Code  
1 2 Supplement 2007, is amended to read as follows:  
1 3 d. A penalty shall not be less than ~~ten dollars for the~~  
~~1 4 first delinquent report or the first insufficient report not~~  
~~1 5 made sufficient within thirty days after a request to do so.~~  
~~1 6 The penalty shall not be less than twenty-five dollars for the~~  
~~1 7 second delinquent or insufficient report, and not less than~~  
1 8 fifty dollars for each delinquent or insufficient report  
1 9 thereafter, until four consecutive calendar quarters of  
~~1 10 reports are timely and sufficiently filed. Interest,~~  
1 11 penalties, and cost shall be collected by the department in  
1 12 the same manner as provided by this chapter for contributions.  
1 13 Sec. 2. Section 96.14, subsection 2, Code Supplement 2007,  
1 14 is amended by adding the following new paragraph:  
1 15 NEW PARAGRAPH. ee. If any tendered payment of any amount  
1 16 due in the form a check, draft, or money order is not honored  
1 17 when presented to a financial institution, any costs assessed  
1 18 to the department by the financial institution and a fee of  
1 19 thirty dollars shall be assessed to the employer.  
1 20 Sec. 3. Section 96.14, Code Supplement 2007, is amended by  
1 21 adding the following new subsection:  
1 22 NEW SUBSECTION. 17. EMPLOYER SUBPOENA COST AND PENALTY.  
1 23 An employer who is served with a subpoena pursuant to section  
1 24 96.11, subsection 7, for the investigation of an employer  
1 25 liability issue, to complete audits, to secure reports, or to  
1 26 assess contributions shall pay all costs associated with the  
1 27 subpoena, including service fees and court costs. The  
1 28 department shall penalize an employer in the amount of two  
1 29 hundred fifty dollars if that employer refused to honor a  
1 30 subpoena or negligently failed to honor a subpoena. The cost  
1 31 of the subpoena and any penalty shall be collected in the  
1 32 manner provided in section 96.14, subsection 3.  
1 33 EXPLANATION  
1 34 This bill relates to the unemployment insurance tax law and  
1 35 creates a \$50 penalty for each delinquent or insufficient wage



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House Study Bill 604 continued

2 1 report from an employer. The bill mandates a \$30 fee and  
2 2 costs to be paid by an employer who tenders a faulty  
2 3 unemployment contribution payment to the department of  
2 4 workforce development.  
2 5 An employer who is served with a subpoena pursuant to Code  
2 6 section 96.11, subsection 7, relating to administration of the  
2 7 unemployment insurance law, is responsible for paying all  
2 8 service fee and court costs associated with the subpoena.  
2 9 Refusal or negligent failure to honor the subpoena shall  
2 10 result in a penalty of \$250 by the department.  
2 11 LSB 5470DP 82  
2 12 ak/rj/8.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 605

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

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

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

A BILL FOR

- 1 An Act relating to the commission of a criminal offense
- 2 classified as murder in the first degree, and providing a
- 3 penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5973HC 82
- 6 jm/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 605 continued

PAG LIN

1 1 Section 1. Section 707.2, Code 2007, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 7. The person kills another person while  
1 4 committing an act which is intended to cause serious injury to  
1 5 that person.

1 6 EXPLANATION

1 7 This bill relates to the commission of a criminal offense  
1 8 classified as murder in the first degree.

1 9 The bill provides that a person who kills another person  
1 10 while committing an act which is intended to cause serious  
1 11 injury to that person, is guilty of murder in the first  
1 12 degree. Murder in the first degree is classified as a class  
1 13 "A" felony.

1 14 A class "A" felony is punishable by confinement for life  
1 15 without possibility of parole.

1 16 LSB 5973HC 82

1 17 jm/nh/5



Iowa General Assembly  
 Daily Bills, Amendments & Study Bills  
 January 30, 2008

House Study Bill 606

HOUSE FILE  
 BY (PROPOSED COMMITTEE ON  
 JUDICIARY BILL BY  
 CHAIRPERSON SWAIM)

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

A BILL FOR

- 1 An Act relating to the payment of costs for an attorney appointed
- 2 to serve as a guardian ad litem.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5798HC 82
- 5 jm/rj/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

House Study Bill 606 continued

PAG LIN

1 1 Section 1. Section 232.141, subsection 3, paragraph a,  
1 2 Code 2007, is amended to read as follows:  
1 3 a. A county shall be required to pay for the fiscal year  
1 4 beginning July 1, 1989, an amount equal to the county's base  
1 5 cost for witness and mileage fees and attorney fees  
1 6 established pursuant to section 232.141, subsection 8,  
1 7 paragraph "d", Code 1989, for the fiscal year beginning July  
1 8 1, 1988, plus an amount equal to the percentage rate of change  
1 9 in the consumer price index as tabulated by the federal bureau  
1 10 of labor statistics for the current year times the county's  
1 11 base cost. For the fiscal year beginning July 1, 2008, and  
1 12 every fiscal year thereafter, the county's base shall equal  
1 13 the county's base as calculated in this paragraph less the  
1 14 total expenses and compensation of attorneys appointed to  
1 15 serve as a guardian ad litem in the county as calculated by  
1 16 the state public defender for the preceding fiscal year.

1 17 EXPLANATION

1 18 This bill relates to the payment of costs for an attorney  
1 19 appointed to serve as a guardian ad litem.

1 20 The bill provides that a county's base cost shall be  
1 21 calculated as provided in Code section 232.141(3) less the  
1 22 total expenses and compensation of attorneys appointed to  
1 23 serve as a guardian ad litem in the county, as calculated by  
1 24 the state public defender for the preceding fiscal year.

1 25 Under current law, in Code section 232.141(3)(d) the county  
1 26 is required to reimburse the indigent defense fund up to the  
1 27 county's base cost. The bill lowers a county's reimbursement  
1 28 amount into the indigent defense fund because guardian ad  
1 29 litem costs are no longer part of the county base calculation.

1 30 The bill in effect increases the need for additional  
1 31 appropriations to the indigent defense fund under Code section  
1 32 815.11 because the costs of a guardian ad litem are payable  
1 33 from the fund but are no longer reimbursed by the counties and  
1 34 paid into the fund.

1 35 LSB 5798HC 82



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

House Study Bill 606 continued

2 1 jm/rj/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2075 - Introduced**

SENATE FILE  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3004)

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

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

**A BILL FOR**

- 1 An Act relating to the eligibility requirements for the barn
- 2 preservation property tax exemption.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5142SV 82
- 5 md/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2075 - Introduced continued

PAG LIN

1 1 Section 1. Section 427.1, subsection 31, unnumbered  
1 2 paragraph 1, Code Supplement 2007, is amended to read as  
1 3 follows:  
1 4 The increase in assessed value added to a farm structure  
1 5 ~~constructed prior to 1937~~ as a result of improvements made to  
1 6 the farm structure for purposes of preserving the integrity of  
1 7 the internal and external features of the structure as a barn  
1 8 is exempt from taxation. To be eligible for the exemption,  
1 9 the structure must have been first placed in service as a barn  
1 10 ~~prior to 1937~~ fifty or more years before the date the  
1 11 exemption application is filed with the assessing authority.  
1 12 The exemption shall apply to the assessment year beginning  
1 13 after the completion of the improvements to preserve the  
1 14 structure as a barn.

1 15 EXPLANATION

1 16 The Iowa barn preservation tax exemption makes any increase  
1 17 in assessed value to a barn as a result of improvements made  
1 18 for the purposes of preserving the integrity of the internal  
1 19 and external features of the structure as a barn exempt from  
1 20 taxation. Under the current exemption, only barns put into  
1 21 service prior to 1937 are eligible for the exemption.  
1 22 This bill removes the requirement that the barn must have  
1 23 been put into service prior to 1937 and makes the exemption  
1 24 available to barns that are 50 or more years old. To be  
1 25 eligible for the exemption, the barn must have been placed  
1 26 into service 50 or more years before the date the exemption  
1 27 application is filed with the assessing authority.

1 28 LSB 5142SV 82

1 29 md/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2076**

SENATE FILE  
BY JOHNSON

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

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

**A BILL FOR**

- 1 An Act appropriating certain franchise tax revenues to local
- 2 jurisdictions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5161XS 82
- 5 mg/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2076 continued

PAG LIN

1 1 Section 1. Section 331.427, subsection 1, unnumbered  
1 2 paragraph 1, Code Supplement 2007, is amended to read as  
1 3 follows:  
1 4 Except as otherwise provided by state law, county revenues  
1 5 from taxes and other sources for general county services shall  
1 6 be credited to the general fund of the county, including  
1 7 revenues received under sections 9I.11, 101A.3, 101A.7,  
1 8 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,  
1 9 321I.8, section 331.554, subsection 6, sections 341A.20,  
1 10 364.3, 368.21, 422.65, 423A.7, 428A.8, 433.15, 434.19, 445.57,  
1 11 453A.35, 458A.21, 483A.12, 533.329, 556B.1, 583.6, 602.8108,  
1 12 904.908, and 906.17, and the following:  
1 13 Sec. 2. NEW SECTION. 422.65 ALLOCATION OF REVENUE.  
1 14 All moneys received from the franchise tax shall be  
1 15 deposited in the general fund of the state. Commencing with  
1 16 the fiscal year beginning July 1, 2008, there is appropriated  
1 17 for each fiscal year from the franchise tax moneys received  
1 18 and deposited in the general fund of the state the sum of  
1 19 eight million eight hundred thousand dollars which shall be  
1 20 paid quarterly on warrants by the director, after  
1 21 certification by the director, as follows:  
1 22 1. Sixty percent to the general fund of the city from  
1 23 which the tax is collected.  
1 24 2. Forty percent to the county from which the tax is  
1 25 collected.  
1 26 If the financial institution maintains one or more offices  
1 27 for the transaction of business, other than its principal  
1 28 office, a portion of its franchise tax shall be allocated to  
1 29 each office, based upon a reasonable measure of the business  
1 30 activity of each office. The director shall prescribe, for  
1 31 each type of financial institution, a method of measuring the  
1 32 business activity of each office. Financial institutions  
1 33 shall furnish all necessary information for this purpose at  
1 34 the request of the director.  
1 35 Quarterly, the director shall certify to the treasurer of



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2076 continued

2 1 state the amounts to be paid to each city and county from the  
2 2 general fund of the state. All moneys received from the  
2 3 franchise tax are appropriated according to the provisions of  
2 4 this section.

2 5 EXPLANATION

2 6 This bill reenacts the annual appropriation of \$8.8 million  
2 7 of state franchise tax revenues and its allocation to cities  
2 8 and counties. This annual appropriation and allocation were  
2 9 repealed in 2003 Iowa Acts, chapter 178, section 11. The  
2 10 annual appropriation and allocation will commence with the  
2 11 fiscal year beginning July 1, 2008.

2 12 LSB 5161XS 82

2 13 mg/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2077 - Introduced**

SENATE FILE  
BY RAGAN

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

**A BILL FOR**

1 An Act relating to renewable energy, providing for state bank  
2 acquisition of equity interests in renewable energy production  
3 facilities, and providing for qualification for specified  
4 production tax credits by state banks and by owners or  
5 manufacturing facilities generating renewable energy for  
6 on-site consumption rather than sale, and providing effective  
7 and applicability dates.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 TL5B 5589SS 82  
10 rn/rj/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2077 - Introduced continued

PAG LIN

1 1 Section 1. Section 524.802, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 13A. Provide customer financing for  
1 4 renewable energy production facilities eligible for production  
1 5 tax credits pursuant to chapters 476B and 476C in a manner  
1 6 that maximizes the availability of production tax credits to  
1 7 the state bank, including structuring such financing as a  
1 8 membership investment whereby the state bank as equity  
1 9 investor may take a majority financial position, but not a  
1 10 management position, in each such facility, subject to the  
1 11 following:  
1 12 a. Prior to providing financing, a creditworthiness review  
1 13 shall be conducted pursuant to the state bank's standard loan  
1 14 underwriting criteria.  
1 15 b. The state bank shall not participate in the operation  
1 16 of the facility, the production of renewable energy, or the  
1 17 sale of renewable energy if such sale is contemplated by the  
1 18 customer.  
1 19 c. If the facility does not perform as projected in the  
1 20 equity investment agreement, the state bank may either sell  
1 21 its interest in the facility or pursue liquidation.  
1 22 d. The state bank shall not share in any appreciation in  
1 23 value of its interest in the facility or in any of the  
1 24 customer's real or personal assets.  
1 25 e. At the end of any applicable holding period, the state  
1 26 bank shall sell at book value its ownership interest in the  
1 27 facility.  
1 28 Sec. 2. Section 476B.1, subsection 4, paragraph c, Code  
1 29 2007, is amended to read as follows:  
1 30 c. Was originally placed in service on or after July 1,  
1 31 2005, but before July 1, ~~2009~~ 2012.  
1 32 Sec. 3. Section 476B.2, Code 2007, is amended to read as  
1 33 follows:  
1 34 476B.2 GENERAL RULE.  
1 35 The owner of a qualified facility shall, for each



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2077 - Introduced continued

2 1 kilowatt-hour of qualified electricity that the owner sells or  
2 2 uses for on-site consumption during the ten-year period  
2 3 beginning on the date the qualified facility was originally  
2 4 placed in service, be allowed a wind energy production tax  
2 5 credit to the extent provided in this chapter against the tax  
2 6 imposed in chapter 422, divisions II, III, and V, and chapter  
2 7 432.

2 8 Sec. 4. Section 476B.3, Code 2007, is amended to read as  
2 9 follows:

2 10 476B.3 CREDIT AMOUNT.

2 11 The wind energy production tax credit allowed under this  
2 12 chapter equals the product of one cent multiplied by the  
2 13 number of kilowatt-hours of qualified electricity sold or used  
2 14 for on-site consumption by the owner during the taxable year.

2 15 Sec. 5. Section 476B.5, subsection 1, paragraph e, Code  
2 16 2007, is amended to read as follows:

2 17 e. A Except when electricity is used for on-site  
2 18 consumption, a copy of an executed power purchase agreement or  
2 19 other agreement to purchase electricity upon completion of the  
2 20 project. An executed interconnection agreement or  
2 21 transmission service agreement shall be accepted by the board  
2 22 under this paragraph if the owner of the facility has agreed  
2 23 to sell electricity from the facility directly or indirectly  
2 24 to a wholesale power pool market.

2 25 Sec. 6. Section 476B.5, subsection 4, Code 2007, is  
2 26 amended to read as follows:

2 27 4. The maximum amount of nameplate generating capacity of  
2 28 all qualified facilities the board may find eligible under  
2 29 this chapter shall not exceed ~~four~~ two hundred fifty megawatts  
2 30 of nameplate generating capacity.

2 31 Sec. 7. Section 476B.6, subsection 2, Code 2007, is  
2 32 amended by adding the following new paragraph:

2 33 NEW PARAGRAPH. f. For a facility in which electricity is  
2 34 used for on-site consumption, the requirements of paragraphs  
2 35 "c" and "d" shall not be applicable.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2077 - Introduced continued

3 1 Sec. 8. Section 476B.6, subsection 3, Code 2007, is  
3 2 amended to read as follows:  
3 3 3. The board shall notify the department of the amount of  
3 4 kilowatt=hours generated ~~and~~ or purchased from a qualified  
3 5 facility. The department shall calculate the amount of the  
3 6 tax credit for which the applicant is eligible and shall issue  
3 7 the tax credit certificate for that amount or notify the  
3 8 applicant in writing of its refusal to do so. An applicant  
3 9 whose application is denied may file an appeal with the  
3 10 department within sixty days from the date of the denial  
3 11 pursuant to the provisions of chapter 17A.

3 12 Sec. 9. Section 476B.7, unnumbered paragraph 2, Code 2007,  
3 13 is amended to read as follows:

3 14 The tax credit shall ~~only be transferred once~~ be freely  
3 15 transferable. The transferee may use the amount of the tax  
3 16 credit transferred against the taxes imposed under chapter  
3 17 422, divisions II, III, and V, and chapter 432 for any tax  
3 18 year the original transferor could have claimed the tax  
3 19 credit. Any consideration received for the transfer of the  
3 20 tax credit shall not be included as income under chapter 422,  
3 21 divisions II, III, and V. Any consideration paid for the  
3 22 transfer of the tax credit shall not be deducted from income  
3 23 under chapter 422, divisions II, III, and V.

3 24 Sec. 10. Section 476C.1, subsection 6, paragraph b, Code  
3 25 2007, is amended by adding the following new subparagraphs:  
3 26 NEW SUBPARAGRAPH. (8) A state bank as defined in section  
3 27 524.103.

3 28 NEW SUBPARAGRAPH. (9) A manufacturing facility located in  
3 29 this state producing renewable energy solely for its own use.

3 30 Sec. 11. Section 476C.1, subsection 6, paragraph d, Code  
3 31 2007, is amended to read as follows:

3 32 d. Was initially placed into service on or after July 1,  
3 33 2005, and before January 1, ~~2012~~ 2014.

3 34 Sec. 12. Section 476C.2, subsection 1, Code 2007, is  
3 35 amended to read as follows:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2077 - Introduced continued

4 1 1. A producer or purchaser of renewable energy may receive  
4 2 renewable energy tax credits under this chapter in an amount  
4 3 equal to ~~one and one-half~~ two cents per kilowatt-hour of  
4 4 electricity, or four dollars and fifty cents per million  
4 5 British thermal units of heat for a commercial purpose, or  
4 6 four dollars and fifty cents per million British thermal units  
4 7 of methane gas or other biogas used to generate electricity,  
4 8 or one dollar and forty-four cents per one thousand standard  
4 9 cubic feet of hydrogen fuel generated by ~~and~~ or purchased from  
4 10 an eligible renewable energy facility.

4 11 Sec. 13. Section 476C.3, subsection 1, paragraph e, Code  
4 12 2007, is amended to read as follows:

4 13 e. A Except when renewable energy is used solely for  
4 14 on-site consumption, a copy of the power purchase agreement or  
4 15 other agreement to purchase electricity, hydrogen fuel,  
4 16 methane or other biogas, or heat for a commercial purpose  
4 17 which shall designate either the producer or purchaser of  
4 18 renewable energy as eligible to apply for the renewable energy  
4 19 tax credit.

4 20 Sec. 14. Section 476C.3, subsections 4 and 6, Code 2007,  
4 21 are amended to read as follows:

4 22 4. The maximum amount of nameplate generating capacity of  
4 23 all wind energy conversion facilities the board may find  
4 24 eligible under this chapter shall not exceed ~~one hundred~~  
4 25 ~~eighty three~~ three hundred sixty megawatts of nameplate generating  
4 26 capacity. The maximum amount of energy production capacity  
4 27 equivalent of all other facilities the board may find eligible  
4 28 under this chapter shall not exceed a combined output of  
4 29 twenty megawatts of nameplate generating capacity and one  
4 30 hundred sixty-seven billion British thermal units of heat for  
4 31 a commercial purpose. Of the maximum amount of energy  
4 32 production capacity equivalent of all other facilities found  
4 33 eligible under this chapter, fifty-five billion British  
4 34 thermal units of heat for a commercial purpose shall be  
4 35 reserved for an eligible facility that is a refuse conversion



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2077 - Introduced continued

5 1 facility for processed, engineered fuel from a multicounty  
5 2 solid waste management planning area. The maximum amount of  
5 3 energy production capacity the board may find eligible for a  
5 4 single refuse conversion facility is fifty-five billion  
5 5 British thermal units of heat for a commercial purpose.  
5 6 6. An owner meeting the requirements of section 476C.1,  
5 7 subsection 6, paragraph "b", shall not be an owner of more  
5 8 than two eligible renewable energy facilities. A person that  
5 9 has an equity interest equal to or greater than fifty-one  
5 10 percent in an eligible renewable energy facility shall not  
5 11 have an equity interest greater than ten percent in any other  
5 12 eligible renewable energy facility. This subsection shall not  
5 13 be applicable to a state bank structuring the financing for  
5 14 such facilities as membership investments with the state bank  
5 15 as an equity investor pursuant to section 524.802, subsection  
5 16 13A, or to a manufacturing facility producing renewable energy  
5 17 solely for its own use.

5 18 Sec. 15. Section 476C.4, subsection 1, Code 2007, is  
5 19 amended by adding the following new paragraph:

5 20 NEW PARAGRAPH. f. For a facility in which renewable  
5 21 energy is used for on-site consumption, the requirements of  
5 22 paragraphs "c" and "d" shall not be applicable.

5 23 Sec. 16. Section 476C.4, subsection 2, Code 2007, is  
5 24 amended to read as follows:

5 25 2. The board shall notify the department of the amount of  
5 26 kilowatt-hours, British thermal units of heat for a commercial  
5 27 purpose, British thermal units of methane gas or other biogas  
5 28 used to generate electricity, or standard cubic feet of  
5 29 hydrogen fuel generated ~~and~~ or purchased from an eligible  
5 30 renewable energy facility. The department shall calculate the  
5 31 amount of the tax credit for which the applicant is eligible  
5 32 and shall issue the tax credit certificate for that amount or  
5 33 notify the applicant in writing of its refusal to do so. An  
5 34 applicant whose application is denied may file an appeal with  
5 35 the department within sixty days from the date of the denial



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2077 - Introduced continued

6 1 pursuant to the provisions of chapter 17A.  
6 2 Sec. 17. Section 476C.6, subsection 1, unnumbered  
6 3 paragraph 1, Code 2007, is amended to read as follows:  
6 4 Renewable energy tax credit certificates issued under this  
6 5 chapter may be transferred to any person. A tax credit  
6 6 certificate shall ~~only be transferred once~~ be freely  
6 7 transferable. ~~However, for purposes of this transfer~~  
~~6 8 provision,~~ a A decision between a producer and purchaser of  
6 9 renewable energy regarding who claims the tax credit issued  
6 10 pursuant to this chapter shall not be considered a transfer  
6 11 and must be set forth in the application for the tax credit  
6 12 pursuant to section 476C.4. Within thirty days of transfer,  
6 13 the transferee must submit the transferred tax credit  
6 14 certificate to the department along with a statement  
6 15 containing the transferee's name, tax identification number,  
6 16 and address, and the denomination that each new certificate is  
6 17 to carry and any other information required by the department.  
6 18 Within thirty days of receiving the transferred tax credit  
6 19 certificate and the transferee's statement, the department  
6 20 shall issue one or more replacement tax credit certificates to  
6 21 the transferee. Each replacement tax credit certificate must  
6 22 contain the information required under section 476C.4,  
6 23 subsection 3, and must have the same effective taxable year  
6 24 and the same expiration date that appeared in the transferred  
6 25 tax credit certificate. Tax credit certificate amounts of  
6 26 less than the minimum amount established by rule shall not be  
6 27 transferable. A tax credit shall not be claimed by a  
6 28 transferee under this chapter until a replacement tax credit  
6 29 certificate identifying the transferee as the proper holder  
6 30 has been issued. The replacement tax credit certificate may  
6 31 reflect a different type of tax than the type of tax noted on  
6 32 the original tax credit certificate.  
6 33 Sec. 18. EFFECTIVE AND APPLICABILITY DATES. This Act,  
6 34 being deemed of immediate importance, takes effect upon  
6 35 enactment and is retroactively applicable to taxable years



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2077 - Introduced continued

7 1 beginning on or after January 1, 2008, for tax credits issued  
7 2 pursuant to this Act.

7 3 EXPLANATION

7 4 This bill provides for acquisition of equity interests in  
7 5 renewable energy production facilities by state banks  
7 6 financing such facilities for customers, and relates to  
7 7 qualification for specified renewable energy tax credits.

7 8 The bill specifies procedures and requirements applicable  
7 9 to a state bank structuring the financing of renewable energy  
7 10 production facilities as a membership investment with the  
7 11 state bank as an equity investor acquiring ownership in the  
7 12 facility.

7 13 The bill modifies provisions applicable to qualification  
7 14 for the wind energy production tax credit pursuant to Code  
7 15 chapter 476B consistent with state bank ownership, and  
7 16 provides that projects can qualify for the tax credit whether  
7 17 the electricity is sold, as is currently the case, or utilized  
7 18 for on-site consumption. The time period during which  
7 19 projects placed in service may qualify for tax credits is  
7 20 extended from July 1, 2009, to July 1, 2012, and the maximum  
7 21 amount of nameplate generating capacity eligible for a credit  
7 22 is changed from 450 megawatts to 250 megawatts.

7 23 The bill also modifies provisions applicable to  
7 24 qualification for the renewable energy tax credit pursuant to  
7 25 Code chapter 476C consistent with state bank ownership, and  
7 26 ownership by a manufacturing facility located in this state  
7 27 producing renewable energy solely for its own use. The time  
7 28 period during which projects placed in service may qualify for  
7 29 tax credits is extended from January 1, 2012, to January 1,  
7 30 2014. The amount of renewable energy tax credit is adjusted  
7 31 in the bill from 1.5 cents per kilowatt-hour of electricity to  
7 32 2 cents per kilowatt-hour, and the maximum amount of nameplate  
7 33 generating capacity of all wind energy conversion facilities  
7 34 eligible is changed from 180 to 360 megawatts of capacity.  
7 35 The bill also exempts state banks and manufacturing facilities



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2077 - Introduced continued

8 1 using energy for on-site consumption from restrictions  
8 2 regarding the number of facilities which may be owned, and a  
8 3 current restriction on transferability of credit certificates  
8 4 on a one-time basis is changed to an unlimited number of  
8 5 transfers.  
8 6     The bill takes effect upon enactment and applies  
8 7 retroactively to taxable years beginning on or after January  
8 8 1, 2008, with respect to tax credits issued pursuant to the  
8 9 bill.  
8 10 LSB 5589SS 82  
8 11 rn/rj/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2078 - Introduced**

SENATE FILE  
BY JOHNSON

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

**A BILL FOR**

- 1 An Act appropriating moneys to reimburse commissioners of soil
- 2 and water conservation districts for administrative expenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6406XS 82
- 5 da/nh/5



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2078 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == SOIL AND WATER CONSERVATION  
 1 2 DISTRICTS. There is appropriated from the general fund of the  
 1 3 state to the department of agriculture and land stewardship  
 1 4 for the fiscal year beginning July 1, 2008, and ending June  
 1 5 30, 2009, the following amount, or so much thereof as is  
 1 6 necessary, to be used for the purposes designated:  
 1 7 For purposes of providing reimbursement to commissioners of  
 1 8 soil and water conservation districts for administrative  
 1 9 expenses incurred when performing their duties, including but  
 1 10 not limited to travel expenses, technical training, and  
 1 11 professional dues:  
 1 12 ..... \$ 400,000  
 1 13 EXPLANATION  
 1 14 This bill appropriates \$400,000 from the general fund of  
 1 15 the state to the department of agriculture and land  
 1 16 stewardship for FY 2008=2009 in order to reimburse  
 1 17 commissioners of soil and water conservation districts for  
 1 18 their administrative expenses.  
 1 19 There are 100 soil and water conservation districts in the  
 1 20 state.  
 1 21 LSB 6406XS 82  
 1 22 da/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2079 - Introduced**

SENATE FILE  
BY KETTERING

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

**A BILL FOR**

1 An Act adding a personal finance literacy requirement to the  
2 education programs school districts and accredited nonpublic  
3 schools must offer to students in grades nine through twelve.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6388XS 82  
6 kh/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2079 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.11, subsection 5, Code Supplement  
1 2 2007, is amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. k. One-half unit of personal finance  
1 4 literacy.  
1 5 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance  
1 6 with section 25B.2, subsection 3, the state cost of requiring  
1 7 compliance with any state mandate included in this Act shall  
1 8 be paid by a school district from state school foundation aid  
1 9 received by the school district under section 257.16. This  
1 10 specification of the payment of the state cost shall be deemed  
1 11 to meet all of the state funding-related requirements of  
1 12 section 25B.2, subsection 3, and no additional state funding  
1 13 shall be necessary for the full implementation of this Act by  
1 14 and enforcement of this Act against all affected school  
1 15 districts.

1 16 EXPLANATION

1 17 This bill requires school districts and accredited  
1 18 nonpublic schools to offer one-half unit of personal finance  
1 19 literacy in their grade nine=12 education program. The Code  
1 20 provides that a unit of credit consists of a course or  
1 21 equivalent related components or partial units taught  
1 22 throughout the academic year.  
1 23 The bill may include a state mandate as defined in Code  
1 24 section 25B.3. The bill requires that the state cost of any  
1 25 state mandate included in the bill be paid by a school  
1 26 district from state school foundation aid received by the  
1 27 school district under Code section 257.16. The specification  
1 28 is deemed to constitute state compliance with any state  
1 29 mandate funding-related requirements of Code section 25B.2.  
1 30 The inclusion of this specification is intended to reinstate  
1 31 the requirement of political subdivisions to comply with any  
1 32 state mandates included in the bill.  
1 33 LSB 6388XS 82  
1 34 kh/nh/8



Iowa General Assembly  
 Daily Bills, Amendments & Study Bills  
 January 30, 2008

Senate File 2080 - Introduced

SENATE FILE

BY APPEL, SCHMITZ, HANCOCK,  
 DANIELSON, BEALL, BOLKCOM,  
 SEYMOUR, RIELLY, RAGAN,  
 COURTNEY, STEWART, SCHOENJAHN,  
 HOGG, HECKROTH, QUIRMBACH,  
 HATCH, KIBBIE, BLACK, McCOY,  
 CONNOLLY, DOTZLER, DVORSKY,  
 HORN, SENG, OLIVE, DEARDEN,  
 WOOD, and MULDER

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

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

**A BILL FOR**

1 An Act establishing health, nutrition, and cardiopulmonary  
 2 resuscitation certification requirements for students, school  
 3 districts, and accredited nonpublic schools.  
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 5 TL5B 5434XS 82  
 6 kh/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2080 - Introduced continued

PAG LIN

1 1 Section 1. SHORT TITLE. This Act shall be known and may  
1 2 be cited as the "Healthy Kids Act".  
1 3 Sec. 2. Section 256.7, Code Supplement 2007, is amended by  
1 4 adding the following new subsection:  
1 5 NEW SUBSECTION. 29. Adopt rules establishing nutritional  
1 6 content standards for foods and beverages sold or provided on  
1 7 the school grounds of any school district or accredited  
1 8 nonpublic school during the school day exclusive of the food  
1 9 provided by any federal school food program or pursuant to an  
1 10 agreement with any agency of the federal government in  
1 11 accordance with the provisions of chapter 283A. The standards  
1 12 shall be consistent with the dietary guidelines for Americans  
1 13 issued by the United States department of agriculture food and  
1 14 nutrition service.  
1 15 Sec. 3. Section 256.9, Code Supplement 2007, is amended by  
1 16 adding the following new subsections:  
1 17 NEW SUBSECTION. 57. Convene, in collaboration with the  
1 18 department of public health, a nutrition advisory panel to  
1 19 review research in pediatric nutrition conducted in compliance  
1 20 with accepted scientific methods by recognized professional  
1 21 organizations and agencies including but not limited to the  
1 22 institute of medicine. The advisory panel shall submit its  
1 23 findings and recommendations, which shall be consistent with  
1 24 the dietary guidelines for Americans published jointly by the  
1 25 federal department of health and human services and department  
1 26 of agriculture if in the judgment of the advisory panel the  
1 27 guidelines are supported by the research findings, in a report  
1 28 to the state board. The advisory panel may submit to the  
1 29 state board recommendations on standards related to federal  
1 30 school food programs if the recommendations are intended to  
1 31 exceed the existing federal guidelines. The state board shall  
1 32 consider the advisory panel report when establishing or  
1 33 amending the nutritional content standards required pursuant  
1 34 to section 256.7, subsection 29. The director shall convene  
1 35 the advisory panel by July 1, 2008, and every five years



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2080 - Introduced continued

2 1 thereafter to review the report and make recommendations for  
2 2 changes as appropriate. The advisory panel shall consist of  
2 3 at least one Iowa state university extension nutrition and  
2 4 health field specialist and at least one representative from  
2 5 each of the following:  
2 6 a. The Iowa dietetic association.  
2 7 b. The school nutrition association of Iowa.  
2 8 c. The Iowa association of school boards.  
2 9 d. The school administrators of Iowa.  
2 10 e. The Iowa chapter of the American academy of pediatrics.  
2 11 f. A school association representing parents.  
2 12 g. The Iowa grocery industry association.  
2 13 NEW SUBSECTION. 58. Monitor school districts and  
2 14 accredited nonpublic schools for compliance with the  
2 15 nutritional content standards for foods and beverages adopted  
2 16 by the state board in accordance with section 256.7,  
2 17 subsection 29. School districts and accredited nonpublic  
2 18 schools shall annually make the standards available to  
2 19 students, parents, and the local community. A school district  
2 20 or accredited nonpublic school found to be in noncompliance  
2 21 with the nutritional content standards by the director shall  
2 22 submit a corrective action plan to the director for approval  
2 23 which sets forth the steps to be taken to ensure full  
2 24 compliance.  
2 25 Sec. 4. Section 256.11, subsection 6, Code Supplement  
2 26 2007, is amended to read as follows:  
2 27 6. a. A Except as provided in paragraphs "b" and "c", a  
2 28 pupil is not required to enroll in either physical education  
2 29 or health courses if the pupil's parent or guardian files a  
2 30 written statement with the school principal that the course  
2 31 conflicts with the pupil's religious belief.  
2 32 b. Every student physically able shall be required to  
2 33 engage in a physical activity for a minimum of thirty minutes  
2 34 per school day. The department shall collaborate with  
2 35 stakeholders on the development of daily physical activity



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2080 - Introduced continued

3 1 requirements and the development of models that describe ways  
3 2 in which school districts and schools may incorporate the  
3 3 physical activity requirement of this paragraph into the  
3 4 educational program.

3 5 c. Every student by the end of grade twelve shall  
3 6 successfully complete a certification course for  
3 7 cardiopulmonary resuscitation. The administrator of a school  
3 8 may waive this requirement if the student is not physically  
3 9 able to successfully complete the training.

3 10 Sec. 5. Section 273.2, Code 2007, is amended by adding the  
3 11 following new subsection:

3 12 NEW SUBSECTION. 7. The board of an area education agency  
3 13 or a consortium of two or more area education agencies shall  
3 14 employ or contract with one or more licensed dietitians for  
3 15 the support of nutritional provisions in individual education  
3 16 plans developed in accordance with chapter 256B and for  
3 17 support of school nutrition coordinators.

3 18 EXPLANATION

3 19 This bill creates what may be known and cited as the  
3 20 "Healthy Kids Act". The bill directs the state board of  
3 21 education and the director of the department of education to  
3 22 take actions to establish, monitor, and ensure compliance with  
3 23 nutritional content standards for foods and beverages sold or  
3 24 provided on the school grounds during the school day in school  
3 25 districts and accredited nonpublic schools. The bill also  
3 26 requires every physically able student to engage in 30 minutes  
3 27 of physical activity per school day and to complete a  
3 28 certification course for cardiopulmonary resuscitation prior  
3 29 to graduating.

3 30 The bill requires the state board to adopt rules  
3 31 establishing the standards for foods and beverages exclusive  
3 32 of the food provided by any federal school food program or  
3 33 under an agreement with a federal agency. The standards must  
3 34 be consistent with the dietary guidelines for Americans issued  
3 35 by the United States department of agriculture.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2080 - Introduced continued

4 1 The director of the department is charged with convening,  
4 2 in collaboration with the department of public health, a  
4 3 nutrition advisory panel to review scientifically conducted  
4 4 research in pediatric nutrition. The advisory panel, which is  
4 5 to convene by July 1, 2008, and every five years thereafter,  
4 6 shall submit its findings and recommendations in a report to  
4 7 the state board, which shall consider the report when  
4 8 establishing or amending the nutritional content standards.

4 9 If the director finds that a school district or school is  
4 10 noncompliant with the standards, the school district or school  
4 11 must submit a corrective action plan to the director. School  
4 12 districts and accredited nonpublic schools are required to  
4 13 annually make the standards available to students, parents,  
4 14 and the local community.

4 15 The bill amends the educational standards to require every  
4 16 student who is physically able to engage in physical activity  
4 17 for a minimum of 30 minutes per school day. The department  
4 18 must collaborate with stakeholders when developing models that  
4 19 describe ways schools may incorporate the physical activity  
4 20 requirement into the educational program. Every student  
4 21 physically able is also required to successfully complete a  
4 22 certification course for cardiopulmonary resuscitation.

4 23 The bill also requires the board of an area education  
4 24 agency or a consortium of area education agencies to employ or  
4 25 contract with one or more licensed dietitians for the support  
4 26 of nutritional provisions in individual education plans  
4 27 developed for children requiring special education and for  
4 28 support of school nutrition coordinators.

4 29 LSB 5434XS 82

4 30 kh/nh/5.2



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2081 - Introduced**

SENATE FILE  
BY DANIELSON

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

**A BILL FOR**

- 1 An Act relating to third-party payment of health care coverage
- 2 costs for the diagnosis and treatment of infertility.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5886SS 82
- 5 av/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2081 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.23 INFERTILITY COVERAGE.  
1 2 1. Notwithstanding the uniformity of treatment  
1 3 requirements of section 514C.6, a group policy, contract, or  
1 4 plan providing for third-party payment or prepayment of  
1 5 health, medical, and surgical coverage benefits issued by a  
1 6 carrier, as defined in section 513B.2, or by an organized  
1 7 delivery system authorized under 1993 Iowa Acts, ch. 158,  
1 8 shall provide coverage benefits for the diagnosis and  
1 9 treatment of infertility, if both of the following are  
1 10 satisfied:  
1 11 a. The policy, contract, or plan is issued to an employer  
1 12 who on at least fifty percent of the employer's working days  
1 13 during the preceding calendar year employed more than twenty=  
1 14 five full-time equivalent employees. In determining the  
1 15 number of full-time equivalent employees of an employer,  
1 16 employers who are affiliated or who are able to file a  
1 17 consolidated tax return for purposes of state taxation shall  
1 18 be considered one employer.  
1 19 b. The policy, contract, or plan provides coverage  
1 20 benefits related to pregnancy.  
1 21 2. Notwithstanding the uniformity of treatment  
1 22 requirements of section 514C.6, a plan established pursuant to  
1 23 chapter 509A for public employees shall provide coverage  
1 24 benefits for the diagnosis and treatment of infertility.  
1 25 3. For purposes of this section, "infertility" means the  
1 26 inability to conceive after one year of unprotected sexual  
1 27 intercourse or the inability to sustain a successful  
1 28 pregnancy.  
1 29 4. For purposes of this section, the diagnosis and  
1 30 treatment of infertility includes, but is not limited to, all  
1 31 of the following:  
1 32 a. In vitro fertilization.  
1 33 b. Uterine embryo lavage.  
1 34 c. Embryo transfer.  
1 35 d. Artificial insemination.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2081 - Introduced continued

- 2 1 e. Gamete intrafallopian tube transfer.  
2 2 f. Zygote intrafallopian tube transfer.  
2 3 g. Low tubal ovum transfer.  
2 4 5. Coverage benefits required under this section for in  
2 5 vitro fertilization, gamete intrafallopian tube transfer, or  
2 6 zygote intrafallopian tube transfer shall be required only if  
2 7 all of the following conditions are satisfied:  
2 8 a. The covered individual has been unable to attain or  
2 9 sustain a successful pregnancy through reasonable, less  
2 10 costly, medically appropriate infertility treatments for which  
2 11 coverage is available under the policy, contract, or plan.  
2 12 b. The covered individual has not undergone more than  
2 13 three completed oocyte retrievals, except that if a live birth  
2 14 follows a completed oocyte retrieval, then two more completed  
2 15 oocyte retrievals shall be covered.  
2 16 c. The procedures are performed at a medical facility that  
2 17 conforms to the American college of obstetrics and gynecology  
2 18 guidelines for in vitro fertilization clinics or to the  
2 19 American society for reproductive medicine's minimum standards  
2 20 for in vitro fertilization programs.  
2 21 6. This section does not apply to a group policy,  
2 22 contract, or plan issued to or by a religious institution or  
2 23 organization or to or by an entity sponsored by a religious  
2 24 institution or organization if the religious and moral  
2 25 teachings or beliefs of the religious institution or  
2 26 organization would be violated by providing the coverage  
2 27 benefits otherwise required under this section.  
2 28 7. This section shall not apply to accident=only,  
2 29 specified disease, short=term hospital or medical, hospital  
2 30 confinement indemnity, credit, dental, vision, Medicare  
2 31 supplement, long=term care, basic hospital and medical=  
2 32 surgical expense coverage as defined by the commissioner,  
2 33 disability income insurance coverage, coverage issued as a  
2 34 supplement to liability insurance, workers' compensation or  
2 35 similar insurance, or automobile medical payment insurance, or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2081 - Introduced continued

3 1 individual accident and sickness policies issued to  
3 2 individuals or to individual members of a member association.  
3 3 8. This section applies to third-party payment provider  
3 4 policies or contracts and to plans established pursuant to  
3 5 chapter 509A that are delivered, issued for delivery,  
3 6 continued, or renewed in this state on or after January 1,  
3 7 2009.

3 8 EXPLANATION

3 9 This bill mandates payment of health care costs for the  
3 10 diagnosis and treatment of infertility in certain health  
3 11 insurance policies, contracts, or plans issued to employers of  
3 12 more than 25 full-time employees who provide coverage benefits  
3 13 related to pregnancy, and in plans established pursuant to  
3 14 Code chapter 509A for public employees.

3 15 The bill defines "infertility" as the inability to conceive  
3 16 after one year of unprotected sexual intercourse or the  
3 17 inability to sustain a successful pregnancy.

3 18 The bill provides that coverage for the diagnosis and  
3 19 treatment of infertility includes, but is not limited to, in  
3 20 vitro fertilization, uterine embryo transfer, artificial  
3 21 insemination, gamete intrafallopian tube transfer, zygote  
3 22 intrafallopian tube transfer, and low tubal ovum transfer.

3 23 The bill limits the requirement for coverage for in vitro  
3 24 fertilization, gamete intrafallopian tube transfer, or a  
3 25 zygote intrafallopian tube transfer to those cases where the  
3 26 covered individual has been unable to attain or sustain a  
3 27 successful pregnancy through reasonable, less costly,  
3 28 medically appropriate infertility treatments for which  
3 29 coverage is available under the policy, contract, or plan, and  
3 30 the individual has not undergone more than three complete  
3 31 oocyte retrievals, except that if a live birth follows a  
3 32 completed oocyte retrieval, two more completed oocyte  
3 33 retrievals are covered, and the procedures are performed at a  
3 34 medical facility that meets guidelines of the American college  
3 35 of obstetrics and gynecology or minimum standards of the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2081 - Introduced continued

4 1 American society for reproductive medicine for in vitro  
4 2 fertilization programs.  
4 3     Infertility coverage is not required in a group policy,  
4 4 contract, or plan issued to or by a religious institution or  
4 5 organization or an entity sponsored by such an institution or  
4 6 organization if the religious and moral teachings or beliefs  
4 7 of the religious institution or organization would be violated  
4 8 by such a requirement.  
4 9     The bill does not apply to certain specified types of  
4 10 insurance policies.  
4 11     The bill applies to third-party payment provider policies  
4 12 or contracts and to plans established pursuant to Code chapter  
4 13 509A that are delivered, issued for delivery, continued, or  
4 14 renewed in this state on or after January 1, 2009.  
4 15 LSB 5886SS 82  
4 16 av/rj/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2082 - Introduced**

SENATE FILE  
BY JOHNSON

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

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

**A BILL FOR**

- 1 An Act making an appropriation to the department of elder affairs
- 2 for statewide expansion of the elder abuse initiative program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5154SS 82
- 5 rh/rj/14



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2082 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT OF ELDER AFFAIRS ==  
 1 2 ELDER ABUSE INITIATIVE PROGRAM. There is appropriated from  
 1 3 the general fund of the state to the department of elder  
 1 4 affairs for the fiscal year beginning July 1, 2008, and ending  
 1 5 June 30, 2009, the following amount, or so much thereof as is  
 1 6 necessary, to be used for the purpose designated:

1 7 For the purpose of statewide expansion of the elder abuse  
 1 8 initiative program established pursuant to section 231.56A for  
 1 9 the prevention, intervention, detection, and reporting of  
 1 10 elder abuse, neglect, and exploitation to ensure the  
 1 11 protection of citizens of Iowa who are 60 years of age or  
 1 12 older:

1 13 ..... \$ 2,653,497

1 14 EXPLANATION

1 15 This bill appropriates from the general fund of the state  
 1 16 to the department of elder affairs for the fiscal year  
 1 17 beginning July 1, 2008, and ending June 30, 2009, for  
 1 18 statewide expansion of the elder abuse initiative program  
 1 19 established pursuant to Code section 231.56A for the  
 1 20 prevention, intervention, detection, and reporting of elder  
 1 21 abuse, neglect, and exploitation of citizens of Iowa who are  
 1 22 60 years of age or older.

1 23 LSB 5154SS 82

1 24 rh/rj/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2083 - Introduced**

SENATE FILE  
BY HOGG

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

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

**A BILL FOR**

1 An Act relating to the achievement of improved energy efficiency  
2 through the development of specified energy utilization  
3 reduction goals and imposition or enhancement of energy  
4 efficiency programs and requirements.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 5928SS 82  
7 rn/rj/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2083 - Introduced continued

PAG LIN

1 1 Section 1. Section 469.4, subsection 4, Code Supplement  
1 2 2007, is amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. m. Develop short-term and long-term  
1 4 recommendations and oversee implementation efforts with regard  
1 5 to the establishment of a goal of achieving an energy savings  
1 6 of one and one-half percent per capita per year on a statewide  
1 7 basis during the ten-year period commencing on July 1, 2011,  
1 8 and ending June 30, 2021. Recommendations and implementation  
1 9 strategies shall be developed during a three-year phase-in  
1 10 period commencing on July 1, 2008, and ending June 30, 2011,  
1 11 based upon input from and with the involvement of the utility  
1 12 energy efficiency advisory council established in section  
1 13 469.7A, and the transportation energy efficiency advisory  
1 14 council established in section 469.7B, and any other state  
1 15 agency or private industry representative or organization  
1 16 determined appropriate by the director, and shall coordinate  
1 17 with implementation of the energy savings standard established  
1 18 for electric and natural gas utilities pursuant to section  
1 19 476.6, subsection 23. A progress report regarding the extent  
1 20 to which the goal has been achieved shall be included in the  
1 21 director's annual report pursuant to section 469.3, subsection  
1 22 2, paragraph "j".

1 23 Sec. 2. NEW SECTION. 469.7A UTILITY ENERGY EFFICIENCY  
1 24 ADVISORY COUNCIL.

1 25 1. A utility energy efficiency advisory council is created  
1 26 to make recommendations to the director regarding efforts and  
1 27 strategies to achieve the state energy efficiency goal  
1 28 established in section 469.4 as applicable to electric and gas  
1 29 public utilities pursuant to section 476.6, subsection 23.

1 30 2. The utility energy efficiency advisory council shall  
1 31 consist of all of the following members:

1 32 a. One member representing a rate-regulated gas or  
1 33 electric public utility appointed by the director of the Iowa  
1 34 utility association.

1 35 b. One member representing a rural electric cooperative



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2083 - Introduced continued

2 1 appointed by the director of the Iowa association of electric  
2 2 cooperatives.  
2 3 c. One member representing a municipal utility appointed  
2 4 by the director of the Iowa association of municipal  
2 5 utilities.  
2 6 d. One member representing the department of natural  
2 7 resources appointed by the director of the department of  
2 8 natural resources.  
2 9 e. One member representing the Iowa energy center  
2 10 appointed by the director of the Iowa energy center.  
2 11 f. One member representing the Iowa utilities board  
2 12 appointed by the chairperson of the Iowa utilities board.  
2 13 g. One member representing the department of public safety  
2 14 appointed by the commissioner of public safety.  
2 15 h. One member representing the Iowa league of cities  
2 16 appointed by the president of the Iowa league of cities.  
2 17 i. One member representing the Iowa state association of  
2 18 counties appointed by the president of the Iowa state  
2 19 association of counties.  
2 20 j. One member representing the community colleges  
2 21 appointed by the executive director of the Iowa association of  
2 22 community college presidents.  
2 23 k. One member representing the Iowa homebuilder's  
2 24 association appointed by the president of the Iowa home=  
2 25 builder's association.  
2 26 l. One member representing the master builders of Iowa  
2 27 appointed by the president of the master builders of Iowa.  
2 28 m. One member representing the Iowa chapter of the  
2 29 American institute of architects appointed by the president of  
2 30 the Iowa chapter.  
2 31 n. One member representing an environmental interest  
2 32 association or group, designated by the director of the  
2 33 department of natural resources.  
2 34 o. One member representing a state or local official  
2 35 responsible for enforcing energy efficiency-related provisions



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**January 30, 2008**

Senate File 2083 - Introduced continued

3 1 contained in the state building code, appointed by the state  
3 2 building code administrator.  
3 3 p. One member representing engineers licensed pursuant to  
3 4 chapter 542B, appointed by the chairperson of the engineering  
3 5 and land surveying examining board.  
3 6 3. The advisory council shall annually elect its own  
3 7 chairperson from among the members of the council. A majority  
3 8 of the members of the council constitutes a quorum.  
3 9 4. The director of the office of energy independence shall  
3 10 provide office space, staff assistance, and necessary supplies  
3 11 and equipment to the advisory council. The director shall  
3 12 budget moneys to pay the compensation expenses of the council.  
3 13 Sec. 3. NEW SECTION. 469.7B TRANSPORTATION ENERGY  
3 14 EFFICIENCY ADVISORY COUNCIL.  
3 15 1. A transportation energy efficiency advisory council is  
3 16 created to make recommendations to the director regarding  
3 17 efforts and strategies to achieve the state energy efficiency  
3 18 goal established in section 469.4 as applicable to state  
3 19 transportation initiatives and regulation.  
3 20 2. The transportation energy efficiency advisory council  
3 21 shall consist of all of the following members:  
3 22 a. One member representing the department of  
3 23 transportation, appointed by the director of transportation.  
3 24 b. One member representing the department of natural  
3 25 resources, appointed by the director of the department of  
3 26 natural resources.  
3 27 c. One member representing the Iowa energy center  
3 28 appointed by the director of the Iowa energy center.  
3 29 d. One member representing the Iowa league of cities  
3 30 appointed by the president of the Iowa league of cities.  
3 31 e. One member representing the Iowa state association of  
3 32 counties appointed by the president of the Iowa state  
3 33 association of counties.  
3 34 f. One member representing the Iowa automobile dealers  
3 35 association appointed by the president of the Iowa automobile



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**January 30, 2008**

Senate File 2083 - Introduced continued

4 1 dealers association.

4 2 g. One member representing the Iowa motor truck  
4 3 association appointed by the president of the Iowa motor truck  
4 4 association.

4 5 h. One member representing the Iowa renewable fuels  
4 6 association, appointed by the president of the board of  
4 7 directors of the Iowa renewable fuels association.

4 8 i. One member representing an association or group  
4 9 comprised of railroad transportation officials or  
4 10 organizations engaged in railroad transportation within this  
4 11 state, appointed by the president or director of the  
4 12 association or group.

4 13 j. One member representing an environmental interest  
4 14 association or group, designated by the director of  
4 15 transportation.

4 16 3. The advisory council shall annually elect its own  
4 17 chairperson from among the members of the council. A majority  
4 18 of the members of the council constitutes a quorum.

4 19 4. The director of the office of energy independence shall  
4 20 provide office space, staff assistance, and necessary supplies  
4 21 and equipment to the advisory council. The director shall  
4 22 budget moneys to pay the compensation expenses of the council.

4 23 Sec. 4. Section 476.1A, unnumbered paragraph 2, Code 2007,  
4 24 is amended by striking the unnumbered paragraph.

4 25 Sec. 5. Section 476.1B, subsection 2, Code 2007, is  
4 26 amended by striking the subsection.

4 27 Sec. 6. Section 476.1C, unnumbered paragraph 2, Code 2007,  
4 28 is amended to read as follows:

4 29 Gas public utilities having fewer than two thousand  
4 30 customers shall be subject to the assessment of fees for the  
4 31 support of the Iowa energy center created in section 266.39C  
4 32 and the center for global and regional environmental research  
4 33 created by the state board of regents and shall file energy  
4 34 efficiency plans and energy efficiency results with the board.  
4 35 The energy efficiency plans as a whole shall be



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2083 - Introduced continued

~~5 1 cost-effective. The board may waive all or part of the energy  
5 2 efficiency filing requirements if the gas utility demonstrates  
5 3 superior results with existing energy efficiency efforts.~~

5 4 Sec. 7. Section 476.6, subsection 14, Code Supplement  
5 5 2007, is amended to read as follows:

5 6 14. ENERGY EFFICIENCY PLANS. Electric and gas public  
5 7 utilities shall offer energy efficiency programs to their  
5 8 customers through energy efficiency plans. An energy  
5 9 efficiency plan as a whole shall be cost-effective. In  
5 10 determining the cost-effectiveness of an energy efficiency  
5 11 plan, the board shall apply the societal test, utility cost  
5 12 test, rate-payer impact test, and participant test. Energy  
5 13 efficiency programs for qualified low-income persons and for  
5 14 tree planting programs, educational programs, and assessments  
5 15 of consumers' needs for information to make effective choices  
5 16 regarding energy use and energy efficiency need not be  
5 17 cost-effective and shall not be considered in determining  
5 18 cost-effectiveness of plans as a whole. The energy efficiency  
5 19 programs in the plans may be provided by the utility or by a  
5 20 contractor or agent of the utility. Programs offered pursuant  
5 21 to this subsection by gas and electric utilities that are  
5 22 required to be rate-regulated shall require board approval,  
5 23 and shall be subject to minimum uniform program requirements  
5 24 determined at the discretion of the board.

5 25 Sec. 8. Section 476.6, subsection 16, paragraph b, Code  
5 26 Supplement 2007, is amended to read as follows:

5 27 b. A gas and electric utility required to be  
5 28 rate-regulated under this chapter shall assess potential  
5 29 energy and capacity savings available from actual and  
5 30 projected customer usage by applying commercially available  
5 31 technology and improved operating practices to energy-using  
5 32 equipment and buildings. The utility shall also assess  
5 33 projected energy demand for the succeeding twenty-year period,  
5 34 options for meeting the projected demand through means other  
5 35 than energy efficiency, cogeneration of electricity and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2083 - Introduced continued

6 1 transmission improvements, and projected environmental impacts  
6 2 during the period, including greenhouse gas emissions. The  
6 3 utility shall submit the ~~assessment~~ assessments to the board.  
6 4 Upon receipt of the ~~assessment~~ assessments, the board shall  
6 5 consult with the department of natural resources to develop  
6 6 specific capacity and energy savings performance standards for  
6 7 each utility, subject to the one and one-half percent  
6 8 projected use reduction requirements pursuant to subsection

6 9 23. The utility shall submit an energy efficiency plan which  
6 10 shall include economically achievable programs designed to  
6 11 attain these energy and capacity performance standards.

6 12 Sec. 9. Section 476.6, Code Supplement 2007, is amended by  
6 13 adding the following new subsection:

6 14 NEW SUBSECTION. 23. ENERGY SAVINGS STANDARD == PROJECTED  
6 15 USE REDUCTION REQUIREMENTS.

6 16 a. For the period commencing July 1, 2011, and ending June  
6 17 30, 2021, all gas and electric utilities shall be subject to a  
6 18 minimum capacity and energy savings performance standard of a  
6 19 one and one-half percent annual reduction in projected energy  
6 20 use based upon anticipated demand and population shifts within  
6 21 the utility's service area. The board shall determine a date  
6 22 by which each utility shall annually submit energy savings  
6 23 results achieved during the preceding twelve months  
6 24 documenting the extent to which the one and one-half percent  
6 25 reduction standard has been met. Application of the reduction  
6 26 standard shall be subject to the following requirements:

6 27 (1) A gas or electric utility required to be  
6 28 rate-regulated under this chapter which documents a  
6 29 kilowatt-hour or cubic foot energy usage reduction which  
6 30 exceeds the level corresponding to the reduction standard by  
6 31 more than one-tenth of one percent shall be entitled to  
6 32 recover an additional one percent of the costs of its energy  
6 33 efficiency plan through the automatic adjustment mechanism  
6 34 under subsection 16, paragraph "e", for each one-tenth of one  
6 35 percent by which the reduction standard is exceeded.



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**January 30, 2008**

Senate File 2083 - Introduced continued

7 1       (2) All gas and electric utilities which document a  
7 2 reduction which fails to meet the reduction standard by more  
7 3 than one-tenth of one percent shall be subject to an  
7 4 assessment imposed by the board. An electric utility shall be  
7 5 assessed two cents for each kilowatt-hour of energy savings  
7 6 achieved below the level corresponding to the reduction  
7 7 standard, and a gas utility shall be subject to an assessment  
7 8 of twenty cents for each hundred cubic feet of energy savings  
7 9 achieved below the level corresponding to the reduction  
7 10 standard. Amounts assessed shall be remitted to the board for  
7 11 allocation to an independent energy efficiency administrator  
7 12 selected by the board on a competitive basis to improve energy  
7 13 efficiency in a manner established by the board by rule in the  
7 14 service area of the utility.

7 15       (3) A gas or electric utility subject to an assessment  
7 16 pursuant to subparagraph (2) may purchase energy savings  
7 17 credits made available by a utility which has exceeded the  
7 18 standard and avoid or reduce application of the assessment  
7 19 otherwise imposed if the utility acquires an amount of credits  
7 20 which, when added to the utility's energy savings for the  
7 21 year, equals the energy reduction standard.

7 22       (4) A gas or electric utility which exceeds the reduction  
7 23 standard may, in addition to or in lieu of the cost recovery  
7 24 allowable pursuant to subparagraph (1), sell energy savings  
7 25 credits pursuant to subparagraph (3) or retain the credits for  
7 26 allocation toward the energy reduction standard in a  
7 27 succeeding year. Credits which are sold shall not be counted  
7 28 in qualifying for a cost recovery pursuant to subparagraph  
7 29 (1).

7 30       (5) The board shall designate by rule qualifying energy  
7 31 savings or reduction activities in forms other than that  
7 32 primarily sold by a utility which may be counted toward  
7 33 compliance with the reduction standard, including but not  
7 34 limited to the promotion of customer-owned renewable energy or  
7 35 plug-in hybrid electric motor vehicles, and may permit



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2083 - Introduced continued

8 1 allocation of energy efficiency expenditures that do not have  
8 2 a demonstrated cost-effectiveness if the board determines the  
8 3 expenditures contribute to achievement of the standard. The  
8 4 board may allocate additional weighting to energy efficiency  
8 5 programs for qualified low-income persons in achieving the  
8 6 reduction standard.

8 7     b. Implementation strategies and progress reports  
8 8 regarding plans for achieving the reduction standard shall be  
8 9 developed by gas and electric utilities and annually submitted  
8 10 to the board during a three-year phase-in period commencing  
8 11 July 1, 2008, and ending June 30, 2011. The board shall  
8 12 determine for each utility reduction standards during the  
8 13 phase-in period. A gas or electric utility which exceeds the  
8 14 applicable phase-in period reduction standard may retain  
8 15 excess credits for allocation toward the energy reduction  
8 16 standard in a succeeding year.

8 17     Sec. 10. NEW SECTION. 476.8A ENERGY EFFICIENCY PROGRAM  
8 18 THIRD-PARTY ADMINISTRATION == PILOT PROJECT.

8 19     The board shall conduct a pilot project regarding  
8 20 third-party administration of energy efficiency plans and  
8 21 programs established by one or more rate-regulated electric  
8 22 and gas public utilities pursuant to section 476.6,  
8 23 subsections 14 and 16, and by one or more non-rate-regulated  
8 24 gas and electric public utilities pursuant to sections 476.1A,  
8 25 476.1B, and 476.1C. The project may involve energy efficiency  
8 26 programs provided by a utility selected by the board which are  
8 27 already being provided by a contractor, agent, or other  
8 28 third-party administrator, or pursuant to a new contract with  
8 29 an administrator approved by or selected in consultation with  
8 30 the board. The board shall analyze the extent to which  
8 31 programs offered pursuant to the plans are utilized by  
8 32 customers and energy efficiency results achieved in comparison  
8 33 with plans and programs administered directly by utilities,  
8 34 and submit a report relating to the project and  
8 35 recommendations resulting therefrom to the director of the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2083 - Introduced continued

9 1 office of energy independence and the general assembly by  
9 2 January 1, 2011.  
9 3 Sec. 11. LOAD MANAGEMENT ANALYSIS AND REPORT. The Iowa  
9 4 utilities board, in conjunction with the office of consumer  
9 5 advocate, shall assess the effectiveness of load management  
9 6 practices and approaches currently employed by public  
9 7 utilities in this state, including the accuracy of load demand  
9 8 projections in comparison to actual usage and the extent to  
9 9 which peak-load management procedures established by utilities  
9 10 pursuant to section 476.17 are effective in reducing or  
9 11 limiting peak-load period energy demand and consumption. The  
9 12 board shall submit a report summarizing the results of its  
9 13 analysis and containing recommendations to the director of the  
9 14 office of energy independence and the general assembly by  
9 15 January 1, 2009.

9 16 Sec. 12. ENERGY EFFICIENCY PROGRAMS == ECONOMIC IMPACT  
9 17 ASSESSMENT. The Iowa utilities board shall assess the  
9 18 economic impact of energy efficiency programs offered by  
9 19 rate-regulated electric and gas public utilities pursuant to  
9 20 section 476.6, subsections 14 and 16, and by  
9 21 non-rate-regulated gas and electric public utilities pursuant  
9 22 to sections 476.1A, 476.1B, and 476.1C during the five-year  
9 23 period preceding July 1, 2008. The assessment shall include  
9 24 but not be limited to the origination of economic development  
9 25 opportunities and associated new job creation directly or  
9 26 indirectly attributable to implementation of an energy  
9 27 efficiency program or plan. The board shall submit a report  
9 28 summarizing the results of the assessment to the director of  
9 29 the office of energy independence and the general assembly by  
9 30 January 1, 2009.

9 31 EXPLANATION

9 32 This bill relates to improving and enhancing energy  
9 33 efficiency efforts in this state.

9 34 The bill provides for the establishment of a goal of  
9 35 achieving a statewide energy savings of 1.5 percent per capita



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**January 30, 2008**

Senate File 2083 - Introduced continued

10 1 per year during the 10-year period commencing on July 1, 2011,  
10 2 and ending June 30, 2021, preceded by a three-year phase-in  
10 3 period during which strategies and recommendations regarding  
10 4 implementation of the goal are to be developed. The  
10 5 recommendations and strategies are to be coordinated and  
10 6 overseen by the director of the office of energy independence,  
10 7 based upon input received from two new advisory councils  
10 8 formed to make energy savings recommendations applicable to  
10 9 electric and gas public utilities, and applicable to state  
10 10 transportation initiatives and regulation, respectively, as  
10 11 well as with the involvement of any other state agency or  
10 12 private industry representative or organization determined  
10 13 appropriate by the director. A report regarding progress made  
10 14 in achieving the goal shall be included in the director's  
10 15 annual report to the governor and general assembly.

10 16 In connection with the new statewide energy savings goal,  
10 17 the bill modifies provisions relating to energy efficiency  
10 18 program requirements applicable to rate-regulated and  
10 19 non-rate-regulated gas and electric public utilities. The  
10 20 bill provides that energy efficiency plans submitted by  
10 21 rate-regulated gas and electric utilities shall be subject to  
10 22 minimum requirements established at the discretion of the  
10 23 board. The bill deletes a provision which had exempted  
10 24 non-rate-regulated gas and electric utilities from filing  
10 25 requirements if the utility demonstrated superior results with  
10 26 existing energy efficiency efforts. The bill additionally  
10 27 requires rate-regulated gas and electric utilities to annually  
10 28 assess projected energy demand over a 20-year period, options  
10 29 for meeting the projected demand through means other than  
10 30 energy efficiency, cogeneration of electricity and  
10 31 transmission improvements, and projected environmental impacts  
10 32 during the period, including greenhouse gas emissions, and to  
10 33 submit the assessments to the board for approval. Existing  
10 34 provisions relating to board consultation with the department  
10 35 of natural resources to develop specific capacity and energy



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2083 - Introduced continued

11 1 savings performance standards for each utility would now be  
11 2 subject to a 1.5 percent projected use reduction requirement.  
11 3 The bill specifies that this 1.5 percent projected use  
11 4 reduction requirement shall be applicable to all gas and  
11 5 electric utilities commencing July 1, 2011, and ending June  
11 6 30, 2021. During this period, capacity and energy savings  
11 7 performance standards for each utility shall be subject to a  
11 8 minimum reduction standard of a 1.5 percent annual reduction  
11 9 in projected energy use based upon anticipated demand and  
11 10 population shifts within the utility's service area. The bill  
11 11 provides that the board shall determine a date by which each  
11 12 utility shall annually submit energy savings results achieved  
11 13 during the preceding 12 months documenting the extent to which  
11 14 the 1.5 percent reduction standard has been met. Provisions  
11 15 are included relating to permitting additional energy  
11 16 efficiency plan cost recovery for rate-regulated gas and  
11 17 electric utilities which exceed the reduction standard by  
11 18 specified amounts, assessments against all gas and electric  
11 19 utilities which fail to meet the reduction standards by  
11 20 specified amounts, selling of excess energy credits above the  
11 21 reduction standard to utilities otherwise subject to  
11 22 assessment, retention of excess energy credits for allocation  
11 23 to a future year's reduction standard, designation of  
11 24 qualifying energy savings or reduction activities in forms  
11 25 other than that primarily sold by a utility which may be  
11 26 counted toward compliance with the reduction standard, and  
11 27 allocation of additional weighting for energy efficiency  
11 28 programs for qualified low-income persons. Gas and electric  
11 29 utilities are required to develop implementation strategies  
11 30 and progress reports regarding plans for achieving the  
11 31 reduction standard during a three-year phase-in period  
11 32 commencing July 1, 2008, and ending June 30, 2011, with the  
11 33 board determining reduction standards applicable during that  
11 34 time frame.  
11 35 The bill requires the board to administer a pilot project



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2083 - Introduced continued

12 1 regarding third-party administration of energy efficiency  
12 2 plans and programs established by one or more rate-regulated  
12 3 gas and electric utilities and one or more non-rate-regulated  
12 4 gas and electric utilities, to assess the effectiveness of  
12 5 load management practices and approaches currently employed by  
12 6 gas and electric utilities, and to assess the economic impact  
12 7 of energy efficiency programs which have been offered by  
12 8 rate-regulated and non-rate-regulated gas and electric  
12 9 utilities during the five-year period preceding July 1, 2008.  
12 10 LSB 5928SS 82  
12 11 rn/rj/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2084 - Introduced**

SENATE FILE  
BY HOGG

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

**A BILL FOR**

1 An Act relating to energy efficiency by providing income tax  
2 credits, establishing high-performance standards for certain  
3 public buildings, and providing effective and retroactive  
4 applicability dates.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 5337SS 82  
7 rn/rj/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2084 - Introduced continued

PAG LIN

1 1 DIVISION I  
1 2 GREEN BUILDING INCOME TAX CREDITS  
1 3 Section 1. NEW SECTION. 422.11V GREEN BUILDING TAX  
1 4 CREDIT.  
1 5 The taxes imposed under this division, less the credits  
1 6 allowed under sections 422.12 and 422.12B, shall be reduced by  
1 7 a green building tax credit under section 473B.6.  
1 8 Sec. 2. Section 422.33, Code Supplement 2007, is amended  
1 9 by adding the following new subsection:  
1 10 NEW SUBSECTION. 25. The taxes imposed under this division  
1 11 shall be reduced by a green building tax credit under section  
1 12 473B.4.  
1 13 Sec. 3. NEW SECTION. 473B.1 DEFINITIONS.  
1 14 As used in this chapter, unless the context otherwise  
1 15 requires:  
1 16 1. a. "Allowable costs" means amounts properly chargeable  
1 17 to a capital account, other than for land, that are paid or  
1 18 incurred on or after July 1, 2008, for all of the following:  
1 19 (1) Construction or rehabilitation.  
1 20 (2) Commissioning costs.  
1 21 (3) Interest paid or incurred during the construction or  
1 22 rehabilitation period.  
1 23 (4) Architectural, engineering, and other professional  
1 24 fees allocable to construction or rehabilitation.  
1 25 (5) Closing costs for construction, rehabilitation, or  
1 26 mortgage loans.  
1 27 (6) Recording taxes and filing fees incurred with respect  
1 28 to construction or rehabilitation.  
1 29 (7) Finishes and furnishings consistent with rules adopted  
1 30 by the department under this chapter, lighting, plumbing,  
1 31 electrical wiring, and ventilation.  
1 32 b. "Allowable costs" does not include any of the  
1 33 following:  
1 34 (1) The cost of telephone systems and computers other than  
1 35 electrical wiring costs.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

- 2 1       (2) Legal fees allocable to construction or  
2 2 rehabilitation.
- 2 3       (3) Site costs, including temporary electric wiring,  
2 4 scaffolding, demolition costs, and fencing and security  
2 5 facilities.
- 2 6       (4) Finishes or furnishings that are not consistent with  
2 7 rules adopted by the department under this chapter.
- 2 8       (5) The cost of purchasing or installing fuel cells.
- 2 9       2. "Base building" means all areas of a building not  
2 10 intended for occupancy by a tenant or owner, including the  
2 11 structural components of the building, exterior walls, floors,  
2 12 windows, roofs, foundations, chimneys and stacks, parking  
2 13 areas, mechanical rooms and mechanical systems, and owner=  
2 14 controlled or owner-operated service spaces, sidewalks, main  
2 15 lobby, shafts and vertical transportation mechanisms,  
2 16 stairways, and corridors.
- 2 17       3. "Commissioning" means all of the following:
- 2 18       a. The testing and fine-tuning of heat, ventilating, and  
2 19 air-conditioning systems and other systems to assure proper  
2 20 functioning and adherence to design criteria.
- 2 21       b. The preparation of system operation manuals and  
2 22 instruction of maintenance personnel.
- 2 23       4. "Credit allowance year" means the later of either of  
2 24 the following:
- 2 25       a. The taxable year during which either of the following  
2 26 occur:
- 2 27           (1) The property, construction, completion, or  
2 28 rehabilitation on which the credit allowed under this chapter  
2 29 is based is originally placed in service.
- 2 30           (2) A fuel cell, wind turbine, or photovoltaic module  
2 31 constitutes a qualifying alternate energy source and is fully  
2 32 operational.
- 2 33       b. The earliest taxable year for which the credit may be  
2 34 claimed under the green building tax credit certificate issued  
2 35 under section 473B.5.



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**January 30, 2008**

Senate File 2084 - Introduced continued

3 1       5. "Department" means the department of economic  
3 2 development.  
3 3       6. "Economic development area" means an area as defined by  
3 4 rule by the department.  
3 5       7. "Eligible building" means a building located in this  
3 6 state that meets all of the following requirements:  
3 7       a. (1) Is a building used primarily for nonresidential  
3 8 purposes if the building contains at least twenty thousand  
3 9 square feet of interior space.  
3 10       (2) Is a residential multifamily building with at least  
3 11 twelve dwelling units that contains at least twenty thousand  
3 12 square feet of interior space.  
3 13       (3) Is any combination of buildings described in  
3 14 subparagraphs (1) and (2).  
3 15       b. In the case of a newly constructed building for which a  
3 16 certificate of occupancy was not issued before July 1, 2008,  
3 17 is any of the following:  
3 18       (1) Is located on a brownfield site, as defined in section  
3 19 15.291.  
3 20       (2) Is located in a priority funding area as defined by  
3 21 the department.  
3 22       (3) Is not located on wetlands, the alteration of which  
3 23 requires a permit under }404 of the federal Clean Water Act,  
3 24 as defined in section 455B.291.  
3 25       c. In the case of the rehabilitation of a building, is any  
3 26 of the following:  
3 27       (1) Is located in a priority funding area as defined by  
3 28 the director of the department of economic development or on a  
3 29 brownfield site as defined in section 15.291.  
3 30       (2) Is not an increase of more than twenty-five percent in  
3 31 the square footage of the building.  
3 32       8. "Fuel cell" means a device that produces electricity  
3 33 directly from hydrogen or hydrocarbon fuel through a  
3 34 noncombustive electrochemical process that meets the minimum  
3 35 standards adopted by rule pursuant to section 473B.9.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

4 1       9. "Green base building" means a base building that is  
4 2 part of an eligible building that meets the LEED silver rating  
4 3 standard of the United States green building council adopted  
4 4 by rule under section 473B.9.

4 5       10. "Green tenant space" means tenant space in a building  
4 6 if the building is an eligible building and the tenant space  
4 7 meets the LEED silver rating standard of the United States  
4 8 green building council adopted by rule under section 473B.9.

4 9       11. "Green whole building" means a building for which the  
4 10 base building is a green base building and all tenant space is  
4 11 green tenant space.

4 12       12. "Incremental cost of building=integrated photovoltaic  
4 13 modules" means all of the following:

4 14       a. The cost of building=integrated photovoltaic modules  
4 15 and any associated inverter, additional wiring or other  
4 16 electrical equipment for the photovoltaic modules, or  
4 17 additional mounting or structural materials, less the cost of  
4 18 spandrel glass or other building material that would have been  
4 19 used if building=integrated photovoltaic modules were not  
4 20 installed.

4 21       b. Incremental labor costs properly allocable to on=site  
4 22 preparation, assembly, and original installation of  
4 23 photovoltaic modules.

4 24       13. "LEED silver rating standard" means the United States  
4 25 green building council leadership in energy and environmental  
4 26 design green building rating standard, referred to as the  
4 27 silver standard.

4 28       14. "Photovoltaic modules" means semiconductor devices,  
4 29 also called solar cells, that convert sunlight into direct  
4 30 current electricity that meet the minimum standards adopted by  
4 31 rule under section 473B.9.

4 32       15. "Qualifying alternate energy source" means a building=  
4 33 integrated and non=building=integrated photovoltaic module,  
4 34 wind turbine, or fuel cell installed to serve the base  
4 35 building or tenant space that meet all of the following



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2084 - Introduced continued

5 1 requirements:

5 2 a. Have the capability to monitor their actual power  
5 3 output.

5 4 b. Are fully commissioned upon installation, and annually  
5 5 thereafter, to ensure that the systems meet their design  
5 6 specifications.

5 7 c. In the case of a wind turbine, meets any applicable  
5 8 noise and bird protection ordinances.

5 9 16. "Tenant improvements" means improvements that are  
5 10 necessary or appropriate to support or conduct the business of  
5 11 a tenant or occupying owner.

5 12 17. "Tenant space" means the portion of a building  
5 13 intended for occupancy by a tenant or occupying owner.

5 14 18. "Wind turbine" means a wind energy conversion system  
5 15 that collects and converts wind into energy to generate  
5 16 electricity that meets the minimum standards adopted by rule  
5 17 pursuant to section 473B.9.

5 18 Sec. 4. NEW SECTION. 473B.2 PROVISIONAL GREEN BUILDING  
5 19 CERTIFICATE.

5 20 1. A person may apply to the department for provisional  
5 21 certification of eligibility for a green building tax credit  
5 22 by submitting a completed application to the department  
5 23 containing all of the following information:

5 24 a. Sufficient information to identify each building or  
5 25 space as the department shall require.

5 26 b. Proof of the person's ownership or tenancy of the  
5 27 building.

5 28 c. An itemization of estimated allowable costs with  
5 29 supporting documentation.

5 30 d. Any other information the department may require.

5 31 2. If upon receipt of the completed application the  
5 32 department finds that the applicant has shown that the  
5 33 applicant is likely within a reasonable time to place in  
5 34 service property which would warrant the allowance of a credit  
5 35 under section 473B.4, the department shall issue a provisional



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

6 1 green building certificate. The provisional green building  
6 2 certificate shall describe the property for which the  
6 3 certificate was issued and shall contain an expiration date.  
6 4 The certificate shall apply only to property placed in service  
6 5 by such expiration date which may be extended at the  
6 6 discretion of the department, in order to avoid unwarranted  
6 7 hardship.

6 8 3. A person whose application for a provisional green  
6 9 building certificate is denied may file an appeal with the  
6 10 department within sixty days from the date of denial pursuant  
6 11 to the provisions of chapter 17A.

6 12 Sec. 5. NEW SECTION. 473B.3 ELIGIBILITY CERTIFICATE.

6 13 1. For each taxable year for which a person claims a green  
6 14 building tax credit under this chapter, the person shall  
6 15 obtain from an architect or professional engineer licensed to  
6 16 practice in this state an eligibility certificate.

6 17 2. The eligibility certificate shall consist of a  
6 18 certification, under the seal of such architect or engineer,  
6 19 that the building, base building, or tenant space with respect  
6 20 to which the credit is claimed is a green whole building,  
6 21 green base building, or green tenant space, respectively, and  
6 22 that the fuel cell, wind turbine, or photovoltaic modules  
6 23 constitute a qualifying alternate energy source and remains in  
6 24 service. The eligibility certification shall be made in  
6 25 accordance with the standards and guidelines adopted by rule  
6 26 pursuant to section 473B.9 and in effect at the time the  
6 27 property which is the basis for the credit was placed in  
6 28 service. The eligibility certificate shall set forth the  
6 29 specific findings upon which the certification was based.

6 30 3. The eligibility certificate shall include sufficient  
6 31 information to identify each building or space, and such other  
6 32 information as the department shall require.

6 33 4. The taxpayer shall file a copy of each eligibility  
6 34 certificate with the department.

6 35 Sec. 6. NEW SECTION. 473B.4 TAX CREDITS.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

7 1 A green building tax credit may consist of any or all of  
7 2 the following credits:

7 3 1. GREEN WHOLE BUILDING TAX CREDIT. The green whole  
7 4 building tax credit shall be equal to the one and four=tenths  
7 5 percent of the allowable costs paid or incurred by the  
7 6 taxpayer, for either the construction of a green whole  
7 7 building or the rehabilitation of a building which is not a  
7 8 green whole building to be a green whole building for which a  
7 9 certificate of occupancy has been issued. If the building is  
7 10 located in an economic development area, the applicable  
7 11 percentage shall be one and six=tenths percent of the  
7 12 allowable costs. The allowable costs for a green whole  
7 13 building shall not exceed, in the aggregate, one hundred fifty  
7 14 dollars per square foot with respect to the portion of the  
7 15 building which comprises the base building and seventy=five  
7 16 dollars per square foot with respect to the portion of the  
7 17 building which comprises the tenant space.

7 18 2. GREEN BASE BUILDING TAX CREDIT. The green base  
7 19 building tax credit shall be equal to one percent of the  
7 20 allowable costs paid or incurred by the taxpayer, if the  
7 21 owner, for either the construction of a green base building or  
7 22 the rehabilitation of a base building which is not a green  
7 23 base building to be a green base building for which a  
7 24 certificate of occupancy for the building has been issued. If  
7 25 the building is located in an economic development area, the  
7 26 applicable percentage shall be one and two=tenths percent of  
7 27 the allowable costs. The allowable costs for the green base  
7 28 building shall not exceed, in the aggregate, one hundred fifty  
7 29 dollars per square foot.

7 30 3. GREEN TENANT SPACE TAX CREDIT. The green tenant space  
7 31 tax credit shall be equal to one percent of allowable costs  
7 32 for tenant improvements paid or incurred by the taxpayer in  
7 33 constructing or completing green tenant space, or  
7 34 rehabilitating tenant space which is not green tenant space to  
7 35 be green tenant space. If the building is located in an



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

8 1 economic development area the applicable percentage shall be  
8 2 one and two-tenths percent of the allowable costs. Provided,  
8 3 however, that the owner, or a tenant who occupies fewer than  
8 4 ten thousand square feet, shall qualify for a green tenant  
8 5 space tax credit only if the base building is a green base  
8 6 building. The allowable costs for green tenant space shall  
8 7 not exceed, in the aggregate, seventy-five dollars per square  
8 8 foot. If both an owner and tenant incur such costs for green  
8 9 tenant space with respect to the same green tenant space and  
8 10 such costs in the aggregate exceed seventy-five dollars per  
8 11 square foot, the owner shall have priority as to costs  
8 12 constituting the basis for the green tenant space tax credit.

8 13 4. FUEL CELL TAX CREDIT. A fuel cell tax credit shall be  
8 14 allowed for the installation of a fuel cell that is a  
8 15 qualifying alternate energy source installed to serve a green  
8 16 building, green base building, or green tenant space. The  
8 17 amount of the credit shall equal six percent of the sum of the  
8 18 capitalized costs paid or incurred by the taxpayer with  
8 19 respect to each fuel cell installed to serve such building or  
8 20 space, including the cost of the foundation or platform and  
8 21 the labor cost associated with installation, such capitalized  
8 22 costs not to exceed one thousand dollars per kilowatt of  
8 23 installed direct current-rated capacity. The amount of any  
8 24 federal, state, or local grant received by the taxpayer and  
8 25 used for the purchase and installation of such fuel cell,  
8 26 which was not included in the federal gross income of the  
8 27 taxpayer, shall be subtracted from the amount of such costs.

8 28 5. PHOTOVOLTAIC MODULE TAX CREDIT. A photovoltaic module  
8 29 tax credit shall be allowed for the installation of  
8 30 photovoltaic modules that constitute a qualifying alternate  
8 31 energy source installed to serve a green building, green base  
8 32 building, or green tenant space. The amount of the tax credit  
8 33 component shall equal twenty percent of the incremental cost  
8 34 paid or incurred by the taxpayer for building-integrated  
8 35 photovoltaic modules and five percent of the cost of non-



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2084 - Introduced continued

9 1 building=integrated photovoltaic modules, in either case such  
9 2 cost not to exceed the product of three dollars and the number  
9 3 of watts included in the direct current=rated capacity of the  
9 4 photovoltaic modules. The amount of any federal, state, or  
9 5 local grant received by the taxpayer and used for the purchase  
9 6 and installation of such photovoltaic modules which was not  
9 7 included in the federal gross income of the taxpayer, shall be  
9 8 subtracted from the amount of such cost.

9 9 6. WIND TURBINE TAX CREDIT. A wind turbine tax credit  
9 10 shall be allowed for the installation of a wind turbine that  
9 11 is a qualifying alternate energy source and is installed to  
9 12 serve a green whole building, green base building, or green  
9 13 tenant space. The amount of the tax credit shall be an amount  
9 14 equal to twenty=five percent of the sum of the capitalized  
9 15 costs paid or incurred by the taxpayer with respect to each  
9 16 wind turbine installed, including the cost of the foundation  
9 17 or platform and the labor costs associated with installation.  
9 18 The amount of any federal, state, or other grant received by  
9 19 the taxpayer and used for the purchase of the wind turbine,  
9 20 which was not included in the federal gross income of the  
9 21 taxpayer, shall be subtracted from the amount of the  
9 22 capitalized costs.

9 23 Sec. 7. NEW SECTION. 473B.5 APPLICATION FOR TAX CREDIT  
9 24 CERTIFICATE.

9 25 1. To receive a green building tax credit described in  
9 26 section 473B.4, a taxpayer shall file an application with the  
9 27 department for a tax credit certificate. The application  
9 28 shall contain all of the following:

- 9 29 a. All applicable provisional green building certificates.
  - 9 30 b. All applicable eligibility certificates.
  - 9 31 c. A certificate of occupancy if required.
  - 9 32 d. Documentation supporting actual allowable costs  
9 33 incurred.
  - 9 34 e. Any other information required by the department.
- 9 35 2. If upon receipt of a completed application, the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

10 1 department finds that the person is qualified for a green  
10 2 building tax credit, the department shall calculate the amount  
10 3 of the tax credit for which the person is eligible and shall  
10 4 issue a green building tax credit certificate to the person or  
10 5 notify the person in writing of its refusal to do so. The tax  
10 6 credit certificate may be applied against tax owed pursuant to  
10 7 chapter 422, division II and division III. Each green  
10 8 building tax credit certificate issued pursuant to this  
10 9 chapter shall be allowed for the tax credit allowance year and  
10 10 for each of the next four succeeding taxable years with  
10 11 respect to which the person has obtained and filed a  
10 12 provisional eligibility certificate pursuant to section  
10 13 473B.3.

10 14 3. The green building tax credit certificate shall state  
10 15 all of the following:

10 16 a. The credit allowance year for which the credit may be  
10 17 claimed and a description of the property for which  
10 18 eligibility was granted.

10 19 b. The certificate's expiration date and shall apply only  
10 20 to property placed in service by such expiration date. Such  
10 21 expiration date may be extended at the discretion of the  
10 22 department, in order to avoid unwarranted hardship.

10 23 c. The maximum amount of the tax credit allowable for each  
10 24 of the five taxable years for which the credit is allowed.

10 25 d. The maximum amount of the tax credit allowable in the  
10 26 aggregate for all credits allowed under section 473B.4.

10 27 4. The amount of each green building tax credit shall not  
10 28 exceed the limit set forth in the provisional green building  
10 29 certificate obtained pursuant to section 473B.2. The  
10 30 department shall not issue green building tax credit  
10 31 certificates, in the aggregate, for more than four million  
10 32 dollars worth of credits pursuant to this chapter in any  
10 33 fiscal year.

10 34 5. A person whose application for a green building tax  
10 35 credit certificate is denied may file an appeal with the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

11 1 department within sixty days from the date of denial pursuant  
11 2 to the provisions of chapter 17A.

11 3 6. If the department has reason to believe that an  
11 4 architect or professional engineer in making any eligibility  
11 5 certification under this chapter engaged in professional  
11 6 misconduct, the department may revoke a provisional green  
11 7 building certificate or green building tax credit certificate  
11 8 issued pursuant to this chapter and report the misconduct to  
11 9 the appropriate professional board or commission.

11 10 Sec. 8. NEW SECTION. 473B.6 SUCCESSOR OWNER OR TENANT.

11 11 1. If a green building tax credit is allowed to a building  
11 12 owner pursuant to this chapter with respect to property, and  
11 13 such property or an interest therein is sold, the credit for  
11 14 the period after the sale which would have been allowable  
11 15 under this chapter to the prior owner had the property not  
11 16 been sold shall be allowable to the new owner. A tax credit  
11 17 for the year of sale shall be allocated between the parties on  
11 18 the basis of the number of days during such year that the  
11 19 property or interest was held by each.

11 20 2. If a tax credit is allowed to a tenant pursuant to this  
11 21 chapter with respect to property, and if such tenancy is  
11 22 terminated but such property remains in use in the building by  
11 23 a successor tenant, the tax credit for the period after such  
11 24 termination which would have been allowable under this chapter  
11 25 to the prior tenant had the tenancy not been terminated shall  
11 26 be allowable to the successor tenant. A tax credit for the  
11 27 year of termination shall be allocated between the parties on  
11 28 the basis of the number of days during such year that the  
11 29 property was used by each.

11 30 3. Notwithstanding any other provision of law to the  
11 31 contrary, in the case of allowance of a tax credit under this  
11 32 section to a successor owner or tenant, as provided in  
11 33 subsection 1 or 2, the department shall have the authority to  
11 34 reveal to the successor owner or tenant any information, with  
11 35 respect to the credit of the prior owner or tenant, which is



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2084 - Introduced continued

12 1 the basis for the denial in whole or in part of the credit  
12 2 claimed by such successor owner or tenant.  
12 3     Sec. 9. NEW SECTION. 473B.7 RECORDKEEPING.  
12 4     A person shall, for any taxable year for which the green  
12 5 building tax credit provided for under this chapter is  
12 6 claimed, maintain and provide to the department upon request  
12 7 records of the following information as applicable:  
12 8     1. Annual energy consumption for the green whole building,  
12 9 green base building, or green tenant space.  
12 10     2. Annual results of air monitoring, if conducted.  
12 11     3. Annual confirmation that the green whole building,  
12 12 green base building, or green tenant space continues to meet  
12 13 requirements regarding smoking areas, if required.  
12 14     4. All written notification of tenants and requests to  
12 15 remedy any indoor air quality problems.  
12 16     5. Initial and annual results of validation of performance  
12 17 of photovoltaic modules and fuel cells.  
12 18     6. Certifications as to off-gassing and other  
12 19 contamination, if conducted.  
12 20     Sec. 10. NEW SECTION. 473B.8 REPORTING.  
12 21     1. On or before July 1, 2012, the department shall submit  
12 22 a written report to the director of the office of energy  
12 23 independence, the governor, and the general assembly regarding  
12 24 all of the following:  
12 25     a. The number and value of provisional green building  
12 26 certificates and green building tax credit certificates issued  
12 27 under this chapter.  
12 28     b. The amount of the green building tax credits redeemed.  
12 29     c. The geographical distribution of the provisional green  
12 30 building certificates and green building tax credit  
12 31 certificates issued and redeemed.  
12 32     d. Any other such available information the department may  
12 33 deem meaningful and appropriate.  
12 34     2. A preliminary version of the report required by  
12 35 subsection 1 shall be issued by July 1, 2010.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2084 - Introduced continued

13 1 3. The department shall make recommendations regarding the  
13 2 establishment of a permanent green building tax credit  
13 3 program. Recommendations may include methods to enhance the  
13 4 effectiveness, simplicity, or other aspects of the program.

13 5 Sec. 11. NEW SECTION. 473B.9 RULES.

13 6 1. The department shall, with assistance from the  
13 7 department of natural resources, adopt rules adopting by  
13 8 reference the LEED silver rating standard as adopted and  
13 9 published by the United States green building council  
13 10 regarding standards for a property to qualify as a green whole  
13 11 building, green base building, or green tenant space, that is  
13 12 eligible for a green building tax credit under this chapter.

13 13 2. The department shall adopt by rule reasonable minimum  
13 14 standards for fuel cells, photovoltaic modules, and wind  
13 15 turbines that are eligible for a green building tax credit  
13 16 under this chapter.

13 17 3. The department shall adopt additional rules necessary  
13 18 to administer this chapter.

13 19 Sec. 12. EFFECTIVE AND APPLICABILITY DATES. This division  
13 20 of this Act, being deemed of immediate importance, takes  
13 21 effect upon enactment and is retroactively applicable to  
13 22 taxable years beginning on or after January 1, 2008.

13 23

DIVISION II

13 24

GREEN PUBLIC BUILDINGS

13 25 Sec. 13. NEW SECTION. 262.101 HIGH=PERFORMANCE ENERGY  
13 26 STANDARDS.

13 27 An institution of higher education under the board's  
13 28 control shall comply with high=performance public building  
13 29 requirements under chapter 473C.

13 30 Sec. 14. Section 279.39, Code 2007, is amended to read as  
13 31 follows:

13 32 279.39 SCHOOL BUILDINGS == HIGH=PERFORMANCE ENERGY  
13 33 STANDARDS.

13 34 1. The board of any school corporation shall establish  
13 35 attendance centers and provide suitable buildings for each



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2084 - Introduced continued

14 1 school in the district and may at the regular or a special  
14 2 meeting call a special election to submit to the registered  
14 3 voters of the district the question of voting a tax or  
14 4 authorizing the board to issue bonds, or both.  
14 5     2. Public school districts shall comply with high=  
14 6 performance public building requirements under chapter 473C.  
14 7     Sec. 15. NEW SECTION. 473C.1 FINDINGS AND INTENT.  
14 8     1. The general assembly finds that public buildings can be  
14 9 built and renovated using high-performance methods that save  
14 10 money, improve performance, increase productivity, and cut  
14 11 energy and utility costs.  
14 12     2. It is the intent of the general assembly that state=  
14 13 owned buildings and schools be improved by adopting recognized  
14 14 standards for high-performance public buildings and allowing  
14 15 flexible methods and choices in how to achieve those  
14 16 standards. The general assembly also intends that state  
14 17 agencies and public school districts shall document costs and  
14 18 savings to monitor the effectiveness of the requirements of  
14 19 this chapter and ensure that economic, community, and  
14 20 environmental goals are achieved each year, and that an  
14 21 independent performance review be conducted to evaluate this  
14 22 chapter and determine the extent to which the results intended  
14 23 by this chapter are being met.  
14 24     Sec. 16. NEW SECTION. 473C.2 DEFINITIONS.  
14 25     As used in this chapter, unless the context otherwise  
14 26 requires:  
14 27     1. "High-performance public building" means a high=  
14 28 performance public building designed, constructed, and  
14 29 certified to a standard as identified in this chapter.  
14 30     2. "Institution of higher education" means a community  
14 31 college or regents institution in this state.  
14 32     3. "LEED silver standard" means the United States green  
14 33 building council leadership in energy and environmental design  
14 34 green building rating standard, referred to as the silver  
14 35 standard.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

- 15 1       4. a. "Major facility project" means any of the  
15 2 following:  
15 3       (1) A construction project larger than five thousand gross  
15 4 square feet of occupied or conditioned space.  
15 5       (2) A building renovation project when the cost is greater  
15 6 than fifty percent of the assessed value and the project is  
15 7 larger than five thousand gross square feet of occupied or  
15 8 conditioned space.
- 15 9       b. "Major facility project" does not include any of the  
15 10 following:  
15 11       (1) A project for which the department of administrative  
15 12 services, public school district, or other applicable agency  
15 13 and the design team determine the LEED silver standard or the  
15 14 sustainable school design protocol is not practicable.  
15 15       (2) Transmitter buildings, pumping stations, hospitals,  
15 16 research facilities primarily used for sponsored laboratory  
15 17 experimentation, laboratory research, or laboratory training  
15 18 in research methods, or other similar building types as  
15 19 determined by the department.
- 15 20       5. "Public funds" means all funds that are public funds as  
15 21 defined in section 12C.1, subsection 2.
- 15 22       6. "Public school district" means a school district  
15 23 eligible to receive state basic education moneys and tax funds  
15 24 collected pursuant to chapter 423E.
- 15 25       7. "State agency" means any executive, judicial, or  
15 26 legislative department, commission, board, institution,  
15 27 division, bureau, office, agency, or other entity of state  
15 28 government of this state.
- 15 29       8. "Sustainable school design protocol" means a school  
15 30 design protocol and related information developed by the state  
15 31 board of regents, the state board of education, and the Iowa  
15 32 association of community college trustees, in conjunction with  
15 33 public school districts and the department of education.
- 15 34       Sec. 17. NEW SECTION. 473C.3 STATE AGENCY PROJECTS.  
15 35       1. All major facility projects of a state agency financed



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2084 - Introduced continued

16 1 through an appropriation from the general assembly shall be  
16 2 designed, constructed, and certified to at least the LEED  
16 3 silver standard. This subsection applies to major facility  
16 4 projects that have not entered the design phase prior to July  
16 5 1, 2008, and to the extent appropriate LEED silver standards  
16 6 exist for that type of building or facility.

16 7 2. When the LEED silver standard is determined not to be  
16 8 practicable for a project, it must be determined if any LEED  
16 9 standard is practicable for the project. If LEED standards  
16 10 are not followed for the project, the state agency shall  
16 11 report these reasons to the department of administrative  
16 12 services.

16 13 3. a. A state agency shall monitor and document ongoing  
16 14 operating savings resulting from major facility projects  
16 15 designed, constructed, and certified as required under this  
16 16 section.

16 17 b. A state agency shall report annually to the department  
16 18 of administrative services on major facility projects and  
16 19 operating savings.

16 20 4. The department of administrative services shall  
16 21 consolidate the reports required in subsections 2 and 3 into  
16 22 one report and report to the director of the office of energy  
16 23 independence, the governor, and general assembly by September  
16 24 1 of each even-numbered year beginning in 2010 and ending in  
16 25 2022. In the report, the department of administrative  
16 26 services shall also report on the implementation of this  
16 27 chapter, including reasons why the LEED silver standard was  
16 28 not used as required by this section. The department of  
16 29 administrative services shall make recommendations regarding  
16 30 the ongoing implementation of this chapter, including a  
16 31 discussion of incentives and disincentives related to  
16 32 implementing this chapter.

16 33 Sec. 18. NEW SECTION. 473C.4 PUBLIC SCHOOLS AND  
16 34 INSTITUTIONS OF HIGHER LEARNING == PROJECTS.

16 35 1. All major facility projects of a public school district



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

17 1 or institution of higher learning financed in whole or in part  
17 2 through public funds shall be designed and constructed to at  
17 3 least the LEED silver standard or the sustainable school  
17 4 design protocol. To the extent appropriate LEED silver or  
17 5 sustainable school design protocol standards exist for the  
17 6 type of building or facility, this subsection applies to major  
17 7 facility projects that have not received project approval from  
17 8 the director of the department of education or the state board  
17 9 of regents prior to July 1, 2008.

17 10 2. When the LEED silver standard is determined not to be  
17 11 practicable for a project, it must be determined if any LEED  
17 12 standard is practicable for the project. If LEED standards or  
17 13 the sustainable school design protocol is not followed for the  
17 14 project, the public school district or institution of higher  
17 15 learning shall report these reasons to the department of  
17 16 education.

17 17 3. Public school districts and institutions of higher  
17 18 learning under this section shall do all of the following:

17 19 a. Monitor and document appropriate operating benefits and  
17 20 savings resulting from major facility projects designed and  
17 21 constructed as required under this section for a minimum of  
17 22 five years following acceptance of a project receiving state  
17 23 funding.

17 24 b. Report annually to the director of the department of  
17 25 education. The form and content of each report must be  
17 26 mutually developed by the department of education in  
17 27 consultation with public school districts and the state board  
17 28 of regents.

17 29 4. The director of the department of education shall  
17 30 consolidate the reports required in subsections 2 and 3 into  
17 31 one report and report to the director of the office of energy  
17 32 independence, the governor, and general assembly by September  
17 33 1 of each even-numbered year beginning in 2010 and ending in  
17 34 2022. In the report, the director of the department of  
17 35 education shall also report on the implementation of this



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2084 - Introduced continued

18 1 chapter, including reasons why the LEED silver standard or  
18 2 sustainable school design protocol was not used as required by  
18 3 this section. The director of the department of education  
18 4 shall make recommendations regarding the ongoing  
18 5 implementation of this chapter, including a discussion of  
18 6 incentives and disincentives related to implementing this  
18 7 chapter.

18 8 5. The state board of education, in consultation with the  
18 9 director of the department of education, shall develop and  
18 10 issue guidelines for administering this chapter for public  
18 11 school districts and community colleges. The state board of  
18 12 regents shall develop and issue guidelines for administering  
18 13 this chapter for other institutions of higher learning. The  
18 14 purpose of the guidelines is to define a procedure and method  
18 15 for employing and verifying compliance with the LEED silver  
18 16 standard or the sustainable school design protocol.

18 17 6. The director of the department of education shall  
18 18 establish a school facilities advisory committee as a high=  
18 19 performance buildings advisory committee comprised of  
18 20 representatives of affected public schools, the state board of  
18 21 education, the state board of regents, the department of  
18 22 education, the Iowa association of community college trustees,  
18 23 and others at the director of the department of education's  
18 24 discretion to provide advice on implementing this chapter.  
18 25 Among other duties, the advisory committee shall make  
18 26 recommendations regarding an education and training process  
18 27 and an ongoing evaluation or feedback process to help the  
18 28 director of the department of education and the state board of  
18 29 education implement this chapter.

18 30 Sec. 19. NEW SECTION. 473C.5 REPORT TO GENERAL ASSEMBLY.

18 31 On or before January 1, 2011, the director of the  
18 32 department of administrative services and the director of the  
18 33 department of education shall summarize the reports submitted  
18 34 under sections 473C.3 and 473C.4 and submit the individual  
18 35 reports to the legislative capital projects committee, the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2084 - Introduced continued

19 1 legislative standing committees on state government, and the  
19 2 legislative standing committees on education for review of the  
19 3 program's performance and consideration of any changes that  
19 4 may be needed to adapt the program to any new or modified  
19 5 standards for high-performance buildings that meet the intent  
19 6 of this chapter.

19 7 Sec. 20. NEW SECTION. 473C.6 IMPLEMENTATION.

19 8 1. a. The department of administrative services, in  
19 9 consultation with affected state agencies, shall develop and  
19 10 issue guidelines for administering this chapter for state  
19 11 agencies. The purpose of the guidelines is to define a  
19 12 procedure and method for employing and verifying activities  
19 13 necessary for certification to at least the LEED silver  
19 14 standard for major facility projects.

19 15 b. The department of administrative services and the  
19 16 department of education shall amend any fee schedules for  
19 17 architectural and engineering services to accommodate the  
19 18 requirements in the design of major facility projects under  
19 19 this chapter.

19 20 c. Major facility projects designed to meet standards  
19 21 identified in this chapter must include building commissioning  
19 22 as a critical cost-saving part of the construction process.  
19 23 This process includes input from the project design and  
19 24 construction teams and the project ownership representatives.

19 25 d. As provided in the request for proposals for  
19 26 construction services, the department of administrative  
19 27 services shall hold a preproposal conference for prospective  
19 28 bidders to discuss compliance with and achievement of  
19 29 standards identified in this chapter for prospective  
19 30 respondents.

19 31 2. The department of administrative services shall create  
19 32 a high-performance buildings advisory committee comprised of  
19 33 representatives from the design and construction industry  
19 34 involved in public works contracting, personnel from the  
19 35 affected state agencies responsible for overseeing public



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2084 - Introduced continued

20 1 works projects, the state board of education, the department  
20 2 of education, and others at the department of administrative  
20 3 services' discretion to provide advice on implementing this  
20 4 chapter. Among other duties, the advisory committee shall  
20 5 make recommendations regarding an education and training  
20 6 process and an ongoing evaluation or feedback process to help  
20 7 the department of administrative services implement this  
20 8 chapter.

20 9 Sec. 21. NEW SECTION. 473C.7 RULES.

20 10 1. The department of administrative services, the  
20 11 department of education, and the state board of regents shall  
20 12 adopt rules pursuant to chapter 17A to administer this  
20 13 chapter.

20 14 2. In adopting implementation rules, the department of  
20 15 education and the state board of regents, in consultation with  
20 16 the department of administrative services, shall review and  
20 17 modify any other requirement for energy conservation by public  
20 18 schools and institutions of higher learning.

20 19 3. In adopting implementation rules, the department of  
20 20 education, in consultation with the state board of education,  
20 21 shall do all of the following:

20 22 a. Review private and public utility providers' capacity  
20 23 and financial and technical assistance programs for affected  
20 24 public school districts to monitor and report utility  
20 25 consumption for purposes of reporting to the director of the  
20 26 department of education as provided in section 473C.4.

20 27 b. Coordinate with the department of administrative  
20 28 services, the state board of health, the department of natural  
20 29 resources, federal agencies, and other affected agencies as  
20 30 appropriate in their consideration of rules to implement this  
20 31 chapter.

20 32 Sec. 22. NEW SECTION. 473C.8 NONLIABILITY.

20 33 A member of the design or construction team shall not be  
20 34 held liable for the failure of a major facility project to  
20 35 meet the LEED silver standard or other LEED standard





Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2085 - Introduced**

SENATE FILE  
BY JOHNSON

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

**A BILL FOR**

1 An Act allowing county boards of supervisors to establish the  
2 number of members on agricultural extension councils and  
3 providing for staggered terms of office.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5742XS 82  
6 da/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2085 - Introduced continued

PAG LIN

1 1 Section 1. Section 176A.5, Code 2007, is amended to read  
1 2 as follows:  
1 3 176A.5 COUNTY AGRICULTURAL EXTENSION COUNCIL.  
1 4 ~~1. There shall be elected in each~~ An extension ~~district an~~  
1 5 ~~extension council consisting~~ is established to govern each  
1 6 extension district as provided in section 176A.4.  
1 7 2. An extension council consists of nine members.  
1 8 However, the county board of supervisors for that extension  
1 9 district may adopt an ordinance to establish the membership of  
1 10 the extension council. Such an ordinance must comply with all  
1 11 of the following requirements:  
1 12 a. The extension council must consist of five, seven, or  
1 13 nine members.  
1 14 b. The ordinance must provide for the staggered terms of  
1 15 members without reducing the term of an elected member.  
1 16 c. The ordinance must take effect at least ninety days  
1 17 prior to the next election for members.  
1 18 3. Each member of the extension council shall be a  
1 19 resident registered voter of the extension district in which  
1 20 they reside.  
1 21 Sec. 2. Section 176A.7, subsection 1, Code 2007, is  
1 22 amended to read as follows:  
1 23 ~~1. Except as otherwise provided pursuant to law for~~  
1 24 ~~members elected in 1990, the~~ The term of office of an  
1 25 extension council member is four years. The term shall  
1 26 commence on the first day of January ~~following the date of the~~  
1 27 ~~member's election~~ which is not a Sunday or legal holiday  
1 28 following the member's election.  
1 29 EXPLANATION  
1 30 This bill amends Code chapter 176A, which is known as the  
1 31 "County Agricultural Extension Law". Code section 176A.4  
1 32 currently establishes extension districts in each county  
1 33 except for Pottawattamie county which is divided into two  
1 34 districts. The bill amends Code section 176A.5 which provides  
1 35 for the election of nine members who sit as the extension



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**January 30, 2008**

Senate File 2085 - Introduced continued

2 1 council governing the extension district. Council members  
2 2 serve for staggered terms of office. Thus, on January 2,  
2 3 2009, four out of the nine members' terms expire and on  
2 4 January 2, 2010, the remaining five members' terms expire (see  
2 5 1990 Iowa Acts, ch. 1149).  
2 6 The bill provides that the county board of supervisors for  
2 7 the district may adopt an ordinance changing the number of  
2 8 members on the extension council, subject to certain  
2 9 conditions. First, there must be an odd number of members:  
2 10 five, seven, or nine. Second, there cannot be a reduction in  
2 11 the term of a member who has been elected. Finally, the  
2 12 ordinance must take effect at least 90 days prior to the next  
2 13 election. The bill contains no limitations on the frequency  
2 14 of changes to the membership by the county board.  
2 15 LSB 5742XS 82  
2 16 da/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate File 2086 - Introduced**

SENATE FILE  
BY JOHNSON

(COMPANION TO LSB 5405HH  
BY WORTHAN)

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

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

**A BILL FOR**

- 1 An Act authorizing the issuance of special nonresident turkey and
- 2 deer hunting licenses to persons who have severe physical
- 3 disabilities or a terminal illness.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5405SS 82
- 6 av/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate File 2086 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.24, Code Supplement 2007, is  
1 2 amended by adding the following new subsection:  
1 3 NEW SUBSECTION. 9A. The commission shall issue a special  
1 4 turkey hunting license or any sex deer hunting license to a  
1 5 nonresident who the commission finds has a severe physical  
1 6 disability or has been diagnosed with a terminal illness. The  
1 7 licenses shall be issued as follows:

1 8 a. The commission may prepare an application to be used by  
1 9 the person requesting the special license, which requires that  
1 10 the person's attending physician sign the form declaring that  
1 11 the person has a severe physical disability or has been  
1 12 diagnosed with a terminal illness and is eligible for the  
1 13 special license.

1 14 b. The licenses provided pursuant to this subsection shall  
1 15 be in addition to the number of nonresident turkey hunting  
1 16 licenses authorized pursuant to section 483A.7 and nonresident  
1 17 deer hunting licenses authorized pursuant to section 483A.8.

1 18 c. The turkey hunting licenses are valid in all zones open  
1 19 to turkey hunting and shall be available for issuance and use  
1 20 during any turkey hunting season. The deer hunting licenses  
1 21 are valid in all zones open to deer hunting and shall be  
1 22 available for issuance and use during any deer hunting season.

1 23 d. A nonresident who receives a special license pursuant  
1 24 to this subsection shall be otherwise qualified to hunt in  
1 25 this state and shall pay the applicable nonresident turkey or  
1 26 deer hunting license fee and the wildlife habitat fee.

1 27 e. The commission shall adopt rules under chapter 17A for  
1 28 the administration of this subsection.

1 29 EXPLANATION

1 30 This bill authorizes the natural resource commission to  
1 31 issue special nonresident turkey and any sex deer hunting  
1 32 licenses to nonresidents who have a severe physical disability  
1 33 or a terminal illness.

1 34 The commission may prepare an application for the licenses  
1 35 that requires the applicant's attending physician to sign a



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008**

Senate File 2086 - Introduced continued

2 1 form declaring that the applicant has a severe physical  
2 2 disability or has been diagnosed with a terminal illness.  
2 3 The special licenses are in addition to the number of  
2 4 nonresident turkey hunting licenses authorized pursuant to  
2 5 Code section 483A.7 and nonresident deer hunting licenses  
2 6 authorized pursuant to Code section 483A.8. The licenses are  
2 7 valid in all applicable zones and shall be available for  
2 8 issuance and use during any applicable hunting season. A  
2 9 nonresident who receives a special license pursuant to the  
2 10 bill must be otherwise qualified to hunt in this state and pay  
2 11 the applicable nonresident turkey or deer hunting license fee  
2 12 and the wildlife habitat fee.  
2 13 The commission is required to adopt rules under Code  
2 14 chapter 17A to administer the new license provisions.  
2 15 LSB 5405SS 82  
2 16 av/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

**Senate Study Bill 3109**

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

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

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

**A BILL FOR**

- 1 An Act relating to the amount of the state earned income tax
- 2 credit and including a retroactive applicability date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6068SC 82
- 5 mg/sc/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate Study Bill 3109 continued

PAG LIN

1 1 Section 1. Section 422.12B, subsection 1, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 1. The taxes imposed under this division less the credits  
1 4 allowed under section 422.12 shall be reduced by an earned  
1 5 income credit equal to ~~seven~~ ten percent of the federal earned  
1 6 income credit provided in section 32 of the Internal Revenue  
1 7 Code. Any credit in excess of the tax liability is  
1 8 refundable.

1 9 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies  
1 10 retroactively to January 1, 2008, for tax years beginning on  
1 11 or after that date.

1 12 EXPLANATION

1 13 This bill increases the state earned income tax credit from  
1 14 7 percent to 10 percent of the federal earned income tax  
1 15 credit.

1 16 The bill applies retroactively to January 1, 2008, for tax  
1 17 years beginning on or after that date.

1 18 LSB 6068SC 82

1 19 mg/sc/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate Study Bill 3110

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

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

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

A BILL FOR

1 An Act providing a sales tax exemption for purchases made by a  
2 nonprofit blood bank licensed by the federal food and drug  
3 administration.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5749SC 82  
6 ak/sc/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 30, 2008

Senate Study Bill 3110 continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 26, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 26. The sales price of tangible personal property sold, or  
1 4 of services furnished, to a statewide nonprofit organ  
1 5 procurement organization, as defined in section 142C.2, or a  
1 6 nonprofit blood bank, as defined in section 141A.1, that is  
1 7 licensed by the federal food and drug administration.

1 8 EXPLANATION

1 9 This bill creates a sales tax exemption on the sales price  
1 10 of goods sold to or services provided to a nonprofit blood  
1 11 bank that is licensed by the federal food and drug  
1 12 administration.

1 13 LSB 5749SC 82

1 14 ak/sc/8