

code) within fifteen days following receipt of the funds. For your protection, you ~~have the right to contact~~ will be notified within sixty days from the date of deposit from the financial institution ~~directly, if acting as a trustee of trust funds under this chapter,~~ to confirm that the deposit of these funds occurred has been made establishing a trust fund as required by law. If you ~~unable to confirm the deposit of these funds in trust~~ do not receive this notification, you may contact the Iowa insurance division for assistance by calling the insurance division at (telephone number) or by mail at (street address), (city), Iowa (zip code), or you may contact the financial institution by calling the financial institution at (telephone number) or by mail at the address indicated above.¹

Sec. 9. NEW SECTION. 523A.810A ELECTRONIC FILING.

The commissioner shall, by rule, develop a system and procedures and a format for electronic filing of documents required to be filed with the commissioner under this chapter.

Sec. 10. Section 523A.811, subsection 1, paragraph c, Code Supplement 2007, is amended to read as follows:

c. The amount of funds currently held in trust for cemetery merchandise, funeral merchandise, and funeral services is less than ~~eighty percent of all payments made under the purchase agreements referred to in~~ the amount required in section 523A.201, subsection 2 or 3, as applicable.

Approved April 18, 2008

CHAPTER 1104

STATE PURCHASE OF BIOBASED PRODUCTS

S.F. 2361

AN ACT providing for the procurement of designated biobased products by state government.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8A.311, subsection 14, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The procurement of designated biobased products in accordance with the requirements of section 8A.317.

Sec. 2. NEW SECTION. 8A.317 STATE PURCHASES — DESIGNATED BIOBASED PRODUCTS.

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

a. “Biobased material” means the same as defined in section 469.31.

b. “Designated biobased product” means a biobased product as defined in section 469.31, and includes a product determined by the United States department of agriculture to be a commercial or industrial product, other than food or feed, that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials including plant, animal, and marine materials, or forestry materials as provided in 7 U.S.C. § 8102.

2. The department shall do all of the following:

a. Develop procedures and specifications for the purchase of designated biobased products. The department may develop specifications after consulting guidelines or regulations promulgated by the United States department of agriculture pursuant to section 7 U.S.C. § 8102.

¹ See chapter 1191, §140 herein

b. Require that a purchase of a designated biobased product be made from the seller whose designated biobased product contains the greatest percentage of biobased materials, unless any of the following applies:

(1) The designated biobased product is not available within a reasonable period of time or in quantities necessary or in container sizes appropriate to meet a state agency's needs.

(2) The designated biobased product does not meet performance requirements or standards recommended by a manufacturer, including any warranty requirements.

(3) The designated biobased product does not meet the functional requirements and evaluation criteria identified in bid documents. Functional requirements to be considered may include but are not limited to the designated biobased product's conformance with ASTM (American society for testing and materials) international standards.

(4) The purchase of the designated biobased product conflicts with section 8A.311, subsection 1, paragraph "a".

(5) The designated biobased product is available only at a cost greater than one hundred five percent of the cost of comparable products which are not biobased.

c. Establish and maintain a preference program for procuring the maximum content of biobased materials in biobased products. The preference program shall include but is not limited to all of the following:

(1) The inclusion of preferences for designated biobased products in publications used to solicit bids from suppliers.

(2) The provision of a description of the preference program at bidders' conferences.

(3) Discussion of the preference program in requests for proposals or invitations to bid.

(4) Efforts to inform industry trade associations about the preference program.

3. This section does not apply to a biobased product which is subject to requirements for procurement in another provision of this chapter including but not limited to any of the following:

a. Soybean-based ink as provided in section 8A.315.

b. Degradable loose foam packing material manufactured from grain starches or other renewable resources as provided in section 8A.315.

c. A biobased hydraulic fluid, grease, or other industrial lubricant as provided in section 8A.316.

4. When evaluating a bid for the purchase of designated biobased products, the department may take into consideration warranty provisions and life cycle cost estimates.

Sec. 3. Section 216B.3, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 17A. Give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

Sec. 4. NEW SECTION. 260C.19C PURCHASE OF DESIGNATED BIOBASED PRODUCTS.

The board of directors providing services to a merged area shall give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

Sec. 5. NEW SECTION. 262.25C PURCHASE OF DESIGNATED BIOBASED PRODUCTS.

The state board of regents and institutions under the control of the board purchasing products shall give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

Sec. 6. Section 307.21, subsection 4, paragraph b, Code Supplement 2007, is amended by adding the following new subparagraph:

¹(5) Give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

¹ According to enrolled Act; the phrase "NEW SUBPARAGRAPH." probably intended

Sec. 7. NEW SECTION. 904.312C PURCHASE OF DESIGNATED BIOBASED PRODUCTS.

The department shall give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

Approved April 18, 2008

CHAPTER 1105

AIR POLLUTION FROM SMALL BUSINESS STATIONARY SOURCES — REGULATION AND TECHNICAL ASSISTANCE

S.F. 2367

AN ACT relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.131, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 13. “Small business stationary source” means a stationary air contaminant source that meets all of the following requirements:

- a. Employs one hundred or fewer individuals.
- b. Qualifies as a small business concern by the United States department of commerce pursuant to 15 U.S.C. § 632.
- c. Is not a major stationary source.
- d. Emits less than fifty tons per year of any federally regulated air pollutant and less than seventy-five tons per year of all federally regulated pollutants under the federal Clean Air Act Amendments of 1990, 42 U.S.C. § 7401 et seq.

Sec. 2. NEW SECTION. 455B.133A SMALL BUSINESS STATIONARY SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE PROGRAM.

A small business stationary source technical and environmental compliance assistance program shall be administered and enforced as required pursuant to the federal Clean Air Act Amendments of 1990, 42 U.S.C. § 7661f.

Sec. 3. Section 455B.133B, Code 2007, is amended to read as follows:

455B.133B AIR CONTAMINANT SOURCE FUND CREATED.

An air contaminant source fund is created in the office of the treasurer of state under the control of the department.

1. Moneys received from the fees assessed pursuant to section 455B.133, subsection 8, shall be deposited in the fund.

2. Moneys in the fund shall be used solely to defray the costs related to the permit, monitoring, and inspection program, including the small business stationary source technical and environmental compliance assistance program required pursuant to the federal Clean Air Act Amendments of 1990, ~~sections section 502 and 507, Pub. L. No. 101-549, and as provided in section 455B.133A.~~

3. Notwithstanding section 8.33, any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Notwithstanding section 12C.7, any interest and earnings on investments from money in the fund shall be credited to the fund.