

House File 2450

H-8189

1 Amend House File 2450 as follows:

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

4 <DIVISION I

5 ECONOMIC DEVELOPMENT PROGRAMS

6 Section 1. Section 15.106B, subsection 5, paragraph b, Code  
7 2024, is amended by striking the paragraph.

8 Sec. 2. NEW SECTION. 15.106E Application or award —  
9 prohibition.

10 1. The authority may prohibit a person from receiving an  
11 award of financial assistance, or from being selected as a  
12 vendor to provide goods or services to the authority in any of  
13 the following circumstances:

14 a. An act or omission by the person seriously affects or  
15 threatens public health, public safety, or the environment.

16 b. The person is charged with or convicted of a crime  
17 involving dishonesty.

18 c. An act or omission by the person indicates a lack of  
19 integrity or honesty.

20 d. The person violates the terms of an agreement or  
21 transaction that detrimentally impacts the integrity of a  
22 program administered by the authority, or other governmental  
23 entity as defined in section 8A.101.

24 e. A compelling cause exists that is relevant to and affects  
25 the person's obligations under the programs administered by the  
26 authority, or is relevant to and affects the provision of goods  
27 and services to the authority by a vendor.

28 2. Upon a determination by the authority, a person shall  
29 be prohibited from receiving an award of financial assistance,  
30 or from being selected as a vendor pursuant to subsection 1.  
31 The authority shall provide written notice to the prohibited  
32 person stating the reason for the prohibition. The authority  
33 may immediately disqualify a prohibited person from receiving  
34 financial assistance, or from being selected as a vendor.

35 3. A prohibited person may request a review of the

HF 2450.3613 (1) 90

(amending this HF 2450 to CONFORM to SF 2289)

1 determination made by the authority pursuant to subsection 2.

2     *a.* The request to review the determination shall be made  
3 within thirty-five calendar days of the date the authority  
4 provided written notice to the prohibited person. The request  
5 to review the determination must be in writing and state the  
6 specific reasons or legal basis for review.

7     *b.* Within sixty calendar days of the receipt of the request  
8 to review, the authority shall approve, deny, or modify the  
9 determination, if the authority finds that the determination  
10 is based on a clear error of material fact or law, or if the  
11 authority finds the determination was arbitrary, capricious, or  
12 an abuse of discretion.

13     *c.* The authority shall issue its decision in writing and  
14 provide written notice of the decision to the prohibited  
15 person.

16     *d.* The decision of the authority pursuant to this subsection  
17 shall be considered final agency action. A petition for  
18 judicial review of the decision of the authority shall be filed  
19 pursuant to section 17A.19.

20     4. The authority shall adopt rules as necessary pursuant to  
21 chapter 17A to administer this section.

22     Sec. 3. Section 15.108, subsection 2, Code 2024, is amended  
23 by striking the subsection and inserting in lieu thereof the  
24 following:

25     2. *Marketing.* To aid in all of the following:

26     *a.* The marketing and promotion of Iowa products and  
27 services.

28     *b.* The promotion and development of the agricultural  
29 processing industry in the state.

30     Sec. 4. Section 15.108, subsection 3, paragraph a,  
31 subparagraph (5), Code 2024, is amended to read as follows:

32     (5) Encourage cities, counties, local and regional  
33 government organizations, and local and regional economic  
34 development organizations to develop and implement  
35 comprehensive community and economic development plans. ~~In~~

HF 2450.3613 (1) 90

(amending this HF 2450 to CONFORM to SF 2289)

1 ~~evaluating financial assistance applications, the authority~~  
2 ~~shall award supplementary credit to applications submitted by~~  
3 ~~cities, counties, local and regional government organizations,~~  
4 ~~and local and regional economic development organizations~~  
5 ~~that have developed a comprehensive community and economic~~  
6 ~~development plan.~~

7 Sec. 5. Section 15.108, subsection 4, Code 2024, is amended  
8 by striking the subsection and inserting in lieu thereof the  
9 following:

10 4. *Exporting.* To promote and aid in the marketing and  
11 sale of Iowa industrial and agricultural products and services  
12 outside of the state. To carry out this responsibility, the  
13 authority shall:

14 a. Perform the duties and activities specified for the  
15 agricultural marketing program under sections 15.201 and  
16 15.202.

17 b. Seek assistance and advice from the Iowa district export  
18 council which advises the United States department of commerce.

19 Sec. 6. Section 15.108, subsection 5, paragraph d, Code  
20 2024, is amended to read as follows:

21 ~~d. Coordinate with other divisions of the authority to add~~  
22 Promote the contributions of Iowa's recreation, tourism, and  
23 leisure resources ~~to the agricultural and other images which~~  
24 ~~characterize the state on a national level.~~

25 Sec. 7. Section 15.108, subsection 5, paragraph o, Code  
26 2024, is amended by striking the paragraph.

27 Sec. 8. Section 15.108, subsection 6, paragraph c, Code  
28 2024, is amended by striking the paragraph and inserting in  
29 lieu thereof the following:

30 c. Provide aid for the development and implementation of  
31 the Iowa targeted small business procurement Act established in  
32 sections 73.15 through 73.22.

33 Sec. 9. Section 15.108, subsection 6, paragraphs f and g,  
34 Code 2024, are amended by striking the paragraphs.

35 Sec. 10. Section 15.108, subsection 7, Code 2024, is amended

HF 2450.3613 (1) 90

(amending this HF 2450 to CONFORM to SF 2289)

1 by striking the subsection.

2 Sec. 11. Section 15.108, subsection 10, paragraph b,  
3 subparagraph (3), Code 2024, is amended to read as follows:

4 (3) Establish programs which assist communities or local  
5 entities in developing housing to meet a range of community  
6 needs, including ~~programs to assist homeless shelter operations~~  
7 ~~and~~ programs to assist in the development of housing to enhance  
8 economic development opportunities in the community.

9 Sec. 12. Section 15.371, subsection 5, paragraph e, Code  
10 2024, is amended to read as follows:

11 e. Employ a minimum of three full-time employees and no more  
12 than ~~seventy-five~~ one hundred twenty-five full-time employees  
13 across all of the manufacturer's locations.

14 Sec. 13. NEW SECTION. **73.22 Reports.**

15 1. By December 1 of each calendar year, the department of  
16 administrative services shall provide a written summary to the  
17 economic development authority of all activities undertaken  
18 by the department of administrative services to maximize the  
19 purposes of this subchapter during the immediately preceding  
20 fiscal year.

21 2. By December 1 of each calendar year, the economic  
22 development authority shall compile a list of the procurement  
23 goals established pursuant to section 73.16, subsection 2, for  
24 the prior fiscal year, and the performance of each agency or  
25 department of state government having purchasing authority in  
26 meeting the goals. The compilation shall be based upon the  
27 reports required to be filed under section 73.16, subsection 2.

28 3. By January 15 of each calendar year, the economic  
29 development authority shall submit to the governor and the  
30 general assembly a summary of all reports required under this  
31 section.

32 4. The director of the economic development authority, in  
33 cooperation with the department of administrative services and  
34 other state agencies shall do all of the following:

35 a. Publicize the targeted small business procurement goal

HF 2450.3613 (1) 90

(amending this HF 2450 to CONFORM to SF 2289)

1 program to targeted small businesses and to agencies of state  
2 government.

3     *b.* Identify targeted small businesses able to perform  
4 contracts under the program.

5     *c.* Encourage targeted small businesses to participate in the  
6 program.

7     Sec. 14. REPEAL. Sections 15.246, 15.271, and 15.272, Code  
8 2024, are repealed.

9

## DIVISION II

10

### ENERGY SHORTAGES

11     Sec. 15. Section 12.28, subsection 6, Code 2024, is amended  
12 to read as follows:

13     6. The maximum principal amount of financing agreements  
14 which the treasurer of state can enter into shall be one  
15 million dollars per state agency in a fiscal year, subject  
16 to the requirements of [section 8.46](#). For the fiscal year,  
17 the treasurer of state shall not enter into more than one  
18 million dollars of financing agreements per state agency,  
19 not considering interest expense. However, the treasurer  
20 of state may enter into financing agreements in excess of  
21 the one million dollar per agency per fiscal year limit if a  
22 constitutional majority of each house of the general assembly,  
23 or the legislative council if the general assembly is not in  
24 session, and the governor, authorize the treasurer of state  
25 to enter into additional financing agreements above the one  
26 million dollar authorization contained in [this section](#). The  
27 treasurer of state shall not enter into a financing agreement  
28 for real or personal property which is to be constructed for  
29 use as a prison or prison-related facility without prior  
30 authorization by a constitutional majority of each house of  
31 the general assembly and approval by the governor of the use,  
32 location, and maximum cost, not including interest expense,  
33 of the real or personal property to be financed. However,  
34 financing agreements for an energy conservation measure, as  
35 defined in [section 7D.34](#), ~~for an energy management improvement,~~

HF 2450.3613 (1) 90

(amending this HF 2450 to CONFORM to SF 2289)

1 ~~as defined in section 473.19, or for costs associated with~~  
2 ~~projects under section 473.13A,~~ are exempt from the provisions  
3 of ~~this subsection,~~ but are subject to the requirements of  
4 section 7D.34. In addition, financing agreements funded  
5 through the materials and equipment revolving fund established  
6 in ~~section 307.47~~ are exempt from the provisions of this  
7 subsection.

8 Sec. 16. Section 279.53, Code 2024, is amended to read as  
9 follows:

10 **279.53 Loan proceeds.**

11 The proceeds of loans issued to school districts pursuant to  
12 section 279.48, ~~or 279.52, or 473.20~~ shall be deposited into  
13 either the general fund of a school district or the physical  
14 plant and equipment levy fund. The board of directors shall  
15 expend the amount of the principal and interest due each year  
16 to maturity from the same fund into which the loan proceeds  
17 were deposited.

18 Sec. 17. Section 298.3, subsection 1, paragraph g, Code  
19 2024, is amended to read as follows:

20 *g.* Expenditures for energy conservation, ~~including payments~~  
21 ~~made pursuant to a guarantee furnished by a school district~~  
22 ~~entering into a financing agreement for energy management~~  
23 ~~improvements, limited to agreements pursuant to section 473.19,~~  
24 ~~473.20, or 473.20A.~~

25 Sec. 18. Section 473.3, subsection 2, Code 2024, is amended  
26 by striking the subsection.

27 Sec. 19. NEW SECTION. **473.4 Duties of the authority.**

28 The authority shall do the following:

29 1. Periodically update the Iowa energy plan that identifies  
30 objectives and strategies for developing the energy sector in  
31 the state.

32 2. Administer and coordinate federal funds received for  
33 energy conservation, energy management, and alternative and  
34 renewable energy programs.

35 3. Apply for, receive, administer, and use federal or other

1 funds available for achieving the purposes of this chapter.

2     Sec. 20. NEW SECTION.   **473.5 Energy security plan.**

3     1. The governor or the governor's designee shall maintain  
4 an energy security plan.

5     2. The energy security plan shall include but is not limited  
6 to the following:

7     a. A description of the circumstances that indicate an  
8 actual or imminent acute shortage of usable energy, including  
9 liquid fossil fuels.

10    b. Any action to be taken by the authority or relevant  
11 agencies in response to an executive order by the governor  
12 under section 473.8.

13     Sec. 21. REPEAL. Sections 473.13A, 473.15, 473.19,  
14 473.19A, 473.20, 473.20A, and 473.41, Code 2024, are repealed.

15     Sec. 22. TRANSFER OF MONEYS. On the effective date of this  
16 division of this Act, any moneys remaining in the building  
17 energy management fund in section 473.19A, Code 2024, shall be  
18 transferred to the general fund of the state.>

19     2. Title page, by striking lines 1 through 3 and inserting  
20 <An Act relating to economic development and energy shortages  
21 under the purview of the economic development authority and  
22 governor, and providing penalties.>

---

LATHAM of Franklin