

PROOF

STATE OF IOWA

House Journal

FRIDAY, APRIL 24, 2009

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(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

One Hundred-third Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 24, 2009

The House met pursuant to adjournment at 9:09 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable John Whitaker, state representative from Van Buren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erica Kite, House Page from Jesup.

The Journal of Thursday, April 23, 2009 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2009, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the House is asked:

[House File 759](#), a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program.

Also: That the Senate has on April 23, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 340](#), a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act.

Also: That the Senate has on April 23, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 484](#), a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

[Senate File 340](#), by committee on judiciary, a bill for an act relating to the sex offender registry, making fees applicable, and providing for penalties.

Read first time and **passed on file**.

ADOPTION OF [HOUSE RESOLUTION 51](#)

Watts of Dallas called up for consideration [House Resolution 51](#), a resolution to honor the athletes and staff of the Woodward Academy for their fourth consecutive high school national powerlifting championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 12:00 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Roberts of Carroll; Raecker of Polk on request of Roberts of Carroll; Wenthe of Fayette, until his arrival, on request of Speaker Murphy.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Murphy invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Eighty-third General Assembly were presented to the following Pages by Speaker Murphy, Majority leader McCarthy and Minority Leader Paulsen:

Allison Adams
Adam Child
Zachary Dalluge

Kelsey Patience
Katherine Pauk
Nicole Pratt

Jessie Ede	Chad Ratashak
Drew Flickinger	Hanna Rosman
Blake Grotewold	Katelyn Schofield
Erica Kite	Billie Silva
Laura Leners	Joseph Sweeney
Kathleen McKnight	Cassie Wenger
Alicia Nicoletto	Nicole Westergaard
Isabella Nixon	Laura Zeman

CONSIDERATION OF BILLS
Ways and Means Calendar

[House File 813](#), a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system, was taken up for consideration.

Gaskill of Wapello offered the following amendment [H-1623](#) filed by her and moved its adoption:

[H-1623](#)

1 Amend [House File 813](#) as follows:
2 1. Page 2, by inserting after line 2 the
3 following:
4 "Sec. ____ Section 331.604, subsection 3, Code
5 2009, as amended by 2009 Iowa Acts, [Senate File 288](#),
6 section 6, is amended to read as follows:
7 3. a. ~~The~~ Each county shall participate in the
8 county land record information system and shall comply
9 with the policies and procedures established by the
10 governing board of the county land record information
11 system.
12 b. (1) For the period beginning July 1, 2004, and
13 ending June 30, 2009, the county recorder shall also
14 collect a fee of one dollar for each recorded
15 transaction, regardless of the number of pages, for
16 which a fee is paid pursuant to subsection 1 to be
17 used for the purpose set forth in paragraph "c" "d".
18 (2) For the period beginning July 1, 2009, and
19 ending June 30, 2011, the recorder shall also collect
20 a fee of three dollars for each recorded transaction,
21 regardless of the number of pages, for which a fee is
22 paid pursuant to subsection 1 to be used for the
23 following purposes:
24 (a) Maintaining the statewide internet website and

25 the county land record information system.
26 (b) Integrating information contained in documents
27 and records maintained by the recorder and other land
28 record information from other sources with the county
29 land record information system.
30 (c) Implementing and maintaining a process for
31 redacting personally identifiable information
32 contained in electronic documents that are displayed
33 for public access through an internet website or that
34 are transferred to another person.
35 (3) Beginning July 1, 2011, the recorder shall
36 also collect a fee of one dollar for each recorded
37 transaction, regardless of the number of pages, for
38 which a fee is paid pursuant to subsection 1 to be
39 used for the purposes in subparagraph (2) and for the
40 following purposes:
41 (a) Establishing and implementing standards for
42 recording, processing, and archiving electronic
43 documents and records.
44 (b) Expanding access to records by encouraging
45 electronic indexing and scanning of documents and
46 instruments recorded in prior years.
47 (4) Notwithstanding subparagraph (2), the fee
48 collected by the recorder under this subsection for
49 recording a plat of survey is one dollar, regardless
50 of the number of pages. For purposes of this

Page 2

1 subparagraph, "plat of survey" means the same as
2 defined in section 355.1, subsection 9.
3 (5) Fees collected in excess of the amount needed
4 for the purposes specified in this subsection shall be
5 used by the county land record information system to
6 reduce or eliminate service fees for electronic
7 submission of documents and instruments.
8 ~~b.~~ c. The county treasurer, on behalf of the
9 recorder, shall establish and maintain a county
10 recorder's electronic transaction fund into which all
11 moneys collected pursuant to paragraph "a" "b" shall
12 be deposited. Interest earned on moneys deposited in
13 this fund shall be computed based on the average
14 monthly balance in the fund and shall be credited to
15 the county recorder's electronic transaction fund.
16 ~~e.~~ d. The local government electronic transaction
17 fund is established in the office of the treasurer of
18 state under the control of the treasurer of state.
19 Moneys deposited into the fund are not subject to
20 section 8.33. Notwithstanding section 12C.7, interest
21 or earnings on moneys in the local government
22 electronic transaction fund shall be credited to the
23 fund. Moneys in the local government electronic

24 transaction fund are not subject to transfer,
25 appropriation, or reversion to any other fund, or any
26 other use except as provided in this ~~paragraph "c"~~
27 subsection. On a monthly basis, the county treasurer
28 shall pay ~~each fee collected pursuant to paragraph "a"~~
29 the fees deposited into the county recorder's
30 electronic transaction fund to the treasurer of state
31 for deposit into the local government electronic
32 transaction fund. Moneys credited to the local
33 government electronic transaction fund are
34 appropriated to the treasurer of state for the payment
35 of claims approved by the governing board of the
36 county land record information system. ~~Expenditures~~
37 Except as otherwise provided in this subsection,
38 expenditures from the fund shall be for the purpose of
39 planning and implementing electronic recording and
40 electronic transactions in each county, ~~and~~ developing
41 county and statewide internet websites to provide
42 electronic access to records and information, and to
43 pay the ongoing costs of integrating and maintaining
44 the statewide internet website.
45 ~~or~~ e. The recorder shall make available any
46 information required by the county auditor or auditor
47 of state concerning the fees collected under this
48 subsection for the purposes of determining the amount
49 of fees collected and the uses for which such fees are
50 expended."

Page 3

1 2. By striking page 2, line 21, through page 5,
2 line 1.
3 3. Page 6, by inserting after line 10 the
4 following:
5 "Sec. ____ Section 331.606A, Code 2009, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 3A. DISSEMINATION OF DOCUMENTS.
8 Persons who have contracted with a county recorder or
9 the governing board of the county land record
10 information system to redact personally identifiable
11 information from electronic documents pursuant to
12 subsection 3 shall not sell, transfer, or otherwise
13 disseminate the electronic documents in an unaltered
14 or redacted form, except as provided for in the
15 contract."
16 4. Page 7, line 21, by striking the words and
17 figures "331.605C, subsection 2" and inserting the
18 following: "331.604, subsection 3".
19 5. Page 7, by inserting after line 21 the
20 following:
21 "Sec. ____ Section 598.21, subsection 2, Code
22 2009, as amended by 2009 Iowa Acts, [Senate File 288](#),

23 section 36, is amended to read as follows:
24 2. DUTIES OF COUNTY RECORDER. The county recorder
25 shall record each quitclaim deed or change of title
26 and shall collect the ~~fees~~ fee specified in section
27 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees
28 specified in section 331.604."
29 6. By renumbering, redesignating, and correcting
30 internal references as necessary.

Amendment [H-1623](#) was adopted.

[SENATE FILE 465](#) SUBSTITUTED FOR [HOUSE FILE 813](#)

Gaskill of Wapello asked and received unanimous consent to substitute [Senate File 465](#) for [House File 813](#).

[Senate File 465](#), a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system, was taken up for consideration.

Windschitl of Harrison offered the following amendment [H-1705](#) filed by him and moved its adoption:

[H-1705](#)

1 Amend [Senate File 465](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 331.601A, Code 2009, is
6 amended by adding the following new subsections:
7 NEW SUBSECTION. 0A. "Batch basis" means the
8 delivery of an accumulation of electronic documents or
9 records recorded or maintained by the county recorder.
10 NEW SUBSECTION. 1A. "Electronic document" means a
11 document or instrument that is received, processed,
12 disseminated, or maintained in an electronic format.
13 The submission of an electronic document through the
14 county land record information system electronic
15 submission service shall be equivalent to delivery of
16 a document through the United States postal service or
17 by personal delivery at designated offices in each
18 county. Persons who submit electronic documents for
19 recording are responsible for ensuring that the
20 electronic documents comply with all requirements for
21 recording.

22 Sec. 2. Section 331.603, Code 2009, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 5. a. The governing board of the
25 county land record information system shall not enter
26 into an agreement to provide access to electronic
27 documents or records on a batch basis. The county
28 recorder may collect reasonable fees for access to
29 electronic documents and records pursuant to an
30 agreement. The fees shall not exceed the actual cost
31 of providing access to the electronic documents and
32 records. "Actual cost" means only those expenses
33 directly attributable to providing access to
34 electronic documents and records. "Actual cost" shall
35 not include costs such as employment benefits,
36 depreciation, maintenance, electricity, or insurance
37 associated with the administration of the office of
38 the county recorder or the county land record
39 information system.

40 b. Electronic documents and records made available
41 under this subsection shall not include personally
42 identifiable information and shall be subjected to a
43 redaction process prior to the transfer of the
44 electronic documents or records to another person
45 pursuant to an agreement under paragraph "a".

46 Sec. 3. Section 331.604, subsection 3, Code 2009,
47 as amended by 2009 Iowa Acts, [Senate File 288](#), section
48 6, is amended to read as follows:

49 3. a. The Each county shall participate in the
50 county land record information system and shall comply

Page 2

1 with the policies and procedures established by the
2 governing board of the county land record information
3 system.

4 b. (1) For the period beginning July 1, 2004, the
5 county recorder shall also collect a fee of one dollar
6 for each recorded transaction, regardless of the
7 number of pages, for which a fee is paid pursuant to
8 subsection 1 to be used for the purpose set forth in
9 paragraph "e", "d" and for the following purposes:

10 (a) Maintaining the statewide internet website and
11 the county land record information system.

12 (b) Integrating information contained in documents
13 and records maintained by the recorder and other land
14 record information from other sources with the county
15 land record information system.

16 (c) Implementing and maintaining a process for
17 redacting personally identifiable information
18 contained in electronic documents that are displayed
19 for public access through an internet website or that
20 are transferred to another person.

21 (2) Fees collected in excess of the amount needed
 22 for the purposes specified in this subsection shall be
 23 used by the county land record information system to
 24 reduce or eliminate service fees for electronic
 25 submission of documents and instruments.

26 ~~b.~~ c. The county treasurer, on behalf of the
 27 recorder, shall establish and maintain a county
 28 recorder's electronic transaction fund into which all
 29 moneys collected pursuant to paragraph "a" "b" shall
 30 be deposited. Interest earned on moneys deposited in
 31 this fund shall be computed based on the average
 32 monthly balance in the fund and shall be credited to
 33 the county recorder's electronic transaction fund.

34 ~~e.~~ d. The local government electronic transaction
 35 fund is established in the office of the treasurer of
 36 state under the control of the treasurer of state.
 37 Moneys deposited into the fund are not subject to
 38 section 8.33. Notwithstanding section 12C.7, interest
 39 or earnings on moneys in the local government
 40 electronic transaction fund shall be credited to the
 41 fund. Moneys in the local government electronic
 42 transaction fund are not subject to transfer,
 43 appropriation, or reversion to any other fund, or any
 44 other use except as provided in this ~~paragraph "c"~~
 45 subsection. On a monthly basis, the county treasurer
 46 shall pay ~~each fee collected pursuant to paragraph "a"~~
 47 the fees deposited into the county recorder's
 48 electronic transaction fund to the treasurer of state
 49 for deposit into the local government electronic
 50 transaction fund. Moneys credited to the local

Page 3

1 government electronic transaction fund are
 2 appropriated to the treasurer of state for the payment
 3 of claims approved by the governing board of the
 4 county land record information system. ~~Expenditures~~
 5 Except as otherwise provided in this subsection,
 6 expenditures from the fund shall be for the purpose of
 7 planning and implementing electronic recording and
 8 electronic transactions in each county, ~~and developin~~
 9 county and statewide internet websites to provide
 10 electronic access to records and information, and to
 11 pay the ongoing costs of integrating and maintaining
 12 the statewide internet website.

13 ~~d.~~ e. The recorder shall make available any
 14 information required by the county auditor or auditor
 15 of state concerning the fees collected under this
 16 subsection for the purposes of determining the amount
 17 of fees collected and the uses for which such fees are
 18 expended.

19 Sec. 4. Section 331.605B, subsection 2, Code 2009,

20 is amended to read as follows:

21 2. A recorder or the governing board of the county
 22 land record information system shall collect only
 23 statutorily authorized fees for land records
 24 management. A recorder or the governing board of the
 25 county land record information system shall not
 26 collect a fee for viewing, accessing, or printing
 27 documents in the county land record information system
 28 unless specifically authorized by statute. However, a
 29 recorder or the governing board of the county land
 30 record information system may collect actual
 31 third-party fees associated with accepting and
 32 processing statutorily authorized fees, including
 33 credit card fees, treasury management fees, and other
 34 transaction fees required to enable electronic
 35 payment. For the purposes of this subsection, the
 36 term "third-party" does not include the county land
 37 record information system, the Iowa state association
 38 of counties, or any of the association's affiliates.

39 Sec. 5. Section 331.606, Code 2009, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 4. The recorder shall permanently
 42 archive an unaltered version of each recorded document
 43 or instrument. A document or instrument may be
 44 archived in its original format, as an electronic
 45 document, or in another format suitable for preserving
 46 information in the document or instrument. A person
 47 may view and copy an original or unaltered document or
 48 instrument in the office of the recorder.

49 Sec. 6. Section 331.606A, subsection 1, paragraph
50 c, Code 2009, is amended to read as follows:

Page 4

1 c. "Redact" or "redaction" means the process of
 2 permanently removing all or a portion of personally
 3 identifiable information from documents.

4 Sec. 7. Section 331.606A, subsection 2, Code 2009,
5 is amended to read as follows:

6 2. INCLUSION OF PERSONALLY IDENTIFIABLE
 7 INFORMATION. The preparer of a document shall not
 8 include an individual's personally identifiable
 9 information in a document that is prepared and
 10 presented for recording in the office of the recorder.
 11 This subsection shall not apply to documents that were
 12 executed by an individual prior to July 1, 2007.
 13 ~~Unless provided otherwise by law, all documents~~
 14 ~~described by this section are subject to inspection~~
 15 ~~and copying by the public.~~

16 Sec. 8. Section 331.606A, subsection 3, Code 2009,
17 is amended by striking the subsection and inserting in
18 lieu thereof the following:

19 3. REDACTION FROM ELECTRONIC DOCUMENTS.

20 Personally identifiable information that is contained
 21 in electronic documents that are displayed for public
 22 access on a website, or which are transferred to any
 23 person, shall be redacted prior to displaying or
 24 transferring the documents. Each recorder that
 25 displays electronic documents and the county land
 26 record information system that displays electronic
 27 documents on behalf of a county shall implement a
 28 system for redacting personally identifiable
 29 information. The recorder and the governing board of
 30 the county land record information system shall
 31 establish a procedure by which individuals may request
 32 that personally identifiable information contained in
 33 an electronic document displayed on a website be
 34 redacted, at no fee to the requesting individual. The
 35 requirements of this subsection shall be fully
 36 implemented not later than December 31, 2011.

37 Sec. 9. Section 331.606A, Code 2009, is amended by
 38 adding the following new subsection:

39 NEW SUBSECTION. 3A. DISSEMINATION OF DOCUMENTS.

40 Persons who have contracted with a county recorder or
 41 the governing board of the county land record
 42 information system to redact personally identifiable
 43 information from electronic documents pursuant to
 44 subsection 3 shall not sell, transfer, or otherwise
 45 disseminate the electronic documents in an unaltered
 46 or redacted form, except as provided for in the
 47 contract.

48 Sec. 10. Section 331.606A, subsection 5, Code
 49 2009, is amended to read as follows:

50 5. APPLICABILITY.

Page 5

1 ~~a. This section~~ Subsection 2 shall not apply t a
 2 preparer of a state or federal tax lien or release, a
 3 military separation or discharge record, or a death
 4 certificate that is prepared for recording in the
 5 office of county recorder.

6 b. Subsection 3 shall not apply to a military
 7 separation or discharge record, a birth record, a
 8 death certificate, or marriage certificate unless such
 9 record or certificate is incorporated within another
 10 document or instrument that is recorded and displayed
 11 for public access on a website.

12 c. If a military separation or discharge record or
 13 a death certificate is recorded in the office of the
 14 county recorder, the military separation or discharge
 15 record or the death certificate shall not be
 16 accessible through the internet displayed for public
 17 access on an internet website, public access terminal

18 or other medium, or be transferred to any person.

19 Sec. 11. Section 331.606A, Code 2009, is amended
20 by adding the following new subsection:

21 NEW SUBSECTION. 6. LIMITATION OF LIABILITY. The
22 county land record information system is a unit of
23 local government for purposes of chapter 670, relating
24 to tort liability of governmental subdivisions.

25 However, persons who have contracted with the
26 governing board of the county land record information
27 system to carry out the duties of the board are not
28 employees for purposes of chapter 670, relating to
29 tort liability of governmental subdivisions.

30 Sec. 12. Section 331.606B, subsection 1, Code
31 2009, is amended by adding the following new
32 paragraph:

33 NEW PARAGRAPH. g. Each document or instrument
34 presented for recording shall meet the requirements of
35 section 331.606A, subsection 2.

36 Sec. 13. REPORT TO THE GENERAL ASSEMBLY. On or
37 before January 1, 2012, the governing board of the
38 county land record information system shall submit a
39 report to the general assembly. The report shall
40 include a summary of the actions taken by the county
41 recorders and the county land record information
42 system relating to the redaction of personally
43 identifiable information, a detailed financial
44 accounting of the county land record information
45 system, a detailed summary of expenditures made from
46 the local government electronic transaction fund, and
47 an analysis and recommendation regarding the
48 continuance or discontinuance of the fee collected
49 under section 331.604, subsection 3.

50 Sec. 14. Section 598.21, subsection 2, Code 2009,

Page 6

1 as amended by 2009 Iowa Acts, [Senate File 288](#), section
2 36, is amended to read as follows:

3 2. DUTIES OF COUNTY RECORDER. The county recorder
4 shall record each quitclaim deed or change of title
5 and shall collect the ~~fees fee~~ specified in section
6 331.507, subsection 2, paragraph "a", and the ~~feees~~
7 specified in section 331.604.

8 Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2,
9 subsection 3, shall not apply to this Act."

10 2. Title page, line 3, by inserting before the
11 words "the fees" the following: "use of".

Roll call was requested by Windschitl of Harrison and Lukan of
Dubuque.

On the question "Shall amendment [H-1705](#) be adopted?" ([S.F. 465](#))

The ayes were, 39:

Alons	Anderson	Arnold	Bailey
Baudler	Cownie	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Kelley
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 54:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Deyoe
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Rayhons
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Mr. Speaker Murphy		

Absent or not voting, 7:

Chambers	De Boef	Dolecheck	Raecker
Roberts	Wenthe	Zirkelbach	

Amendment [H-1705](#) lost.

Wagner of Linn offered the following amendment [H-1691](#) filed by him and moved its adoption:

[H-1691](#)

- 1 Amend [Senate File 465](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 6, by striking the word "shall"
- 4 and inserting the following: "may".

- 5 2. Page 2, line 7, by striking the word "shall"
6 and inserting the following: "may".

Roll call was requested by Wagner of Linn and Windschitl of Harrison.

On the question "Shall amendment [H-1691](#) be adopted?" ([S.F. 465](#))

The ayes were, 46:

Alons	Anderson	Arnold	Bailey
Baudler	Cownie	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Kelley	Koester
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 50:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Isenhart	Jacoby
Kearns	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 4:

Chambers	De Boef	Raecker	Wenthe
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Amendment [H-1691](#) lost.

Huser of Polk offered the following amendment [H-1711](#) filed by her and Wagner of Linn from the floor and moved its adoption:

[H-1711](#)

1 Amend [Senate File 465](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 6 and 7 and
 4 inserting the following:
 5 "3. a. ~~The~~ If the board of supervisors enters
 6 into a chapter 28E agreement to participate in the
 7 county land record information system, the county
 8 shall comply with the".

Amendment [H-1711](#) lost.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment [H-1693](#) filed by him on April 23, 2009.

Wagner of Linn offered the following amendment [H-1702](#) filed by him and moved its adoption:

[H-1702](#)

1 Amend [Senate File 465](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by striking line 29 and inserting the
 4 following:
 5 "3. DISPLAY OF AND REDACTION FROM ELECTRONIC
 6 DOCUMENTS. A recorder or the governing board of the
 7 county land record information system shall not
 8 display an electronic document on a website for public
 9 access if such electronic document was executed prior
 10 to January 1, 2002, unless all personally identifiable
 11 information contained in the electronic document has
 12 been redacted. Personally".

Amendment [H-1702](#) lost.

Gaskill of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 465](#))

The ayes were, 65:

Abdul-Samad	Anderson	Beard	Bell
Berry	Bukta	Burt	Cohoon
Deyoe	Dolecheck	Drake	Ficken

Ford	Frevert	Gaskill	Gayman
Hagenow	Heaton	Heddens	Hunter
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Petersen	Quirk	Rayhons	Reasoner
Reichert	Roberts	Schueller	Schulte
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker Murphy			

The nays were, 31:

Alons	Arnold	Bailey	Baudler
Cownie	Forristall	Grassley	Helland
Horbach	Huseman	Kelley	Koester
Lukan	May	Miller, L.	Paulsen
Pettengill	Rants	Sands	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 4:

Chambers	De Boef	Raecker	Wenthe
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 465](#) be immediately messaged to the Senate.

[HOUSE FILE 813](#) WITHDRAWN

Gaskill of Wapello asked and received unanimous consent to withdraw [House File 813](#) from further consideration by the House.

T. Olson of Linn in the chair at 1:09 p.m.

Unfinished Business Calendar

[House File 711](#), a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act, was taken up for consideration.

Baudler of Adair offered the following amendment [H-1681](#) filed by Lykam et al., and moved its adoption:

[H-1681](#)

- 1 Amend [House File 711](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 SEX OFFENDER REGISTRY
- 6 Section 1. NEW SECTION. 692A.101 DEFINITIONS.
- 7 As used in this chapter and unless the context
- 8 otherwise requires:
- 9 1. a. "Aggravated offense" means a conviction for
- 10 any of the following offenses:
- 11 (1) Sexual abuse in the first degree in violation
- 12 of section 709.2.
- 13 (2) Sexual abuse in the second degree in violation
- 14 of section 709.3.
- 15 (3) Sexual abuse in the third degree in violation
- 16 of section 709.4, subsection 1.
- 17 (4) Lascivious acts with a child in violation of
- 18 section 709.8, subsection 1 or 2.
- 19 (5) Assault with intent to commit sexual abuse in
- 20 violation of section 709.11.
- 21 (6) Burglary in the first degree in violation of
- 22 section 713.3, subsection 1, paragraph "d".
- 23 (7) Kidnapping, if sexual abuse as defined in
- 24 section 709.1 is committed during the commission of
- 25 the offense.
- 26 (8) Murder in violation of section 707.2 or 707.3,
- 27 if sexual abuse as defined in section 709.1 is
- 28 committed during the offense.
- 29 (9) Criminal transmission of human
- 30 immunodeficiency virus in violation of section 709C.1,
- 31 subsection 1, paragraph "a".
- 32 b. Any conviction for an offense specified in the
- 33 laws of another jurisdiction or any conviction for an
- 34 offense prosecuted in federal, military, or foreign
- 35 court, that is comparable to an offense listed in
- 36 paragraph "a" shall be considered an aggravated
- 37 offense for purposes of registering under this
- 38 chapter.
- 39 2. "Aggravated offense against a minor" means a

40 conviction for any of the following offenses, if such
41 offense was committed against a minor, or otherwise
42 involves a minor:
43 a. Sexual abuse in the first degree in violation
44 of section 709.2.
45 b. Sexual abuse in the second degree in violation
46 of section 709.3.
47 c. Sexual abuse in the third degree in violation
48 of section 709.4, except for a violation of section
49 709.4, subsection 2, paragraph "c", subparagraph (4).
50 3. "Appearance" means to appear in person at a

Page 2

1 sheriff's office.
2 4. "Business day" means every day except Saturday,
3 Sunday, or any paid holiday for county employees in
4 the applicable county.
5 5. "Change" means to add, begin, or terminate.
6 6. "Child care facility" means the same as defined
7 in section 237A.1.
8 7. "Convicted" means found guilty of, pleads
9 guilty to, or is sentenced or adjudicated delinquent
10 for an act which is an indictable offense in this
11 state or in another jurisdiction including in a
12 federal, military, tribal, or foreign court, including
13 but not limited to a juvenile who has been adjudicated
14 delinquent, but whose juvenile court records have been
15 sealed under section 232.150, and a person who has
16 received a deferred sentence or a deferred judgment or
17 has been acquitted by reason of insanity.
18 "Conviction" includes the conviction of a juvenile
19 prosecuted as an adult. "Convicted" also includes a
20 conviction for an attempt or conspiracy to commit an
21 offense. "Convicted" does not mean a plea, sentence,
22 adjudication, deferred sentence, or deferred judgment
23 which has been reversed or otherwise set aside.
24 8. "Criminal or juvenile justice agency" means an
25 agency or department of any level of government or an
26 entity wholly owned, financed, or controlled by one or
27 more such agencies or departments which performs as
28 its principal function the apprehension, prosecution,
29 adjudication, incarceration, or rehabilitation of
30 criminal or juvenile offenders.
31 9. "Department" means the department of public
32 safety.
33 10. "Employee" means an offender who is
34 self-employed, employed by another, and includes a
35 person working under contract, or acting or serving as
36 a volunteer, regardless of whether the
37 self-employment, employment by another, or
38 volunteerism is performed for compensation.

39 11. "Employment" means acting as an employee.

40 12. "Foreign court" means a court of a foreign
41 nation that is recognized by the United States
42 department of state that enforces the right to a fair
43 trial during the period in which a conviction
44 occurred.

45 13. "Habitually lives" means living in a place
46 with some regularity, and with reference to where the
47 sex offender actually lives, which could be some place
48 other than a mailing address or primary address but
49 would entail a place where the sex offender lives on
50 an intermittent basis.

Page 3

1 14. "Incarcerated" means to be imprisoned by
2 placing a person in a jail, prison, penitentiary,
3 juvenile facility, or other correctional institution
4 or facility or a place or condition of confinement or
5 forcible restraint regardless of the nature of the
6 institution in which the person serves a sentence for
7 a conviction.

8 15. "Internet identifier" means an electronic mail
9 address, instant message address or identifier, or any
10 other designation or moniker used for
11 self-identification during internet communication or
12 posting, including all designations used for the
13 purpose of routing or self-identification in internet
14 communications or postings.

15 16. "Jurisdiction" means any state of the United
16 States, the District of Columbia, the Commonwealth of
17 Puerto Rico, Guam, American Samoa, the Northern
18 Mariana Islands, the United States Virgin Islands, or
19 a federally recognized Indian tribe.

20 17. "Loiter" means remaining in a place or
21 circulating around a place under circumstances that
22 would warrant a reasonable person to believe that the
23 purpose or effect of the behavior is to enable a sex
24 offender to become familiar with a location where a
25 potential victim may be found, or to satisfy an
26 unlawful sexual desire, or to locate, lure, or harass
27 a potential victim.

28 18. "Military offense" means a sex offense
29 specified by the secretary of defense under 10 U.S.C.
30 § 951.

31 19. "Minor" means a person under eighteen years of
32 age.

33 20. "Principal residence" for a sex offender
34 means:

35 a. The residence of the offender, if the offender
36 has only one residence in this state.

37 b. The residence at which the offender resides,

38 sleeps, or habitually lives for more days per year
39 than another residence in this state, if the offender
40 has more than one residence in this state.

41 c. The place of employment or attendance as a
42 student, or both, if the sex offender does not have a
43 residence in this state.

44 21. "Professional licensing information" means the
45 name or other description, number, if applicable, and
46 issuing authority or agency of any license,
47 certification, or registration required by law to
48 engage in a profession or occupation held by a sex
49 offender who is required at the time of the initial
50 requirement to register under this chapter, or any

Page 4

1 such license, certification, or registration that was
2 issued to an offender within the five-year period
3 prior to conviction for a sex offense that requires
4 registration under this chapter, or any such license,
5 certification, or registration that is issued to an
6 offender at any time during the duration of the
7 registration requirement.

8 22. "Public library" means any library that
9 receives financial support from a city or county
10 pursuant to section 256.69.

11 23. a. "Relevant information" means the following
12 information with respect to a sex offender:

13 (1) Criminal history, including warrants,
14 articles, status of parole, probation, or supervised
15 release, date of arrest, date of conviction, and
16 registration status.

17 (2) Date of birth.

18 (3) Passport and immigration documents.

19 (4) Government issued driver's license or
20 identification card.

21 (5) DNA sample.

22 (6) Educational institutions attended as a
23 student, including the name and address of such
24 institutions.

25 (7) Employment information including name and
26 address of employer.

27 (8) Fingerprints.

28 (9) Internet identifiers.

29 (10) Names, nicknames, aliases, or ethnic or
30 tribal names, and if applicable, the real names of an
31 offender protected under 18 U.S.C. §3521.

32 (11) Palm prints.

33 (12) Photographs.

34 (13) Physical description, including scars, marks,
35 or tattoos.

36 (14) Professional licensing information.

37 (15) Residence.
38 (16) Social security number.
39 (17) Telephone numbers, including any landline or
40 wireless numbers.
41 (18) Temporary lodging information, including
42 dates when residing in temporary lodging.
43 (19) Statutory citation and text of offense
44 committed that requires registration under this
45 chapter.
46 (20) Vehicle information for a vehicle owned or
47 operated by an offender including license plate
48 number, registration number, or other identifying
49 number, vehicle description, and the permanent or
50 frequent locations where the vehicle is parked,

Page 5

1 docked, or otherwise kept.
2 (21) The name, gender, and date of birth of each
3 person residing in the residence.
4 b. "Relevant information" does not include
5 relevant information in paragraph "a", subparagraphs
6 (1) and (19), when a sex offender is required to
7 provide relevant information pursuant to this chapter.
8 24. "Residence" means each dwelling or other place
9 where a sex offender resides, sleeps, or habitually
10 lives, or will reside, sleep, or habitually live,
11 including a shelter or group home. If a sex offender
12 does not reside, sleep, or habitually live in a fixed
13 place, "residence" means a description of the
14 locations where the offender is stationed regularly,
15 including any mobile or transitory living quarters.
16 "Residence" shall be construed to refer to the places
17 where a sex offender resides, sleeps, habitually
18 lives, or is stationed with regularity, regardless of
19 whether the offender declares or characterizes such
20 place as the residence of the offender.
21 25. "Sex act" means as defined in section 702.17.
22 26. "Sex offender" means a person who is required
23 to be registered under this chapter.
24 27. "Sex offense" means an indictable offense for
25 which a conviction has been entered that has an
26 element involving a sexual act, sexual contact, or
27 sexual conduct, and which is enumerated in section
28 692A.102, and means any comparable offense for which a
29 conviction has been entered under prior law, or any
30 comparable offense for which a conviction has been
31 entered in a federal, military, or foreign court, or
32 another jurisdiction.
33 28. "Sex offense against a minor" means an offense
34 for which a conviction has been entered for a sex
35 offense classified as a tier I, tier II, or tier III

36 offense under this chapter if such offense was
37 committed against a minor, or otherwise involves a
38 minor.
39 29. "Sexually violent offense" means an offense
40 for which a conviction has been entered for any of the
41 following indictable offenses:
42 a. Sexual abuse as defined under section 709.1.
43 b. Assault with intent to commit sexual abuse in
44 violation of section 709.11.
45 c. Sexual misconduct with offenders and juveniles
46 in violation of section 709.16.
47 d. Any of the following offenses, if the offense
48 involves sexual abuse or assault with intent to commit
49 sexual abuse: murder, attempted murder, kidnapping,
50 burglary, or manslaughter.

Page 6

1 e. A criminal offense committed in another
2 jurisdiction, including a conviction in a federal,
3 military, or foreign court, which would constitute an
4 indictable offense under paragraphs "a" through "d" if
5 committed in this state.
6 30. "Sexually violent predator" means a sex
7 offender who has been convicted of an offense which
8 would qualify the offender as a sexually violent
9 predator under the federal Violent Crime Control and
10 Law Enforcement Act of 1994, 42 U.S.C. §
11 14071(a)(3)(B), (C), (D), and (E).
12 31. "SORNA" means the Sex Offender Registration
13 and Notification Act, which is Title I of the federal
14 Adam Walsh Child Protection and Safety Act of 2006.
15 32. "Student" means a sex offender who enrolls in
16 or otherwise receives instruction at an educational
17 institution, including a public or private elementary
18 school, secondary school, trade or professional
19 school, or institution of higher education. "Student"
20 does not mean a sex offender who enrolls in or attends
21 an educational institution as a correspondence
22 student, distance learning student, or any other form
23 of learning that occurs without physical presence on
24 the real property of an educational institution.
25 33. "Superintendent" means the superintendent or
26 superintendent's designee of a public school or the
27 authorities in charge of a nonpublic school.
28 34. "Vehicle" means a vehicle owned or operated by
29 an offender, including but not limited to a vehicle
30 for personal or work-related use, and including a
31 watercraft or aircraft, that is subject to
32 registration requirements under chapter 321, 328, or
33 462A.
34 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE

35 CLASSIFICATIONS.

36 1. For purposes of this chapter, all individuals
37 required to register shall be classified as a tier I,
38 tier II, or tier III offender. For purposes of this
39 chapter, sex offenses are classified into the
40 following tiers:

41 a. Tier I offenses include a conviction for the
42 following sex offenses:

43 (1) Sexual abuse in the second degree in violation
44 of section 709.3, subsection 2, if committed by a
45 person under the age of fourteen.

46 (2) Sexual abuse in the third degree in violation
47 of section 709.4, subsection 1, 3, or 4, if committed
48 by a person under the age of fourteen.

49 (3) Sexual abuse in the third degree in violation
50 of section 709.4, subsection 2, paragraph "a" or "b",

Page 7

1 if committed by a person under the age of fourteen.

2 (4) Sexual abuse in the third degree in violation
3 of section 709.4, subsection 2, paragraph "c".

4 (5) Indecent exposure in violation of section
5 709.9.

6 (6) Harassment in violation of section 708.7,
7 subsection 1, 2, or 3, if a determination is made that
8 the offense was sexually motivated pursuant to section
9 692A.126.

10 (7) Stalking in violation of section 708.11,
11 except a violation of subsection 3, paragraph "b",
12 subparagraph (3), if a determination is made that the
13 offense was sexually motivated pursuant to section
14 692A.126.

15 (8) (a) Dissemination or exhibition of obscene
16 material to minors in violation of section 728.2 or
17 telephone dissemination of obscene material to minors
18 in violation of 728.15.

19 (b) Rental or sale of hard-core pornography, if
20 delivery is to a minor, in violation of section 728.4.

21 (9) Admitting minors to premises where obscene
22 material is exhibited in violation of section 728.3.

23 (10) Receipt or possession of child pornography in
24 violation of 18 U.S.C. § 2252.

25 (11) Material containing child pornography in
26 violation of 18 U.S.C. § 2252A.

27 (12) Misleading domain names on the internet in
28 violation of 18 U.S.C. § 2252B.

29 (13) Misleading words or digital images on the
30 internet in violation of section 18 U.S.C. § 2252C.

31 (14) Failure to file a factual statement about an
32 alien individual in violation of 18 U.S.C. § 2424.

33 (15) Transmitting information about a minor to

34 further criminal sexual conduct in violation of 18
35 U.S.C. § 2425.

36 (16) Any sex offense specified in the laws of
37 another jurisdiction or any sex offense that may be
38 prosecuted in federal, military, or foreign court,
39 that is comparable to an offense listed in
40 subparagraphs (1) through (15).

41 (17) Any sex offense under the prior laws of this
42 state or another jurisdiction, or any sex offense
43 under prior law that was prosecuted in a federal,
44 military, or foreign court, that is comparable to an
45 offense listed in subparagraphs (1) through (15).

46 b. Tier II offenses include a conviction for the
47 following sex offenses:

48 (1) Detention in brothel in violation of section
49 709.7.

50 (2) Lascivious acts with a child in violation of

Page 8

1 section 709.8, subsection 3 or 4.

2 (3) Solicitation of a minor to engage in an
3 illegal sex act in violation of section 705.1.

4 (4) Solicitation of a minor to engage an illegal
5 act under section 709.8, subsection 3, in violation of
6 section 705.1.

7 (5) Solicitation of a minor to engage in an
8 illegal act under section 709.12, in violation of
9 section 705.1.

10 (6) False imprisonment of a minor in violation of
11 section 710.7, except if committed by a parent.

12 (7) Assault with intent to commit sexual abuse if
13 no injury results in violation of section 709.11.

14 (8) Invasion of privacy-nudity in violation of
15 section 709.21.

16 (9) Stalking in violation of section 708.11,
17 subsection 3, paragraph "b", subparagraph (3), if a
18 determination is made that the offense was sexually
19 motivated pursuant to section 692A.126.

20 (10) Indecent contact with a child in violation of
21 section 709.12, if the child is thirteen years of age.

22 (11) Lascivious conduct with a minor in violation
23 of section 709.14.

24 (12) Sexual exploitation by a counselor,
25 therapist, or school employee in violation of section
26 709.15, if the victim is thirteen years of age or
27 older.

28 (13) Sexual misconduct with offenders and
29 juveniles in violation of section 709.16, if the
30 victim is thirteen years of age or older.

31 (14) Kidnapping of a person who is not a minor in
32 violation of section 710.2, 710.3, or 710.4, if a

33 determination is made that the offense was sexually
34 motivated pursuant to section 692A.126.
35 (15) Solicitation of a minor to engage in an
36 illegal act under section 725.3, subsection 2, in
37 violation of section 705.1.
38 (16) Incest committed against a dependant adult as
39 defined in section 235B.2 in violation of section
40 726.2.
41 (17) Incest committed against a minor in violation
42 of section 726.2.
43 (18) Sexual exploitation of a minor in violation
44 of section 728.12, subsection 2 or 3.
45 (19) Material involving the sexual exploitation of
46 a minor in violation of 18 U.S.C. § 2252(a), except
47 receipt or possession of child pornography.
48 (20) Production of sexually explicit depictions of
49 a minor for import into the United States in violation
50 of 18 U.S.C. 2260.

Page 9

1 (21) Transportation of a minor for illegal sexual
2 activity in violation of 18 U.S.C. § 2421.
3 (22) Coercion and enticement of a minor for
4 illegal sexual activity in violation of 18 U.S.C. §
5 2422(a) or (b).
6 (23) Transportation of minors for illegal sexual
7 activity in violation of 18 U.S.C. § 2423(a).
8 (24) Travel with the intent to engage in illegal
9 sexual conduct with a minor in violation of 18 U.S.C.
10 § 2423.
11 (25) Engaging in illicit sexual conduct in foreign
12 places in violation of 18 U.S.C. § 2423(c).
13 (26) Video voyeurism of a minor in violation of 18
14 U.S.C. § 1801.
15 (27) Any sex offense specified in the laws of
16 another jurisdiction or any offense that may be
17 prosecuted in a federal, military, or foreign court,
18 that is comparable to an offense listed in
19 subparagraphs (1) through (26).
20 (28) Any sex offense under the prior laws of this
21 state or another jurisdiction, or any sex offense
22 under prior law that was prosecuted in a federal,
23 military, or foreign court, that is comparable to a
24 sex offense listed in subparagraphs (1) through (26).
25 c. Tier III offenses include a conviction for the
26 following sex offenses:
27 (1) Murder in violation of section 707.2 or 707.3
28 if sexual abuse as defined in section 709.1 is
29 committed during the commission of the offense.
30 (2) Murder in violation of section 707.2 or 707.3,
31 if a determination is made that the offense was

32 sexually motivated pursuant to section 692A.126.
33 (3) Voluntary manslaughter in violation of section
34 707.4, if a determination is made that the offense was
35 sexually motivated pursuant to section 692A.126.
36 (4) Involuntary manslaughter in violation of
37 section 707.5, if a determination is made that the
38 offense was sexually motivated pursuant to section
39 692A.126.
40 (5) Attempt to commit murder in violation of
41 section 707.11, if a determination is made that the
42 offense was sexually motivated pursuant to section
43 692A.126.
44 (6) Sexual abuse in the first degree in violation
45 of section 709.2.
46 (7) Sexual abuse in the second degree in violation
47 of section 709.3, subsection 1 or 3.
48 (8) Sexual abuse in the second degree in violation
49 of section 709.3, subsection 2, if committed by a
50 person fourteen years of age or older.

Page 10

1 (9) Sexual abuse in the third degree in violation
2 of section 709.4, subsection 1, 3, or 4, if committed
3 by a person fourteen years of age or older.
4 (10) Sexual abuse in the third degree in violation
5 of section 709.4, subsection 2, paragraph "a" or "b",
6 if committed by a person fourteen years of age or
7 older.
8 (11) Lascivious acts with a child in violation of
9 section 709.8, subsection 1 or 2.
10 (12) Kidnapping in violation of section 710.2 if
11 sexual abuse as defined in section 709.1 is committed
12 during the commission of the offense.
13 (13) Kidnapping of a minor in violation of section
14 710.2, 710.3, or 710.4, if a determination is made
15 that the offense was sexually motivated pursuant to
16 section 692A.126.
17 (14) Assault with intent to commit sexual abuse
18 resulting in serious or bodily injury in violation of
19 section 709.11.
20 (15) Burglary in the first degree in violation of
21 section 713.3, subsection 1, paragraph "d".
22 (16) Any other burglary in the first degree
23 offense in violation of section 713.3 that is not
24 included in subparagraph (15), if a determination is
25 made that the offense was sexually motivated pursuant
26 to section 692A.126.
27 (17) Attempted burglary in the first degree in
28 violation of section 713.4, if a determination is made
29 that the offense was sexually motivated pursuant to
30 section 692A.126.

- 31 (18) Burglary in the second degree in violation of
32 section 713.5, if a determination is made that the
33 offense was sexually motivated pursuant to section
34 692A.126.
- 35 (19) Attempted burglary in the second degree in
36 violation of section 713.6, if a determination is made
37 that the offense was sexually motivated pursuant to
38 section 692A.126.
- 39 (20) Burglary in the third degree in violation of
40 section 713.6A, if a determination is made that the
41 offense was sexually motivated pursuant to section
42 692A.126.
- 43 (21) Attempted burglary in the third degree in
44 violation of section 713.6B, if a determination is
45 made that the offense was sexually motivated pursuant
46 to section 692A.126.
- 47 (22) Criminal transmission of human
48 immunodeficiency virus in violation of section 709C.1,
49 subsection 1, paragraph "a".
- 50 (23) Human trafficking in violation of section

Page 11

- 1 710A.2 if sexual abuse or assault with intent to
2 commit sexual abuse is committed or sexual conduct or
3 sexual contact is an element of the offense.
- 4 (24) Purchase or sale of an individual in
5 violation of section 710.11 if a determination is made
6 that the offense was sexually motivated pursuant to
7 section 692A.126.
- 8 (25) Sexual exploitation of a minor in violation
9 of section 728.12, subsection 1.
- 10 (26) Indecent contact with a child in violation of
11 section 709.12 if the child is under thirteen years of
12 age.
- 13 (27) Sexual exploitation by a counselor,
14 therapist, or school employee in violation of section
15 709.15, if the child is under thirteen years of age.
- 16 (28) Sexual misconduct with offenders and
17 juveniles in violation of section 709.16, if the child
18 is under thirteen years of age.
- 19 (29) Child stealing in violation of section 710.5,
20 if a determination is made that the offense was
21 sexually motivated pursuant to section 692A.126.
- 22 (30) Enticing away a minor in violation of section
23 710.10, if the violation includes an intent to commit
24 sexual abuse, sexual exploitation, sexual contact, or
25 sexual conduct directed towards a minor.
- 26 (31) Sex trafficking of children in violation of
27 18 U.S.C. § 1591.
- 28 (32) Aggravated sexual abuse in violation of 18
29 U.S.C. § 2241.

30 (33) Sexual abuse in violation of 18 U.S.C. §
31 2242.
32 (34) Sexual abuse of a minor or ward in violation
33 of 18 U.S.C. § 2243.
34 (35) Abusive sexual contact in violation of 18
35 U.S.C. § 2244.
36 (36) Offenses resulting in death in violation of
37 18 U.S.C. § 2245.
38 (37) Sexual exploitation of children in violation
39 of 18 U.S.C. § 2251.
40 (38) Selling or buying of children in violation of
41 18 U.S.C. § 2251A.
42 (39) Any sex offense specified in the laws of
43 another jurisdiction or any sex offense that may be
44 prosecuted in federal, military, or foreign court,
45 that is comparable to an offense listed in
46 subparagraphs (1) through (38).
47 (40) Any sex offense under the prior laws of this
48 state or another jurisdiction, or any sex offense
49 under prior law that was prosecuted in federal,
50 military, or foreign court, that is comparable to a

Page 12

1 sex offense listed in subparagraphs (1) through (38).
2 2. A sex offender classified as a tier I offender
3 shall be reclassified as a tier II offender, if it is
4 determined the offender has one previous conviction
5 for an offense classified as a tier I offense.
6 3. A sex offender classified as a tier II
7 offender, shall be reclassified as a tier III
8 offender, if it is determined the offender has a
9 previous conviction for a tier II offense or has been
10 reclassified as a tier II offender because of a
11 previous conviction.
12 4. Notwithstanding the classifications of sex
13 offenses in subsection 1, any sex offense which would
14 qualify a sex offender as a sexually violent predator,
15 shall be classified as a tier III offense.
16 5. An offense classified as a tier II offense if
17 committed against a person under thirteen years of
18 age, shall be reclassified as a tier III offense.
19 6. Convictions of more than one sex offense which
20 require registration under this chapter but which are
21 prosecuted within a single indictment shall be
22 considered as a single offense for purposes of
23 registration.
24 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED
25 TO REGISTER.
26 1. A person who has been convicted of any sex
27 offense classified as a tier I, tier II, or tier III
28 offense, or an offender required to register in

29 another jurisdiction under the other jurisdiction's
30 sex offender registry, shall register as a sex
31 offender as provided in this chapter if the offender
32 resides, is employed, or attends school in this state.
33 A sex offender shall, upon a first or subsequent
34 conviction, register in compliance with the procedures
35 specified in this chapter, for the duration of time
36 specified in this chapter, commencing as follows:
37 a. From the date of placement on probation.
38 b. From the date of release on parole or work
39 release.
40 c. From the date of release from incarceration.
41 d. Except as otherwise provided in this section,
42 from the date an adjudicated delinquent is released
43 from placement in a juvenile facility ordered by a
44 court pursuant to section 232.52.
45 e. Except as otherwise provided in this section,
46 from the date an adjudicated delinquent commences
47 attendance as a student at a public or private
48 educational institution, other than an educational
49 institution located on the real property of a juvenile
50 facility if the juvenile has been ordered placed at

Page 13

1 such facility pursuant to section 232.52.
2 f. From the date of conviction for a sex offense
3 requiring registration if probation, incarceration, or
4 placement ordered pursuant to section 232.52 in a
5 juvenile facility is not included in the sentencing,
6 order, or decree of the court, except as otherwise
7 provided in this section for juvenile cases.
8 2. A sex offender is not required to register
9 while incarcerated. However, the running of the
10 period of registration is tolled pursuant to section
11 692A.107 if a sex offender is incarcerated.
12 3. A juvenile adjudicated delinquent for an
13 offense that requires registration shall be required
14 to register as required in this chapter unless the
15 juvenile court waives the requirement and finds that
16 the person should not be required to register under
17 this chapter.
18 4. Notwithstanding subsections 3 and 5, a juvenile
19 fourteen years of age or older at the time the offense
20 was committed shall be required to register if the
21 adjudication was for an offense committed by force or
22 the threat of serious violence, by rendering the
23 victim unconscious, or by involuntary drugging of the
24 victim. At the time of adjudication the judge shall
25 make a determination as to whether the offense was
26 committed by force or the threat of serious violence,
27 by rendering the victim unconscious, or by involuntary

28 drugging of the victim.

29 5. If a juvenile is required to register pursuant
30 to subsection 3, the juvenile court may, upon motion
31 of the juvenile, and after reasonable notice to the
32 parties and hearing, modify or suspend the
33 registration requirements if good cause is shown.

34 a. The motion to modify or suspend shall be made
35 and the hearing shall occur prior to the discharge of
36 the juvenile from the jurisdiction of the juvenile
37 court for the sex offense that requires registration.

38 b. If at the time of the hearing the juvenile is
39 participating in an appropriate outpatient treatment
40 program for juvenile sex offenders, the juvenile court
41 may enter orders temporarily suspending the
42 requirement that the juvenile register and may defer
43 entry of a final order on the matter until such time
44 that the juvenile has completed or been discharged
45 from the outpatient treatment program.

46 c. Final orders shall then be entered within
47 thirty days from the date of the juvenile's completion
48 or discharge from outpatient treatment.

49 d. Any order entered pursuant to this subsection
50 that modifies or suspends the requirement to register

Page 14

1 shall include written findings stating the reason for
2 the modification or suspension, and shall include
3 appropriate restrictions upon the juvenile to protect
4 the public during any period of time the registry
5 requirements are modified or suspended. Upon entry of
6 an order modifying or suspending the requirement to
7 register, the juvenile court shall notify the
8 superintendent or the superintendent's designee where
9 the juvenile is enrolled of the decision.

10 e. This subsection does not apply to a juvenile
11 fourteen years of age or older at the time the offense
12 was committed if the adjudication was for a sex
13 offense committed by force or the threat of serious
14 violence, by rendering the victim unconscious, or by
15 involuntary drugging of the victim.

16 6. If a juvenile is required to register and the
17 court later modifies or suspends the order regarding
18 the requirement to register, the court shall notify
19 the department within five days of the decision.

20 Sec. 4. NEW SECTION. 692A.104 REGISTRATION
21 PROCESS.

22 1. A sex offender shall appear in person to
23 register with the sheriff of each county where the
24 offender has a residence, maintains employment, or is
25 in attendance as a student, within five business days
26 of being required to register under section 692A.103

27 by providing all relevant information to the sheriff.
28 A sheriff shall accept the registration of any person
29 who is required to register in the county pursuant to
30 the provisions of this chapter.
31 2. A sex offender shall, within five business days
32 of changing a residence, employment, or attendance as
33 a student, appear in person to notify the sheriff of
34 each county where a change has occurred.
35 3. A sex offender shall, within five business days
36 of a change in relevant information other than
37 relevant information enumerated in subsection 2,
38 notify the sheriff of the county where the principal
39 residence of the offender is maintained about the
40 change to the relevant information. The department
41 shall establish by rule what constitutes proper
42 notification under this subsection.
43 4. A sex offender who is required to verify
44 information pursuant to the provisions of section
45 692A.108 is only required to appear in person in the
46 county where the principal residence of the offender
47 is maintained to verify such information.
48 5. A sex offender shall, within five business days
49 of the establishment of a residence, employment, or
50 attendance as a student in another jurisdiction,

Page 15

1 appear in person to notify the sheriff of the county
2 where the principal residence of the offender is
3 maintained, about the establishment of a residence,
4 employment, or attendance in another jurisdiction. A
5 sex offender shall, within five business days of
6 establishing a new residence, employment, or
7 attendance as a student in another jurisdiction,
8 register with the registering agency of the other
9 jurisdiction, if the offender is required to register
10 under the laws of the other jurisdiction. The
11 department shall notify the registering agency in the
12 other jurisdiction of the sex offender's new
13 residence, employment, or attendance as a student in
14 the other jurisdiction.
15 6. A sex offender, who has multiple residences in
16 this state, shall appear in person to notify the
17 sheriff of each county where a residence is
18 maintained, of the dates the offender will reside at
19 each residence including the date when the offender
20 will move from one residence to another residence.
21 7. Except as provided in subsection 8, the initial
22 or subsequent registration and any notifications
23 required in subsections 1, 2, 4, 5, and 6 shall be by
24 appearance at the sheriff's office and completion of
25 the initial or subsequent registration or notification

26 shall be on a printed form, which shall be signed and
27 dated by the sex offender. If the sheriff uses an
28 electronic form to complete the initial registration
29 or notification, the electronic form shall be printed
30 upon completion and signed and dated by the sex
31 offender. The sheriff shall transmit the registration
32 or notification form completed by the sex offender
33 within five business days by paper copy, or
34 electronically, using procedures established by the
35 department by rule.

36 8. The collection of relevant information by a
37 court or releasing agency under section 692A.109 shall
38 serve as the sex offender's initial or subsequent
39 registration for purposes of this section. However,
40 the sex offender shall register by appearing in person
41 in the county of residence to verify the offender's
42 arrival and relevant information. The court or
43 releasing agency shall forward a copy of the
44 registration to the department within five business
45 days of completion of registration using procedures
46 established by the department by rule.

47 Sec. 5. NEW SECTION. 692A.105 ADDITIONAL
48 REGISTRATION REQUIREMENTS – TEMPORARY LODGING.

49 In addition to the registration provisions
50 specified in section 692A.104, a sex offender, within

Page 16

1 five business days of a change, shall also appear in
2 person to notify the sheriff of the county of
3 principal residence, of any location in which the
4 offender is staying when away from the principal
5 residence of the offender for more than five days, by
6 identifying the location and the period of time the
7 offender is staying in such location.

8 Sec. 6. NEW SECTION. 692A.106 DURATION OF
9 REGISTRATION.

10 1. Except as otherwise provided in section 232.54,
11 692A.103, or 692A.128, or this section, the duration
12 of registration required under this chapter shall be
13 for a period of ten years. The registration period
14 shall begin as provided in section 692A.103.

15 2. A sex offender who has been sentenced to a
16 special sentence under section 903B.1 or 903B.2, shall
17 be required to register for a period equal to the term
18 of the special sentence, but in no case not less than
19 the period specified in subsection 1.

20 3. A sex offender who is convicted of violating
21 any of the requirements of this chapter shall register
22 for an additional ten years, commencing from the date
23 the offender's registration would have expired under
24 subsection 1 or, in the case of an offender who has

25 been sentenced to a special sentence under section
26 903B.1 or 903B.2, commencing from the date the
27 offender's registration would have expired under
28 subsection 2.

29 4. A sex offender shall, upon a second or
30 subsequent conviction that requires a second
31 registration, or upon conviction of an aggravated
32 offense, or who has previously been convicted of one
33 or more offenses that would have required registration
34 under this chapter, register for life.

35 5. A sexually violent predator shall register for
36 life.

37 6. If a sex offender ceases to maintain a
38 residence, employment, or attendance as a student in
39 this state, the offender shall no longer be required
40 to register, and the offender shall be placed on
41 inactive status and relevant information shall not be
42 placed on the sex offender registry internet site,
43 after the department verifies that the offender has
44 complied with the registration requirements in another
45 jurisdiction. If the sex offender subsequently
46 reestablishes residence, employment, or attendance as
47 a student in this state, the registration requirement
48 under this chapter shall apply and the department
49 shall remove the offender from inactive status and
50 place any relevant information and any updated

Page 17

1 relevant information in the possession of the
2 department on the sex offender registry internet site.

3 Sec. 7. NEW SECTION. 692A.107 TOLLING OF
4 REGISTRATION PERIOD.

5 1. If a sex offender is incarcerated during a
6 period of registration, the running of the period of
7 registration is tolled until the offender is released
8 from incarceration for that crime.

9 2. If a sex offender violates any requirements of
10 section 692A.104, 692A.105, 692A.108, 692A.112,
11 692A.113, 692A.114, or 692A.115, in addition to any
12 criminal penalty prescribed for such violation, the
13 period of registration is tolled until the offender
14 complies with the registration provisions of this
15 chapter.

16 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF
17 RELEVANT INFORMATION.

18 1. A sex offender shall appear in person in the
19 county of principal residence after the offender was
20 initially required to register, to verify residence,
21 employment, and attendance as a student, to allow the
22 sheriff to photograph the offender, and to verify the
23 accuracy of other relevant information during the

24 following time periods after the initial registration:
25 a. For a sex offender classified as a tier I
26 offender, every year.
27 b. For a sex offender classified as a tier II
28 offender, every six months.
29 c. For a sex offender classified as a tier III
30 offender, every three months.
31 2. A sheriff may require a sex offender to appear
32 in person more frequently than provided in subsection
33 1 to verify relevant information if good cause is
34 shown. The circumstances under which more frequent
35 appearances are required shall be reasonable,
36 documented by the sheriff, and provided to the
37 offender and the department in writing. Any
38 modification to such requirement shall also be
39 provided to the sex offender and the department in
40 writing.
41 3. a. At least thirty days prior to an appearance
42 for the verification of relevant information as
43 required by this section, the department shall mail
44 notification of the required appearance to each
45 reported residence of the sex offender. The
46 department shall not be required to mail notification
47 to any sex offender if the residence described or
48 listed in the sex offender's relevant information is
49 insufficient for the delivery of mail.
50 b. The notice shall state that the sex offender

Page 18

1 shall appear in person in the county of principal
2 residence on or before a date specified in the notice
3 to verify and update relevant information. The notice
4 shall not be forwarded to another address and shall be
5 returned to the department if the sex offender no
6 longer resides at the address.
7 4. A photograph of the sex offender shall be
8 updated, at a minimum, annually. The sheriff shall
9 send the updated photograph to the department using
10 procedures established by the department by rule
11 within five business days of the photograph being
12 taken and the department shall post the updated
13 photograph on the sex offender registry's internet
14 site. The sheriff may require the sex offender to
15 submit to being photographed, fingerprinted, or palm
16 printed, more than once per year during any required
17 appearance to verify relevant information.
18 5. The sheriff may make a reasonable modification
19 to the date requiring a sex offender to make an
20 appearance based on exigent circumstances including
21 man-made or natural disasters. The sheriff shall
22 notify the department of any modification using

23 procedures established by department by rule.

24 6. A waiver of the next immediate in-person
25 verification pursuant to this section may be granted
26 at the discretion of the sheriff, if the sex offender
27 appears in person at the sheriff's office because of
28 changes to relevant information pursuant to section
29 692A.104 or 692A.105, and if the in-person
30 verification pursuant to this section is within thirty
31 days of such in-person appearance. If a waiver is
32 granted, the sheriff shall notify the department of
33 granting the waiver.

34 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE
35 REGISTRATION.

36 1. When a sex offender is released from
37 incarceration from a jail, prison, juvenile facility,
38 or other correctional institution or facility, or when
39 the offender is convicted but not incarcerated, the
40 sheriff, warden, or superintendent of a facility or,
41 in the case of release from foster care or residential
42 treatment or conviction without incarceration, the
43 court shall do the following prior to release or
44 sentencing of the convicted offender:
45 a. Obtain all relevant information from the sex
46 offender. Additional information for a sex offender
47 required to register as a sexually violent predator
48 shall include but not be limited to other identifying
49 factors, anticipated future places of residence,
50 offense history, and documentation of any treatment

Page 19

1 received by the person for a mental abnormality or
2 personality disorder.

3 b. Inform the sex offender of the duty to register
4 under this chapter and SORNA and ensure registration
5 forms are completed and signed.

6 c. Inform the sex offender that, within five
7 business days of changing a residence, employment,
8 attendance as a student, an appearance is required
9 before the sheriff in the county where the change
10 occurred.

11 d. Inform the sex offender that, within five
12 business days of a change in relevant information
13 other than a change of residence, employment, or
14 attendance as a student, the sex offender shall
15 notify, in a manner prescribed by rule, the sheriff of
16 the county of principal residence of the change.

17 e. Inform the sex offender that if the offender
18 establishes residence in another jurisdiction, or
19 becomes employed, or becomes a student in another
20 jurisdiction, the offender must report the offender's
21 new residence, employment, or attendance as a student,

22 to the sheriff's office in the county of the
23 offender's principal residence within five business
24 days, and that, if the other jurisdiction has a
25 registration requirement, the offender shall also be
26 required to register in such jurisdiction.
27 f. Require the sex offender to read and sign a
28 form stating that the duty of the offender to register
29 under this chapter has been explained and the offender
30 understands the registration requirement. If the sex
31 offender cannot read, is unable to write, or refuses
32 to cooperate, the duty and the form shall be explained
33 orally and a written record shall be maintained by the
34 sheriff, warden, superintendent of a facility, or
35 court explaining the duty and the form.
36 g. Inform the sex offender who was convicted of a
37 sex offense against a minor of the prohibitions
38 established under section 692A.113 by providing the
39 offender with a written copy of section 692A.113 and
40 relevant definitions of section 692A.101.
41 h. Inform the sex offender who was convicted of an
42 aggravated offense against a minor of the prohibitions
43 established under section 692A.114 by providing the
44 offender with a written copy of section 692A.114 and
45 relevant definitions of section 692A.101.
46 i. Inform the sex offender that the offender must
47 submit to being photographed by the sheriff of any
48 county in which the offender is required to register
49 upon initial registration and during any appearance to
50 verify relevant information required under this

Page 20

1 chapter.
2 j. Inform the sex offender that any violation of
3 this chapter may result in state or federal
4 prosecution.
5 2. a. When a sex offender is released from
6 incarceration from a jail, prison, juvenile facility,
7 or other correctional institution or facility, or when
8 the offender is convicted but not incarcerated, the
9 sheriff, warden, superintendent of a facility, or
10 court shall verify that the person has completed
11 initial or subsequent registration forms, and accept
12 the forms on behalf of the sheriff of the county of
13 registration. The sheriff, warden, superintendent of
14 a facility, or the court shall send the initial or
15 subsequent registration information to the department
16 within five business days of completion of the
17 registration. Probation, parole, work release, or any
18 other form of release after conviction shall not be
19 granted unless the offender has registered as required
20 under this chapter.

21 b. If the sex offender refuses to register, the
22 sheriff, warden, superintendent of a facility, or
23 court shall notify within five business days the
24 county attorney in the county in which the offender
25 was convicted or, if the offender no longer resides in
26 that county, in the county in which the offender
27 resides of the refusal to register. The county
28 attorney shall bring a contempt of court action
29 against the sex offender in the county in which the
30 offender was convicted or, if the offender no longer
31 resides in that county, in the county in which the
32 offender resides. A sex offender who refuses to
33 register shall be held in contempt and may be
34 incarcerated pursuant to the provisions of chapter 665
35 following the entry of judgment by the court on the
36 contempt action until the offender complies with the
37 registration requirements.

38 3. The sheriff, warden, or superintendent of a
39 facility, or if the sex offender is placed on
40 probation, the court shall forward one copy of the
41 registration information to the department and to the
42 sheriff of the county in which the principal residence
43 is established within five business days after
44 completion of the registration.

45 4. The court may order an appropriate law
46 enforcement agency or the county attorney to assist
47 the court in performing the requirements of subsection
48 1 or 2.

49 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES
50 AND CIVIL PENALTY FOR OFFENDERS.

Page 21

1 1. A sex offender shall pay an annual fee in the
2 amount of twenty-five dollars to the sheriff of the
3 county of principal residence, beginning with the
4 first required in-person appearance at the sheriff's
5 office after the effective date of this Act. If the
6 sex offender has more than one principal residence in
7 this state, the offender shall pay the annual fee in
8 the county where the offender is first required to
9 appear in person after the effective date of this Act.
10 The sheriff shall accept the registration. If, at the
11 time of registration, the sex offender is unable to
12 pay the fee, the sheriff may allow the offender time
13 to pay the fee, permit the payment of the fee in
14 installments, or may waive payment of the fee. Fees
15 paid to the sheriff shall be used to defray the costs
16 of duties related to the registration of sex offenders
17 under this chapter.

18 2. In addition to any other penalty, at the time
19 of conviction for a public offense committed on or

20 after July 1, 1995, which requires a sex offender to
21 register under this chapter, the offender shall be
22 assessed a civil penalty of two hundred dollars, to be
23 payable to the clerk of the district court as provided
24 in section 602.8105 and distributed as provided in
25 section 602.8108. With respect to a conviction for a
26 public offense committed on or after July 1, 2009,
27 which requires a sex offender to register under this
28 chapter, the offender shall be assessed a civil
29 penalty of two hundred fifty dollars, payable to the
30 clerk of the district court as provided in section
31 602.8105 and distributed as provided in section
32 602.8108.

33 3. The fee and penalty required by this section
34 shall not be assessed against a person who has been
35 acquitted by reason of insanity of the offense which
36 requires registration under this chapter.

37 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY
38 - PENALTY.

39 1. A sex offender who violates any requirements of
40 section 692A.104, 692A.105, 692A.108, 692A.112,
41 692A.113, 692A.114, or 692A.115 commits an aggravated
42 misdemeanor for a first offense and a class "D" felony
43 for a second or subsequent offense. However, a sex
44 offender convicted of an aggravated offense against a
45 minor, a sex offense against a minor, or a sexually
46 violent offense committed while in violation of any of
47 the requirements specified in section 692A.104,
48 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or
49 692A.115 is guilty of a class "C" felony, in addition
50 to any other penalty provided by law. Any fine

Page 22

1 imposed for a second or subsequent violation shall not
2 be suspended. Notwithstanding section 907.3, the
3 court shall not defer judgment or sentence for any
4 violation of any requirements specified in this
5 chapter. For purposes of this subsection, a violation
6 occurs when a sex offender knows or reasonably should
7 know of the duty to fulfill a requirement specified in
8 this chapter as referenced in the offense charged.

9 2. Violations in any other jurisdiction under sex
10 offender registry provisions that are substantially
11 similar to those contained in this section shall be
12 counted as previous offenses. The court shall
13 judicially notice the statutes of other states which
14 are substantially similar to this section.

15 3. A sex offender who violates any provision of
16 this chapter may be prosecuted in any county where
17 registration is required by the provisions of this
18 chapter.

19 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY
20 PROVIDING FALSE INFORMATION – PENALTY.
21 A sex offender shall not knowingly provide false
22 information upon registration, change of relevant
23 information, or during an appearance to verify
24 relevant information.
25 Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES
26 AND PROHIBITION OF CERTAIN EMPLOYMENT-RELATED
27 ACTIVITIES.
28 1. A sex offender who has been convicted of a sex
29 offense against a minor shall not do any of the
30 following:
31 a. Be present upon the real property of a public
32 or nonpublic elementary or secondary school without
33 the written permission of the school administrator or
34 school administrator's designee, unless enrolled as a
35 student at the school.
36 b. Loiter within three hundred feet of the real
37 property boundary of a public or nonpublic elementary
38 or secondary school, unless enrolled as a student at
39 the school.
40 c. Be present on or in any vehicle or other
41 conveyance owned, leased, or contracted by a public or
42 nonpublic elementary or secondary school without the
43 written permission of the school administrator or
44 school administrator's designee when the vehicle is in
45 use to transport students to or from a school or
46 school-related activities, unless enrolled as a
47 student at the school or unless the vehicle is
48 simultaneously made available to the public as a form
49 of public transportation.
50 d. Be present upon the real property of a child

Page 23

1 care facility without the written permission of the
2 child care facility administrator.
3 e. Loiter within three hundred feet of the real
4 property boundary of a child care facility.
5 f. Be present upon the real property of a public
6 library without the written permission of the library
7 administrator.
8 g. Loiter within three hundred feet of the real
9 property boundary of a public library.
10 h. Loiter on or within three hundred feet of the
11 premises of any place intended primarily for the use
12 of minors including but not limited to a playground
13 available to the public, a children's play area
14 available to the public, recreational or sport-related
15 activity area when in use by a minor, a swimming or
16 wading pool available to the public when in use by a
17 minor, or a beach available to the public when in use

18 by a minor.

19 2. A sex offender who has been convicted of a sex
20 offense against a minor:

21 a. Who resides in a dwelling located within three
22 hundred feet of the real property boundary of public
23 or nonpublic elementary or secondary school, child
24 care facility, public library, or place intended
25 primarily for the use of minors as specified in
26 subsection 1, paragraph "h", shall not be in violation
27 of subsection 1 for having an established residence
28 within the exclusion zone.

29 b. Who is the parent or legal guardian of a minor
30 shall not be in violation of subsection 1 solely
31 during the period of time reasonably necessary to
32 transport the offender's own minor child or ward to or
33 from a place specified in subsection 1.

34 c. Who is legally entitled to vote shall not be in
35 violation of subsection 1 solely for the period of
36 time reasonably necessary to exercise the right to
37 vote in a public election if the polling location of
38 the offender is located in a place specified in
39 subsection 1.

40 3. A sex offender who has been convicted of a sex
41 offense against a minor shall not do any of the
42 following:

43 a. Operate, manage, be employed by, or act as a
44 contractor or volunteer at any municipal, county, or
45 state fair or carnival when a minor is present on the
46 premises.

47 b. Operate, manage, be employed by, or act as a
48 contractor or volunteer on the premises of any
49 children's arcade, an amusement center having coin or
50 token operated devices for entertainment, or

Page 24

1 facilities providing programs or services intended
2 primarily for minors, when a minor is present.

3 c. Operate, manage, be employed by, or act as a
4 contractor or volunteer at a public or nonpublic
5 elementary or secondary school, child care facility,
6 or public library.

7 d. Operate, manage, be employed by, or act as a
8 contractor or volunteer at any place intended
9 primarily for use by minors including but not limited
10 to a playground, a children's play area, recreational
11 or sport-related activity area, a swimming or wading
12 pool, or a beach.

13 Sec. 14. NEW SECTION. 692A.114 RESIDENCY
14 RESTRICTIONS – PRESENCE – CHILD CARE FACILITIES AND
15 SCHOOLS.

16 1. As used in this section:

17 a. "Minor" means a person who is under eighteen
18 years of age or who is enrolled in a secondary school.
19 b. "School" means a public or nonpublic elementary
20 or secondary school.
21 c. "Sex offender" means a person required to be
22 registered under this chapter who has been convicted
23 of an aggravated offense against a minor.
24 2. A sex offender shall not reside within two
25 thousand feet of the real property comprising a school
26 or a child care facility.
27 3. A sex offender residing within two thousand
28 feet of the real property comprising a school or a
29 child care facility does not commit a violation of
30 this section if any of the following apply:
31 a. The sex offender is required to serve a
32 sentence at a jail, prison, juvenile facility, or
33 other correctional institution or facility.
34 b. The sex offender is subject to an order of
35 commitment under chapter 229A.
36 c. The sex offender has established a residence
37 prior to July 1, 2002.
38 d. The sex offender has established a residence
39 prior to any newly located school or child care
40 facility being established.
41 e. The sex offender is a minor.
42 f. The sex offender is a ward in a guardianship,
43 and a district judge or associate probate judge grants
44 an exemption from the residency restriction.
45 g. The sex offender is a patient or resident at a
46 health care facility as defined in section 135C.1 or a
47 patient in a hospice program, and a district judge or
48 associate probate judge grants an exemption from the
49 residency restriction.
50 Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE

Page 25

1 DEPENDENT ADULTS RESIDE.
2 A sex offender shall not be an employee of a
3 facility providing services for dependent adults or at
4 events where dependent adults participate in
5 programming and shall not loiter on the premises or
6 grounds of a facility or at an event providing such
7 services or programming.
8 Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF
9 REQUIREMENT TO REGISTER.
10 1. An offender may request that the department
11 determine whether the offense for which the offender
12 has been convicted requires the offender to register
13 under this chapter or whether the period of time
14 during which the offender is required to register
15 under this chapter has expired.

16 2. Application for determination shall be filed
17 with the department and shall be made on forms
18 provided by the department and accompanied by copies
19 of sentencing or adjudicatory orders with respect to
20 each offense for which the offender asks that a
21 determination be made.

22 3. The department, after filing of the request and
23 after all documentation or information requested by
24 the department is received, shall have ninety days
25 from the filing of the request, to determine whether
26 the offender is required to register under this
27 chapter.

28 Sec. 17. NEW SECTION. 692A.117 REGISTRATION
29 FORMS AND ELECTRONIC REGISTRATION SYSTEM.

30 1. Registration forms and an electronic
31 registration system shall be made available by the
32 department.

33 2. Copies of blank forms shall be available upon
34 request to any registering agency.

35 Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES
36 – REGISTRY.

37 The department shall perform all of the following
38 duties:

39 1. Develop an electronic system and standard forms
40 for use in the registration of, verifying addresses
41 of, and verifying understanding of registration
42 requirements by sex offenders. Forms used to verify
43 addresses of sex offenders shall contain a warning
44 against forwarding a form to another address and of
45 the requirement to return the form if the offender to
46 whom the form is directed no longer resides at the
47 address listed on the form or the mailing.

48 2. Maintain a central registry of information
49 collected from sex offenders, which shall be known as
50 the sex offender registry.

Page 26

1 3. In consultation with the attorney general,
2 adopt rules under chapter 17A which list specific
3 offenses under present and former law which constitute
4 sex offenses or sex offenses against a minor under
5 this chapter.

6 4. Adopt rules under chapter 17A, as necessary, to
7 ensure compliance with registration and verification
8 requirements of this chapter, to provide guidelines
9 for persons required to assist in obtaining registry
10 information, and to provide a procedure for the
11 dissemination of information contained in the
12 registry. The procedure for the dissemination of
13 information shall include but not be limited to
14 practical guidelines for use by criminal or juvenile

15 justice agencies in determining when public release of
16 relevant information contained in the registry is
17 appropriate and a requirement that if a member of the
18 general public requests information regarding a
19 specific individual in the manner provided in section
20 692A.121, the relevant information shall be released.

21 The department, in developing the procedure, shall
22 consult with associations which represent the
23 interests of law enforcement officers. Rules adopted
24 shall also include a procedure for removal of
25 information from the registry upon the reversal or
26 setting aside of a conviction of an offender.

27 5. Submit sex offender registry data to the
28 federal bureau of investigation for entry of the data
29 into the national sex offender registry.

30 6. Perform the requirements under this chapter and
31 under federal law in cooperation with the office of
32 sex offender sentencing, monitoring, apprehending,
33 registering, and tracking of the office of justice
34 programs of the United States department of justice.

35 7. Enter and maintain fingerprints and palm prints
36 of sex offenders in an automated fingerprint
37 identification system maintained by the department and
38 made accessible to law enforcement agencies in this
39 state, of the federal government, or in another
40 jurisdiction. The department or any law enforcement
41 agency may use such prints for criminal investigative
42 purposes, to include comparison against finger and
43 palm prints identified or recovered as evidence in a
44 criminal investigation.

45 8. Notify a jurisdiction that provided information
46 that a sex offender has or intends to maintain a
47 residence, employment, or attendance as a student, in
48 this state, of the failure of the sex offender to
49 register as required under this chapter.

50 9. Submit a DNA sample to the combined DNA index

Page 27

1 system, if a sample has not been submitted.

2 10. Submit the social security number to the
3 national crime information center, if the number has
4 not been submitted.

5 11. When the department has a reasonable basis to
6 believe that a sex offender has changed residence to
7 an unknown location, has become a fugitive from
8 justice, or who has otherwise taken flight, the
9 department shall make a reasonable effort to ascertain
10 the whereabouts of the offender, and if such effort
11 fails to identify the location of the offender, an
12 appropriate notice shall be made on the sex offender
13 registry internet site of this state and shall be

14 transmitted to the national sex offender registry.
15 The department shall notify other law enforcement
16 agencies as deemed appropriate.
17 12. The department shall notify appropriate law
18 enforcement agencies including the United States
19 marshal service to investigate and verify possible
20 violations. The department shall ensure any warrants
21 for arrest are entered into the Iowa online warrant
22 and articles system and the national crime information
23 center and pursue prosecution of stated violations
24 through state or federal court.

25 Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER
26 REGISTRY FUND.

27 A sex offender registry fund is established as a
28 separate fund within the state treasury under the
29 control of the department. The fund shall consist of
30 moneys received as a result of the imposition of the
31 penalty imposed under section 692A.110 and other funds
32 allocated for purposes of establishing and maintaining
33 the sex offender registry, conducting research and
34 analysis related to sex crimes and offenders, and to
35 perform other duties required under this chapter.
36 Notwithstanding section 8.33, unencumbered or
37 unobligated moneys and any interest remaining in the
38 fund on June 30 of any fiscal year shall not revert to
39 the general fund of the state, but shall remain
40 available for expenditure in subsequent fiscal years.

41 Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE
42 SHERIFF.

43 The sheriff of each county shall comply with the
44 requirements of this chapter and rules adopted by the
45 department pursuant to this chapter. The sheriff of
46 each county shall provide information and notices as
47 provided in section 282.9.

48 Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF
49 RECORDS.

50 1. The department shall maintain an internet site

Page 28

1 for the public and others to access relevant
2 information about sex offenders. The internet site,
3 at a minimum, shall be searchable by name, county,
4 city, zip code, and geographic radius.

5 2. The department shall provide updated or
6 corrected relevant information within five business
7 days of the information being updated or corrected,
8 from the sex offender registry to the following:

- 9 a. A criminal or juvenile justice agency, an
10 agency of the state, a sex offender registry of
11 another jurisdiction, or the federal government.
- 12 b. The general public through the sex offender

13 registry internet site.
14 (1) The following relevant information about a sex
15 offender shall be disclosed on the internet site:
16 (a) The date of birth.
17 (b) The name, nickname, aliases, including ethnic
18 or tribal names.
19 (c) Photographs.
20 (d) The physical description, including scars,
21 marks, or tattoos.
22 (e) The residence.
23 (f) The statutory citation and text of the offense
24 committed that requires registration under this
25 chapter.
26 (g) A specific reference indicting whether a
27 particular sex offender is subject to residency
28 restrictions pursuant to section 692A.114.
29 (h) A specific reference indicating whether a
30 particular sex offender is subject to exclusion zone
31 restrictions pursuant to section 692A.113.
32 (2) The following relevant information shall not
33 be disclosed on the internet site:
34 (a) The relevant information about a sex offender
35 who was under twenty years of age at the time the
36 offender committed a violation of section 709.4,
37 subsection 2, paragraph "c", subparagraph (4).
38 (b) The employer name, address, or location where
39 a sex offender acts as an employee in any form of
40 employment.
41 (c) The address and name of any school where a
42 student required to be on the registry attends.
43 (d) The real name of a sex offender protected
44 under 18 U.S.C § 3521.
45 (e) The statutory citation and text of the offense
46 committed for an incest conviction in violation of
47 section 726.2, however, the citation and text of an
48 incest conviction shall be disclosed on the internet
49 site as a conviction of section 709.4 or 709.8.
50 (f) Any other relevant information not described

Page 29

1 in subparagraph (1).
2 c. The general public through any other means, at
3 the discretion of the department, any relevant
4 information that is available on the internet site.
5 3. A criminal or juvenile justice agency may
6 provide relevant information from the sex offender
7 registry to the following:
8 a. A criminal or juvenile justice agency, an
9 agency of the state, or a sex offender registry of
10 another jurisdiction, or the federal government.
11 b. The general public, any information available

12 to the general public in subsection 2, including
13 public and private agencies, organizations, public
14 places, child care facilities, religious and youth
15 organizations, neighbors, neighborhood associations,
16 community meetings, and employers. The relevant
17 information available to the general public may be
18 distributed to the public through printed materials,
19 visual or audio press releases, radio communications,
20 or through a criminal or juvenile justice agency's
21 internet site.

22 4. When a sex offender moves into a school
23 district or moves within a school district, the county
24 sheriff of the county of the offender's new residence
25 shall provide relevant information that is available
26 to the general public in subsection 2 to the
27 administrative office of the school district in which
28 the person required to register resides, and shall
29 also provide relevant information to any nonpublic
30 school near the offender's residence.

31 5. a. A member of the public may contact a county
32 sheriff's office to request relevant information from
33 the registry regarding a specific sex offender. A
34 person making a request for relevant information may
35 make the request by telephone, in writing, or in
36 person, and the request shall include the name of the
37 person and at least one of the following identifiers
38 pertaining to the sex offender about whom the
39 information is sought:

40 (1) The date of birth of the person.

41 (2) The social security number of the person.

42 (3) The address of the person.

43 (4) Internet identifiers.

44 (5) Telephone numbers, including any landline or
45 wireless numbers.

46 b. The relevant information made available to the
47 general public pursuant to this subsection shall
48 include all the relevant information provided to the
49 general public on the internet site pursuant to
50 subsection 2, and the following additional relevant

Page 30

1 information:

2 (1) Educational institutions attended as a
3 student, including the name and address of such
4 institution.

5 (2) Employment information including the name and
6 address of employer.

7 (3) Temporary lodging information, including the
8 dates when residing at the temporary lodging.

9 (4) Vehicle information.

10 c. A county sheriff or police department shall not

11 charge a fee relating to a request for relevant
12 information.
13 6. A county sheriff shall also provide to a person
14 upon request access to a list of all registrants in
15 that county.
16 7. The following relevant information shall not be
17 provided to the general public:
18 a. The identity of the victim.
19 b. Arrests not resulting in a conviction.
20 c. Passport and immigration documents.
21 d. A government issued driver's license or
22 identification card.
23 e. DNA information.
24 f. Fingerprints.
25 g. Palm prints.
26 h. Professional licensing information.
27 i. Social security number.
28 j. Real name protected under 18 U.S.C § 3521.
29 8. Notwithstanding sections 232.147 through
30 232.151, records concerning convictions which are
31 committed by a minor may be released in the same
32 manner as records of convictions of adults.
33 9. A person may contact the department or a county
34 sheriff's office to verify if a particular internet
35 identifier or telephone number is one that has been
36 included in a registration by a sex offender.
37 10. The department shall include links to sex
38 offender safety information, educational resources
39 pertaining to the prevention of sexual assaults, and
40 the national sex offender registry.
41 11. The department shall include on the sex
42 offender registry internet site instructions and any
43 applicable forms necessary for a person seeking
44 correction of information that the person contends is
45 erroneous.
46 12. When the department receives and approves
47 registration data, such data shall be made available
48 on the sex offender registry internet site within five
49 business days.
50 13. The department shall maintain an automated

Page 31

1 electronic mail notification system, which shall be
2 available by free subscription to any person, to
3 provide notice of addition, deletion, or changes to
4 any sex offender registration, relevant information
5 within a postal zip code or, if selected by a
6 subscriber, a geographic radius or, if selected by a
7 subscriber, specific to a sex offender.
8 14. Sex offender registry records are confidential
9 records not subject to examination and copying by a

10 member of the public and shall only be released as
 11 provided in this section.
 12 Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH
 13 REGISTRATION.

14 An agency of state and local government that
 15 possesses information relevant to requirements that an
 16 offender register under this chapter shall provide
 17 that information to the court or the department upon
 18 request. All confidential records provided under this
 19 section shall remain confidential, unless otherwise
 20 ordered by a court, by the lawful custodian of the
 21 records, or by another person duly authorized to
 22 release such information.

23 Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD
 24 FAITH CONDUCT.

25 Criminal or juvenile justice agencies and employees
 26 of criminal or juvenile justice agencies and state
 27 agencies and their employees shall be immune from
 28 liability for acts or omissions arising from a good
 29 faith effort to comply with this chapter.

30 Sec. 24. NEW SECTION. 692A.124 ELECTRONIC
 31 MONITORING.

32 1. A sex offender who is placed on probation,
 33 parole, work release, special sentence, or any other
 34 type of conditional release, may be supervised by an
 35 electronic tracking and monitoring system in addition
 36 to any other conditions of supervision.

37 2. The determination to use electronic tracking
 38 and monitoring to supervise a sex offender shall be
 39 based upon a validated risk assessment approved by the
 40 department of corrections, and also upon the sex
 41 offender's criminal history, progress in treatment and
 42 supervision, and other relevant factors.

43 3. If a sex offender is under the jurisdiction of
 44 the juvenile court, the determination to use
 45 electronic tracking and monitoring to supervise the
 46 sex offender shall be based upon a risk assessment
 47 performed by a juvenile court officer.

48 Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF
 49 CHAPTER AND RETROACTIVITY.

50 1. The registration requirements of this chapter

Page 32

1 shall apply to sex offenders convicted on or after the
 2 effective date of this Act of a sex offense classified
 3 under section 692A.102.

4 2. The registration requirements of this chapter
 5 shall apply to a sex offender convicted of a sex
 6 offense or a comparable offense under prior law prior
 7 to the effective date of this Act under the following
 8 circumstances:

- 9 a. Any sex offender including a juvenile offender
10 who is required to be on the sex offender registry as
11 of June 30, 2009.
- 12 b. Any sex offender who is incarcerated on or
13 after the effective date of this Act, for conviction
14 of a sex offense committed prior to the effective date
15 of this Act.
- 16 c. Any sex offender who is serving a special
17 sentence pursuant to section 903B.1 or 903B.2 prior to
18 the effective date of this Act.
- 19 3. For a sex offender required to register
20 pursuant to subsection 1 or 2, each conviction or
21 adjudication for a sex offense requiring registration,
22 regardless of whether such conviction or adjudication
23 occurred prior to, on, or after the effective date of
24 this Act, shall be included in determining the tier
25 requirements pursuant to this chapter.
- 26 4. An offender on the sex offender registry as of
27 June 30, 2009, and who is required to be on the
28 registry on or after July 1, 2009, shall be credited
29 for any time on the registry prior to July 1, 2009.
- 30 Sec. 26. NEW SECTION. 692A.126 SEXUALLY
31 MOTIVATED OFFENSE – DETERMINATION.
- 32 1. If a judge or jury makes a determination,
33 beyond a reasonable doubt, that any of the following
34 offenses for which a conviction has been entered are
35 sexually motivated, the person shall be required to
36 register as provided in this chapter:
- 37 a. Murder in the first degree in violation of
38 section 707.2.
- 39 b. Murder in the second degree in violation of
40 section 707.3.
- 41 c. Voluntary manslaughter in violation of section
42 707.4.
- 43 d. Involuntary manslaughter in violation of
44 section 707.5.
- 45 e. Attempt to commit murder in violation of
46 section 707.11.
- 47 f. Harassment in violation of section 708.7,
48 subsection 1, 2, or 3.
- 49 g. Stalking in violation of section 708.11,
50 subsection 3, paragraph "b", subparagraph (3).

Page 33

- 1 h. Kidnapping in the first degree in violation of
2 section 710.2.
- 3 i. Kidnapping in the second degree in violation of
4 section 710.3.
- 5 j. Kidnapping in the third degree in violation of
6 section 710.4.
- 7 k. Child stealing in violation of section 710.5.

8 1. Purchase or sale or attempted purchase or sale
9 of an individual in violation of section 710.11.
10 m. Burglary in the first degree in violation of
11 section 713.3, subsection 1, paragraph "a", "b", or
12 "c".
13 n. Attempted burglary in the first degree in
14 violation of section 713.4.
15 o. Burglary in the second degree in violation of
16 section 713.5.
17 p. Attempted burglary in the second degree in
18 violation of section 713.6.
19 q. Burglary in the third degree in violation of
20 section 713.6A.
21 r. Attempted burglary in the third degree in
22 violation of section 713.6B.
23 2. If a person is convicted of an offense in
24 another jurisdiction, or of an offense that was
25 prosecuted in a federal, military, or foreign court,
26 that is comparable to an offense specified in
27 subsection 1, the person shall be required to register
28 as provided in this chapter if the department makes a
29 determination that the offense was sexually motivated.
30 3. If a juvenile is convicted of an offense in
31 another jurisdiction, or of an offense as a juvenile
32 in a similar juvenile court proceeding in a federal,
33 military, or foreign court, that is comparable to an
34 offense specified in subsection 1, the person shall be
35 required to register as provided in this chapter if
36 the department makes a determination that the offense
37 was sexually motivated.
38 Sec. 27. NEW SECTION. 692A.127 LIMITATIONS ON
39 POLITICAL SUBDIVISIONS.
40 A political subdivision of the state shall not
41 adopt any motion, resolution, or ordinance regulating
42 the residency location of a sex offender or any
43 motion, resolution, or ordinance regulating the
44 exclusion of a sex offender from certain real
45 property. A motion, resolution, or ordinance adopted
46 by a political subdivision of the state in violation
47 of this section is void and unenforceable and any
48 enforcement activity conducted in violation of this
49 section is void.
50 Sec. 28. NEW SECTION. 692A.128 MODIFICATION.

Page 34

1 1. A sex offender who is on probation, parole,
2 work release, special sentence, or any other type of
3 conditional release may file an application in
4 district court seeking to modify the registration
5 requirements under this chapter.
6 2. An application shall not be granted unless all

7 of the following apply:

8 a. The date of the commencement of the requirement
9 to register occurred at least two years prior to the
10 filing of the application for a tier I offender and
11 five years prior to the filing of the application for
12 a tier II or III offender.

13 b. The sex offender has successfully completed all
14 sex offender treatment programs that have been
15 required.

16 c. A risk assessment has been completed and the
17 sex offender was classified as a low risk to reoffend.
18 The risk assessment used to assess an offender as a
19 low risk to reoffend shall be a validated risk
20 assessment approved by the department of corrections.

21 d. The sex offender is not incarcerated when the
22 application is filed.

23 e. The director of the judicial district
24 department of correctional services supervising the
25 sex offender, or the director's designee, stipulates
26 to the modification, and a certified copy of the
27 stipulation is attached to the application.

28 3. The application shall be filed in the sex
29 offender's county of principal residence.

30 4. Notice of any application shall be provided to
31 the county attorney of the county of the sex
32 offender's principal residence, the county attorney of
33 any county in this state where a conviction requiring
34 the sex offender's registration occurred, and the
35 department. The county attorney where the conviction
36 occurred shall notify the victim of an application if
37 the victim's address is known.

38 5. The court may, but is not required to, conduct
39 a hearing on the application to hear any evidence
40 deemed appropriate by the court. The court may modify
41 the registration requirements under this chapter.

42 6. A sex offender may be granted a modification if
43 the offender is required to be on the sex offender
44 registry as a result of an adjudication for a sex
45 offense, the offender is not under the supervision of
46 the juvenile court or a judicial district judicial
47 department of correctional services, and the
48 department of corrections agrees to perform a risk
49 assessment on the sex offender. However, all other
50 provisions of this section not in conflict with this

Page 35

1 subsection shall apply to the application prior to an
2 application being granted except that the sex offender
3 is not required to obtain a stipulation from the
4 director of a judicial district department of
5 correctional services, or the director's designee.

6 7. If the court modifies the registration
7 requirements under this chapter, the court shall send
8 a copy of the order to the department, the sheriff of
9 the county of the sex offender's principal residence,
10 any county attorney notified in subsection 4, and the
11 victim, if the victim's address is known.

12 Sec. 29. NEW SECTION. 692A.129 PROBATION AND
13 PAROLE OFFICERS.

14 A probation or parole officer supervising a sex
15 offender is not precluded from imposing more
16 restrictive exclusion zone requirements, employment
17 prohibitions, and residency restrictions than under
18 sections 692A.113 and 692A.114.

19 Sec. 30. NEW SECTION. 692A.130 RULES.

20 The department shall adopt rules pursuant to
21 chapter 17A to administer this chapter.

22 Sec. 31. Sections 692A.1 through 692A.16, Code
23 2009, are repealed.

24 DIVISION II

25 SEX OFFENDER REGISTRY RELATED CHANGES

26 Sec. 32. Section 13.2, subsection 1, paragraph d,
27 Code 2009, is amended to read as follows:

28 d. Prosecute and defend all actions and
29 proceedings brought by or against any employee of a
30 judicial district department of correctional services
31 in the performance of an assessment of risk pursuant
32 to chapter 602A.

33 Sec. 33. Section 22.7, subsection 48, Code 2009,
34 is amended to read as follows:

35 48. Sex offender registry records under chapter
36 692A, except as provided in section ~~692A.13~~ 692A.121.

37 Sec. 34. Section 232.53, subsections 2 and 3, Code
38 2009, are amended to read as follows:

39 2. All dispositional orders entered prior to the
40 child attaining the age of seventeen years shall
41 automatically terminate when the child becomes
42 eighteen years of age, except as provided in section
43 2A. Dispositional orders entered subsequent to the
44 child attaining the age of seventeen years and prior
45 to the child's eighteenth birthday shall automatically
46 terminate one year and six months after the date of
47 disposition. In the case of an adult within the
48 jurisdiction of the court under the provisions of
49 section 232.8, subsection 1, the dispositional order
50 shall automatically terminate one year and six months

Page 36

1 after the last date upon which jurisdiction could
2 attach.

3 3. Notwithstanding section 233A.13, a child
4 committed to the training school subsequent to the

5 child attaining the age of seventeen years and prior
6 to the child's eighteenth birthday may be held at the
7 school beyond the child's eighteenth birthday pursuant
8 to subsection 2 or 2A, provided that the training
9 school makes application to and receives permission
10 from the committing court. This extension shall be
11 for the purpose of completion by the child of a course
12 of instruction established for the child pursuant to
13 section 233A.4 and cannot extend for more than one
14 year and six months beyond the date of disposition
15 unless the duration of the dispositional order was
16 extended pursuant to section 2A.

17 Sec. 35. Section 232.52A, Code 2009, is amended by
18 adding the following new unnumbered paragraph:
19 NEW UNNUMBERED PARAGRAPH. If the duration of a
20 dispositional order is extended pursuant to section
21 232.53, subsection 2A, the court may continue or
22 extend supervision by an electronic tracking and
23 monitoring system in addition to any other conditions
24 of supervision.

25 Sec. 36. Section 232.53, Code 2009, is amended by
26 adding the following new subsection:
27 NEW SUBSECTION. 2A. A dispositional order entered
28 prior to the child attaining the age of seventeen, for
29 a child required to register as a sex offender
30 pursuant to the provisions of chapter 692A, may be
31 extended one year and six months beyond the date the
32 child becomes eighteen years of age.

33 Sec. 37. Section 232.54, Code 2009, is amended by
34 adding the following new subsection:
35 NEW SUBSECTION. 8A. With respect to a
36 dispositional order requiring a child to register as a
37 sex offender pursuant to chapter 692A, the juvenile
38 court shall determine whether the child shall remain
39 on the sex offender registry prior to termination of
40 the dispositional order.

41 Sec. 38. Section 232.116, subsection 1, paragraph
42 o, Code 2009, is amended to read as follows:
43 o. The parent has been convicted of a felony
44 offense that is a ~~criminal sex~~ offense against a minor
45 as defined in section ~~692A.1~~ 692A.101, the parent is
46 divorced from or was never married to the minor's
47 other parent, and the parent is serving a minimum
48 sentence of confinement of at least five years for
49 that offense.

50 Sec. 39. Section 272.2, subsection 17, Code 2009,

Page 37

1 is amended to read as follows:
2 17. Adopt rules to require that a background
3 investigation be conducted by the division of criminal

4 investigation of the department of public safety on
5 all initial applicants for licensure. The board shall
6 also require all initial applicants to submit a
7 completed fingerprint packet and shall use the packet
8 to facilitate a national criminal history background
9 check. The board shall have access to, and shall
10 review the sex offender registry information under
11 section ~~692A.13~~ 692A.121 available to the general
12 public, the central registry for child abuse
13 information established under chapter 235A, and the
14 dependent adult abuse records maintained under chapter
15 235B for information regarding applicants for license
16 renewal.

17 Sec. 40. Section 279.13, subsection 1, paragraph
18 b, subparagraph (1), Code 2009, is amended to read as
19 follows:

20 (1) Prior to entering into an initial contract
21 with a teacher who holds a license other than an
22 initial license issued by the board of educational
23 examiners under chapter 272, the school district shall
24 initiate a state criminal history record check of the
25 applicant through the division of criminal
26 investigation of the department of public safety,
27 submit the applicant's fingerprints to the division
28 for submission to the federal bureau of investigation
29 for a national criminal history record check, and
30 review the sex offender registry information under
31 section ~~692A.13~~ 692A.121 available to the general
32 public, the central registry for child abuse
33 information established under section 235A.14, and the
34 central registry for dependent adult abuse information
35 established under section 235B.5 for information
36 regarding applicants for employment as a teacher.

37 Sec. 41. Section 282.9, subsection 2, Code 2009,
38 is amended to read as follows:

39 2. Notwithstanding section ~~692A.13~~ 692A.121, or
40 any other provision of law to the contrary, the county
41 sheriff shall provide to the boards of directors of
42 the school districts located within the county the
43 name of any individual under the age of twenty-one who
44 is required to register as a sex offender under
45 chapter 692A.

46 Sec. 42. Section 598.41A, Code 2009, is amended to
47 read as follows:

48 598.41A VISITATION – HISTORY OF CRIMES AGAINST A
49 MINOR.

50 Notwithstanding section 598.41, the court shall

Page 38

1 consider in the award of visitation rights to a parent
2 of a child, the criminal history of the parent if the

3 parent has been convicted of a ~~criminal offense~~
4 ~~against a minor, a sexually violent offense against a~~
5 ~~minor, or sexual exploitation of a minor. As used in~~
6 ~~this section, "criminal offense against a minor",~~
7 ~~"sexually violent offense", and "sexual exploitation"~~
8 ~~mean as defined in section 692A.1 sex offense against~~
9 ~~a minor as defined in section 692A.101.~~

10 Sec. 43. Section 600A.8, subsection 10, Code 2009,
11 is amended to read as follows:

12 10. The parent has been convicted of a felony
13 offense that is a ~~criminal sex~~ offense against a minor
14 as defined in section ~~692A.1~~ 692A.101, the parent is
15 divorced from or was never married to the minor's
16 other parent, and the parent is serving a minimum
17 sentence of confinement of at least five years for
18 that offense.

19 Sec. 44. Section 602.8105, subsection 2, Code
20 2009, is amended by adding the following new
21 paragraph:

22 NEW PARAGRAPH. gg. For applicable convictions
23 under section 692A.110 prior to July 1, 2009, a civil
24 penalty of two hundred dollars, and for applicable
25 convictions under section 692A.110 on or after July 1,
26 2009, a civil penalty of two hundred fifty dollars.

27 Sec. 45. Section 602.8107, subsection 4, paragraph
28 a, Code 2009, is amended to read as follows:

29 a. This subsection does not apply to amounts
30 collected for victim restitution, the victim
31 compensation fund, the criminal penalty surcharge, sex
32 offender civil penalty, drug abuse resistance
33 education surcharge, the law enforcement initiative
34 surcharge, county enforcement surcharge, amounts
35 collected as a result of procedures initiated under
36 subsection 5 or under section 8A.504, or fees charged
37 pursuant to section 356.7.

38 Sec. 46. Section 602.8108, subsection 2, Code
39 2009, is amended to read as follows:

40 2. Except as otherwise provided, the clerk of the
41 district court shall report and submit to the state
42 court administrator, not later than the fifteenth day
43 of each month, the fines and fees received during the
44 preceding calendar month. Except as provided in
45 subsections 3, 4, 5, 7, 8, ~~and 9~~, and 10, the state
46 court administrator shall deposit the amounts received
47 with the treasurer of state for deposit in the general
48 fund of the state. The state court administrator
49 shall report to the legislative services agency within
50 thirty days of the beginning of each fiscal quarter

Page 39

1 the amount received during the previous quarter in the

2 account established under this section.

3 Sec. 47. Section 602.8108, Code 2009, is amended
4 by adding the following new subsection:

5 NEW SUBSECTION. 10. The clerk of the district
6 court shall remit to the treasurer of state, not later
7 than the fifteenth day of each month, all moneys
8 collected from the sex offender civil penalty provided
9 in section 692A.110 during the preceding calendar
10 month. Of the amount received from the clerk, the
11 treasurer of state shall allocate ten percent to be
12 deposited in the court technology and modernization
13 fund established in subsection 7. The treasurer of
14 state shall deposit the remainder into the sex
15 offender registry fund established in section
16 692A.119.

17 Sec. 48. Section 707.2, Code 2009, is amended by
18 adding the following new unnumbered paragraph after
19 subsection 6:

20 NEW UNNUMBERED PARAGRAPH. For purposes of
21 determining whether a person should register as a sex
22 offender pursuant to the provisions of chapter 692A,
23 the fact finder shall make a determination as provided
24 in section 692A.126.

25 Sec. 49. Section 707.3, Code 2009, is amended by
26 adding the following new unnumbered paragraph after
27 unnumbered paragraph 2:

28 NEW UNNUMBERED PARAGRAPH. For purposes of
29 determining whether a person should register as a sex
30 offender pursuant to the provisions of chapter 692A,
31 the fact finder shall make a determination as provided
32 in section 692A.126.

33 Sec. 50. Section 707.4, Code 2009, is amended by
34 adding the following new unnumbered paragraph after
35 unnumbered paragraph 3:

36 NEW UNNUMBERED PARAGRAPH. For purposes of
37 determining whether a person should register as a sex
38 offender pursuant to the provisions of chapter 692A,
39 the fact finder shall make a determination as provided
40 in section 692A.126.

41 Sec. 51. Section 707.5, Code 2009, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 3. For purposes of determining
44 whether a person should register as a sex offender
45 pursuant to the provisions of chapter 692A, the fact
46 finder shall make a determination as provided in
47 section 692A.126.

48 Sec. 52. Section 707.11, Code 2009, is amended by
49 adding the following new unnumbered paragraph after
50 unnumbered paragraph 2:

Page 40

1 NEW UNNUMBERED PARAGRAPH. For purposes of
2 determining whether the person should register as a
3 sex offender pursuant to the provisions of chapter
4 692A, the fact finder shall make a determination as
5 provided in section 692A.126.

6 Sec. 53. Section 708.7, Code 2009, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 5. For purposes of determining
9 whether or not the person should register as a sex
10 offender pursuant to the provisions of chapter 692A,
11 the fact finder shall make a determination as provided
12 in section 692A.126.

13 Sec. 54. Section 708.11, Code 2009, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 6. For purposes of determining
16 whether or not the person should register as a sex
17 offender pursuant to the provisions of chapter 692A,
18 the fact finder shall make a determination as provided
19 in section 692A.126.

20 Sec. 55. Section 710.2, Code 2009, is amended by
21 adding the following new unnumbered paragraph after
22 unnumbered paragraph 2:

23 NEW UNNUMBERED PARAGRAPH. For purposes of
24 determining whether the person should register as a
25 sex offender pursuant to the provisions of chapter
26 692A, the fact finder shall make a determination as
27 provided in section 692A.126.

28 Sec. 56. Section 710.3, Code 2009, is amended by
29 adding the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. For purposes of
31 determining whether the person should register as a
32 sex offender pursuant to the provisions of chapter
33 692A, the fact finder shall make a determination as
34 provided in section 692A.126.

35 Sec. 57. Section 710.4, Code 2009, is amended by
36 adding the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. For purposes of
38 determining whether the person should register as a
39 sex offender pursuant to the provisions of chapter
40 692A, the fact finder shall make a determination as
41 provided in section 692A.126.

42 Sec. 58. Section 710.5, Code 2009, is amended by
43 adding the following new unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. For purposes of
45 determining whether the person should register as a
46 sex offender pursuant to the provisions of chapter
47 692A, the fact finder shall make a determination as
48 provided in section 692A.126.

49 Sec. 59. Section 903B.1, Code 2009, is amended to
50 read as follows:

Page 41

1 903B.1 SPECIAL SENTENCE – CLASS “B” OR CLASS “C”
2 FELONIES.

3 A person convicted of a class “C” felony or greater
4 offense under chapter 709, or a class “C” felony under
5 section 728.12, shall also be sentenced, in addition
6 to any other punishment provided by law, to a special
7 sentence committing the person into the custody of the
8 director of the Iowa department of corrections for the
9 rest of the person's life, with eligibility for parole
10 as provided in chapter 906. The board of parole shall
11 determine whether the person should be released on
12 parole or placed in a work release program. The
13 special sentence imposed under this section shall
14 commence upon completion of the sentence imposed under
15 any applicable criminal sentencing provisions for the
16 underlying criminal offense and the person shall begin
17 the sentence under supervision as if on parole or work
18 release. The person shall be placed on the
19 corrections continuum in chapter 901B, and the terms
20 and conditions of the special sentence, including
21 violations, shall be subject to the same set of
22 procedures set out in chapters 901B, 905, 906, and
23 chapter 908, and rules adopted under those chapters
24 for persons on parole or work release. The revocation
25 of release shall not be for a period greater than two
26 years upon any first revocation, and five years upon
27 any second or subsequent revocation. A special
28 sentence shall be considered a category “A” sentence
29 for purposes of calculating earned time under section
30 903A.2.

31 Sec. 60. Section 903B.2, Code 2009, is amended to
32 read as follows:

33 903B.2 SPECIAL SENTENCE – CLASS “D” FELONIES OR
34 MISDEMEANORS.

35 A person convicted of a misdemeanor or a class “D”
36 felony offense under chapter 709, section 726.2, or
37 section 728.12 shall also be sentenced, in addition to
38 any other punishment provided by law, to a special
39 sentence committing the person into the custody of the
40 director of the Iowa department of corrections for a
41 period of ten years, with eligibility for parole as
42 provided in chapter 906. The board of parole shall
43 determine whether the person should be released on
44 parole or placed in a work release program. The
45 special sentence imposed under this section shall
46 commence upon completion of the sentence imposed under
47 any applicable criminal sentencing provisions for the
48 underlying criminal offense and the person shall begin
49 the sentence under supervision as if on parole or work
50 release. The person shall be placed on the

Page 42

1 corrections continuum in chapter 901B, and the terms
2 and conditions of the special sentence, including
3 violations, shall be subject to the same set of
4 procedures set out in chapters 901B, 905, 906, and
5 908, and rules adopted under those chapters for
6 persons on parole or work release. The revocation of
7 release shall not be for a period greater than two
8 years upon any first revocation, and five years upon
9 any second or subsequent revocation. A special
10 sentence shall be considered a category "A" sentence
11 for purposes of calculating earned time under section
12 903A.2.

13 Sec. 61. Section 907.3, subsection 1, Code 2009,
14 is amended by adding the following new paragraph:
15 NEW PARAGRAPH. m. The offense is a violation of
16 chapter 692A.

17 Sec. 62. Section 907.3, subsection 2, Code 2009,
18 is amended by adding the following new paragraph:
19 NEW PARAGRAPH. g. The offense is a violation of
20 chapter 692A.

21 Sec. 63. NEW SECTION. 915.17A NOTIFICATION BY
22 JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

23 A judicial district department of correctional
24 services shall notify a registered victim, regarding a
25 sex offender convicted of a sex offense against a
26 minor who is under the supervision of a judicial
27 district department of correctional services, of the
28 following:

29 1. The beginning date for use of an electronic
30 tracking and monitoring system to supervise the sex
31 offender and the type of electronic tracking and
32 monitoring system used.

33 2. The date of any modification to the use of an
34 electronic tracking and monitoring system and the
35 nature of the change.

36 DIVISION III

37 COHABITATION WITH A SEX OFFENDER

38 Sec. 64. Section 232.68, subsection 2, paragraph
39 i, Code 2009, is amended to read as follows:

40 i. ~~Cohabitation with a person~~ Knowingly allowing a
41 person custody or control of, or unsupervised access
42 to a child or minor, after knowing the person is
43 required to register or is on the sex offender
44 registry under chapter 692A ~~in for a~~ violation of
45 section 726.6.

46 Sec. 65. Section 726.6, subsection 1, paragraph h,
47 Code 2009, is amended to read as follows:

48 h. ~~Cohabits with a person~~ Knowingly allows a
49 person custody or control of, or unsupervised access
50 to a child or a minor after knowing the person is

Page 43

1 required to register or is on the sex offender
2 registry as a sex offender under chapter 692A.
3 However, this paragraph does not apply to a person who
4 is a parent, or guardian, or a person having custody
5 or control over of a child or a minor, who is required
6 to register as a sex offender, or to a person who is
7 married to and living with a person required to
8 register as a sex offender.

9 DIVISION IV

10 STATE MANDATE

11 Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2,
12 subsection 3, shall not apply to this Act.”

13 2. Title page, by striking lines 1 and 2 and
14 inserting the following: “An Act relating to the sex
15 offender registry, making fees applicable, and
16 providing for penalties.”

Amendment [H-1681](#) was adopted.

[SENATE FILE 340](#) SUBSTITUTED FOR [HOUSE FILE 711](#)

Baudler of Adair asked and received unanimous consent to substitute [Senate File 340](#) for [House File 711](#).

[Senate File 340](#), a bill for an act relating to the sex offender registry, making fees applicable, and providing for penalties, was taken up for consideration.

Paulsen of Linn offered the following amendment [H-1712](#) filed by him from the floor and moved its adoption:

[H-1712](#)

1 Amend [Senate File 340](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 “DIVISION I
6 SEX OFFENDER REGISTRY
7 Section 1. NEW SECTION. 692A.101 DEFINITIONS.
8 As used in this chapter and unless the context
9 otherwise requires:
10 1. a. “Aggravated offense” means a conviction for
11 any of the following offenses:
12 (1) Sexual abuse in the first degree in violation
13 of section 709.2.

14 (2) Sexual abuse in the second degree in violation
15 of section 709.3.
16 (3) Sexual abuse in the third degree in violation
17 of section 709.4, subsection 1.
18 (4) Lascivious acts with a child in violation of
19 section 709.8, subsection 1 or 2.
20 (5) Assault with intent to commit sexual abuse in
21 violation of section 709.11.
22 (6) Burglary in the first degree in violation of
23 section 713.3, subsection 1, paragraph "d".
24 (7) Kidnapping, if sexual abuse as defined in
25 section 709.1 is committed during the commission of
26 the offense.
27 (8) Murder in violation of section 707.2 or 707.3,
28 if sexual abuse as defined in section 709.1 is
29 committed during the offense.
30 (9) Criminal transmission of human
31 immunodeficiency virus in violation of section 709C.1,
32 subsection 1, paragraph "a".
33 b. Any conviction for an offense specified in the
34 laws of another jurisdiction or any conviction for an
35 offense prosecuted in federal, military, or foreign
36 court, that is comparable to an offense listed in
37 paragraph "a" shall be considered an aggravated
38 offense for purposes of registering under this
39 chapter.
40 2. "Aggravated offense against a minor" means a
41 conviction for any of the following offenses, if such
42 offense was committed against a minor, or otherwise
43 involves a minor:
44 a. Sexual abuse in the first degree in violation
45 of section 709.2.
46 b. Sexual abuse in the second degree in violation
47 of section 709.3.
48 c. Sexual abuse in the third degree in violation
49 of section 709.4, except for a violation of section
50 709.4, subsection 2, paragraph "c", subparagraph (4).

Page 2

1 3. "Appearance" means to appear in person at a
2 sheriff's office.
3 4. "Business day" means every day except Saturday,
4 Sunday, or any paid holiday for county employees in
5 the applicable county.
6 5. "Change" means to add, begin, or terminate.
7 6. "Child care facility" means the same as defined
8 in section 237A.1.
9 7. "Convicted" means found guilty of, pleads
10 guilty to, or is sentenced or adjudicated delinquent
11 for an act which is an indictable offense in this
12 state or in another jurisdiction including in a

13 federal, military, tribal, or foreign court, including
14 but not limited to a juvenile who has been adjudicated
15 delinquent, but whose juvenile court records have been
16 sealed under section 232.150, and a person who has
17 received a deferred sentence or a deferred judgment or
18 has been acquitted by reason of insanity.

19 "Conviction" includes the conviction of a juvenile
20 prosecuted as an adult. "Convicted" also includes a
21 conviction for an attempt or conspiracy to commit an
22 offense. "Convicted" does not mean a plea, sentence,
23 adjudication, deferred sentence, or deferred judgment
24 which has been reversed or otherwise set aside.

25 8. "Criminal or juvenile justice agency" means an
26 agency or department of any level of government or an
27 entity wholly owned, financed, or controlled by one or
28 more such agencies or departments which performs as
29 its principal function the apprehension, prosecution,
30 adjudication, incarceration, or rehabilitation of
31 criminal or juvenile offenders.

32 9. "Department" means the department of public
33 safety.

34 10. "Employee" means an offender who is
35 self-employed, employed by another, and includes a
36 person working under contract, or acting or serving as
37 a volunteer, regardless of whether the
38 self-employment, employment by another, or
39 volunteerism is performed for compensation.

40 11. "Employment" means acting as an employee.

41 12. "Foreign court" means a court of a foreign
42 nation that is recognized by the United States
43 department of state that enforces the right to a fair
44 trial during the period in which a conviction
45 occurred.

46 13. "Habitually lives" means living in a place
47 with some regularity, and with reference to where the
48 sex offender actually lives, which could be some place
49 other than a mailing address or primary address but
50 would entail a place where the sex offender lives on

Page 3

1 an intermittent basis.

2 14. "Incarcerated" means to be imprisoned by
3 placing a person in a jail, prison, penitentiary,
4 juvenile facility, or other correctional institution
5 or facility or a place or condition of confinement or
6 forcible restraint regardless of the nature of the
7 institution in which the person serves a sentence for
8 a conviction.

9 15. "Internet identifier" means an electronic mail
10 address, instant message address or identifier, or any
11 other designation or moniker used for

12 self-identification during internet communication or
13 posting, including all designations used for the
14 purpose of routing or self-identification in internet
15 communications or postings.

16 16. "Jurisdiction" means any state of the United
17 States, the District of Columbia, the Commonwealth of
18 Puerto Rico, Guam, American Samoa, the Northern
19 Mariana Islands, the United States Virgin Islands, or
20 a federally recognized Indian tribe.

21 17. "Loiter" means remaining in a place or
22 circulating around a place under circumstances that
23 would warrant a reasonable person to believe that the
24 purpose or effect of the behavior is to enable a sex
25 offender to become familiar with a location where a
26 potential victim may be found, or to satisfy an
27 unlawful sexual desire, or to locate, lure, or harass
28 a potential victim.

29 18. "Military offense" means a sex offense
30 specified by the secretary of defense under 10 U.S.C.
31 § 951.

32 19. "Minor" means a person under eighteen years of
33 age.

34 20. "Principal residence" for a sex offender
35 means:

36 a. The residence of the offender, if the offender
37 has only one residence in this state.

38 b. The residence at which the offender resides,
39 sleeps, or habitually lives for more days per year
40 than another residence in this state, if the offender
41 has more than one residence in this state.

42 c. The place of employment or attendance as a
43 student, or both, if the sex offender does not have a
44 residence in this state.

45 21. "Professional licensing information" means the
46 name or other description, number, if applicable, and
47 issuing authority or agency of any license,
48 certification, or registration required by law to
49 engage in a profession or occupation held by a sex
50 offender who is required at the time of the initial

Page 4

1 requirement to register under this chapter, or any
2 such license, certification, or registration that was
3 issued to an offender within the five-year period
4 prior to conviction for a sex offense that requires
5 registration under this chapter, or any such license,
6 certification, or registration that is issued to an
7 offender at any time during the duration of the
8 registration requirement.

9 22. "Public library" means any library that
10 receives financial support from a city or county

11 pursuant to section 256.69.

12 23. a. "Relevant information" means the following
13 information with respect to a sex offender:

14 (1) Criminal history, including warrants,
15 articles, status of parole, probation, or supervised
16 release, date of arrest, date of conviction, and
17 registration status.

18 (2) Date of birth.

19 (3) Passport and immigration documents.

20 (4) Government issued driver's license or
21 identification card.

22 (5) DNA sample.

23 (6) Educational institutions attended as a
24 student, including the name and address of such
25 institutions.

26 (7) Employment information including name and
27 address of employer.

28 (8) Fingerprints.

29 (9) Internet identifiers.

30 (10) Names, nicknames, aliases, or ethnic or
31 tribal names, and if applicable, the real names of an
32 offender protected under 18 U.S.C. § 3521.

33 (11) Palm prints.

34 (12) Photographs.

35 (13) Physical description, including scars, marks,
36 or tattoos.

37 (14) Professional licensing information.

38 (15) Residence.

39 (16) Social security number.

40 (17) Telephone numbers, including any landline or
41 wireless numbers.

42 (18) Temporary lodging information, including
43 dates when residing in temporary lodging.

44 (19) Statutory citation and text of offense
45 committed that requires registration under this
46 chapter.

47 (20) Vehicle information for a vehicle owned or
48 operated by an offender including license plate
49 number, registration number, or other identifying
50 number, vehicle description, and the permanent or

Page 5

1 frequent locations where the vehicle is parked,
2 docked, or otherwise kept.

3 (21) The name, gender, and date of birth of each
4 person residing in the residence.

5 b. "Relevant information" does not include
6 relevant information in paragraph "a", subparagraphs
7 (1) and (19), when a sex offender is required to
8 provide relevant information pursuant to this chapter.

9 24. "Residence" means each dwelling or other place

10 where a sex offender resides, sleeps, or habitually
11 lives, or will reside, sleep, or habitually live,
12 including a shelter or group home. If a sex offender
13 does not reside, sleep, or habitually live in a fixed
14 place, "residence" means a description of the
15 locations where the offender is stationed regularly,
16 including any mobile or transitory living quarters.
17 "Residence" shall be construed to refer to the places
18 where a sex offender resides, sleeps, habitually
19 lives, or is stationed with regularity, regardless of
20 whether the offender declares or characterizes such
21 place as the residence of the offender.
22 25. "Sex act" means as defined in section 702.17.
23 26. "Sex offender" means a person who is required
24 to be registered under this chapter.
25 27. "Sex offense" means an indictable offense for
26 which a conviction has been entered that has an
27 element involving a sexual act, sexual contact, or
28 sexual conduct, and which is enumerated in section
29 692A.102, and means any comparable offense for which a
30 conviction has been entered under prior law, or any
31 comparable offense for which a conviction has been
32 entered in a federal, military, or foreign court, or
33 another jurisdiction.
34 28. "Sex offense against a minor" means an offense
35 for which a conviction has been entered for a sex
36 offense classified as a tier I, tier II, or tier III
37 offense under this chapter if such offense was
38 committed against a minor, or otherwise involves a
39 minor.
40 29. "Sexually violent offense" means an offense
41 for which a conviction has been entered for any of the
42 following indictable offenses:
43 a. Sexual abuse as defined under section 709.1.
44 b. Assault with intent to commit sexual abuse in
45 violation of section 709.11.
46 c. Sexual misconduct with offenders and juveniles
47 in violation of section 709.16.
48 d. Any of the following offenses, if the offense
49 involves sexual abuse or assault with intent to commit
50 sexual abuse: murder, attempted murder, kidnapping,

Page 6

1 burglary, or manslaughter.
2 e. A criminal offense committed in another
3 jurisdiction, including a conviction in a federal,
4 military, or foreign court, which would constitute an
5 indictable offense under paragraphs "a" through "d" if
6 committed in this state.
7 30. "Sexually violent predator" means a sex
8 offender who has been convicted of an offense which

9 would qualify the offender as a sexually violent
10 predator under the federal Violent Crime Control and
11 Law Enforcement Act of 1994, 42 U.S.C. §
12 14071(a)(3)(B), (C), (D), and (E).

13 31. "SORNA" means the Sex Offender Registration
14 and Notification Act, which is Title I of the federal
15 Adam Walsh Child Protection and Safety Act of 2006.

16 32. "Student" means a sex offender who enrolls in
17 or otherwise receives instruction at an educational
18 institution, including a public or private elementary
19 school, secondary school, trade or professional
20 school, or institution of higher education. "Student"
21 does not mean a sex offender who enrolls in or attends
22 an educational institution as a correspondence
23 student, distance learning student, or any other form
24 of learning that occurs without physical presence on
25 the real property of an educational institution.

26 33. "Superintendent" means the superintendent or
27 superintendent's designee of a public school or the
28 authorities in charge of a nonpublic school.

29 34. "Vehicle" means a vehicle owned or operated by
30 an offender, including but not limited to a vehicle
31 for personal or work-related use, and including a
32 watercraft or aircraft, that is subject to
33 registration requirements under chapter 321, 328, or
34 462A.

35 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE
36 CLASSIFICATIONS.

37 1. For purposes of this chapter, all individuals
38 required to register shall be classified as a tier I,
39 tier II, or tier III offender. For purposes of this
40 chapter, sex offenses are classified into the
41 following tiers:

42 a. Tier I offenses include a conviction for the
43 following sex offenses:

44 (1) Sexual abuse in the second degree in violation
45 of section 709.3, subsection 2, if committed by a
46 person under the age of fourteen.

47 (2) Sexual abuse in the third degree in violation
48 of section 709.4, subsection 1, 3, or 4, if committed
49 by a person under the age of fourteen.

50 (3) Sexual abuse in the third degree in violation

Page 7

1 of section 709.4, subsection 2, paragraph "a" or "b",
2 if committed by a person under the age of fourteen.

3 (4) Sexual abuse in the third degree in violation
4 of section 709.4, subsection 2, paragraph "c".

5 (5) Indecent exposure in violation of section
6 709.9.

7 (6) Harassment in violation of section 708.7.

8 subsection 1, 2, or 3, if a determination is made that
9 the offense was sexually motivated pursuant to section
10 692A.126.

11 (7) Stalking in violation of section 708.11,
12 except a violation of subsection 3, paragraph "b",
13 subparagraph (3), if a determination is made that the
14 offense was sexually motivated pursuant to section
15 692A.126.

16 (8) (a) Dissemination or exhibition of obscene
17 material to minors in violation of section 728.2 or
18 telephone dissemination of obscene material to minors
19 in violation of 728.15.

20 (b) Rental or sale of hard-core pornography, if
21 delivery is to a minor, in violation of section 728.4.

22 (9) Admitting minors to premises where obscene
23 material is exhibited in violation of section 728.3.

24 (10) Receipt or possession of child pornography in
25 violation of 18 U.S.C. § 2252.

26 (11) Material containing child pornography in
27 violation of 18 U.S.C. § 2252A.

28 (12) Misleading domain names on the internet in
29 violation of 18 U.S.C. § 2252B.

30 (13) Misleading words or digital images on the
31 internet in violation of section 18 U.S.C. § 2252C.

32 (14) Failure to file a factual statement about an
33 alien individual in violation of 18 U.S.C. § 2424.

34 (15) Transmitting information about a minor to
35 further criminal sexual conduct in violation of 18
36 U.S.C. § 2425.

37 (16) Any sex offense specified in the laws of
38 another jurisdiction or any sex offense that may be
39 prosecuted in federal, military, or foreign court,
40 that is comparable to an offense listed in
41 subparagraphs (1) through (15).

42 (17) Any sex offense under the prior laws of this
43 state or another jurisdiction, or any sex offense
44 under prior law that was prosecuted in a federal,
45 military, or foreign court, that is comparable to an
46 offense listed in subparagraphs (1) through (15).

47 b. Tier II offenses include a conviction for the
48 following sex offenses:

49 (1) Detention in brothel in violation of section
50 709.7.

Page 8

1 (2) Lascivious acts with a child in violation of
2 section 709.8, subsection 3 or 4.

3 (3) Solicitation of a minor to engage in an
4 illegal sex act in violation of section 705.1.

5 (4) Solicitation of a minor to engage an illegal
6 act under section 709.8, subsection 3, in violation of

7 section 705.1.
8 (5) Solicitation of a minor to engage in an
9 illegal act under section 709.12, in violation of
10 section 705.1.
11 (6) False imprisonment of a minor in violation of
12 section 710.7, except if committed by a parent.
13 (7) Assault with intent to commit sexual abuse if
14 no injury results in violation of section 709.11.
15 (8) Invasion of privacy-nudity in violation of
16 section 709.21.
17 (9) Stalking in violation of section 708.11,
18 subsection 3, paragraph "b", subparagraph (3), if a
19 determination is made that the offense was sexually
20 motivated pursuant to section 692A.126.
21 (10) Indecent contact with a child in violation of
22 section 709.12, if the child is thirteen years of age.
23 (11) Lascivious conduct with a minor in violation
24 of section 709.14.
25 (12) Sexual exploitation by a counselor,
26 therapist, or school employee in violation of section
27 709.15, if the victim is thirteen years of age or
28 older.
29 (13) Sexual misconduct with offenders and
30 juveniles in violation of section 709.16, if the
31 victim is thirteen years of age or older.
32 (14) Kidnapping of a person who is not a minor in
33 violation of section 710.2, 710.3, or 710.4, if a
34 determination is made that the offense was sexually
35 motivated pursuant to section 692A.126.
36 (15) Solicitation of a minor to engage in an
37 illegal act under section 725.3, subsection 2, in
38 violation of section 705.1.
39 (16) Incest committed against a dependant adult as
40 defined in section 235B.2 in violation of section
41 726.2.
42 (17) Incest committed against a minor in violation
43 of section 726.2.
44 (18) Sexual exploitation of a minor in violation
45 of section 728.12, subsection 2 or 3.
46 (19) Material involving the sexual exploitation of
47 a minor in violation of 18 U.S.C. § 2252(a), except
48 receipt or possession of child pornography.
49 (20) Production of sexually explicit depictions of
50 a minor for import into the United States in violation

Page 9

1 of 18 U.S.C. § 2260.
2 (21) Transportation of a minor for illegal sexual
3 activity in violation of 18 U.S.C. § 2421.
4 (22) Coercion and enticement of a minor for
5 illegal sexual activity in violation of 18 U.S.C. §

6 2422(a) or (b).

7 (23) Transportation of minors for illegal sexual
8 activity in violation of 18 U.S.C. § 2423(a).

9 (24) Travel with the intent to engage in illegal
10 sexual conduct with a minor in violation of 18 U.S.C.
11 § 2423.

12 (25) Engaging in illicit sexual conduct in foreign
13 places in violation of 18 U.S.C. § 2423(c).

14 (26) Video voyeurism of a minor in violation of 18
15 U.S.C. § 1801.

16 (27) Any sex offense specified in the laws of
17 another jurisdiction or any offense that may be
18 prosecuted in a federal, military, or foreign court,
19 that is comparable to an offense listed in
20 subparagraphs (1) through (26).

21 (28) Any sex offense under the prior laws of this
22 state or another jurisdiction, or any sex offense
23 under prior law that was prosecuted in a federal,
24 military, or foreign court, that is comparable to a
25 sex offense listed in subparagraphs (1) through (26).

26 c. Tier III offenses include a conviction for the
27 following sex offenses:

28 (1) Murder in violation of section 707.2 or 707.3
29 if sexual abuse as defined in section 709.1 is
30 committed during the commission of the offense.

31 (2) Murder in violation of section 707.2 or 707.3,
32 if a determination is made that the offense was
33 sexually motivated pursuant to section 692A.126.

34 (3) Voluntary manslaughter in violation of section
35 707.4, if a determination is made that the offense was
36 sexually motivated pursuant to section 692A.126.

37 (4) Involuntary manslaughter in violation of
38 section 707.5, if a determination is made that the
39 offense was sexually motivated pursuant to section
40 692A.126.

41 (5) Attempt to commit murder in violation of
42 section 707.11, if a determination is made that the
43 offense was sexually motivated pursuant to section
44 692A.126.

45 (6) Sexual abuse in the first degree in violation
46 of section 709.2.

47 (7) Sexual abuse in the second degree in violation
48 of section 709.3, subsection 1 or 3.

49 (8) Sexual abuse in the second degree in violation
50 of section 709.3, subsection 2, if committed by a

Page 10

1 person fourteen years of age or older.

2 (9) Sexual abuse in the third degree in violation
3 of section 709.4, subsection 1, 3, or 4, if committed
4 by a person fourteen years of age or older.

- 5 (10) Sexual abuse in the third degree in violation
6 of section 709.4, subsection 2, paragraph "a" or "b",
7 if committed by a person fourteen years of age or
8 older.
- 9 (11) Lascivious acts with a child in violation of
10 section 709.8, subsection 1 or 2.
- 11 (12) Kidnapping in violation of section 710.2 if
12 sexual abuse as defined in section 709.1 is committed
13 during the commission of the offense.
- 14 (13) Kidnapping of a minor in violation of section
15 710.2, 710.3, or 710.4, if a determination is made
16 that the offense was sexually motivated pursuant to
17 section 692A.126.
- 18 (14) Assault with intent to commit sexual abuse
19 resulting in serious or bodily injury in violation of
20 section 709.11.
- 21 (15) Burglary in the first degree in violation of
22 section 713.3, subsection 1, paragraph "d".
- 23 (16) Any other burglary in the first degree
24 offense in violation of section 713.3 that is not
25 included in subparagraph (15), if a determination is
26 made that the offense was sexually motivated pursuant
27 to section 692A.126.
- 28 (17) Attempted burglary in the first degree in
29 violation of section 713.4, if a determination is made
30 that the offense was sexually motivated pursuant to
31 section 692A.126.
- 32 (18) Burglary in the second degree in violation of
33 section 713.5, if a determination is made that the
34 offense was sexually motivated pursuant to section
35 692A.126.
- 36 (19) Attempted burglary in the second degree in
37 violation of section 713.6, if a determination is made
38 that the offense was sexually motivated pursuant to
39 section 692A.126.
- 40 (20) Burglary in the third degree in violation of
41 section 713.6A, if a determination is made that the
42 offense was sexually motivated pursuant to section
43 692A.126.
- 44 (21) Attempted burglary in the third degree in
45 violation of section 713.6B, if a determination is
46 made that the offense was sexually motivated pursuant
47 to section 692A.126.
- 48 (22) Criminal transmission of human
49 immunodeficiency virus in violation of section 709C.1,
50 subsection 1, paragraph "a".

Page 11

- 1 (23) Human trafficking in violation of section
2 710A.2 if sexual abuse or assault with intent to
3 commit sexual abuse is committed or sexual conduct or

4 sexual contact is an element of the offense.
5 (24) Purchase or sale of an individual in
6 violation of section 710.11 if a determination is made
7 that the offense was sexually motivated pursuant to
8 section 692A.126.
9 (25) Sexual exploitation of a minor in violation
10 of section 728.12, subsection 1.
11 (26) Indecent contact with a child in violation of
12 section 709.12 if the child is under thirteen years of
13 age.
14 (27) Sexual exploitation by a counselor,
15 therapist, or school employee in violation of section
16 709.15, if the child is under thirteen years of age.
17 (28) Sexual misconduct with offenders and
18 juveniles in violation of section 709.16, if the child
19 is under thirteen years of age.
20 (29) Child stealing in violation of section 710.5,
21 if a determination is made that the offense was
22 sexually motivated pursuant to section 692A.126.
23 (30) Enticing away a minor in violation of section
24 710.10, if the violation includes an intent to commit
25 sexual abuse, sexual exploitation, sexual contact, or
26 sexual conduct directed towards a minor.
27 (31) Sex trafficking of children in violation of
28 18 U.S.C. § 1591.
29 (32) Aggravated sexual abuse in violation of 18
30 U.S.C. § 2241.
31 (33) Sexual abuse in violation of 18 U.S.C. §
32 2242.
33 (34) Sexual abuse of a minor or ward in violation
34 of 18 U.S.C. § 2243.
35 (35) Abusive sexual contact in violation of 18
36 U.S.C. § 2244.
37 (36) Offenses resulting in death in violation of
38 18 U.S.C. § 2245.
39 (37) Sexual exploitation of children in violation
40 of 18 U.S.C. § 2251.
41 (38) Selling or buying of children in violation of
42 18 U.S.C. § 2251A.
43 (39) Any sex offense specified in the laws of
44 another jurisdiction or any sex offense that may be
45 prosecuted in federal, military, or foreign court,
46 that is comparable to an offense listed in
47 subparagraphs (1) through (38).
48 (40) Any sex offense under the prior laws of this
49 state or another jurisdiction, or any sex offense
50 under prior law that was prosecuted in federal,

Page 12

1 military, or foreign court, that is comparable to a
2 sex offense listed in subparagraphs (1) through (38).

3 2. A sex offender classified as a tier I offender
4 shall be reclassified as a tier II offender, if it is
5 determined the offender has one previous conviction
6 for an offense classified as a tier I offense.

7 3. A sex offender classified as a tier II
8 offender, shall be reclassified as a tier III
9 offender, if it is determined the offender has a
10 previous conviction for a tier II offense or has been
11 reclassified as a tier II offender because of a
12 previous conviction.

13 4. Notwithstanding the classifications of sex
14 offenses in subsection 1, any sex offense which would
15 qualify a sex offender as a sexually violent predator,
16 shall be classified as a tier III offense.

17 5. An offense classified as a tier II offense if
18 committed against a person under thirteen years of
19 age, shall be reclassified as a tier III offense.

20 6. Convictions of more than one sex offense which
21 require registration under this chapter but which are
22 prosecuted within a single indictment shall be
23 considered as a single offense for purposes of
24 registration.

25 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED
26 TO REGISTER.

27 1. A person who has been convicted of any sex
28 offense classified as a tier I, tier II, or tier III
29 offense, or an offender required to register in
30 another jurisdiction under the other jurisdiction's
31 sex offender registry, shall register as a sex
32 offender as provided in this chapter if the offender
33 resides, is employed, or attends school in this state.
34 A sex offender shall, upon a first or subsequent
35 conviction, register in compliance with the procedures
36 specified in this chapter, for the duration of time
37 specified in this chapter, commencing as follows:

38 a. From the date of placement on probation.

39 b. From the date of release on parole or work
40 release.

41 c. From the date of release from incarceration.

42 d. Except as otherwise provided in this section,
43 from the date an adjudicated delinquent is released
44 from placement in a juvenile facility ordered by a
45 court pursuant to section 232.52.

46 e. Except as otherwise provided in this section,
47 from the date an adjudicated delinquent commences
48 attendance as a student at a public or private
49 educational institution, other than an educational
50 institution located on the real property of a juvenile

Page 13

1 facility if the juvenile has been ordered placed at

2 such facility pursuant to section 232.52.

3 f. From the date of conviction for a sex offense
4 requiring registration if probation, incarceration, or
5 placement ordered pursuant to section 232.52 in a
6 juvenile facility is not included in the sentencing,
7 order, or decree of the court, except as otherwise
8 provided in this section for juvenile cases.

9 2. A sex offender is not required to register
10 while incarcerated. However, the running of the
11 period of registration is tolled pursuant to section
12 692A.107 if a sex offender is incarcerated.

13 3. A juvenile adjudicated delinquent for an
14 offense that requires registration shall be required
15 to register as required in this chapter unless the
16 juvenile court waives the requirement and finds that
17 the person should not be required to register under
18 this chapter.

19 4. Notwithstanding subsections 3 and 5, a juvenile
20 fourteen years of age or older at the time the offense
21 was committed shall be required to register if the
22 adjudication was for an offense committed by force or
23 the threat of serious violence, by rendering the
24 victim unconscious, or by involuntary drugging of the
25 victim. At the time of adjudication the judge shall
26 make a determination as to whether the offense was
27 committed by force or the threat of serious violence,
28 by rendering the victim unconscious, or by involuntary
29 drugging of the victim.

30 5. If a juvenile is required to register pursuant
31 to subsection 3, the juvenile court may, upon motion
32 of the juvenile, and after reasonable notice to the
33 parties and hearing, modify or suspend the
34 registration requirements if good cause is shown.

35 a. The motion to modify or suspend shall be made
36 and the hearing shall occur prior to the discharge of
37 the juvenile from the jurisdiction of the juvenile
38 court for the sex offense that requires registration.

39 b. If at the time of the hearing the juvenile is
40 participating in an appropriate outpatient treatment
41 program for juvenile sex offenders, the juvenile court
42 may enter orders temporarily suspending the
43 requirement that the juvenile register and may defer
44 entry of a final order on the matter until such time
45 that the juvenile has completed or been discharged
46 from the outpatient treatment program.

47 c. Final orders shall then be entered within
48 thirty days from the date of the juvenile's completion
49 or discharge from outpatient treatment.

50 d. Any order entered pursuant to this subsection

Page 14

1 that modifies or suspends the requirement to register
2 shall include written findings stating the reason for
3 the modification or suspension, and shall include
4 appropriate restrictions upon the juvenile to protect
5 the public during any period of time the registry
6 requirements are modified or suspended. Upon entry of
7 an order modifying or suspending the requirement to
8 register, the juvenile court shall notify the
9 superintendent or the superintendent's designee where
10 the juvenile is enrolled of the decision.

11 e. This subsection does not apply to a juvenile
12 fourteen years of age or older at the time the offense
13 was committed if the adjudication was for a sex
14 offense committed by force or the threat of serious
15 violence, by rendering the victim unconscious, or by
16 involuntary drugging of the victim.

17 6. If a juvenile is required to register and the
18 court later modifies or suspends the order regarding
19 the requirement to register, the court shall notify
20 the department within five days of the decision.

21 Sec. 4. NEW SECTION. 692A.104 REGISTRATION
22 PROCESS.

23 1. A sex offender shall appear in person to
24 register with the sheriff of each county where the
25 offender has a residence, maintains employment, or is
26 in attendance as a student, within five business days
27 of being required to register under section 692A.103
28 by providing all relevant information to the sheriff.
29 A sheriff shall accept the registration of any person
30 who is required to register in the county pursuant to
31 the provisions of this chapter.

32 2. A sex offender shall, within five business days
33 of changing a residence, employment, or attendance as
34 a student, appear in person to notify the sheriff of
35 each county where a change has occurred.

36 3. A sex offender shall, within five business days
37 of a change in relevant information other than
38 relevant information enumerated in subsection 2,
39 notify the sheriff of the county where the principal
40 residence of the offender is maintained about the
41 change to the relevant information. The department
42 shall establish by rule what constitutes proper
43 notification under this subsection.

44 4. A sex offender who is required to verify
45 information pursuant to the provisions of section
46 692A.108 is only required to appear in person in the
47 county where the principal residence of the offender
48 is maintained to verify such information.

49 5. A sex offender shall, within five business days
50 of the establishment of a residence, employment, or

Page 15

1 attendance as a student in another jurisdiction,
2 appear in person to notify the sheriff of the county
3 where the principal residence of the offender is
4 maintained, about the establishment of a residence,
5 employment, or attendance in another jurisdiction. A
6 sex offender shall, within five business days of
7 establishing a new residence, employment, or
8 attendance as a student in another jurisdiction,
9 register with the registering agency of the other
10 jurisdiction, if the offender is required to register
11 under the laws of the other jurisdiction. The
12 department shall notify the registering agency in the
13 other jurisdiction of the sex offender's new
14 residence, employment, or attendance as a student in
15 the other jurisdiction.

16 6. A sex offender, who has multiple residences in
17 this state, shall appear in person to notify the
18 sheriff of each county where a residence is
19 maintained, of the dates the offender will reside at
20 each residence including the date when the offender
21 will move from one residence to another residence.

22 7. Except as provided in subsection 8, the initial
23 or subsequent registration and any notifications
24 required in subsections 1, 2, 4, 5, and 6 shall be by
25 appearance at the sheriff's office and completion of
26 the initial or subsequent registration or notification
27 shall be on a printed form, which shall be signed and
28 dated by the sex offender. If the sheriff uses an
29 electronic form to complete the initial registration
30 or notification, the electronic form shall be printed
31 upon completion and signed and dated by the sex
32 offender. The sheriff shall transmit the registration
33 or notification form completed by the sex offender
34 within five business days by paper copy, or
35 electronically, using procedures established by the
36 department by rule.

37 8. The collection of relevant information by a
38 court or releasing agency under section 692A.109 shall
39 serve as the sex offender's initial or subsequent
40 registration for purposes of this section. However,
41 the sex offender shall register by appearing in person
42 in the county of residence to verify the offender's
43 arrival and relevant information. The court or
44 releasing agency shall forward a copy of the
45 registration to the department within five business
46 days of completion of registration using procedures
47 established by the department by rule.

48 Sec. 5. NEW SECTION. 692A.105 ADDITIONAL
49 REGISTRATION REQUIREMENTS – TEMPORARY LODGING.

50 In addition to the registration provisions

Page 16

1 specified in section 692A.104, a sex offender, within
2 five business days of a change, shall also appear in
3 person to notify the sheriff of the county of
4 principal residence, of any location in which the
5 offender is staying when away from the principal
6 residence of the offender for more than five days, by
7 identifying the location and the period of time the
8 offender is staying in such location.

9 Sec. 6. NEW SECTION. 692A.106 DURATION OF
10 REGISTRATION.

11 1. Except as otherwise provided in section 232.54,
12 692A.103, or 692A.128, or this section, the duration
13 of registration required under this chapter shall be
14 for a period of ten years. The registration period
15 shall begin as provided in section 692A.103.

16 2. A sex offender who has been sentenced to a
17 special sentence under section 903B.1 or 903B.2, shall
18 be required to register for a period equal to the term
19 of the special sentence, but in no case not less than
20 the period specified in subsection 1.

21 3. A sex offender who is convicted of violating
22 any of the requirements of this chapter shall register
23 for an additional ten years, commencing from the date
24 the offender's registration would have expired under
25 subsection 1 or, in the case of an offender who has
26 been sentenced to a special sentence under section
27 903B.1 or 903B.2, commencing from the date the
28 offender's registration would have expired under
29 subsection 2.

30 4. A sex offender shall, upon a second or
31 subsequent conviction that requires a second
32 registration, or upon conviction of an aggravated
33 offense, or who has previously been convicted of one
34 or more offenses that would have required registration
35 under this chapter, register for life.

36 5. A sexually violent predator shall register for
37 life.

38 6. If a sex offender ceases to maintain a
39 residence, employment, or attendance as a student in
40 this state, the offender shall no longer be required
41 to register, and the offender shall be placed on
42 inactive status and relevant information shall not be
43 placed on the sex offender registry internet site,
44 after the department verifies that the offender has
45 complied with the registration requirements in another
46 jurisdiction. If the sex offender subsequently
47 reestablishes residence, employment, or attendance as
48 a student in this state, the registration requirement
49 under this chapter shall apply and the department
50 shall remove the offender from inactive status and

Page 17

1 place any relevant information and any updated
2 relevant information in the possession of the
3 department on the sex offender registry internet site.

4 Sec. 7. NEW SECTION. 692A.107 TOLLING OF
5 REGISTRATION PERIOD.

6 1. If a sex offender is incarcerated during a
7 period of registration, the running of the period of
8 registration is tolled until the offender is released
9 from incarceration for that crime.

10 2. If a sex offender violates any requirements of
11 section 692A.104, 692A.105, 692A.108, 692A.112,
12 692A.113, 692A.114, or 692A.115, in addition to any
13 criminal penalty prescribed for such violation, the
14 period of registration is tolled until the offender
15 complies with the registration provisions of this
16 chapter.

17 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF
18 RELEVANT INFORMATION.

19 1. A sex offender shall appear in person in the
20 county of principal residence after the offender was
21 initially required to register, to verify residence,
22 employment, and attendance as a student, to allow the
23 sheriff to photograph the offender, and to verify the
24 accuracy of other relevant information during the
25 following time periods after the initial registration:

26 a. For a sex offender classified as a tier I
27 offender, every year.

28 b. For a sex offender classified as a tier II
29 offender, every six months.

30 c. For a sex offender classified as a tier III
31 offender, every three months.

32 2. A sheriff may require a sex offender to appear
33 in person more frequently than provided in subsection
34 1 to verify relevant information if good cause is
35 shown. The circumstances under which more frequent
36 appearances are required shall be reasonable,
37 documented by the sheriff, and provided to the
38 offender and the department in writing. Any
39 modification to such requirement shall also be
40 provided to the sex offender and the department in
41 writing.

42 3. a. At least thirty days prior to an appearance
43 for the verification of relevant information as
44 required by this section, the department shall mail
45 notification of the required appearance to each
46 reported residence of the sex offender. The
47 department shall not be required to mail notification
48 to any sex offender if the residence described or
49 listed in the sex offender's relevant information is
50 insufficient for the delivery of mail.

Page 18

1 b. The notice shall state that the sex offender
2 shall appear in person in the county of principal
3 residence on or before a date specified in the notice
4 to verify and update relevant information. The notice
5 shall not be forwarded to another address and shall be
6 returned to the department if the sex offender no
7 longer resides at the address.

8 4. A photograph of the sex offender shall be
9 updated, at a minimum, annually. The sheriff shall
10 send the updated photograph to the department using
11 procedures established by the department by rule
12 within five business days of the photograph being
13 taken and the department shall post the updated
14 photograph on the sex offender registry's internet
15 site. The sheriff may require the sex offender to
16 submit to being photographed, fingerprinted, or palm
17 printed, more than once per year during any required
18 appearance to verify relevant information.

19 5. The sheriff may make a reasonable modification
20 to the date requiring a sex offender to make an
21 appearance based on exigent circumstances including
22 man-made or natural disasters. The sheriff shall
23 notify the department of any modification using
24 procedures established by department by rule.

25 6. A waiver of the next immediate in-person
26 verification pursuant to this section may be granted
27 at the discretion of the sheriff, if the sex offender
28 appears in person at the sheriff's office because of
29 changes to relevant information pursuant to section
30 692A.104 or 692A.105, and if the in-person
31 verification pursuant to this section is within thirty
32 days of such in-person appearance. If a waiver is
33 granted, the sheriff shall notify the department of
34 granting the waiver.

35 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE
36 REGISTRATION.

37 1. When a sex offender is released from
38 incarceration from a jail, prison, juvenile facility,
39 or other correctional institution or facility, or when
40 the offender is convicted but not incarcerated, the
41 sheriff, warden, or superintendent of a facility or,
42 in the case of release from foster care or residential
43 treatment or conviction without incarceration, the
44 court shall do the following prior to release or
45 sentencing of the convicted offender:

46 a. Obtain all relevant information from the sex
47 offender. Additional information for a sex offender
48 required to register as a sexually violent predator
49 shall include but not be limited to other identifying
50 factors, anticipated future places of residence,

Page 19

1 offense history, and documentation of any treatment
2 received by the person for a mental abnormality or
3 personality disorder.

4 b. Inform the sex offender of the duty to register
5 under this chapter and SORNA and ensure registration
6 forms are completed and signed.

7 c. Inform the sex offender that, within five
8 business days of changing a residence, employment,
9 attendance as a student, an appearance is required
10 before the sheriff in the county where the change
11 occurred.

12 d. Inform the sex offender that, within five
13 business days of a change in relevant information
14 other than a change of residence, employment, or
15 attendance as a student, the sex offender shall
16 notify, in a manner prescribed by rule, the sheriff of
17 the county of principal residence of the change.

18 e. Inform the sex offender that if the offender
19 establishes residence in another jurisdiction, or
20 becomes employed, or becomes a student in another
21 jurisdiction, the offender must report the offender's
22 new residence, employment, or attendance as a student,
23 to the sheriff's office in the county of the
24 offender's principal residence within five business
25 days, and that, if the other jurisdiction has a
26 registration requirement, the offender shall also be
27 required to register in such jurisdiction.

28 f. Require the sex offender to read and sign a
29 form stating that the duty of the offender to register
30 under this chapter has been explained and the offender
31 understands the registration requirement. If the sex
32 offender cannot read, is unable to write, or refuses
33 to cooperate, the duty and the form shall be explained
34 orally and a written record shall be maintained by the
35 sheriff, warden, superintendent of a facility, or
36 court explaining the duty and the form.

37 g. Inform the sex offender who was convicted of a
38 sex offense against a minor of the prohibitions
39 established under section 692A.113 by providing the
40 offender with a written copy of section 692A.113 and
41 relevant definitions of section 692A.101.

42 h. Inform the sex offender who was convicted of an
43 aggravated offense against a minor of the prohibitions
44 established under section 692A.114 by providing the
45 offender with a written copy of section 692A.114 and
46 relevant definitions of section 692A.101.

47 i. Inform the sex offender that the offender must
48 submit to being photographed by the sheriff of any
49 county in which the offender is required to register
50 upon initial registration and during any appearance to

Page 20

1 verify relevant information required under this
2 chapter.

3 j. Inform the sex offender that any violation of
4 this chapter may result in state or federal
5 prosecution.

6 2. a. When a sex offender is released from
7 incarceration from a jail, prison, juvenile facility,
8 or other correctional institution or facility, or when
9 the offender is convicted but not incarcerated, the
10 sheriff, warden, superintendent of a facility, or
11 court shall verify that the person has completed
12 initial or subsequent registration forms, and accept
13 the forms on behalf of the sheriff of the county of
14 registration. The sheriff, warden, superintendent of
15 a facility, or the court shall send the initial or
16 subsequent registration information to the department
17 within five business days of completion of the
18 registration. Probation, parole, work release, or any
19 other form of release after conviction shall not be
20 granted unless the offender has registered as required
21 under this chapter.

22 b. If the sex offender refuses to register, the
23 sheriff, warden, superintendent of a facility, or
24 court shall notify within five business days the
25 county attorney in the county in which the offender
26 was convicted or, if the offender no longer resides in
27 that county, in the county in which the offender
28 resides of the refusal to register. The county
29 attorney shall bring a contempt of court action
30 against the sex offender in the county in which the
31 offender was convicted or, if the offender no longer
32 resides in that county, in the county in which the
33 offender resides. A sex offender who refuses to
34 register shall be held in contempt and may be
35 incarcerated pursuant to the provisions of chapter 665
36 following the entry of judgment by the court on the
37 contempt action until the offender complies with the
38 registration requirements.

39 3. The sheriff, warden, or superintendent of a
40 facility, or if the sex offender is placed on
41 probation, the court shall forward one copy of the
42 registration information to the department and to the
43 sheriff of the county in which the principal residence
44 is established within five business days after
45 completion of the registration.

46 4. The court may order an appropriate law
47 enforcement agency or the county attorney to assist
48 the court in performing the requirements of subsection
49 1 or 2.

50 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES

Page 21

1 AND CIVIL PENALTY FOR OFFENDERS.

2 1. A sex offender shall pay an annual fee in the
3 amount of twenty-five dollars to the sheriff of the
4 county of principal residence, beginning with the
5 first required in-person appearance at the sheriff's
6 office after the effective date of this Act. If the
7 sex offender has more than one principal residence in
8 this state, the offender shall pay the annual fee in
9 the county where the offender is first required to
10 appear in person after the effective date of this Act.
11 The sheriff shall accept the registration. If, at the
12 time of registration, the sex offender is unable to
13 pay the fee, the sheriff may allow the offender time
14 to pay the fee, permit the payment of the fee in
15 installments, or may waive payment of the fee. Fees
16 paid to the sheriff shall be used to defray the costs
17 of duties related to the registration of sex offenders
18 under this chapter.

19 2. In addition to any other penalty, at the time
20 of conviction for a public offense committed on or
21 after July 1, 1995, which requires a sex offender to
22 register under this chapter, the offender shall be
23 assessed a civil penalty of two hundred dollars, to be
24 payable to the clerk of the district court as provided
25 in section 602.8105 and distributed as provided in
26 section 602.8108. With respect to a conviction for a
27 public offense committed on or after July 1, 2009,
28 which requires a sex offender to register under this
29 chapter, the offender shall be assessed a civil
30 penalty of two hundred fifty dollars, payable to the
31 clerk of the district court as provided in section
32 602.8105 and distributed as provided in section
33 602.8108.

34 3. The fee and penalty required by this section
35 shall not be assessed against a person who has been
36 acquitted by reason of insanity of the offense which
37 requires registration under this chapter.

38 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY
39 – PENALTY.

40 1. A sex offender who violates any requirements of
41 section 692A.104, 692A.105, 692A.108, 692A.112,
42 692A.113, 692A.114, or 692A.115 commits an aggravated
43 misdemeanor for a first offense and a class "D" felony
44 for a second or subsequent offense. However, a sex
45 offender convicted of an aggravated offense against a
46 minor, a sex offense against a minor, or a sexually
47 violent offense committed while in violation of any of
48 the requirements specified in section 692A.104,
49 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or
50 692A.115 is guilty of a class "C" felony, in addition

Page 22

1 to any other penalty provided by law. Any fine
2 imposed for a second or subsequent violation shall not
3 be suspended. Notwithstanding section 907.3, the
4 court shall not defer judgment or sentence for any
5 violation of any requirements specified in this
6 chapter. For purposes of this subsection, a violation
7 occurs when a sex offender knows or reasonably should
8 know of the duty to fulfill a requirement specified in
9 this chapter as referenced in the offense charged.

10 2. Violations in any other jurisdiction under sex
11 offender registry provisions that are substantially
12 similar to those contained in this section shall be
13 counted as previous offenses. The court shall
14 judicially notice the statutes of other states which
15 are substantially similar to this section.

16 3. A sex offender who violates any provision of
17 this chapter may be prosecuted in any county where
18 registration is required by the provisions of this
19 chapter.

20 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY
21 PROVIDING FALSE INFORMATION – PENALTY.

22 A sex offender shall not knowingly provide false
23 information upon registration, change of relevant
24 information, or during an appearance to verify
25 relevant information.

26 Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES
27 AND PROHIBITION OF CERTAIN EMPLOYMENT-RELATED
28 ACTIVITIES.

29 1. A sex offender who has been convicted of a sex
30 offense against a minor shall not do any of the
31 following:

32 a. Be present upon the real property of a public
33 or nonpublic elementary or secondary school without
34 the written permission of the school administrator or
35 school administrator's designee, unless enrolled as a
36 student at the school.

37 b. Loiter within three hundred feet of the real
38 property boundary of a public or nonpublic elementary
39 or secondary school, unless enrolled as a student at
40 the school.

41 c. Be present on or in any vehicle or other
42 conveyance owned, leased, or contracted by a public or
43 nonpublic elementary or secondary school without the
44 written permission of the school administrator or
45 school administrator's designee when the vehicle is in
46 use to transport students to or from a school or
47 school-related activities, unless enrolled as a
48 student at the school or unless the vehicle is
49 simultaneously made available to the public as a form
50 of public transportation.

Page 23

- 1 d. Be present upon the real property of a child
2 care facility without the written permission of the
3 child care facility administrator.
- 4 e. Loiter within three hundred feet of the real
5 property boundary of a child care facility.
- 6 f. Be present upon the real property of a public
7 library without the written permission of the library
8 administrator.
- 9 g. Loiter within three hundred feet of the real
10 property boundary of a public library.
- 11 h. Loiter on or within three hundred feet of the
12 premises of any place intended primarily for the use
13 of minors including but not limited to a playground
14 available to the public, a children's play area
15 available to the public, recreational or sport-related
16 activity area when in use by a minor, a swimming or
17 wading pool available to the public when in use by a
18 minor, or a beach available to the public when in use
19 by a minor.
- 20 2. A sex offender who has been convicted of a sex
21 offense against a minor:
- 22 a. Who resides in a dwelling located within three
23 hundred feet of the real property boundary of public
24 or nonpublic elementary or secondary school, child
25 care facility, public library, or place intended
26 primarily for the use of minors as specified in
27 subsection 1, paragraph "h", shall not be in violation
28 of subsection 1 for having an established residence
29 within the exclusion zone.
- 30 b. Who is the parent or legal guardian of a minor
31 shall not be in violation of subsection 1 solely
32 during the period of time reasonably necessary to
33 transport the offender's own minor child or ward to or
34 from a place specified in subsection 1.
- 35 c. Who is legally entitled to vote shall not be in
36 violation of subsection 1 solely for the period of
37 time reasonably necessary to exercise the right to
38 vote in a public election if the polling location of
39 the offender is located in a place specified in
40 subsection 1.
- 41 3. A sex offender who has been convicted of a sex
42 offense against a minor shall not do any of the
43 following:
- 44 a. Operate, manage, be employed by, or act as a
45 contractor or volunteer at any municipal, county, or
46 state fair or carnival when a minor is present on the
47 premises.
- 48 b. Operate, manage, be employed by, or act as a
49 contractor or volunteer on the premises of any
50 children's arcade, an amusement center having coin or

Page 24

1 token operated devices for entertainment, or
2 facilities providing programs or services intended
3 primarily for minors, when a minor is present.

4 c. Operate, manage, be employed by, or act as a
5 contractor or volunteer at a public or nonpublic
6 elementary or secondary school, child care facility,
7 or public library.

8 d. Operate, manage, be employed by, or act as a
9 contractor or volunteer at any place intended
10 primarily for use by minors including but not limited
11 to a playground, a children's play area, recreational
12 or sport-related activity area, a swimming or wading
13 pool, or a beach.

14 Sec. 14. NEW SECTION. 692A.114 RESIDENCY
15 RESTRICTIONS – PRESENCE – CHILD CARE FACILITIES AND
16 SCHOOLS.

17 1. As used in this section:

18 a. "Minor" means a person who is under eighteen
19 years of age or who is enrolled in a secondary school.

20 b. "School" means a public or nonpublic elementary
21 or secondary school.

22 c. "Sex offender" means a person required to be
23 registered under this chapter who has been convicted
24 of a sex offense against a minor.

25 2. A sex offender shall not reside within two
26 thousand feet of the real property comprising a school
27 or a child care facility.

28 3. A sex offender residing within two thousand
29 feet of the real property comprising a school or a
30 child care facility does not commit a violation of
31 this section if any of the following apply:

32 a. The sex offender is required to serve a
33 sentence at a jail, prison, juvenile facility, or
34 other correctional institution or facility.

35 b. The sex offender is subject to an order of
36 commitment under chapter 229A.

37 c. The sex offender has established a residence
38 prior to July 1, 2002.

39 d. The sex offender has established a residence
40 prior to any newly located school or child care
41 facility being established.

42 e. The sex offender is a minor.

43 f. The sex offender is a ward in a guardianship,
44 and a district judge or associate probate judge grants
45 an exemption from the residency restriction.

46 g. The sex offender is a patient or resident at a
47 health care facility as defined in section 135C.1 or a
48 patient in a hospice program, and a district judge or
49 associate probate judge grants an exemption from the
50 residency restriction.

Page 25

1 Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE
2 DEPENDENT ADULTS RESIDE.

3 A sex offender shall not be an employee of a
4 facility providing services for dependent adults or at
5 events where dependent adults participate in
6 programming and shall not loiter on the premises or
7 grounds of a facility or at an event providing such
8 services or programming.

9 Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF
10 REQUIREMENT TO REGISTER.

11 1. An offender may request that the department
12 determine whether the offense for which the offender
13 has been convicted requires the offender to register
14 under this chapter or whether the period of time
15 during which the offender is required to register
16 under this chapter has expired.

17 2. Application for determination shall be filed
18 with the department and shall be made on forms
19 provided by the department and accompanied by copies
20 of sentencing or adjudicatory orders with respect to
21 each offense for which the offender asks that a
22 determination be made.

23 3. The department, after filing of the request and
24 after all documentation or information requested by
25 the department is received, shall have ninety days
26 from the filing of the request, to determine whether
27 the offender is required to register under this
28 chapter.

29 Sec. 17. NEW SECTION. 692A.117 REGISTRATION
30 FORMS AND ELECTRONIC REGISTRATION SYSTEM.

31 1. Registration forms and an electronic
32 registration system shall be made available by the
33 department.

34 2. Copies of blank forms shall be available upon
35 request to any registering agency.

36 Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES
37 – REGISTRY.

38 The department shall perform all of the following
39 duties:

40 1. Develop an electronic system and standard forms
41 for use in the registration of, verifying addresses
42 of, and verifying understanding of registration
43 requirements by sex offenders. Forms used to verify
44 addresses of sex offenders shall contain a warning
45 against forwarding a form to another address and of
46 the requirement to return the form if the offender to
47 whom the form is directed no longer resides at the
48 address listed on the form or the mailing.

49 2. Maintain a central registry of information
50 collected from sex offenders, which shall be known as

Page 26

1 the sex offender registry.

2 3. In consultation with the attorney general,
3 adopt rules under chapter 17A which list specific
4 offenses under present and former law which constitute
5 sex offenses or sex offenses against a minor under
6 this chapter.

7 4. Adopt rules under chapter 17A, as necessary, to
8 ensure compliance with registration and verification
9 requirements of this chapter, to provide guidelines
10 for persons required to assist in obtaining registry
11 information, and to provide a procedure for the
12 dissemination of information contained in the
13 registry. The procedure for the dissemination of
14 information shall include but not be limited to
15 practical guidelines for use by criminal or juvenile
16 justice agencies in determining when public release of
17 relevant information contained in the registry is
18 appropriate and a requirement that if a member of the
19 general public requests information regarding a
20 specific individual in the manner provided in section
21 692A.121, the relevant information shall be released.
22 The department, in developing the procedure, shall
23 consult with associations which represent the
24 interests of law enforcement officers. Rules adopted
25 shall also include a procedure for removal of
26 information from the registry upon the reversal or
27 setting aside of a conviction of an offender.

28 5. Submit sex offender registry data to the
29 federal bureau of investigation for entry of the data
30 into the national sex offender registry.

31 6. Perform the requirements under this chapter and
32 under federal law in cooperation with the office of
33 sex offender sentencing, monitoring, apprehending,
34 registering, and tracking of the office of justice
35 programs of the United States department of justice.

36 7. Enter and maintain fingerprints and palm prints
37 of sex offenders in an automated fingerprint
38 identification system maintained by the department and
39 made accessible to law enforcement agencies in this
40 state, of the federal government, or in another
41 jurisdiction. The department or any law enforcement
42 agency may use such prints for criminal investigative
43 purposes, to include comparison against finger and
44 palm prints identified or recovered as evidence in a
45 criminal investigation.

46 8. Notify a jurisdiction that provided information
47 that a sex offender has or intends to maintain a
48 residence, employment, or attendance as a student, in
49 this state, of the failure of the sex offender to
50 register as required under this chapter.

Page 27

1 9. Submit a DNA sample to the combined DNA index
2 system, if a sample has not been submitted.

3 10. Submit the social security number to the
4 national crime information center, if the number has
5 not been submitted.

6 11. When the department has a reasonable basis to
7 believe that a sex offender has changed residence to
8 an unknown location, has become a fugitive from
9 justice, or who has otherwise taken flight, the
10 department shall make a reasonable effort to ascertain
11 the whereabouts of the offender, and if such effort
12 fails to identify the location of the offender, an
13 appropriate notice shall be made on the sex offender
14 registry internet site of this state and shall be
15 transmitted to the national sex offender registry.
16 The department shall notify other law enforcement
17 agencies as deemed appropriate.

18 12. The department shall notify appropriate law
19 enforcement agencies including the United States
20 marshal service to investigate and verify possible
21 violations. The department shall ensure any warrants
22 for arrest are entered into the Iowa online warrant
23 and articles system and the national crime information
24 center and pursue prosecution of stated violations
25 through state or federal court.

26 Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER
27 REGISTRY FUND.

28 A sex offender registry fund is established as a
29 separate fund within the state treasury under the
30 control of the department. The fund shall consist of
31 moneys received as a result of the imposition of the
32 penalty imposed under section 692A.110 and other funds
33 allocated for purposes of establishing and maintaining
34 the sex offender registry, conducting research and
35 analysis related to sex crimes and offenders, and to
36 perform other duties required under this chapter.
37 Notwithstanding section 8.33, unencumbered or
38 unobligated moneys and any interest remaining in the
39 fund on June 30 of any fiscal year shall not revert to
40 the general fund of the state, but shall remain
41 available for expenditure in subsequent fiscal years.

42 Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE
43 SHERIFF.

44 The sheriff of each county shall comply with the
45 requirements of this chapter and rules adopted by the
46 department pursuant to this chapter. The sheriff of
47 each county shall provide information and notices as
48 provided in section 282.9.

49 Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF
50 RECORDS.

Page 28

1 1. The department shall maintain an internet site
2 for the public and others to access relevant
3 information about sex offenders. The internet site,
4 at a minimum, shall be searchable by name, county,
5 city, zip code, and geographic radius.
6 2. The department shall provide updated or
7 corrected relevant information within five business
8 days of the information being updated or corrected,
9 from the sex offender registry to the following:
10 a. A criminal or juvenile justice agency, an
11 agency of the state, a sex offender registry of
12 another jurisdiction, or the federal government.
13 b. The general public through the sex offender
14 registry internet site.
15 (1) The following relevant information about a sex
16 offender shall be disclosed on the internet site:
17 (a) The date of birth.
18 (b) The name, nickname, aliases, including ethnic
19 or tribal names.
20 (c) Photographs.
21 (d) The physical description, including scars,
22 marks, or tattoos.
23 (e) The residence.
24 (f) The statutory citation and text of the offense
25 committed that requires registration under this
26 chapter.
27 (g) A specific reference indicating whether a
28 particular sex offender is subject to residency
29 restrictions pursuant to section 692A.114.
30 (h) A specific reference indicating whether a
31 particular sex offender is subject to exclusion zone
32 restrictions pursuant to section 692A.113.
33 (2) The following relevant information shall not
34 be disclosed on the internet site:
35 (a) The relevant information about a sex offender
36 who was under twenty years of age at the time the
37 offender committed a violation of section 709.4,
38 subsection 2, paragraph "c", subparagraph (4).
39 (b) The employer name, address, or location where
40 a sex offender acts as an employee in any form of
41 employment.
42 (c) The address and name of any school where a
43 student required to be on the registry attends.
44 (d) The real name of a sex offender protected
45 under 18 U.S.C § 3521.
46 (e) The statutory citation and text of the offense
47 committed for an incest conviction in violation of
48 section 726.2, however, the citation and text of an
49 incest conviction shall be disclosed on the internet
50 site as a conviction of section 709.4 or 709.8.

Page 29

1 (f) Any other relevant information not described
2 in subparagraph (1).
3 c. The general public through any other means, at
4 the discretion of the department, any relevant
5 information that is available on the internet site.
6 3. A criminal or juvenile justice agency may
7 provide relevant information from the sex offender
8 registry to the following:
9 a. A criminal or juvenile justice agency, an
10 agency of the state, or a sex offender registry of
11 another jurisdiction, or the federal government.
12 b. The general public, any information available
13 to the general public in subsection 2, including
14 public and private agencies, organizations, public
15 places, child care facilities, religious and youth
16 organizations, neighbors, neighborhood associations,
17 community meetings, and employers. The relevant
18 information available to the general public may be
19 distributed to the public through printed materials,
20 visual or audio press releases, radio communications,
21 or through a criminal or juvenile justice agency's
22 internet site.
23 4. When a sex offender moves into a school
24 district or moves within a school district, the county
25 sheriff of the county of the offender's new residence
26 shall provide relevant information that is available
27 to the general public in subsection 2 to the
28 administrative office of the school district in which
29 the person required to register resides, and shall
30 also provide relevant information to any nonpublic
31 school near the offender's residence.
32 5. a. A member of the public may contact a county
33 sheriff's office to request relevant information from
34 the registry regarding a specific sex offender. A
35 person making a request for relevant information may
36 make the request by telephone, in writing, or in
37 person, and the request shall include the name of the
38 person and at least one of the following identifiers
39 pertaining to the sex offender about whom the
40 information is sought:
41 (1) The date of birth of the person.
42 (2) The social security number of the person.
43 (3) The address of the person.
44 (4) Internet identifiers.
45 (5) Telephone numbers, including any landline or
46 wireless numbers.
47 b. The relevant information made available to the
48 general public pursuant to this subsection shall
49 include all the relevant information provided to the
50 general public on the internet site pursuant to

Page 30

1 subsection 2, and the following additional relevant
2 information:
3 (1) Educational institutions attended as a
4 student, including the name and address of such
5 institution.
6 (2) Employment information including the name and
7 address of employer.
8 (3) Temporary lodging information, including the
9 dates when residing at the temporary lodging.
10 (4) Vehicle information.
11 c. A county sheriff or police department shall not
12 charge a fee relating to a request for relevant
13 information.
14 6. A county sheriff shall also provide to a person
15 upon request access to a list of all registrants in
16 that county.
17 7. The following relevant information shall not be
18 provided to the general public:
19 a. The identity of the victim.
20 b. Arrests not resulting in a conviction.
21 c. Passport and immigration documents.
22 d. A government issued driver's license or
23 identification card.
24 e. DNA information.
25 f. Fingerprints.
26 g. Palm prints.
27 h. Professional licensing information.
28 i. Social security number.
29 j. Real name protected under 18 U.S.C § 3521.
30 8. Notwithstanding sections 232.147 through
31 232.151, records concerning convictions which are
32 committed by a minor may be released in the same
33 manner as records of convictions of adults.
34 9. A person may contact the department or a county
35 sheriff's office to verify if a particular internet
36 identifier or telephone number is one that has been
37 included in a registration by a sex offender.
38 10. The department shall include links to sex
39 offender safety information, educational resources
40 pertaining to the prevention of sexual assaults, and
41 the national sex offender registry.
42 11. The department shall include on the sex
43 offender registry internet site instructions and any
44 applicable forms necessary for a person seeking
45 correction of information that the person contends is
46 erroneous.
47 12. When the department receives and approves
48 registration data, such data shall be made available
49 on the sex offender registry internet site within five
50 business days.

Page 31

1 13. The department shall maintain an automated
2 electronic mail notification system, which shall be
3 available by free subscription to any person, to
4 provide notice of addition, deletion, or changes to
5 any sex offender registration, relevant information
6 within a postal zip code or, if selected by a
7 subscriber, a geographic radius or, if selected by a
8 subscriber, specific to a sex offender.

9 14. Sex offender registry records are confidential
10 records not subject to examination and copying by a
11 member of the public and shall only be released as
12 provided in this section.

13 Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH
14 REGISTRATION.

15 An agency of state and local government that
16 possesses information relevant to requirements that an
17 offender register under this chapter shall provide
18 that information to the court or the department upon
19 request. All confidential records provided under this
20 section shall remain confidential, unless otherwise
21 ordered by a court, by the lawful custodian of the
22 records, or by another person duly authorized to
23 release such information.

24 Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD
25 FAITH CONDUCT.

26 Criminal or juvenile justice agencies and employees
27 of criminal or juvenile justice agencies and state
28 agencies and their employees shall be immune from
29 liability for acts or omissions arising from a good
30 faith effort to comply with this chapter.

31 Sec. 24. NEW SECTION. 692A.124 ELECTRONIC
32 MONITORING.

33 A sex offender who is placed on probation, parole,
34 work release, special sentence, or any other type of
35 conditional release, may be supervised by an
36 electronic tracking and monitoring system in addition
37 to any other conditions of supervision. However, if
38 the person committed a sex offense against a minor,
39 the person shall be supervised for a period of at
40 least five years by an electronic tracking and
41 monitoring system in addition to any other conditions
42 of release.

43 Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF
44 CHAPTER AND RETROACTIVITY.

45 1. The registration requirements of this chapter
46 shall apply to sex offenders convicted on or after the
47 effective date of this Act of a sex offense classified
48 under section 692A.102.

49 2. The registration requirements of this chapter
50 shall apply to a sex offender convicted of a sex

Page 32

1 offense or a comparable offense under prior law prior
2 to the effective date of this Act under the following
3 circumstances:
4 a. Any sex offender including a juvenile offender
5 who is required to be on the sex offender registry as
6 of June 30, 2009.
7 b. Any sex offender who is incarcerated on or
8 after the effective date of this Act, for conviction
9 of a sex offense committed prior to the effective date
10 of this Act.
11 c. Any sex offender who is serving a special
12 sentence pursuant to section 903B.1 or 903B.2 prior to
13 the effective date of this Act.
14 3. For a sex offender required to register
15 pursuant to subsection 1 or 2, each conviction or
16 adjudication for a sex offense requiring registration,
17 regardless of whether such conviction or adjudication
18 occurred prior to, on, or after the effective date of
19 this Act, shall be included in determining the tier
20 requirements pursuant to this chapter.
21 4. An offender on the sex offender registry as of
22 June 30, 2009, and who is required to be on the
23 registry on or after July 1, 2009, shall be credited
24 for any time on the registry prior to July 1, 2009.
25 Sec. 26. NEW SECTION. 692A.126 SEXUALLY
26 MOTIVATED OFFENSE – DETERMINATION.
27 1. If a judge or jury makes a determination,
28 beyond a reasonable doubt, that any of the following
29 offenses for which a conviction has been entered are
30 sexually motivated, the person shall be required to
31 register as provided in this chapter:
32 a. Murder in the first degree in violation of
33 section 707.2.
34 b. Murder in the second degree in violation of
35 section 707.3.
36 c. Voluntary manslaughter in violation of section
37 707.4.
38 d. Involuntary manslaughter in violation of
39 section 707.5.
40 e. Attempt to commit murder in violation of
41 section 707.11.
42 f. Harassment in violation of section 708.7,
43 subsection 1, 2, or 3.
44 g. Stalking in violation of section 708.11,
45 subsection 3, paragraph “b”, subparagraph (3).
46 h. Kidnapping in the first degree in violation of
47 section 710.2.
48 i. Kidnapping in the second degree in violation of
49 section 710.3.
50 j. Kidnapping in the third degree in violation of

Page 33

1 section 710.4.

2 k. Child stealing in violation of section 710.5.

3 l. Purchase or sale or attempted purchase or sale
4 of an individual in violation of section 710.11.

5 m. Burglary in the first degree in violation of
6 section 713.3, subsection 1, paragraph "a", "b", or
7 "c".

8 n. Attempted burglary in the first degree in
9 violation of section 713.4.

10 o. Burglary in the second degree in violation of
11 section 713.5.

12 p. Attempted burglary in the second degree in
13 violation of section 713.6.

14 q. Burglary in the third degree in violation of
15 section 713.6A.

16 r. Attempted burglary in the third degree in
17 violation of section 713.6B.

18 2. If a person is convicted of an offense in
19 another jurisdiction, or of an offense that was
20 prosecuted in a federal, military, or foreign court,
21 that is comparable to an offense specified in
22 subsection 1, the person shall be required to register
23 as provided in this chapter if the department makes a
24 determination that the offense was sexually motivated.

25 3. If a juvenile is convicted of an offense in
26 another jurisdiction, or of an offense as a juvenile
27 in a similar juvenile court proceeding in a federal,
28 military, or foreign court, that is comparable to an
29 offense specified in subsection 1, the person shall be
30 required to register as provided in this chapter if
31 the department makes a determination that the offense
32 was sexually motivated.

33 Sec. 27. NEW SECTION. 692A.127 MODIFICATION.

34 1. A sex offender who is on probation, parole,
35 work release, special sentence, or any other type of
36 conditional release may file an application in
37 district court seeking to modify the registration
38 requirements under this chapter.

39 2. An application shall not be granted unless all
40 of the following apply:

41 a. The date of the commencement of the requirement
42 to register occurred at least two years prior to the
43 filing of the application for a tier I offender and
44 five years prior to the filing of the application for
45 a tier II or III offender.

46 b. The sex offender has successfully completed all
47 sex offender treatment programs that have been
48 required.

49 c. A risk assessment has been completed and the
50 sex offender was classified as a low risk to reoffend.

Page 34

1 The risk assessment used to assess an offender as a
2 low risk to reoffend shall be a validated risk
3 assessment approved by the department of corrections.

4 d. The sex offender is not incarcerated when the
5 application is filed.

6 e. The director of the judicial district
7 department of correctional services supervising the
8 sex offender, or the director's designee, stipulates
9 to the modification, and a certified copy of the
10 stipulation is attached to the application.

11 3. The application shall be filed in the sex
12 offender's county of principal residence.

13 4. Notice of any application shall be provided to
14 the county attorney of the county of the sex
15 offender's principal residence, the county attorney of
16 any county in this state where a conviction requiring
17 the sex offender's registration occurred, and the
18 department. The county attorney where the conviction
19 occurred shall notify the victim of an application if
20 the victim's address is known.

21 5. The court may, but is not required to, conduct
22 a hearing on the application to hear any evidence
23 deemed appropriate by the court. The court may modify
24 the registration requirements under this chapter.

25 6. A sex offender may be granted a modification if
26 the offender is required to be on the sex offender
27 registry as a result of an adjudication for a sex
28 offense, the offender is not under the supervision of
29 the juvenile court or a judicial district judicial
30 department of correctional services, and the
31 department of corrections agrees to perform a risk
32 assessment on the sex offender. However, all other
33 provisions of this section not in conflict with this
34 subsection shall apply to the application prior to an
35 application being granted except that the sex offender
36 is not required to obtain a stipulation from the
37 director of a judicial district department of
38 correctional services, or the director's designee.

39 7. If the court modifies the registration
40 requirements under this chapter, the court shall send
41 a copy of the order to the department, the sheriff of
42 the county of the sex offender's principal residence,
43 any county attorney notified in subsection 4, and the
44 victim, if the victim's address is known.

45 Sec. 28. NEW SECTION. 692A.128 PROBATION AND
46 PAROLE OFFICERS.

47 A probation or parole officer supervising a sex
48 offender is not precluded from imposing more
49 restrictive exclusion zone requirements, employment
50 prohibitions, and residency restrictions than under

Page 35

1 sections 692A.113 and 692A.114.

2 Sec. 29. NEW SECTION. 692A.129 RULES.

3 The department shall adopt rules pursuant to
4 chapter 17A to administer this chapter.

5 Sec. 30. Sections 692A.1 through 692A.16, Code
6 2009, are repealed.

7 DIVISION II

8 SEX OFFENDER REGISTRY RELATED CHANGES

9 Sec. 31. Section 13.2, subsection 1, paragraph d,
10 Code 2009, is amended to read as follows:

11 d. Prosecute and defend all actions and
12 proceedings brought by or against any employee of a
13 judicial district department of correctional services
14 in the performance of an assessment of risk ~~pursuant~~
15 ~~to chapter 692A.~~

16 Sec. 32. Section 22.7, subsection 48, Code 2009,
17 is amended to read as follows:

18 48. Sex offender registry records under chapter
19 692A, except as provided in section ~~692A.13~~ 692A.121.

20 Sec. 33. Section 232.53, subsections 2 and 3, Code
21 2009, are amended to read as follows:

22 2. All dispositional orders entered prior to the
23 child attaining the age of seventeen years shall
24 automatically terminate when the child becomes
25 eighteen years of age, except as provided in section
26 2A. Dispositional orders entered subsequent to the
27 child attaining the age of seventeen years and prior
28 to the child's eighteenth birthday shall automatically
29 terminate one year and six months after the date of
30 disposition. In the case of an adult within the
31 jurisdiction of the court under the provisions of
32 section 232.8, subsection 1, the dispositional order
33 shall automatically terminate one year and six months
34 after the last date upon which jurisdiction could
35 attach.

36 3. Notwithstanding section 233A.13, a child
37 committed to the training school subsequent to the
38 child attaining the age of seventeen years and prior
39 to the child's eighteenth birthday may be held at the
40 school beyond the child's eighteenth birthday pursuant
41 to subsection 2 or 2A, provided that the training
42 school makes application to and receives permission
43 from the committing court. This extension shall be
44 for the purpose of completion by the child of a course
45 of instruction established for the child pursuant to
46 section 233A.4 and cannot extend for more than one
47 year and six months beyond the date of disposition
48 unless the duration of the dispositional order was
49 extended pursuant to section 2A.

50 Sec. 34. Section 232.52A, Code 2009, is amended by

Page 36

1 adding the following new unnumbered paragraph:
2 NEW UNNUMBERED PARAGRAPH. If the duration of a
3 dispositional order is extended pursuant to section
4 232.53, subsection 2A, the court may continue or
5 extend supervision by an electronic tracking and
6 monitoring system in addition to any other conditions
7 of supervision.

8 Sec. 35. Section 232.53, Code 2009, is amended by
9 adding the following new subsection:
10 NEW SUBSECTION. 2A. A dispositional order entered
11 prior to the child attaining the age of seventeen, for
12 a child required to register as a sex offender
13 pursuant to the provisions of chapter 692A, may be
14 extended one year and six months beyond the date the
15 child becomes eighteen years of age.

16 Sec. 36. Section 232.54, Code 2009, is amended by
17 adding the following new subsection:
18 NEW SUBSECTION. 8A. With respect to a
19 dispositional order requiring a child to register as a
20 sex offender pursuant to chapter 692A, the juvenile
21 court shall determine whether the child shall remain
22 on the sex offender registry prior to termination of
23 the dispositional order.

24 Sec. 37. Section 232.116, subsection 1, paragraph
25 o, Code 2009, is amended to read as follows:
26 o. The parent has been convicted of a felony
27 offense that is a ~~criminal sex~~ offense against a minor
28 as defined in section ~~692A.1~~ 692A.101, the parent is
29 divorced from or was never married to the minor's
30 other parent, and the parent is serving a minimum
31 sentence of confinement of at least five years for
32 that offense.

33 Sec. 38. Section 272.2, subsection 17, Code 2009,
34 is amended to read as follows:
35 17. Adopt rules to require that a background
36 investigation be conducted by the division of criminal
37 investigation of the department of public safety on
38 all initial applicants for licensure. The board shall
39 also require all initial applicants to submit a
40 completed fingerprint packet and shall use the packet
41 to facilitate a national criminal history background
42 check. The board shall have access to, and shall
43 review the sex offender registry information under
44 section ~~692A.13~~ 692A.121 available to the general
45 public, the central registry for child abuse
46 information established under chapter 235A, and the
47 dependent adult abuse records maintained under chapter
48 235B for information regarding applicants for license
49 renewal.

50 Sec. 39. Section 279.13, subsection 1, paragraph

Page 37

1 b, subparagraph (1), Code 2009, is amended to read as
2 follows:

3 (1) Prior to entering into an initial contract
4 with a teacher who holds a license other than an
5 initial license issued by the board of educational
6 examiners under chapter 272, the school district shall
7 initiate a state criminal history record check of the
8 applicant through the division of criminal
9 investigation of the department of public safety,
10 submit the applicant's fingerprints to the division
11 for submission to the federal bureau of investigation
12 for a national criminal history record check, and
13 review the sex offender registry information under
14 ~~section 692A.13~~ 692A.121 available to the general
15 public, the central registry for child abuse
16 information established under section 235A.14, and the
17 central registry for dependent adult abuse information
18 established under section 235B.5 for information
19 regarding applicants for employment as a teacher.

20 Sec. 40. Section 282.9, subsection 2, Code 2009,
21 is amended to read as follows:

22 2. Notwithstanding ~~section 692A.13~~ 692A.121, or
23 any other provision of law to the contrary, the county
24 sheriff shall provide to the boards of directors of
25 the school districts located within the county the
26 name of any individual under the age of twenty-one who
27 is required to register as a sex offender under
28 chapter 692A.

29 Sec. 41. Section 598.41A, Code 2009, is amended to
30 read as follows:

31 598.41A VISITATION – HISTORY OF CRIMES AGAINST A
32 MINOR.

33 Notwithstanding section 598.41, the court shall
34 consider in the award of visitation rights to a parent
35 of a child, the criminal history of the parent if the
36 parent has been convicted of a ~~criminal offense~~
37 ~~against a minor, a sexually violent offense against a~~
38 ~~minor, or sexual exploitation of a minor. As used in~~
39 ~~this section, "criminal offense against a minor",~~
40 ~~"sexually violent offense", and "sexual exploitation"~~
41 ~~mean as defined in section 692A.1 sex offense against~~
42 a minor as defined in section 692A.101.

43 Sec. 42. Section 600A.8, subsection 10, Code 2009,
44 is amended to read as follows:

45 10. The parent has been convicted of a felony
46 offense that is a ~~criminal sex~~ offense against a minor
47 as defined in section ~~692A.1~~ 692A.101, the parent is
48 divorced from or was never married to the minor's
49 other parent, and the parent is serving a minimum
50 sentence of confinement of at least five years for

Page 38

1 that offense.

2 Sec. 43. Section 602.8105, subsection 2, Code
3 2009, is amended by adding the following new
4 paragraph:

5 NEW PARAGRAPH. gg. For applicable convictions
6 under section 692A.110 prior to July 1, 2009, a civil
7 penalty of two hundred dollars, and for applicable
8 convictions under section 692A.110 on or after July 1,
9 2009, a civil penalty of two hundred fifty dollars.

10 Sec. 44. Section 602.8107, subsection 4, paragraph
11 a, Code 2009, is amended to read as follows:

12 a. This subsection does not apply to amounts
13 collected for victim restitution, the victim
14 compensation fund, the criminal penalty surcharge, sex
15 offender civil penalty, drug abuse resistance
16 education surcharge, the law enforcement initiative
17 surcharge, county enforcement surcharge, amounts
18 collected as a result of procedures initiated under
19 subsection 5 or under section 8A.504, or fees charged
20 pursuant to section 356.7.

21 Sec. 45. Section 602.8108, subsection 2, Code
22 2009, is amended to read as follows:

23 2. Except as otherwise provided, the clerk of the
24 district court shall report and submit to the state
25 court administrator, not later than the fifteenth day
26 of each month, the fines and fees received during the
27 preceding calendar month. Except as provided in
28 subsections 3, 4, 5, 7, 8, ~~and 9~~, and 10, the state
29 court administrator shall deposit the amounts received
30 with the treasurer of state for deposit in the general
31 fund of the state. The state court administrator
32 shall report to the legislative services agency within
33 thirty days of the beginning of each fiscal quarter
34 the amount received during the previous quarter in the
35 account established under this section.

36 Sec. 46. Section 602.8108, Code 2009, is amended
37 by adding the following new subsection:

38 NEW SUBSECTION. 10. The clerk of the district
39 court shall remit to the treasurer of state, not later
40 than the fifteenth day of each month, all moneys
41 collected from the sex offender civil penalty provided
42 in section 692A.110 during the preceding calendar
43 month. Of the amount received from the clerk, the
44 treasurer of state shall allocate ten percent to be
45 deposited in the court technology and modernization
46 fund established in subsection 7. The treasurer of
47 state shall deposit the remainder into the sex
48 offender registry fund established in section
49 692A.119.

50 Sec. 47. Section 707.2, Code 2009, is amended by

Page 39

1 adding the following new unnumbered paragraph after
2 subsection 6:

3 NEW UNNUMBERED PARAGRAPH. For purposes of
4 determining whether a person should register as a sex
5 offender pursuant to the provisions of chapter 692A,
6 the fact finder shall make a determination as provided
7 in section 692A.126.

8 Sec. 48. Section 707.3, Code 2009, is amended by
9 adding the following new unnumbered paragraph after
10 unnumbered paragraph 2:

11 NEW UNNUMBERED PARAGRAPH. For purposes of
12 determining whether a person should register as a sex
13 offender pursuant to the provisions of chapter 692A,
14 the fact finder shall make a determination as provided
15 in section 692A.126.

16 Sec. 49. Section 707.4, Code 2009, is amended by
17 adding the following new unnumbered paragraph after
18 unnumbered paragraph 3:

19 NEW UNNUMBERED PARAGRAPH. For purposes of
20 determining whether a person should register as a sex
21 offender pursuant to the provisions of chapter 692A,
22 the fact finder shall make a determination as provided
23 in section 692A.126.

24 Sec. 50. Section 707.5, Code 2009, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 3. For purposes of determining
27 whether a person should register as a sex offender
28 pursuant to the provisions of chapter 692A, the fact
29 finder shall make a determination as provided in
30 section 692A.126.

31 Sec. 51. Section 707.11, Code 2009, is amended by
32 adding the following new unnumbered paragraph after
33 unnumbered paragraph 2:

34 NEW UNNUMBERED PARAGRAPH. For purposes of
35 determining whether the person should register as a
36 sex offender pursuant to the provisions of chapter
37 692A, the fact finder shall make a determination as
38 provided in section 692A.126.

39 Sec. 52. Section 708.7, Code 2009, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 5. For purposes of determining
42 whether or not the person should register as a sex
43 offender pursuant to the provisions of chapter 692A,
44 the fact finder shall make a determination as provided
45 in section 692A.126.

46 Sec. 53. Section 708.11, Code 2009, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 6. For purposes of determining
49 whether or not the person should register as a sex
50 offender pursuant to the provisions of chapter 692A,

Page 40

1 the fact finder shall make a determination as provided
2 in section 692A.126.

3 Sec. 54. Section 710.2, Code 2009, is amended by
4 adding the following new unnumbered paragraph after
5 unnumbered paragraph 2:

6 NEW UNNUMBERED PARAGRAPH. For purposes of
7 determining whether the person should register as a
8 sex offender pursuant to the provisions of chapter
9 692A, the fact finder shall make a determination as
10 provided in section 692A.126.

11 Sec. 55. Section 710.3, Code 2009, is amended by
12 adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. For purposes of
14 determining whether the person should register as a
15 sex offender pursuant to the provisions of chapter
16 692A, the fact finder shall make a determination as
17 provided in section 692A.126.

18 Sec. 56. Section 710.4, Code 2009, is amended by
19 adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. For purposes of
21 determining whether the person should register as a
22 sex offender pursuant to the provisions of chapter
23 692A, the fact finder shall make a determination as
24 provided in section 692A.126.

25 Sec. 57. Section 710.5, Code 2009, is amended by
26 adding the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. For purposes of
28 determining whether the person should register as a
29 sex offender pursuant to the provisions of chapter
30 692A, the fact finder shall make a determination as
31 provided in section 692A.126.

32 Sec. 58. Section 903B.1, Code 2009, is amended to
33 read as follows:

34 903B.1 SPECIAL SENTENCE – CLASS “B” OR CLASS “C”
35 FELONIES.

36 A person convicted of a class “C” felony or greater
37 offense under chapter 709, or a class “C” felony under
38 section 728.12, shall also be sentenced, in addition
39 to any other punishment provided by law, to a special
40 sentence committing the person into the custody of the
41 director of the Iowa department of corrections for the
42 rest of the person's life, with eligibility for parole
43 as provided in chapter 906. The board of parole shall
44 determine whether the person should be released on
45 parole or placed in a work release program. The
46 special sentence imposed under this section shall
47 commence upon completion of the sentence imposed under
48 any applicable criminal sentencing provisions for the
49 underlying criminal offense and the person shall begin
50 the sentence under supervision as if on parole or work

Page 41

1 release. The person shall be placed on the
2 corrections continuum in chapter 901B, and the terms
3 and conditions of the special sentence, including
4 violations, shall be subject to the same set of
5 procedures set out in chapters 901B, 905, 906, and
6 chapter 908, and rules adopted under those chapters
7 for persons on parole or work release. The revocation
8 of release shall not be for a period greater than two
9 years upon any first revocation, and five years upon
10 any second or subsequent revocation. A special
11 sentence shall be considered a category "A" sentence
12 for purposes of calculating earned time under section
13 903A.2.

14 Sec. 59. Section 903B.2, Code 2009, is amended to
15 read as follows:

16 903B.2 SPECIAL SENTENCE – CLASS "D" FELONIES OR
17 MISDEMEANORS.

18 A person convicted of a misdemeanor or a class "D"
19 felony offense under chapter 709, section 726.2, or
20 section 728.12 shall also be sentenced, in addition to
21 any other punishment provided by law, to a special
22 sentence committing the person into the custody of the
23 director of the Iowa department of corrections for a
24 period of ten years, with eligibility for parole as
25 provided in chapter 906. The board of parole shall
26 determine whether the person should be released on
27 parole or placed in a work release program. The
28 special sentence imposed under this section shall
29 commence upon completion of the sentence imposed under
30 any applicable criminal sentencing provisions for the
31 underlying criminal offense and the person shall begin
32 the sentence under supervision as if on parole or work
33 release. The person shall be placed on the
34 corrections continuum in chapter 901B, and the terms
35 and conditions of the special sentence, including
36 violations, shall be subject to the same set of
37 procedures set out in chapters 901B, 905, 906, and
38 908, and rules adopted under those chapters for
39 persons on parole or work release. The revocation of
40 release shall not be for a period greater than two
41 years upon any first revocation, and five years upon
42 any second or subsequent revocation. A special
43 sentence shall be considered a category "A" sentence
44 for purposes of calculating earned time under section
45 903A.2.

46 Sec. 60. Section 907.3, subsection 1, Code 2009,
47 is amended by adding the following new paragraph:
48 NEW PARAGRAPH. m. The offense is a violation of
49 chapter 692A.

50 Sec. 61. Section 907.3, subsection 2, Code 2009,

Page 42

1 is amended by adding the following new paragraph:
2 NEW PARAGRAPH. g. The offense is a violation of
3 chapter 692A.
4 Sec. 62. NEW SECTION. 915.17A NOTIFICATION BY
5 JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

6 A judicial district department of correctional
7 services shall notify a registered victim, regarding a
8 sex offender convicted of a sex offense against a
9 minor who is under the supervision of a judicial
10 district department of correctional services, of the
11 following:

12 1. The beginning date for use of an electronic
13 tracking and monitoring system to supervise the sex
14 offender and the type of electronic tracking and
15 monitoring system used.

16 2. The date of any modification to the use of an
17 electronic tracking and monitoring system and the
18 nature of the change.

19 DIVISION III

20 COHABITATION WITH A SEX OFFENDER

21 Sec. 63. Section 232.68, subsection 2, paragraph
22 i, Code 2009, is amended to read as follows:

23 i. ~~Cohabitation with a person~~ Knowingly allowing a
24 person custody or control of, or unsupervised access
25 to a child or minor, after knowing the person is
26 required to register or is on the sex offender
27 registry under chapter 692A ~~is for~~ a violation of
28 section 726.6.

29 Sec. 64. Section 726.6, subsection 1, paragraph h,
30 Code 2009, is amended to read as follows:

31 h. ~~Cohabits with a person~~ Knowingly allows a
32 person custody or control of, or unsupervised access
33 to a child or a minor after knowing the person is
34 required to register or is on the sex offender
35 registry as a sex offender under chapter 692A.
36 However, this paragraph does not apply to a person who
37 is a parent, ~~or guardian, or a person having custody~~
38 ~~or control over~~ of a child or a minor, who is required
39 to register as a sex offender, or to a person who is
40 married to and living with a person required to
41 register as a sex offender.

42 DIVISION IV

43 SEVERABILITY

44 Sec. 65. SEVERABILITY OF ACT. If any provision of
45 this Act or the application of this Act to any person
46 is held invalid, the invalidity shall not affect the
47 provisions or application of this Act which can be
48 given effect without the invalid provisions or
49 application, and to this end the provisions of this
50 Act are severable.

Page 43

1 DIVISION V
 2 STATE MANDATE
 3 Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2,
 4 subsection 3, shall not apply to this Act.”

Roll call was requested by Paulsen of Linn and Tymeson of Madison.

On the question “Shall amendment [H-1712](#) be adopted?” ([S.F. 340](#))

The ayes were, 29:

Alons	Cownie	Deyoe	Drake
Forristall	Grassley	Hagenow	Helland
Huseman	Kaufmann	Koester	Lukan
Miller, L.	Olson, S.	Paulsen	Pettengill
Rants	Rayhons	Roberts	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tymeson	Upmeyer	Wagner
Windschitl			

The nays were, 66:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Dolecheck
Ficken	Ford	Frevert	Gaskill
Gayman	Heaton	Heddens	Horbach
Hunter	Huser	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Van Engelenhoven
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Worthan
Zirkelbach	Olson, T., Presiding		

Absent or not voting, 5:

Chambers	De Boef	Raecker	Sands
Wenthe			

Amendment [H-1712](#) lost.

Baudler of Adair moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 340](#))

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Palmer	Paulsen
Petersen	Quirk	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, T., Presiding			

The nays were, 3:

Pettengill	Rants	Struyk
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Absent or not voting, 4:

Chambers	De Boef	Raecker	Wenthe
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 340](#) be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 2:08 p.m., until 3:10 p.m.

AFTERNOON SESSION

The House reconvened at 3:30 p.m., Zirkelbach of Jones in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety members present, ten absent.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ([Senate File 457](#))

T. Olson of Linn called up for consideration the report of the conference committee on [Senate File 457](#) and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON [SENATE FILE 457](#)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on [Senate File 457](#), a bill for an Act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, [H-1655](#).
2. That the House amendment, [S-3246](#), to [Senate File 457](#), as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 3, by inserting after line 15 the following:

“ ___ . Page 12, by inserting after line 22 the following:

“DIVISION IV
DISASTER RECOVERY HOUSING PROJECT TAX CREDIT

Sec. ___ . NEW SECTION. 16.191 DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

1. a. A tax credit shall be allowed against the taxes imposed in chapter 422, divisions II and III for a portion of a taxpayer's qualifying investment, as provided in subsection 3, in a qualifying disaster recovery housing project. To qualify as a disaster recovery housing project, a property, and the activities affecting the property, shall meet all of the following conditions:

(1) The property is owned by a taxpayer who is an individual, business, or corporation subject to taxation under chapter 422, divisions II or III.

(2) A qualifying investment, as defined in subsection 3, is made by the taxpayer.

(3) The project involves the construction or rehabilitation of housing on the property.

(4) The property is located in an area that the governor proclaimed a disaster emergency or the president of the United States declared a major disaster during the period of time beginning May 1, 2008, and ending August 31, 2008.

(5) An application for low-income housing tax credits pursuant to section 42 of the Internal Revenue Code has been submitted to the Iowa finance authority on behalf of the project and has been determined by the authority to meet the threshold requirements for an award of credits as set forth in the applicable qualified allocation plan.

(6) The project meets the requirements relating to the density of residential housing in the area as established by the authority.

(7) The project meets the requirements relating to the availability of and the accessibility to educational services as established by the authority. For the purposes of this section “educational services” includes but is not limited to public schools, job training, and financial literacy services.

(8) The project is designed to avoid, prevent, or mitigate the effects of a future natural disaster.

b. An individual may claim a tax credit under this subsection of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

2. a. To claim a disaster recovery housing project tax credit under this section, a taxpayer must attach one or more tax credit certificates to the taxpayer's tax return. The tax credit certificate or certificates attached to the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return.

b. After verifying the eligibility of a taxpayer for a tax credit pursuant to this section, the authority shall issue a disaster recovery housing project tax credit certificate to be attached to the taxpayer's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number; the amount of the credit; and any other information required by the department of revenue.

c. The tax credit certificate, unless otherwise void, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, divisions II or III subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of this section.

d. Tax credit certificates issued under this section are not transferable to any person or entity.

3. a. The tax credit equals seventy-five percent of the taxpayer's qualifying investment in a disaster recovery housing project. For the purposes of this section, "qualifying investment" means the costs incurred by the taxpayer that are directly related to a disaster recovery housing project, as defined in subsection 1, and which are incurred on or after the effective date of this division of this Act and prior to July 1, 2010.

b. The amount of the tax credit calculated under paragraph "a" shall be divided by five and applied equally to the taxpayer's tax liability for five consecutive tax years commencing with the tax year beginning in the 2011 calendar year. Any tax credit in excess of the taxpayer's liability for the tax year is not refundable.

4. For purposes of individual and corporate income taxes, the increase in the basis of the property that would otherwise result from the disaster recovery housing investment shall be reduced by the amount of the tax credit allowed under this section.

5. The maximum amount of tax credits issued by the authority under this section shall not exceed three million dollars in each of the five tax years. The authority shall issue the tax credit certificates on a first-come, first-served basis.

Sec. . NEW SECTION. 16.192 APPROVAL – REQUIREMENTS – REPAYMENT.

1. A taxpayer seeking to claim a tax credit pursuant to section 16.191 shall apply to the authority which shall have the power to approve the amount of tax credit available for each disaster recovery housing project.

2. A taxpayer applying for a tax credit shall provide the authority with all of the following:

a. Information showing the total qualified investment made in the disaster recovery housing project.

b. Information about the financing sources that are directly related to the disaster recovery housing project for which the taxpayer is seeking approval for the tax credit.

3. If a taxpayer receives a tax credit pursuant to section 16.191, but fails to comply with any of the requirements in this section or section 16.191, or fails to comply with local zoning or construction ordinances, the tax credit is void, and the department of revenue shall seek recovery of the value of the credit received.

Sec. ____ NEW SECTION. 422.11X DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec. _____. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec. _____. EFFECTIVE AND APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to disaster recovery housing project costs incurred on or after the effective date of this Act and before July 1, 2010."

____. Title page, line 14, by inserting after the word "areas," the following: "providing income tax credits for certain disaster recovery housing projects,"."

2. By renumbering as necessary.

ON THE PART OF THE SENATE:

ROBERT HOGG, CHAIR
JOE BOLKCOM
SHAWN HAMERLINCK
MATT MCCOY
KIM REYNOLDS

ON THE PART OF THE HOUSE:

TYLER OLSON, CHAIR
PAT GRASSLEY
ERIK HELLAND
CHUCK ISENHART
DONOVAN OLSON

The motion prevailed and the conference committee report was adopted.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 457](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevort	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach,	
	Presiding		

The nays were, none.

Absent or not voting, 5:

Baudler	Chambers	De Boef	Olson, R.
Wenthe			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Mascher of Johnson in the chair at 3:53 p.m.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 457](#) be immediately messaged to the Senate.

Ways and Means Calendar

[Senate File 304](#), a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program, with report of committee recommending amendment and passage, was taken up for consideration.

D. Olson of Boone asked and received unanimous consent to withdraw amendment [H-1651](#) filed by him on April 20, 2009.

Wendt of Woodbury asked and received unanimous consent to withdraw the committee amendment [H-1663](#) filed by the committee on ways and means on April 22, 2009, placing out of order amendment [H-1690](#) filed by Sands of Louisa on April 23, 2009 and amendment [H-1703](#) filed by Sands of Louisa on April 23, 2009.

D. Olson of Boone offered amendment [H-1704](#) filed by him and Wendt of Woodbury as follows:

[H-1704](#)

1 Amend [Senate File 304](#), as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 403.19A, subsection 3,
6 paragraph c, Code 2009, is amended to read as follows:
7 c. (1) The pilot project city shall enter into a
8 withholding agreement with each employer concerning
9 the targeted jobs withholding credit. The withholding
10 agreement shall provide for the total amount of
11 withholding tax credits awarded. An agreement shall
12 not provide for an amount of withholding credits that
13 exceeds the amount of the qualifying investment made
14 in the project. However, an An agreement shall not be
15 entered into by a pilot project city with a business
16 currently located in this state unless the business
17 either creates ten new jobs or makes a qualifying

18 investment of at least five hundred thousand dollars
19 within the urban renewal area. The withholding
20 agreement may have a term of up to ten years. An
21 employer shall not be obligated to enter into a
22 withholding agreement. An agreement shall not be
23 entered into with an employer not already located in a
24 pilot project city when another Iowa community is
25 competing for the same project and both the pilot
26 project city and the other Iowa community are seeking
27 assistance from the department.

28 (2) The pilot project city shall not enter into a
29 withholding agreement after June 30, ~~2010~~ 2013.

30 (3) The pilot project city shall provide on an
31 annual basis to the department of economic development
32 information documenting the total amount of payments
33 and receipts under a withholding agreement, including
34 all agreements with an employer to suspend, abate,
35 exempt, rebate, refund, or reimburse property taxes,
36 to provide a grant for property taxes paid or a grant
37 not related to property taxes, or to make a direct
38 payment of taxes, with moneys in the special fund.
39 The department of economic development shall verify
40 the information provided by the pilot project city.

41 (4) The department shall have the authority to
42 approve or deny a withholding agreement and shall only
43 deny an agreement if the agreement fails to meet the
44 requirements of this paragraph "c" or the local match
45 requirements in paragraph "j", or if an employer is
46 not in good standing as to prior or existing
47 agreements with the department of economic
48 development. The department may suggest changes to an
49 agreement.

50 Sec. 2. Section 403.19A, subsection 3, paragraph

Page 2

1 j, Code 2009, is amended by striking the paragraph and
2 inserting in lieu thereof the following:

3 j. (1) A pilot project city entering into a
4 withholding agreement shall arrange for matching local
5 financial support for the project. The local match
6 required under this paragraph "j" shall be in an
7 amount equal to one dollar for every dollar of
8 withholding credit received by the pilot project city.

9 (2) For purposes of this paragraph "j", "local
10 financial support" means cash or in-kind contributions
11 to the project from a private donor, a business, or
12 the pilot project city.

13 (3) If the project, when completed, will increase
14 the amount of an employer's taxable capital investment
15 by an amount equal to at least ten percent of the
16 amount of withholding credit dollars received by the

17 pilot project city, then the pilot project city shall
18 itself contribute at least ten percent of the local
19 match amount computed under subparagraph (1).
20 (4) If the project, when completed, will not
21 increase the amount of an employer's taxable capital
22 investment by an amount at least equal to ten percent
23 of the amount of withholding credit dollars received
24 by the pilot project city, then the pilot project city
25 shall not be required to make a contribution to the
26 local match.
27 (5) A pilot project city's contribution, if any,
28 to the local match may include the dollar value of any
29 tax abatement provided by the city to the business for
30 new construction."
31 2. By renumbering as necessary.

Sands of Louisa offered the following amendment [H-1708](#), to amendment [H-1704](#), filed by him from the floor and moved its adoption:

[H-1708](#)

1 Amend the amendment, [H-1704](#), to [Senate File 304](#), as
2 passed by the Senate, as follows:
3 1. Page 1, by inserting before line 5 the
4 following:
5 "Section 1. Section 403.19A, subsection 2, Code
6 2009, is amended to read as follows:
7 2. a. An eligible city may apply to the
8 department of economic development to be designated as
9 a pilot project city. An eligible city is a city that
10 ~~contains~~ meets one of the following requirements:
11 (1) Contains three or more census tracts and is
12 located in a county meeting one of the following
13 requirements:
14 ~~(a)~~ (a) A county that borders Nebraska.
15 ~~(b)~~ (b) A county that borders South Dakota.
16 ~~(c)~~ (c) A county that borders a state other than
17 Nebraska or South Dakota.
18 (2) Shares a boundary contiguous with an approved
19 pilot project city.
20 b. (1) The department of economic development
21 shall approve four eligible cities as pilot project
22 cities, one pursuant to paragraph "a", subparagraph
23 (1), subparagraph division (a), one pursuant to
24 paragraph "a", subparagraph ~~(2)~~ (1), subparagraph
25 division (b), and two pursuant to paragraph "a",
26 subparagraph ~~(3)~~ (1), subparagraph division (c). The
27 department shall approve additional eligible cities as
28 pilot project cities pursuant to paragraph "a",
29 subparagraph (2). If two eligible cities are approved

30 pursuant to paragraph "a", subparagraph (1), which are
 31 located in the same county and the county has a
 32 population of less than forty-five thousand, the two
 33 approved eligible cities shall be considered one pilot
 34 project city. If more than two cities meeting the
 35 requirements of paragraph "a", subparagraph ~~(3)~~ (1),
 36 subparagraph division (c), apply to be designated as a
 37 pilot project city, the department of economic
 38 development shall determine which two cities hold the
 39 most potential to create new jobs or generate the
 40 greatest capital within their areas. ~~Applications~~
 41 ~~from eligible cities filed on or after October 1,~~
 42 ~~2006, shall not be considered.~~
 43 (2) If a pilot project city does not enter into a
 44 withholding agreement within one year of its approval
 45 as a pilot project city, the city shall lose its
 46 status as a pilot project city. If two pilot project
 47 cities are located in the same county, the loss of
 48 status by one pilot project city shall not cause the
 49 second pilot project city in the county to lose its
 50 status as a pilot project city. Upon such occurrence,

Page 2

1 the department of economic development shall take
 2 applications from other eligible cities to replace
 3 that city. Another city shall be designated within
 4 six months."
 5 2. Page 2, by inserting after line 30 the
 6 following:
 7 "____. Title page, line 1, by inserting after the
 8 word "agreements" the following: ", pilot project
 9 cities,"."
 10 3. By renumbering as necessary.

Amendment [H-1708](#) lost.

On motion by D. Olson of Boone, amendment [H-1704](#) was adopted.

Wendt of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 304](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell

Berry	Bukta	Burt	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mascher, Presiding

The nays were, none.

Absent or not voting, 4:

Chambers De Boef Murphy, Spkr. Wenthe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas on request of Roberts of Carroll.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 304](#) be immediately messaged to the Senate.

Unfinished Business Calendar

House File 790, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties, was taken up for consideration.

Zirkelbach of Jones offered the following amendment [H-1307](#) filed by him and moved its adoption:

[H-1307](#)

- 1 Amend [House File 790](#) as follows:
- 2 1. Page 2, line 17, by inserting after the word
- 3 "application." the following: "The department's
- 4 telephone number shall be the same telephone number
- 5 available on a twenty-four-hour-per-day,
- 6 seven-days-per-week basis for notifying the department
- 7 of other types of emergency conditions."
- 8 2. Page 2, by striking lines 27 and 28 and
- 9 inserting the following:
- 10 "____. The liquid manure must be applied on a field
- 11 with a phosphorus index rating of two or less."
- 12 3. Page 2, line 33, by striking the words "one
- 13 week" and inserting the following: "two weeks".
- 14 4. Page 5, line 1, by striking the word
- 15 "building" and inserting the following: "building."
- 16 5. Page 8, by striking lines 1 and 2 and
- 17 inserting the following:
- 18 "____. The person must construct the dry bedded
- 19 confinement feeding operation structure with a floor
- 20 consisting of reinforced concrete at least".
- 21 6. Page 11, by inserting after line 31 the
- 22 following:
- 23 "Sec.____. EFFECTIVE DATE. This division of this
- 24 Act, being deemed of immediate importance, takes
- 25 effect upon enactment."
- 26 7. Page 17, by inserting after line 2 the
- 27 following:
- 28 "Sec.____. Section 459.102, subsections 5 and 35,
- 29 Code 2009, are amended to read as follows:
- 30 5. "Animal feeding operation structure" means a
- 31 confinement building, manure storage structure, dry
- 32 bedded confinement feeding operation structure as
- 33 defined in section 459B.102, or egg washwater storage
- 34 structure.
- 35 35. "Manure storage structure" means a formed
- 36 manure storage structure or an unformed manure storage
- 37 structure.
- 38 a. A manure storage structure includes a dry
- 39 bedded manure storage structure as defined in section

40 459B.102.
41 b. A manure storage structure does not include an
42 egg wash water storage structure.”
43 8. Page 17, by inserting after line 8 the
44 following:
45 “Sec. _____. EFFECTIVE DATE. This division of this
46 Act, being deemed of immediate importance, takes
47 effect upon enactment.”
48 9. Title page, line 2, by inserting after the
49 word “penalties” the following: “and effective
50 dates”.

Page 2

1 10. By renumbering as necessary.

Amendment [H-1307](#) was adopted.

[SENATE FILE 432](#) SUBSTITUTED FOR [HOUSE FILE 790](#)

Zirkelbach of Jones asked and received unanimous consent to substitute [Senate File 432](#) for [House File 790](#).

[Senate File 432](#), a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates, was taken up for consideration.

D. Olson of Boone asked and received unanimous consent to withdraw amendment [H-1411](#) filed by him and Gaskill of Wapello on April 2, 2009.

Whitaker of Van Buren asked and received unanimous consent to withdraw amendment [H-1426](#) filed by him and Kuhn of Floyd on April 6, 2009.

Kuhn of Floyd offered amendment [H-1438](#) filed by Wenthe et al., as follows:

[H-1438](#)

1 Amend [Senate File 432](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 2 and 3, by striking the words
4 “FROZEN GROUND AND SNOW COVERED GROUND” and inserting
5 the following: “SNOW COVERED GROUND AND FROZEN

6 GROUND”.

7 2. Page 1, line 32, by striking the words “FROZEN
8 GROUND AND SNOW COVERED GROUND” and inserting the
9 following: “SNOW COVERED GROUND AND FROZEN GROUND”.

10 3. Page 1, line 34, by striking the words “frozen
11 ground or snow covered ground” and inserting the
12 following: “snow covered ground or frozen ground”.

13 4. By striking page 1, line 35, through page 2,
14 line 1, and inserting the following: “, except to the
15 extent otherwise provided by applicable requirements
16 in this section, this chapter, or the national
17 pollutant discharge elimination system pursuant to the
18 federal Water Pollution Control Act, 33 U.S.C. ch. 26,
19 as amended, and 40 C.F.R. pts. 122 and 412.”

20 5. Page 2, line 2, by inserting before the word
21 “During” the following: “During the period beginning
22 January 1 and ending April 1, the person may apply
23 liquid manure originating from a manure storage
24 structure, that is part of a confinement feeding
25 operation, on snow covered ground only when there is
26 an emergency.”

27 6. Page 2, line 5, by striking the words “or snow
28 covered ground”.

29 7. Page 2, line 14, by striking the words “frozen
30 ground or snow covered ground” and inserting the
31 following: “snow covered ground or frozen ground”.

32 8. Page 2, line 25, by striking the word “person”
33 and inserting the following: “owner of the
34 confinement feeding operation”.

35 9. Page 10, by inserting after line 1 the
36 following:

37 “Sec. _____. NEW SECTION. 459B.305 DRY BEDDED
38 MANURE CONTROL – WATER QUALITY.

39 A dry bedded confinement feeding operation shall
40 retain all dry bedded manure produced by the operation
41 between periods of dry bedded manure application. For
42 purposes of this section, dry bedded manure may be
43 retained by stockpiling as provided in this chapter.
44 A dry bedded confinement feeding operation shall not
45 discharge dry bedded manure directly into water of the
46 state or into a tile line that discharges directly
47 into water of the state.

48 Sec. _____. NEW SECTION. 459B.306 STOCKPILING –
49 NPDES REQUIREMENTS – WATER QUALITY.

50 A person stockpiling dry bedded manure shall comply

Page 2

1 with applicable requirements of the national pollutant
2 discharge elimination system pursuant to the federal
3 Water Pollution Control Act, 33 U.S.C. ch. 26, as
4 amended, and 40 C.F.R. pts. 122 and 412.”

- 5 10. Page 10, by striking line 2 and inserting the
6 following:
7 "Sec. _____. NEW SECTION. 459B.307 STOCKPILING –
8 STATE REQUIREMENTS – WATER".
9 11. Page 11, line 12, by striking the figure
10 "459B.303" and inserting the following: "459B.308".
11 12. By renumbering as necessary.

Whitaker of Van Buren offered the following amendment [H-1578](#),
to amendment [H-1438](#), filed by Whitaker et al., and moved its
adoption:

[H-1578](#)

- 1 Amend the amendment, [H-1438](#), to [Senate File 432](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 22, by striking the word and
5 figure "January 1" and inserting the following:
6 "December 21".
7 2. Page 1, by inserting after line 31 the
8 following:
9 "_____. Page 2, by striking lines 17 through 21 and
10 inserting the following: "prior to the application.""
11 3. Page 1, by inserting after line 34 the
12 following:
13 "_____. Page 3, by inserting after line 21 the
14 following:
15 "Sec.____. NEW SECTION. 459.313B APPLICATION OF
16 LIQUID MANURE ON SNOW COVERED GROUND OR FROZEN GROUND
17 – ANNUAL REPORT.
18 1. On or before February 15 of each year, the
19 director of the department, or the department's
20 designee, shall appear before and present a report to
21 the standing committees of the senate and house of
22 representatives having jurisdiction over agriculture
23 and environmental protection. The report shall
24 include all instances in which persons have applied
25 liquid manure originating from a manure storage
26 structure, that is part of a confinement feeding
27 operation, on snow covered ground or frozen ground
28 because of an emergency as provided in section
29 459.313A. The report shall include an assessment of
30 the application's impact on water quality, including
31 the success of actions taken to prevent or remediate
32 such impact.
33 2. This section is repealed on July 1, 2014.""
34 4. By renumbering as necessary.

Amendment [H-1578](#) was adopted.

On motion by Kuhn of Floyd, amendment [H-1438](#), as amended, was adopted.

Zirkelbach of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 432](#))

The ayes were, 87:

Alons	Anderson	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Kaufmann	Kearns	Kelley
Koester	Kuhn	Lukan	Lykam
Marek	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mascher, Presiding	

The nays were, 9:

Abdul-Samad	Heddens	Jacoby	Kressig
Lensing	Oldson	Olson, D.	Petersen
Wessel-Kroeschell			

Absent or not voting, 4:

Arnold	Chambers	De Boef	Wenthe
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kaufmann of Cedar, until his return, on request of Roberts of Carroll.

[HOUSE FILE 790](#) WITHDRAWN

Zirkelbach of Jones asked and received unanimous consent to withdraw [House File 790](#) from further consideration by the House.

[HOUSE FILE 711](#) WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw [House File 711](#) from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 432](#) be immediately messaged to the Senate.

The House stood at ease at 4:34 p.m., until the fall of the gavel.

The House resumed session at 5:46 p.m., Zirkelbach of Jones in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2009, adopted the conference committee report and passed [Senate File 224](#), a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

Also: That the Senate has on April 24, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 304](#). A bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

Also: that the Senate has on April 24, 2009, adopted the conference committee report and passed [Senate File 389](#), a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

Also: That the Senate has on April 24, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 432](#), a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates.

Also: That the Senate has on April 24, 2009, adopted the conference committee report and passed [Senate File 470](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
([Senate File 224](#))

Quirk of Chickasaw called up for consideration the report of the conference committee on [Senate File 224](#) and moved the adoption of the conference committee report and the amendments contained therein filed from the floor as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON [SENATE FILE 224](#)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on [Senate File 224](#), a bill for an Act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, respectfully make the following report:

1. That the House amendment, S-3300, to [Senate File 224](#), as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 7 through 9 and inserting the following: "strainers. Routine maintenance shall include emergency repairs, and the board shall define the term emergency repairs to include the repair of water pipes to prevent imminent damage to property."

2. Page 1, line 23, by inserting after the word "chapter" the following: "; except for projects that exceed the dollar amount specified as the competitive bid threshold in section 26.3".

ON THE PART OF THE SENATE:

JEFF DANIELSON, Chair
STACI APPEL
STEVE SODDERS

ON THE PART OF THE HOUSE

BRIAN QUIRK, Chair
KEVIN KOESTER
DOUG STRUYK
ROGER THOMAS
NATE WILLEMS

The motion prevailed and the conference committee report was adopted.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 224](#))

The ayes were, 71:

Abdul-Samad	Alons	Anderson	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Dolecheck
Ficken	Ford	Frevert	Gaskill
Gayman	Hagenow	Heddens	Helland
Hunter	Huseman	Huser	Isenhart
Jacoby	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Quirk	Reasoner
Reichert	Schueller	Schulte	Schultz
Smith	Soderberg	Sorenson	Steckman
Struyk	Taylor, D.	Taylor, T	Thede
Thomas	Tjepkes	Wagner	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Zirkelbach, Presiding	

The nays were, 19:

Deyoe	Drake	Forristall	Grassley
Heaton	Horbach	Lukan	Pettengill
Raecker	Rants	Rayhons	Roberts

Sands	Sweeney	Tymeson	Upmeyer
Van Engelenhoven	Watts	Worthan	

Absent or not voting, 10:

Arnold	Baudler	Chambers	De Boef
Kaufmann	Murphy, Spkr.	Olson, R.	Shomshor
Swaim	Wenthe		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 224](#) be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ([Senate File 470](#))

Winckler of Scott called up for consideration the report of the conference committee on [Senate File 470](#) and moved the adoption of the conference committee report and the amendments contained therein, filed from the floor as follows:

REPORT OF THE CONFERENCE COMMITTEE ON [SENATE FILE 470](#)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on [Senate File 470](#), a bill for an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, [H-1659](#).
2. That the House recedes from its amendment, [S-3268](#).
3. That [Senate File 470](#), as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting before line 1 the following:

“DIVISION I EDUCATION
APPROPRIATIONS”

2. Page 6, by striking line 22 and inserting the following:

“..... \$ 7,477,675”

3. Page 8, by inserting after line 8 the following:

“d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the Iowa empowerment fund, \$916,700 shall be used for support of professional development and training activities for persons working in early care, health, and education by the Iowa empowerment board in collaboration with representation from the Iowa state university of science and technology cooperative extension service in agriculture and home economics, the university of northern Iowa, the department of education, area education agencies, community colleges, child care resource and referral services, and community empowerment area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.”

4. Page 8, by striking line 12 and inserting the following:.....”\$ 8,772,150”

5. Page 8, by striking lines 25 through 30 and inserting the following: “other copayment provisions.”

6. Page 9, by striking line 28 and inserting the following:

“..... \$ 11,538,863”

7. Page 16, by inserting after line 9 the following:

“(1) (a) Iowa state university shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this lettered paragraph.

(b) Subparagraph subdivision (a) does not apply to a reduction made to support the college of veterinary medicine if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

(2)”.

8. Page 17, by striking lines 6 through 12.

9. Page 18, by inserting after line 11 the following:

“Sec.____. STATE DEPARTMENT OR AGENCY COST-SAVING MEASURES.
For the fiscal year beginning July 1, 2009, and ending June 30, 2010, a state department or state agency to which an appropriation is made pursuant to this Act shall do the following:

1. Submit electronically any report the department or agency is required to submit to the general assembly. Notwithstanding any provision to the contrary, the department or agency shall not submit a printed copy of any report to the general assembly.

2. Develop and implement procedures that result in cost savings for office supplies, service contracts, professional services, video conferencing, use of the Iowa telecommunications network, equipment purchases, and interstate and intrastate travel by state employees and members of state boards, committees, commissions, and councils for which the department or agency provides administrative services.

3. Require employees, in order to receive expense reimbursement, to submit actual receipts for meals and other costs. To the extent possible, receipts shall be submitted electronically. Reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the receipts submitted by an employee."

10. Page 19, line 5, by inserting before the word "If" the following: "Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this paragraph shall be expended for the purpose for which the weighting was assigned under this paragraph."

11. Page 24, lines 19 and 20, by striking the words "beginning with the October payroll".

12. Page 24, lines 24 and 25, by striking the words "scholarship or grant moneys" and inserting the following: "assistance under programs".

13. Page 27, by inserting after line 17 the following:

"Sec. _____. NEW SECTION. 261D.4 PROVISIONAL WITHDRAWAL FROM COMPACT.

The state of Iowa hereby withdraws from the Midwestern higher education compact effective July 1, 2009, until such time as the state has the resources to resume membership and reenters into the compact. The state of Iowa's obligations and liability under the compact shall cease upon the effective date of its withdrawal from the compact. This section shall prevail over any contrary provisions of this chapter."

14. Page 27, line 19, by striking the word "subsection" and inserting the following: "subsections".

15. Page 27, by inserting after line 21 the following:

"NEW SUBSECTION. 33. Annually, by October 1, submit in a report to the general assembly the following information for the previous fiscal year:

a. Total revenue received from each local school district as a result of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

b. Unduplicated headcount of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

c. Total credits earned by high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control, broken down by degree program.

d. The compensation and benefits paid to the members of the board pursuant to section 7E.6.

e. The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for liaisons and lobbying activities for the board and its institutions.

f. The contracted salaries, including but not limited to bonus wages and benefits, including but not limited to annuity payments or any other benefit covered using state funds of any kind for administrators of the institutions governed by the board.”

16. Page 27, by inserting after line 31 the following:

“Sec.__. Section 272.2, subsection 10, Code 2009, is amended to read as follows:

10. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board, including but not limited to athletic trainers licensed under chapter 152D.

Sec.____. Section 272.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18. May adopt rules for practitioners who are not eligible for a statement of professional recognition under subsection 10, but have received a baccalaureate degree and provide a service to students at any or all levels from prekindergarten through grade twelve for a school district, accredited nonpublic school, area education agency, or preschool program established pursuant to chapter 256C.”

17. Page 32, by inserting after line 28 the following:

“Sec.____. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a school tuition organization tax credit allowed under section 422.11S. The maximum amount of tax credits that may be approved under this subsection for a tax year equals twenty-five percent of the school tuition organization's tax credits that may be approved pursuant to section 422.11S, subsection 7, for a tax year.”

18. Page 33, by striking line 6 and inserting the following:

“Sec.__. Chapter 7K, Code 2009, is repealed.”

19. Page 33, line 9, by inserting after the word “this” the following: “division of this”.

20. Page 33, line 12, by inserting after the word “this” the following: “division of this”.

21. Page 33, line 15, by inserting after the word “this” the following: “division of this”.

22. Page 33, by inserting before line 18 the following:

“DIVISION II RESEARCH AND DEVELOPMENT SCHOOL

Sec. ____. NEW SECTION. 256G.1 LEGISLATIVE INTENT.

It is the intent of the general assembly to develop a state research and development prekindergarten through grade twelve school in order to do the following:

1. To raise and sustain the level of all prekindergarten through grade twelve students' educational attainment and personal development through innovative and promising teaching practice.

2. To enhance the preparation and professional competence of the educators in this state through collaborative inquiry and exchange of professional knowledge in teaching and learning.

3. To focus on research that transforms teaching practice to meet the changing needs of this state's educational system.

Sec. ____. NEW SECTION. 256G.2 DEFINITIONS.

For purposes of this chapter:

1. “Department” means the department of education.

2. “Director” means the director of the department of education.

3. “President” means the president of the university of northern Iowa.

4. “Research and development school” means a prekindergarten through grade twelve research, development, demonstration, and dissemination school using expanded facilities at the center for early development education, also known as the Price laboratory school, in Cedar Falls.

5. “University” means the university of northern Iowa.

Sec. ____. NEW SECTION. 256G.3 RESEARCH AND DEVELOPMENT SCHOOL FUNDING.

1. a. (1) The university and the board of directors of the Cedar Falls community school district shall develop a student transfer policy for the research and development school that will protect and promote the quality and integrity of the teacher education program and the viability of the education program of the Cedar Falls community school district.

(2) The policy shall include, in order of consideration, the reasons for which a request to transfer to the research and development school will be allowed by the school district. The research and development school may deny any request for transfer under the policy and such denial for transfer is not subject to appeal under section 290.1. The research and development school shall report the transfer and enrollment of a new student directly to the department.

b. The research and development school shall create and maintain a basic geographic boundary line agreement with the Cedar Falls community school district. The boundary line agreement shall ensure that students currently enrolled at the center for early development education shall continue to have priority access to enrollment at the research and development school. If such an agreement cannot be reached, the boundary line for the research and development school shall be the official boundary line of the Cedar Falls community school district.

c. Open enrollment under section 282.18 applies to the research and development school.

2. Funds provided by the university for the center for early development education under section 262.71 shall be redirected as applicable to support the research component at the research and development school.

Sec. _____. NEW SECTION. 256G.4 RESEARCH AND DEVELOPMENT SCHOOL – GOVERNANCE.

1. The board of regents shall be the governing entity of the research and development school and as such shall be responsible for the faculty, facility, grounds, and staffing.

2. The department shall be the accreditation agency and as such shall serve as the authority on teacher qualification requirements and waiver provisions.

3. a. A seventeen-member advisory council is created, composed of the following members:

(1) Three standing committee members as follows:

(a) The director.

(b) The president.

(c) The director of the research and development school, serving as an ex officio, nonvoting member.

(2) Ten members shall be jointly recommended for membership by the president and the director and shall be jointly approved by the state board of regents and the state board of education, shall serve three-year staggered terms, and shall be eligible to serve for two consecutive three-year terms on the council in addition to any partial, initial term:

(a) One member representing prekindergarten through grade six public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph “c”.

(b) One member representing grade seven through grade nine public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph “c”.

(c) One member representing grade ten through grade twelve public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(d) One member representing prekindergarten through grade twelve administrators.

(e) One member representing area education agencies.

(f) One member representing Iowa state university of science and technology.

(g) One member representing the university of Iowa.

(h) One member representing parents of students at the research and development school.

(i) One member representing business and industry.

(j) One member representing private colleges in the state.

(3) Four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the majority leader of the senate after consultation with the president of the senate, and one senator to be appointed by the minority leader of the senate.

b. One of the members representing public school teachers approved for membership pursuant to paragraph "a", subparagraph (2), subparagraph divisions (a) through (c) shall be an active teacher in the Cedar Falls community school district.

c. (1) The advisory council shall review and evaluate the educational processes and results of the research and development school.

(2) The advisory council shall provide an annual report to the president, the director, the state board of regents, the state board of education, and the general assembly.

4. a. An eleven-member standing institutional research committee, appointed by the president and the director, is created, composed of the following members:

(1) The director of research at the research and development school or the person designated with this responsibility.

(2) One member representing the university of northern Iowa.

(3) One member representing Iowa state university of science and technology.

(4) One member representing the university of Iowa.

(5) One member representing business and industry.

(6) One member representing prekindergarten through grade six public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(7) One member representing grade seven through grade nine public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(8) One member representing grade ten through grade twelve public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(9) One member representing the boards of school districts selected from a list of nominees submitted by the Iowa association of school boards.

(10) One member representing the department.

(11) One member representing private colleges in the state.

b. The appointed members should collectively possess the following characteristics:

(1) Be well informed about the educational needs of students in the state.

(2) Be aware of and understand the standards and protocol for educational research.

(3) Understand the dissemination of prekindergarten through grade twelve research results.

(4) Understand the impact of educational research.

(5) Be knowledgeable about compliance with human subject protection protocol.

c. One of the members representing public school teachers approved for membership pursuant to paragraph "a", subparagraphs (6) through (8) shall be an active teacher in the Cedar Falls community school district.

d. The committee shall serve as the clearinghouse for the investigative and applied research at the research and development school.

e. The committee shall create research protocols, approve research proposals, review the quality and results of performed research, and provide support for dissemination efforts.

Sec. __. Section 257.6, subsection 1, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. __. Section 282.18, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 15A. a. If a request under this section is for transfer to a laboratory school, as described in chapter 256G, the student, who is the subject of the

request, shall be included in the basic enrollment of the student's district of residence and the board of directors of the district of residence shall pay to a laboratory school the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year.

b. Notwithstanding subsection 7, a district of residence shall not be required to pay the state cost per pupil for a student attending a laboratory school during the school year beginning July 1, 2010, if the student was not included in the district of residence's enrollment count for funding purposes in the school year beginning July 1, 2009.

NEW SUBSECTION. 15B. a. The total enrollment of the research and development school shall be limited to six hundred fifty students.

b. Open enrollment requests accepted by the research and development school shall be limited to a five percent increase per year of students from each of the Cedar Falls community school district and the Waterloo school district over the previous year's enrollment at the research and development school.

c. The total number of students enrolled in the research and development school from the Cedar Falls community school district shall be limited to not more than ten percent of the total district enrollment of the Cedar Falls community school district.

d. Open enrollment requests accepted by the research and development school from a school district shall be limited to not more than two percent of a school district's previous year's total enrollment count. This subsection does not apply to the Cedar Falls community and Waterloo school districts.

Sec.____. RESEARCH AND DEVELOPMENT SCHOOL - INFRASTRUCTURE FUNDING STUDY. The department of education, in collaboration with representatives of the university of northern Iowa, as designated by the president, shall create a report about potential access to various infrastructure funding for the research and development school. The department shall submit the report to the general assembly and the governor by January 15, 2010.

Sec.____. RESEARCH AND DEVELOPMENT SCHOOL INFRASTRUCTURE.

1. a. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a contract with a design firm to evaluate the condition of the center for early development education in Cedar Falls and determine an approximate cost of both renovation of the current facility and new construction with a recommendation as to which is more feasible:\$ 35,000

b. The design firm's recommendation shall consider the following property elements:

- (1) Grounds, utility, and paving systems.
- (2) Exterior systems, including the roof, walls, windows, exterior doors, and structural components.
- (3) Interior systems, including walls, doors, floors, and ceilings.
- (4) Fire and life safety issues.
- (5) Readily achievable design features meeting the requirements of the federal Americans With Disabilities Act.
- (6) Heating, ventilation, and air conditioning including control mechanisms.
- (7) Electrical and electrical distribution system.
- (8) Plumbing.
- (9) Fire protection.
- (10) Elevators.
- (11) Special construction.

c. The design firm shall report in fiscal year 2010-2011 to the president, the director, and the transition team the results of its evaluation and recommendation. The transition team shall report the design firm's findings to the general assembly by January 15, 2012.

2. Leadership in energy and environmental design certification shall be sought in order that the research and development school serve as a model of energy efficiency and design.

3. A three-year timeline to establish the research and development school is proposed for the university and the department. A transition team, appointed by the president and the director, shall develop and implement specific transition plans for the first year of the transition and for the entire three-year transition period in order to establish a functioning research and development school at the end of the transition period. The transition team shall include but not be limited to two members who are active teachers in the Cedar Falls community school district and one member who is an active teacher in the Waterloo school district. The transition team shall use the recommendations for each year of the transition as submitted in the report of the committees required by 2008 Iowa Acts, chapter 1101, to oversee the transition.

Sec. ____ EFFECTIVE DATES.

1. This division of this Act takes effect July 1, 2009.

2. Notwithstanding subsection 1, the sections of this division of this Act enacting section 256G.3 and amending section 257.6, subsection 1, and section 282.18 take effect July 1, 2010."

23. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

BRIAN SCHOENJAHN, CHAIR
WILLIAM HECKROTH
HERMAN QUIRMBACH

ON THE PART OF THE HOUSE:

CINDY WINCKLER, CHAIR
GENE FICKEN
BOB KRESSIG

The motion prevailed and the conference committee report was adopted.

Winckler of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([SF 470](#))

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach, Presiding	

The nays were, 40:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney

Tjepkes Tymeson Upmeyer Van Engelenhoven
Wagner Watts Windschitl Worthan

Absent or not voting, 5:

Arnold Chambers De Boef Kaufmann
Wenthe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
([Senate File 389](#))

Smith of Marshall called up for consideration the report of the conference committee on [Senate File 389](#) and moved the adoption of the conference committee report and the amendments contained therein from the floor as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON [SENATE FILE 389](#)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on [Senate File 389](#), a bill for an Act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, [H-1661](#).
2. That the House amendment, [S-3296](#), to [Senate File 389](#), as amended, passed, and reprinted by the Senate, is amended as follows:
 - "(1) A person who represents large employers.
 - (2) A person who represents Iowa insurers.
 - (3) A person who represents health underwriters.
 - (4) A health care provider.
 - (5) A person who represents labor.
 - (6) A consumer who represents the pre-Medicare population.
 - (7) A consumer who represents middle-income adults and families.
 - (8) A consumer who represents low-income adults and families.
 - (9) A person who represents small businesses.
 - (10) A person who represents nonprofit entities.
 - (11) A person who represents independent insurance agents."
2. Page 1, line 42, by striking the word "coordinator" and inserting the following: "person or persons".
3. Page 1, line 43, by striking the word "coordinator" and inserting the following: "person or persons employed or contracted with to assist the commission".
4. Page 3, lines 29 and 30, by striking the words "health insurance experts" and inserting the following: "health care coverage experts".

5. Page 4, line 23, by striking the words "health insurance experts" and inserting the following: "health care coverage experts".

6. Page 4, line 30, by striking the words "last report" and inserting the following: "previous annual report provided on January 1, 2010, including but not limited to information about health care coverage for adults, including enrollment information, that was available for purchase by the public by July 1, 2010, consistent with the commission's recommendations and priorities, and including further recommendations and prioritization of those recommendations".

ON THE PART OF THE SENATE:

JACK HATCH, Chair
MIKE GRONSTAL
DAVID HARTSUCH
DAVID JOHNSON
JOHN KIBBIE

ON THE PART OF THE HOUSE

RICK OLSON, Chair
WAYNE FORD
JEFF KAUFMANN
MARK SMITH
CHUCK SODERBERG

The motion prevailed and the conference committee report was adopted.

Smith of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 389](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 5:

Arnold Chambers De Boef Kaufmann
Wenthe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 389](#) be immediately messaged to the Senate.

The House stood at ease at 6:16 p.m., until the fall of the gavel.

The House resumed session at 6:45 p.m., Zirkelbach of Jones in the chair.

Appropriations Calendar

[Senate File 474](#), a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa, with report of committee recommending passage, was taken up for consideration.

Cohon of Des Moines offered the following amendment [H-1710](#) filed by him from the floor and moved its adoption:

[H-1710](#)

- 1 Amend [Senate File 474](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 27 and inserting the
- 4 following:
- 5 "Sec. ____ STATE BOARD OF REGENTS BONDING – FLOOD
- 6 REPAIR AND MITIGATION."
- 7 2. Page 3, by inserting after line 18 the
- 8 following:
- 9 "Sec. ____ STATE BOARD OF REGENTS BONDING –
- 10 BUILDINGS AND FACILITIES IMPROVEMENT PROGRAM.
- 11 1. FINDINGS. The general assembly finds that:
- 12 a. The state board of regents has approved a
- 13 buildings and facilities improvement program for the
- 14 institutions of higher learning under the jurisdiction
- 15 of the board, which the board deems necessary to
- 16 further the educational objectives of the
- 17 institutions, together with an estimate of the cost of
- 18 each of the buildings and facilities.
- 19 b. The projects contained in the buildings and
- 20 facilities improvement program are deemed necessary

21 for the proper performance of the instructional,
22 research, and service functions of the institutions.
23 c. Section 262A.4 provides that the state board of
24 regents, after authorization by a constitutional
25 majority of each house of the general assembly and
26 approval by the governor, may undertake and carry out
27 at the institutions of higher learning under the
28 jurisdiction of the board any project as defined in
29 chapter 262A.

30 d. Chapter 262A authorizes the state board of
31 regents to borrow moneys and to issue and sell
32 negotiable revenue bonds to pay all or any part of the
33 cost of carrying out projects at any institution
34 payable solely from and secured by an irrevocable
35 pledge of a sufficient portion of the student fees and
36 charges and institutional income received by the
37 particular institution.

38 e. To further the educational objectives of the
39 institutions, the state board of regents requests
40 authorization to finance certain costs of the capital
41 improvement program by borrowing moneys and issuing
42 negotiable bonds under chapter 262A in a total amount
43 as provided in this section, with the remaining costs
44 of the projects to be financed by appropriations or by
45 federal or other funds lawfully available.

46 2. AUTHORIZATION OF PROJECTS. The state board of
47 regents is authorized to undertake, plan, construct,
48 reconstruct, improve, repair, remodel, furnish, and
49 equip, and otherwise carry out \$15,000,000 for phase
50 II of the construction and renovation of the

Page 2

1 veterinary medical facilities at Iowa state university
2 of science and technology, specifically the renovation
3 and modernization of the area formerly occupied by the
4 large animal area of the teaching hospital for
5 expanded clinical services in a small animal hospital.

6 3. BONDS AUTHORIZED. The general assembly
7 authorizes the state board of regents to borrow moneys
8 and to issue and sell negotiable revenue bonds in the
9 amount of \$15,000,000 in the manner provided in
10 sections 262A.5 and 262A.6 in order to pay all or any
11 part of the costs of carrying out the projects at the
12 institutions approved and authorized in subsection 2,
13 with the remaining costs of the projects to be
14 financed by appropriations or by federal or other
15 funds lawfully available. The amount of bonds may be
16 exceeded by the amount the state board of regents
17 determines to be necessary to capitalize bond
18 reserves, interest during construction, and issuance
19 costs. No commitment is implied or intended by

20 approval to fund any portion of the buildings and
 21 facilities improvement program beyond the portion that
 22 is financed and approved by the Eighty-third General
 23 Assembly, 2009 Session, and the governor.”
 24 3. Title page, line 2, by inserting after the
 25 word “regents” the following: “for buildings and
 26 facilities including bonding”.
 27 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 51, nays 39.

Amendment [H-1710](#) was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” ([S.F. 474](#))

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Shomshor
Smith	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach, Presiding		

The nays were, 41:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schueller	Schulte
Schultz	Soderberg	Sorenson	Struyk

Sweeney Tjepkes Tymeson Upmeyer
Van Engelenhoven Wagner Watts Windschitl
Worthan

Absent or not voting, 5:

Arnold Chambers De Boef Kaufmann
Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 474](#) be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [Senate File 483](#).

Speaker Murphy in the chair at 7:08 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koester of Polk on request of Lukan of Dubuque.

Ways and Means Calendar

[Senate File 483](#), a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Thomas of Clayton offered amendment [H-1664](#) filed by the committee on ways and means as follows:

[H-1664](#)

1 Amend [Senate File 483](#), as passed by the Senate, as

2 follows:

- 3 1. Page 1, line 10, by striking the word
- 4 "seventy-five" and inserting the following:
- 5 "eighty-five".
- 6 2. Page 1, by striking line 11 and inserting the
- 7 following: "dollars for any fiscal year. However,
- 8 the department may authorize an amount of tax credits
- 9 in one fiscal year in excess of one hundred
- 10 eighty-five million, and such excess amount shall be
- 11 counted against the total amount of tax credits that
- 12 may be authorized in the next fiscal year."
- 13 3. Page 2, line 2, by striking the word "three"
- 14 and inserting the following: "six".
- 15 4. Page 2, line 2, by striking the word "fiscal"
- 16 and inserting the following: "calendar".
- 17 5. Page 2, lines 6 and 7, by striking the words
- 18 "to contracts and agreements entered into or tax
- 19 credits awarded on or".
- 20 6. By renumbering as necessary.

Thomas of Clayton offered the following amendment [H-1667](#), to the committee amendment [H-1664](#), filed by him and moved its adoption:

[H-1667](#)

- 1 Amend the amendment, [H-1664](#), to [Senate File 483](#), as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 15 and 16.
- 4 2. By renumbering as necessary.

Amendment [H-1667](#) was adopted.

Thomas of Clayton offered the following amendment [H-1707](#), to the committee amendment [H-1664](#), filed by Shomshor of Pottawattamie and Sands of Louisa from the floor and moved its adoption:

[H-1707](#)

- 1 Amend the amendment, [H-1664](#), to [Senate File 483](#), as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 17 through 19 and
- 4 inserting the following:
- 5 "____. Page 2, by striking lines 5 through 7 and
- 6 inserting the following:
- 7 "Sec.____. APPLICABILITY DATES.
- 8 1. The section of this division of this Act
- 9 amending section 175.37 applies to agricultural assets

10 transfer agreements executed on or after July 1, 2009.
 11 2. The section of this division of this Act
 12 enacting section 15.119 applies to tax credits awarded
 13 on or after July 1, 2009.”
 14 2. By renumbering as necessary.

Amendment [H-1707](#) was adopted.

Thomas of Clayton moved the adoption of the committee amendment [H-1664](#), as amended.

A non-record roll call was requested.

The ayes were 69, nays none.

The committee amendment [H-1664](#), as amended, was adopted, placing out of order amendment [H-1581](#) filed by Thomas of Clayton on April 14, 2009.

Quirk of Chickasaw offered the following amendment [H-1695](#) filed by Quirk et al., and moved its adoption:

[H-1695](#)

1 Amend [Senate File 483](#), as passed by the Senate, as
 2 follows:
 3 1. By striking page 2, line 8, through page 3,
 4 line 25.
 5 2. Title page, lines 3 and 4, by striking the
 6 words “eliminating the carryback of net operating
 7 losses,”.
 8 3. By renumbering as necessary.

Roll call was requested by Sands of Louisa and Paulsen of Linn.

On the question “Shall amendment [H-1695](#) be adopted?” ([S.F. 483](#))

The ayes were, 44:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kelley
Lukan	Marek	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons

Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 5:

Arnold	Chambers	De Boef	Kaufmann
Koester			

Amendment [H-1695](#) lost.

Wagner of Linn offered the following amendment [H-1713](#) filed by him from the floor and moved its adoption:

[H-1713](#)

- 1 Amend [Senate File 483](#), as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 3, line 26, through page 5,
- 4 line 8.
- 5 2. Title page, by striking line 4 and inserting
- 6 the following: "operating losses, and".
- 7 3. By renumbering as necessary.

Roll call was requested by Sands of Louisa and Horbach of Tama.

On the question "Shall amendment [H-1713](#) be adopted?" ([S.F. 483](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 5:

Arnold	Chambers	De Boef	Kaufmann
Koester			

Amendment [H-1713](#) was adopted.

Thomas of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 483](#))

The ayes were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Kuhn

Lensing	Lykam	Marek	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

The nays were, 43:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kelley
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 5:

Arnold	Chambers	De Boef	Kaufmann
Koester			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 483](#) be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the appropriations committee to meet at 8:45 p.m.

On motion by McCarthy of Polk, the House was recessed at 7:44 p.m., until 8:45 p.m.

EVENING SESSION

The House reconvened at 9:01 p.m., Swaim of Davis in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 474](#), a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

MICHAEL E. MARSHALL, Secretary

Appropriations Calendar

[Senate File 376](#), a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration

The House stood at ease at 9:22 p.m., until the fall of the gavel.

The House resumed session at 10:25 p.m., Swaim of Davis in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

The House resumed consideration of [Senate File 376](#).

Cohon of Des Moines asked and received unanimous consent to withdraw the committee amendment [H-1637](#) filed by the committee on appropriations on April 17, 2009.

Cohon of Des Moines offered amendment [H-1715](#) filed by him from the floor as follows:

[H-1715](#)

1 Amend [Senate File 376](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "DIVISION I
6 REVENUE BONDING – IOWA JOBS PROGRAM
7 Section 1. NEW SECTION. 12.87 GENERAL AND
8 SPECIFIC BONDING POWERS – REVENUE BONDS – IOWA JOBS
9 PROGRAM.
10 1. The treasurer of state is authorized to issue
11 and sell bonds on behalf of the state to provide funds
12 for certain infrastructure projects and for purposes
13 of the Iowa jobs program established in section
14 16.194. The treasurer of state shall have all of the
15 powers which are necessary or convenient to issue,
16 sell and secure bonds and carry out the treasurer of
17 state's duties, and exercise the treasurer of state's
18 authority under this section and sections 12.88
19 through 12.90. The treasurer of state may issue and
20 sell bonds in such amounts as the treasurer of state
21 determines to be necessary to provide sufficient funds
22 for certain infrastructure projects and the revenue
23 bonds capitals fund, the payment of interest on the
24 bonds, the establishment of reserves to secure the
25 bonds, the payment of costs of issuance of the bonds,
26 the payment of other expenditures of the treasurer of
27 state incident to and necessary or convenient to carry
28 out the issuance and sale of the bonds, and the
29 payment of all other expenditures of the treasurer of
30 state necessary or convenient to administer the funds
31 and to carry out the purposes for which the bonds are
32 issued and sold. The treasurer of state may issue and
33 sell bonds in one or more series on the terms and
34 conditions the treasurer of state determines to be in
35 the best interest of the state, in accordance with
36 this section in such amounts as the treasurer of state
37 determines to be necessary to fund the purposes for
38 which such bonds are issued and sold. The treasurer
39 of state may issue and sell bonds in amounts which
40 provide aggregate net proceeds of not more than five
41 hundred forty-five million dollars, excluding any

42 bonds issued and sold to refund outstanding bonds
43 issued under this section, as follows:
44 a. The treasurer of state may issue and sell bonds
45 in amounts which provide aggregate net proceeds of not
46 more than one hundred eighty-five million dollars for
47 capital projects which qualify as vertical
48 infrastructure projects as defined in section 8.57,
49 subsection 6, paragraph "c", to the extent practicable
50 in any fiscal year and without limiting other

Page 2

1 qualifying capital expenditures.
2 b. The treasurer of state may issue and sell bonds
3 in amounts which provide aggregate net proceeds of not
4 more than three hundred sixty million dollars for
5 purposes of the Iowa jobs program established in
6 section 16.194 and for watershed flood rebuilding and
7 prevention projects, soil conservation projects, sewer
8 infrastructure projects, for certain housing and
9 public service shelter projects and public broadband
10 and alternative energy projects, and for projects
11 relating to bridge safety and the rehabilitation of
12 deficient bridges.
13 2. Bonds issued and sold under this section are
14 payable solely and only out of the moneys in the
15 revenue bonds debt service fund and any bond reserve
16 funds established pursuant to section 12.89, and only
17 to the extent provided in the trust indenture,
18 resolution, or other instrument authorizing their
19 issuance. All moneys in the revenue bonds debt
20 service fund and any bond reserve funds established
21 pursuant to section 12.89 may be deposited with
22 trustees or depositories in accordance with the terms
23 of the trust indentures, resolutions, or other
24 instruments authorizing the issuance of bonds and
25 pledged by the treasurer of state to the payment
26 thereof. Bonds issued and sold under this section
27 shall contain a statement that the bonds are limited
28 special obligations of the state and do not constitute
29 a debt or indebtedness of the state or a pledge of the
30 faith or credit of the state or a charge against the
31 general credit or general fund of the state. The
32 treasurer of state shall not pledge the credit or
33 taxing power of this state or any political
34 subdivision of this state or make bonds issued and
35 sold pursuant to this section payable out of any
36 moneys except those in the revenue bonds debt service
37 fund and any bond reserve funds established pursuant
38 to section 12.89.
39 3. The proceeds of bonds issued and sold by the
40 treasurer of state and not required for immediate

41 disbursement may be deposited with a trustee or
42 depository as provided in the bond documents and
43 invested or reinvested in any investment as directed
44 by the treasurer of state and specified in the trust
45 indenture, resolution, or other instrument pursuant to
46 which the bonds are issued and sold without regard to
47 any limitation otherwise provided by law.

48 4. The bonds, if issued and sold, shall be:

49 a. In a form, issued in denominations, executed in
50 a manner, and payable over terms and with rights of

Page 3

1 redemption, and be subject to such other terms and
2 conditions as prescribed in the trust indenture,
3 resolution, or other instrument authorizing their
4 issuance.

5 b. Negotiable instruments and investment
6 securities under the laws of the state and sold at
7 prices, at public or private sale, and in a manner, as
8 prescribed by the treasurer of state. Chapters 73A,
9 74, 74A, and 75 do not apply to the sale or issuance
10 of the bonds.

11 c. Subject to the terms, conditions, and covenants
12 providing for the payment of the principal, redemption
13 premiums, if any, interest, and other terms,
14 conditions, covenants, and protective provisions
15 safeguarding payment, not inconsistent with this
16 section and as determined by the trust indenture,
17 resolution, or other instrument authorizing their
18 issuance.

19 5. The bonds are securities in which public
20 officers and bodies of this state; political
21 subdivisions of this state; insurance companies and
22 associations and other persons carrying on an
23 insurance business; banks, trust companies, savings
24 associations, savings and loan associations, and
25 investment companies; administrators, guardians,
26 executors, trustees, and other fiduciaries; and other
27 persons authorized to invest in bonds or other
28 obligations of the state, may properly and legally
29 invest funds, including capital, in their control or
30 belonging to them.

31 6. Bonds must be authorized by a trust indenture,
32 resolution, or other instrument of the treasurer of
33 state.

34 7. The resolution, trust indenture, or any other
35 instrument by which a pledge is created shall not be
36 required to be recorded or filed under the Iowa
37 uniform commercial code, chapter 554, to be valid,
38 binding, or effective.

39 8. Any bonds issued and sold under the provisions

40 of this section are declared to be issued and sold for
41 an essential public and governmental purpose, and all
42 bonds issued and sold under this section except as
43 otherwise provided in any trust indentures,
44 resolutions, or other instruments authorizing their
45 issuance shall be exempt from taxation by the state of
46 Iowa and the interest on the bonds shall be exempt
47 from the state income tax and the state inheritance
48 tax.

49 9. The treasurer of state may issue and sell bonds
50 for the purpose of refunding any bonds issued and sold

Page 4

1 pursuant to this section then outstanding, including
2 the payment of any redemption premiums thereon and any
3 interest accrued or to accrue to the date of
4 redemption of the outstanding bonds. Until the
5 proceeds of bonds issued for the purpose of refunding
6 outstanding bonds are applied to the purchase or
7 retirement of outstanding bonds or the redemption of
8 outstanding bonds, the proceeds may be placed in
9 escrow and be invested and reinvested in accordance
10 with the provisions of this section. The interest,
11 income, and profits earned or realized on an
12 investment may also be applied to the payment of the
13 outstanding bonds to be refunded by purchase,
14 retirement, or redemption. After the terms of the
15 escrow have been fully satisfied and carried out, any
16 balance of proceeds and interest earned or realized on
17 the investments shall be returned to the treasurer of
18 state for deposit in the revenue bonds debt service
19 fund established in section 12.89. All refunding
20 bonds shall be issued, sold and secured and subject to
21 the provisions of this section in the same manner and
22 to the same extent as other bonds issued and sold
23 pursuant to this section.

24 10. Bonds issued and sold pursuant to this section
25 are limited special obligations of the state and are
26 not a debt or indebtedness of the state, nor of any
27 political subdivision of the state, and do not
28 constitute a pledge of the faith and credit of the
29 state or a charge against the general credit or
30 general fund of the state. The issuance and sale of
31 any bonds pursuant to this section by the treasurer of
32 state do not directly, indirectly, or contingently
33 obligate the state or a political subdivision of the
34 state to apply moneys from or to levy or pledge any
35 form of taxation whatever to, or to continue the
36 appropriation of the funds for, the payment of the
37 bonds. Bonds issued and sold under this section are
38 payable solely and only from moneys in the revenue

39 bonds debt service fund and any reserve fund created
40 in section 12.89 and only to the extent provided in
41 the trust indenture, resolution, or other instrument
42 authorizing their issuance.

43 11. The treasurer of state may enter into or
44 obtain authorizing documents and other agreements and
45 ancillary arrangements with respect to the bonds as
46 the treasurer of state determines to be in the best
47 interests of the state, including but not limited to
48 trust indentures, resolutions, other instruments
49 authorizing the issuance of the bonds, liquidity
50 facilities, remarketing or dealer agreements, letter

Page 5

1 of credit agreements, insurance policies, guaranty
2 agreements, reimbursement agreements, indexing
3 agreements, or interest rate exchange agreements.

4 12. Neither the treasurer of state, the Iowa jobs
5 board, nor any person acting on behalf of the
6 treasurer of state or the Iowa jobs board while acting
7 within the scope of their employment or agency, is
8 subject to personal liability resulting from carrying
9 out the powers and duties conferred by this section
10 and sections 12.88 through 12.90.

11 13. As used in this section and sections 12.88
12 through 12.90, the term "bonds" means bonds, notes, or
13 other evidence of obligations.

14 Sec. 2. NEW SECTION. 12.88 REVENUE BONDS
15 CAPITALS FUND.

16 1. A revenue bonds capitals fund is created and
17 established as a separate and distinct fund in the
18 state treasury. The treasurer of state shall act as
19 custodian of the fund and disburse moneys contained in
20 the fund.

21 2. Revenue for the revenue bonds capitals fund
22 shall include but is not limited to the following,
23 which shall be deposited with the treasurer of state
24 or the treasurer of state's designee as provided by
25 any bond or security documents and credited to the
26 fund:

27 a. The net proceeds of bonds issued pursuant to
28 section 12.87 other than bonds issued for the purpose
29 of refunding such bonds, and investment earnings on
30 the net proceeds.

31 b. Interest attributable to investment of moneys
32 in the fund or an account of the fund.

33 c. Moneys in the form of a devise, gift, bequest,
34 donation, federal or other grant, reimbursement,
35 repayment, judgment, transfer, payment, or
36 appropriation from any source intended to be used for
37 the purposes of the fund.

38 3. Moneys in the revenue bonds capitals fund are
 39 not subject to section 8.33. Notwithstanding section
 40 12C.7, subsection 2, interest or earnings on moneys in
 41 the fund shall be credited to the fund.
 42 4. Annually, on or before January 15 of each year,
 43 a state agency that received an appropriation from the
 44 revenue bonds capitals fund shall report to the
 45 legislative services agency and the department of
 46 management the status of all projects completed or in
 47 progress. The report shall include a description of
 48 the project, the work completed, the total estimated
 49 cost of the project, a list of all revenue sources
 50 being used to fund the project, the amount of funds

Page 6

1 expended, the amount of funds obligated, and the date
 2 the project was completed or an estimated completion
 3 date of the project, where applicable.

4 Sec. 3. NEW SECTION. 12.89 REVENUE BONDS DEBT
 5 SERVICE FUND AND BOND RESERVE FUNDS.

6 1. A revenue bonds debt service fund is created
 7 and established as a separate and distinct fund in the
 8 state treasury. The treasurer of state shall act as
 9 custodian of the fund and disburse moneys contained in
 10 the fund. The moneys in such fund are appropriated
 11 and shall be used for the purpose of making all
 12 payments with respect to bonds issued and sold
 13 pursuant to section 12.87, including but not limited
 14 to the following:

15 a. Principal payments, interest payments, sinking
 16 fund payments, purchase price, redemption price,
 17 redemption premiums, and interest rate exchange
 18 payments.

19 b. Fees and expenses of trustees, paying agents,
 20 remarketing agents, financial advisors, underwriters,
 21 depositories, guarantors, bond insurers, liquidity or
 22 credit facility providers, interest rate indexing
 23 agents, and other professional services providers.

24 c. Costs and expenses of the treasurer of state
 25 incident to and necessary and convenient to carry out
 26 the issuance and sale of the bonds and the
 27 administration of the revenue bonds.

28 2. Moneys in the revenue bonds debt service fund
 29 shall include but are not limited to the following,
 30 which shall be deposited with the treasurer of state
 31 or the treasurer of state's designee as provided in
 32 any bond or security documents and credited to the
 33 fund:

34 a. The proceeds of bonds to the extent provided in
 35 the trust indenture, resolution, or other instrument
 36 authorizing their issuance and investment earnings on

37 the proceeds.

38 b. The revenues required to be deposited into the
39 fund pursuant to section 8.57, subsection 6, paragraph
40 "e", subparagraphs (1) and (2).

41 c. Transfers from any bond reserve fund created
42 pursuant to this section.

43 d. Interest attributable to investment of moneys
44 in the fund or an account of the fund.

45 e. Any other moneys from any other sources which
46 may be legally available to the treasurer of state for
47 the purpose of the fund.

48 3. a. The treasurer of state may create and
49 establish one or more special funds, to be known as
50 bond reserve funds, to secure one or more issues of

Page 7

1 bonds issued and sold pursuant to section 12.87. The
2 treasurer of state shall pay into each bond reserve
3 fund any moneys appropriated and made available for
4 the purpose of the fund, any proceeds of sale of bonds
5 to the extent provided in the trust indenture,
6 resolution, or other instrument authorizing their
7 issuance, and any other moneys which may be legally
8 available to the treasurer of state for the purpose of
9 the fund from any other sources. All moneys held in a
10 bond reserve fund shall be used or transferred to the
11 revenue bonds debt service fund to be used as required
12 solely to make the payments authorized to be made from
13 such fund pursuant to subsection 1.

14 b. Moneys in a bond reserve fund shall not be
15 transferred or withdrawn from the fund at any time in
16 an amount that will reduce the amount of the fund to
17 less than the bond reserve fund requirement
18 established for the fund, as provided in this
19 subsection, except for the purpose of making, with
20 respect to bonds secured in whole or in part by the
21 fund, the payments authorized to be made from such
22 fund pursuant to subsection 1 for the payment of which
23 sufficient moneys in the revenue bonds debt service
24 fund are not available. Any income or interest earned
25 by, or incremental to, a bond reserve fund due to the
26 investment of moneys in the bond reserve fund may be
27 transferred by the treasurer of state to other funds
28 or accounts to the extent the transfer does not reduce
29 the amount of that bond reserve fund below the
30 established bond reserve fund requirement.

31 c. The treasurer of state shall not at any time
32 issue and sell bonds, secured in whole or in part by a
33 bond reserve fund if, upon the issuance of the bonds,
34 the amount in the bond reserve fund will be less than
35 the bond reserve fund requirement for the fund, unless

36 the treasurer of state at the time of issuance of the
37 bonds deposits in the fund from the proceeds of the
38 bonds issued or from other legally available sources
39 an amount which, together with the amount then in the
40 fund, will not be less than the bond reserve fund
41 requirement for the fund. For the purposes of this
42 subsection, the term "bond reserve fund requirement"
43 means, as of any particular date of computation, an
44 amount of moneys, as provided in the trust indenture,
45 resolution, or other instrument authorizing the bonds
46 with respect to which the fund is established.
47 d. To assure the continued solvency of any bonds
48 secured by a bond reserve fund, provision is made in
49 paragraph "c" for the accumulation in each bond
50 reserve fund of an amount equal to the bond reserve

Page 8

1 fund requirement for the fund. In order further to
2 assure maintenance of the bond reserve funds, the
3 treasurer of state shall, on or before January 1 of
4 each calendar year, make and deliver to the governor
5 and to both houses of the general assembly the
6 treasurer of state's certificate stating the sum, if
7 any, required to restore each bond reserve fund to the
8 bond reserve fund requirement for that fund and
9 requesting that the budget and appropriation bills
10 approved for such fiscal year include amounts
11 sufficient to restore each bond reserve fund to the
12 bond reserve fund requirement for such fund. Within
13 thirty days after the beginning of the session of the
14 general assembly next following the delivery of the
15 certificate, the governor may submit to both houses
16 printed copies of a budget including the sum, if any,
17 required to restore each bond reserve fund to the bond
18 reserve fund requirement for that fund. Any sums
19 appropriated by the general assembly and paid to the
20 treasurer of state pursuant to this subsection shall
21 be deposited by the treasurer of state in the
22 applicable bond reserve fund.

23 4. Except as otherwise provided in this section,
24 the moneys on deposit in the revenue bonds debt
25 service fund or any bond reserve fund relating to
26 bonds issued pursuant to section 12.87 shall be held
27 for the sole benefit of the bonds and shall not be
28 pledged or used for the benefit of any bonds issued by
29 the treasurer of state pursuant to any other section
30 of the Code.

31 5. Moneys in the revenue bonds debt service fund
32 and any bond reserve fund created pursuant to this
33 section are not subject to section 8.33; provided
34 however, that on August 31 following the close of each

35 fiscal year, any moneys on deposit in the revenue
36 bonds debt service fund at the end of such fiscal
37 year, which is determined by the treasurer of state to
38 not be encumbered or obligated or otherwise necessary
39 to make the payments for such fiscal year authorized
40 to be made from such fund pursuant to subsection 1,
41 shall be credited to the rebuild Iowa infrastructure
42 fund. Notwithstanding section 12C.7, subsection 2,
43 interest or earnings on moneys in the revenue bonds
44 debt service fund and any bond reserve fund shall be
45 credited to such funds.

46 Sec. 4. NEW SECTION. 12.90 PLEDGES –
47 CONSTRUCTION.

48 1. It is the intention of the general assembly
49 that a pledge made in respect of bonds shall be valid
50 and binding from the time the pledge is made, that the

Page 9

1 money or property so pledged and received after the
2 pledge by the treasurer of state shall immediately be
3 subject to the lien of the pledge without physical
4 delivery or further act, and that the lien of the
5 pledge shall be valid and binding as against all
6 parties having claims of any kind in tort, contract,
7 or otherwise against the treasurer of state whether or
8 not the parties have notice of the lien.

9 2. Sections 12.87 through 12.89, and this section,
10 being necessary for the welfare of this state and its
11 inhabitants, shall be liberally construed to effect
12 its purposes.

13 DIVISION II

14 IOWA JOBS BOARD, IOWA JOBS PROGRAM,
15 AND IOWA JOBS FUND

16 Sec. 5. NEW SECTION. 16.191 IOWA JOBS BOARD.

17 1. An Iowa jobs board is established consisting of
18 eleven members and is located for administrative
19 purposes within the Iowa finance authority. The
20 executive director of the Iowa finance authority shall
21 provide staff assistance and necessary supplies and
22 equipment for the board. The executive director shall
23 budget funds received pursuant to section 16.193 to
24 operate the program including but not limited to
25 paying the per diem expenses of the board members. In
26 performing its functions, the board is performing a
27 public function on behalf of the state and is a public
28 instrumentality of the state.

29 2. The membership of the board shall be as
30 follows:

31 a. Six members of the general public appointed by
32 the governor.

33 b. The director of the department of economic

34 development or the director's designee.
35 c. The executive director of the Iowa finance
36 authority or the director's designee.
37 d. The director of the department of workforce
38 development or the director's designee.
39 e. The executive director of the rebuild Iowa
40 office or the director's designee until June 30, 2011,
41 and then the administrator of the homeland security
42 and emergency management division of the department of
43 public defense or the administrator's designee.
44 f. The treasurer of state or the treasurer of
45 state's designee.
46 3. a. All public member appointments made
47 pursuant to subsection 2, paragraph "a" shall comply
48 with sections 69.16, 69.16A, and 69.16C, and shall be
49 subject to confirmation by the senate.
50 b. Three of the public members appointed pursuant

Page 10

1 to subsection 2, paragraph "a" shall have demonstrable
2 experience or expertise in the field of public
3 financing, architecture, engineering, or major
4 facility development or construction and one of the
5 public members appointed pursuant to subsection 2,
6 paragraph "a", shall be an employee of a
7 not-for-profit organization.
8 c. All public members shall be from geographically
9 diverse areas of this state.
10 d. All public members shall be appointed to
11 three-year staggered terms and the terms shall
12 commence and end as provided by section 69.19. If a
13 vacancy occurs, a successor shall be appointed to
14 serve the unexpired term. A successor shall be
15 appointed in the same manner and subject to the same
16 qualifications as the original appointment to serve
17 the unexpired term.
18 4. The chairperson and vice chairperson of the
19 board shall be designated by the governor from the
20 public members appointed pursuant to subsection 2,
21 paragraph "a". In case of the absence or disability
22 of the chairperson and vice chairperson, the members
23 of the board shall elect a temporary chairperson by a
24 majority vote of those members who are present and
25 voting.
26 5. A majority of the board constitutes a quorum.
27 Sec. 6. NEW SECTION. 16.192 BOARD DUTIES AND
28 POWERS.
29 The Iowa jobs board has any and all powers
30 necessary to carry out its purposes and duties, and to
31 exercise its specific powers, including but not
32 limited to doing all of the following:

33 1. Organize.
34 2. Establish the Iowa jobs program pursuant to
35 section 16.194.
36 3. Oversee and provide approval of the
37 administration of the Iowa jobs program.
38 4. Award financial assistance in the form of
39 grants under the Iowa jobs program pursuant to
40 sections 16.194 and 16.195.
41 5. Enter into and enforce grant agreements as
42 necessary or convenient to implement the Iowa jobs
43 program.
44 Sec. 7. NEW SECTION. 16.193 IOWA FINANCE
45 AUTHORITY DUTIES – APPROPRIATION.
46 1. The Iowa finance authority, subject to approval
47 by the Iowa jobs board, shall adopt administrative
48 rules pursuant to chapter 17A necessary to administer
49 the Iowa jobs program. The authority shall provide
50 the board with assistance in implementing

Page 11

1 administrative functions, providing technical
2 assistance and application assistance to applicants
3 under the programs, negotiating contracts, and
4 providing project follow up. The authority, in
5 cooperation with the board, may conduct negotiations
6 on behalf of the board with applicants regarding terms
7 and conditions applicable to awards under the program.

8 2. During the term of the Iowa jobs program
9 established in section 16.194, two hundred thousand
10 dollars of the moneys deposited in the rebuild Iowa
11 infrastructure fund shall be allocated each fiscal
12 year to the Iowa finance authority for purposes of
13 administering the Iowa jobs program, notwithstanding
14 section 8.57, subsection 6, paragraph "c".

15 Sec. 8. NEW SECTION. 16.194 IOWA JOBS PROGRAM.

16 1. An Iowa jobs program is created to assist in
17 the development and completion of public construction
18 projects relating to disaster relief and mitigation
19 and to local infrastructure. "Local infrastructure"
20 includes projects relating to disaster rebuilding,
21 reconstruction and replacement of local public
22 buildings, flood control and flood protection, and
23 future flood prevention.

24 2. A city or county or a public organization in
25 this state may submit an application to the Iowa jobs
26 board for financial assistance for a local
27 infrastructure competitive grant for an eligible
28 project under the program, notwithstanding any
29 limitation on the state's percentage in funding as
30 contained in section 29C.6, subsection 17.

31 3. Financial assistance under the program shall be

32 awarded in the form of grants.

33 4. The board shall consider the following criteria
34 in evaluating eligible projects to receive financial
35 assistance under the program:

36 a. The total number and quality of jobs to be
37 created and the benefits likely to accrue to areas
38 distressed by high unemployment.

39 b. Financial feasibility, including the ability of
40 projects to fund depreciation costs or replacement
41 reserves, and the availability of other federal,
42 state, local, and private sources of funds.

43 c. Sustainability and energy efficiency.

44 d. Benefits for disaster recovery.

45 e. The project's readiness to proceed.

46 5. An applicant must demonstrate local support for
47 the project as defined by rule.

48 6. Any award of financial assistance to a project
49 shall be limited as follows:

50 a. Up to seventy-five percent of the total cost of

Page 12

1 a project for replacing or rebuilding existing
2 disaster-related damaged property.

3 b. Up to fifty percent of the total cost for all
4 other projects.

5 7. In order for a project to be eligible to
6 receive financial assistance from the board, the
7 project must be a public construction project pursuant
8 to subsection 1 with a demonstrated substantial local,
9 regional, or statewide economic impact.

10 8. The board shall not approve an application for
11 assistance for any of the following purposes:

12 a. To refinance a loan existing prior to the date
13 of the initial financial assistance application.

14 b. For a project that has previously received
15 financial assistance under the program, unless the
16 applicant demonstrates that the financial assistance
17 would be used for a significant expansion of a
18 project.

19 9. a. The total amount of allocations for future
20 flood prevention, reconstruction and replacement of
21 local public buildings, disaster rebuilding, flood
22 control and flood protection projects shall not exceed
23 one hundred sixty-five million dollars for the fiscal
24 year beginning July 1, 2009.

25 b. Any portion of an amount allocated for projects
26 that remains unexpended or unencumbered one year after
27 the allocation has been made may be reallocated to
28 another project category, at the discretion of the
29 board. The board shall ensure that all bond proceeds
30 be expended within three years from when the

31 allocation was initially made.

32 10. The board shall ensure that funds obligated
33 under this section are coordinated with other federal
34 program funds received by the state, and that projects
35 receiving funds are located in geographically diverse
36 areas of the state.

37 11. For purposes of this section, "public
38 organization" means a nonprofit organization that
39 sponsors or supports the public needs of the local
40 community.

41 Sec. 9. NEW SECTION. 16.195 IOWA JOBS PROGRAM
42 APPLICATION REVIEW.

43 1. Applications for assistance under the Iowa jobs
44 program shall be submitted to the Iowa finance
45 authority. The authority shall provide a staff review
46 and evaluation of applications to the Iowa jobs
47 program review committee referred to in subsection 2
48 and to the Iowa jobs board.

49 2. A review committee composed of members of the
50 board as determined by the board shall review Iowa

Page 13

1 jobs program applications submitted to the board and
2 make recommendations regarding the applications to the
3 board. When reviewing the applications, the review
4 committee and the authority shall consider the project
5 criteria specified in section 16.194. The board shall
6 develop the appropriate level of transparency
7 regarding project fund allocations.

8 3. Upon approval of an application for financial
9 assistance under the program, the board shall notify
10 the treasurer of state regarding the amount of moneys
11 needed to satisfy the award of financial assistance
12 and the terms of the award. The treasurer of state
13 shall notify the Iowa finance authority any time
14 moneys are disbursed to a recipient of financial
15 assistance under the program.

16 Sec. 10. NEW SECTION. 16.196 IOWA JOBS
17 RESTRICTED CAPITALS FUND – APPROPRIATIONS.

18 1. An Iowa jobs restricted capitals fund is
19 created and established as a separate and distinct
20 fund in the state treasury. The fund consists of
21 moneys appropriated from the revenue bonds capitals
22 fund created in section 12.88. The moneys in the fund
23 are appropriated to the Iowa jobs board for purposes
24 of the Iowa jobs program established in section
25 16.194. Moneys in the fund shall not be subject to
26 appropriation for any other purpose by the general
27 assembly, but shall be used only for the purposes of
28 the Iowa jobs program. The treasurer of state shall
29 act as custodian of the fund and disburse moneys

30 contained in the fund. The fund shall be administered
31 by the board which shall make allocations from the
32 fund consistent with the purposes of the Iowa jobs
33 program.

34 2. There is appropriated from the revenue bonds
35 capitals fund created in section 12.88, to the Iowa
36 jobs restricted capitals fund, for the fiscal year
37 beginning July 1, 2009, and ending June 30, 2010, one
38 hundred sixty-five million dollars to be allocated as
39 follows:

40 a. One hundred eighteen million five hundred
41 thousand dollars for competitive grants for local
42 infrastructure projects relating to disaster
43 rebuilding, reconstruction and replacement of local
44 buildings, flood control and flood protection, and
45 future flood prevention public projects. An applicant
46 for a local infrastructure grant shall not receive
47 more than fifty million dollars in financial
48 assistance from the fund.

49 b. Forty-six million five hundred thousand dollars
50 for disaster relief and mitigation and local

Page 14

1 infrastructure grants for the following renovation and
2 construction projects, notwithstanding any limitation
3 on the state's percentage participation in funding as
4 contained in section 29C.6, subsection 17:

5 (1) For grants to a county with a population
6 between one hundred eighty nine thousand and one
7 hundred ninety six thousand in the latest preceding
8 certified federal census, to be distributed as
9 follows:

10 (a) Ten million dollars for the construction of a
11 new, shared facility between nonprofit human service
12 organizations serving the public, especially the needs
13 of low-income Iowans, including those displaced as a
14 result of the disaster of 2008.

15 (b) Five million dollars for the construction or
16 renovation of a facility for a county-funded workshop
17 program serving the public and particularly persons
18 with mental illness or developmental disabilities.

19 (2) For grants to a city with a population between
20 one hundred ten thousand and one hundred twenty
21 thousand in the latest preceding certified federal
22 census, to be distributed as follows:

23 (a) Five million dollars for an economic
24 redevelopment project benefiting the public by
25 improving energy efficiency and the development of
26 alternative and renewable energy technologies.

27 (b) Ten million dollars for a museum serving the
28 public and dedicated to the preservation of an eastern

29 European cultural heritage through the collection,
30 exhibition, preservation, and interpretation of
31 historical artifacts.

32 (c) Five million dollars for a theater serving the
33 public and promoting culture, entertainment, and
34 tourism.

35 (d) Five million dollars for a public library.

36 (e) Five million dollars for a public works

37 building.

38 (3) One million five hundred thousand dollars, to
39 be distributed as follows:

40 (a) Five hundred thousand dollars to a city with a
41 population between six hundred and six hundred fifty
42 in the latest preceding certified federal census, for
43 a public fire station.

44 (b) Five hundred thousand dollars to a city with a
45 population between one thousand four hundred and one
46 thousand five hundred in the latest preceding
47 certified federal census, for a public fire station.

48 (c) Five hundred thousand dollars for a city with
49 a population between seven thousand eight hundred and
50 seven thousand eight hundred fifty, for a public fire

Page 15

1 station.

2 3. Grant awards for a project under subsection 2,
3 paragraph "b", are contingent upon submission of a
4 plan for each project by the applicable county or city
5 governing board or in the case of a project submitted
6 pursuant to subsection 2, paragraph "b", subparagraph

7 (2), subparagraph division (b), by the board of
8 directors, to the Iowa jobs board, no later than
9 September 1, 2009, detailing a description of the
10 project, the plan to rebuild, and the amount or
11 percentage of federal, state, local, or private
12 matching moneys which will be or have been provided
13 for the project. Funds not utilized in accordance
14 with subsection 2, paragraph "b", due to failure to
15 file a plan by the September 1 deadline shall revert
16 to the Iowa jobs restricted capitals fund to be
17 available for local infrastructure competitive grants.
18 A grant recipient under subsection 2, paragraph "b",
19 shall not be precluded from applying for a local
20 infrastructure competitive grant pursuant to this
21 section and section 16.195.

22 4. Moneys in the fund are not subject to section
23 8.33. Notwithstanding section 12C.7, subsection 2,
24 interest or earnings on moneys in the fund shall be
25 credited to the fund.

26 5. Annually, on or before January 15 of each year,
27 the board shall report to the legislative services

28 agency and the department of management the status of
 29 all projects receiving moneys from the fund completed
 30 or in progress. The report shall include a
 31 description of the project, the progress of work
 32 completed, the total estimated cost of the project, a
 33 list of all revenue sources being used to fund the
 34 project, the amount of funds expended, the amount of
 35 funds obligated, and the date the project was
 36 completed or an estimated completion date of the
 37 project, where applicable.

38 6. Payment of moneys appropriated from the fund
 39 shall be made in a manner that does not adversely
 40 affect the tax-exempt status of any outstanding bonds
 41 issued by the treasurer of state.

42 Sec. 11. NEW SECTION. 16.197 LIMITATION OF
 43 LIABILITY.

44 A member of the Iowa jobs board, a person acting on
 45 behalf of the board while acting within the scope of
 46 their employment or agency, or the treasurer of state,
 47 shall not be subject to personal liability resulting
 48 from carrying out the powers and duties of the board
 49 or the treasurer, as applicable, in sections 16.192
 50 through 16.196.

Page 16

1 Sec. 12. EMERGENCY RULES. The Iowa finance
 2 authority, subject to approval by the Iowa jobs board,
 3 may adopt emergency rules under section 17A.4,
 4 subsection 3, and section 17A.5, subsection 2,
 5 paragraph "b", to implement the provisions of this Act
 6 and the rules shall be effective immediately upon
 7 filing unless a later date is specified in the rules.
 8 Any rules adopted in accordance with this section
 9 shall also be published as a notice of intended action
 10 as provided in section 17A.4.

11 DIVISION III

12 REVENUE BONDS CAPITALS FUND – APPROPRIATIONS

13 Sec. 13. There is appropriated from the revenue
 14 bonds capitals fund created in section 12.88, to the
 15 following departments and agencies for the fiscal year
 16 beginning July 1, 2009, and ending June 30, 2010, the
 17 following amounts, or so much thereof as is necessary,
 18 to be used for the purposes designated:

19 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

20 To the soil conservation division of the department
 21 established in section 161A.4:

22 \$ 11,500,000

23 a. Of the moneys appropriated in this subsection,
 24 the department may provide moneys on a cost-share
 25 basis as provided in chapter 161A in order to
 26 accomplish any public purpose described in chapter

27 161A, including but not limited to providing for the
28 reconstruction or repair of permanent soil and water
29 conservation practices that were damaged by the 2008
30 precipitation event.

31 b. Of the moneys appropriated in this subsection,
32 the department may award moneys to provide affordable
33 wetland mitigation banks.

34 c. Of the moneys appropriated in this subsection,
35 the department may award moneys to allow more
36 landowners to participate in the conservation reserve
37 enhancement program to improve water quality and
38 intercept nitrates.

39 d. Any award of moneys made under paragraph "a",
40 "b", or "c" shall be in the form of a grant. Any
41 grant awards for conservation practices on private
42 property shall be for flood control or soil and
43 watershed management public purposes.

44 2. DEPARTMENT OF NATURAL RESOURCES
45 \$ 13,500,000

46 Of the moneys appropriated in this subsection, the
47 department may provide moneys to construct,
48 reconstruct, or repair infrastructure associated with
49 the control and movement of surface water, including
50 but not limited to addressing issues affected by

Page 17

1 combined sewer overflows, enrolling larger contiguous
2 areas in emergency watershed programs, improving
3 facilities or systems that provide water quality,
4 mitigating flood damage or the threat of flood damage
5 in the areas most severely affected by the 2008 flood,
6 and improving or replacing low-head dams. Any award
7 of moneys made under this subsection shall be in the
8 form of a grant. Any grant awards for practices on
9 private property shall be for the public purposes of
10 flood control, watershed management, or improving
11 water quality.

12 3. IOWA ENERGY CENTER
13 For deposit into the alternate energy revolving
14 loan fund created in section 476.46 to encourage the
15 development of alternate energy production facilities
16 and small hydro facilities, as defined in section
17 476.42, within the state:
18 \$ 5,000,000

19 Any award of loans to private individuals or
20 organizations must be for the public purpose of
21 encouraging the development of alternate energy
22 production facilities and small hydro facilities
23 within the state in order to conserve finite and
24 expensive energy resources and to provide for their
25 most efficient use. Funds from bond proceeds shall

26 not be used for administration or planning purposes.
 27 These moneys, and any loan repayments, shall be
 28 maintained in separate accounts and shall only be used
 29 for these public purposes.

30 4. IOWA FINANCE AUTHORITY

31 a. For water quality and wastewater improvement
 32 projects:
 33 \$ 55,000,000

34 (1) Of the amount appropriated in this subsection,
 35 thirty-five million dollars shall be allocated for
 36 water quality and wastewater improvement projects
 37 located in cities with a population of ten thousand or
 38 less, as determined by the preceding federal census,
 39 or in townships.

40 (2) The Iowa finance authority shall establish and
 41 administer a water quality financial assistance
 42 program. The purpose of the program shall be to
 43 provide additional financial assistance to communities
 44 receiving loans from the Iowa water pollution control
 45 works and drinking water facilities financing program
 46 pursuant to section 16.131. The program shall be
 47 administered in accordance with rules adopted by the
 48 authority pursuant to chapter 17A.

49 b. For deposit into the public service shelter
 50 grant fund created in section 16.185 for grants for

Page 18

1 the construction, renovation, and improvements to
 2 homeless shelters, emergency shelters, and family and
 3 domestic violence shelters:
 4 \$ 10,000,000

5 c. For deposit into the disaster damage housing
 6 assistance grant fund created in section 16.186 for
 7 grants to ease and speed recovery efforts from the
 8 natural disasters of 2008, including stabilizing
 9 neighborhoods damaged by the natural disasters,
 10 preventing population loss and neighborhood
 11 deterioration, and improving the health, safety, and
 12 welfare of persons living in such disaster-damaged
 13 neighborhoods:
 14 \$ 5,000,000

15 d. For deposit into the affordable housing
 16 assistance grant fund created in section 16.187 for
 17 grants for housing for certain elderly, disabled, and
 18 low-income persons and public servants in critical
 19 skills shortage areas of the state:
 20 \$ 20,000,000

21 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 22 COMMISSION

23 For public broadband technology grants for the
 24 deployment and sustainability of high-speed broadband

25 access:
26 \$ 25,000,000

27 a. It is the intent of the general assembly that
28 funds appropriated under this subsection for the
29 deployment and sustainability of high-speed broadband
30 access be used to access any federal funds made
31 available. State and federal funds made available for
32 broadband deployment shall be used to promote
33 universal access to high-speed broadband services for
34 speeds to exceed federal requirements throughout the
35 state for the benefit of Iowans and for the
36 sustainability of such services.

37 b. (1) The utilities board created in section
38 474.1, the economic development board created in
39 section 15.103, and the telecommunications and
40 technology commission established in section 8D.3
41 shall establish a joint governance board of fifteen
42 members including the following:

43 (a) Eleven members shall be voting members as
44 follows:

45 (i) Three members representing educational users
46 and local governments including one member
47 representing cities, one member representing counties,
48 and one member representing educational users.

49 (ii) Two members, one representing urban
50 residential users in the state, and one representing

Page 19

1 rural residential users in the state.

2 (iii) Three members representing broadband and
3 telecommunications providers including at one member
4 representing cable providers, one member representing
5 wire-line telecommunications providers, and one member
6 representing wireless providers.

7 (iv) Three members representing the state,
8 including one member designated by the
9 telecommunications and technology commission, one
10 member designated by the economic development board,
11 and one member designated by the utilities board.

12 (b) Four nonvoting, ex-officio members
13 representing the general assembly as follows:

14 (i) Two members appointed from the senate with one
15 member appointed by the majority leader of the senate
16 and one member appointed by the minority leader of the
17 senate.

18 (ii) Two members appointed from the house of
19 representatives with one member appointed by the
20 speaker of the house and one member appointed by the
21 minority leader of the house.

22 (2) Administrative support and planning costs
23 incurred for the governance board shall be provided

24 jointly by the utilities board, the economic
25 development board, and the telecommunications and
26 technology commission. Any necessary rules shall be
27 adopted by the economic development board on behalf of
28 the governance board.

29 (3) A quorum of the governance board shall be a
30 majority of the voting members.

31 c. The governance board established in paragraph
32 "b" shall do all of the following:

33 (1) Establish a comprehensive plan for the
34 deployment and sustainability of high-speed broadband
35 access in areas capable of timely implementation of
36 such access. The plan shall be consistent with
37 federal requirements established for federal funds
38 made available for the purposes of projects that may
39 be considered by the governance board and shall be the
40 basis for a comprehensive statewide plan. The
41 governance board shall seek public input when
42 establishing the plan and the competitive process
43 established under subparagraph (2).

44 (2) Establish a competitive process for the
45 disbursement of funds made available for the
46 deployment and sustainability of high-speed broadband
47 services in the form of grants. The governance board
48 shall only consider applications from parties seeking
49 to use funds for projects that are sustainable.

50 (a) Priority shall be given under the plan to

Page 20

1 applications submitted by qualified private providers
2 of high-speed broadband services.

3 (b) The plan shall require collaboration involving
4 qualified private providers and public entities, as
5 appropriate.

6 (c) The plan shall allow for the participation of
7 public entities to accomplish project purposes that
8 are financially feasible in areas of the state that
9 remain unserved or underserved as a result of a lack
10 of private sector investment.

11 (3) Make recommendations to the general assembly
12 regarding any necessary legislation needed to further
13 the purposes of this subsection.

14 (4) Establish and maintain separate accounts for
15 the use of bond proceeds and nonbond proceeds.

16 d. Applications submitted shall be designed to
17 accomplish all of the following:

18 (1) Provide minimum broadband capacity throughout
19 the area as determined by the governance board
20 consistent with any applicable state and federal law
21 or guidelines. The governance board shall ensure that
22 the minimum broadband capacity established meets or

23 exceeds any federal requirements established with
24 regard to the availability of federal funds, in the
25 form of grants.

26 (2) Provide broadband connections to all business,
27 government, educational, and residential locations
28 within the project area.

29 (3) Utilize, where appropriate and feasible,
30 existing privately owned telecommunications fiber
31 infrastructure and wireless facilities to establish
32 universal access to high-speed broadband services, as
33 appropriate and consistent with the priorities
34 established by the governance board for the
35 competitive process under paragraph "c", subparagraph
36 (2).

37 (4) Demonstrate that any project undertaken and
38 funded by the governance board shall be economically
39 sustainable with no further government assistance
40 based upon expected revenue generation.

41 6. DEPARTMENT OF TRANSPORTATION

42 For deposit into the bridge safety fund created in
43 section 313.68 to be used for infrastructure projects
44 relating to functionally obsolete and structurally
45 deficient bridges:

46 \$ 50,000,000

47 Sec. 14. TAX-EXEMPT STATUS – USE OF
48 APPROPRIATIONS.

49 1. Payment of moneys appropriated in this division
50 of this Act shall be made in a manner that does not

Page 21

1 adversely affect the tax-exempt status of any
2 outstanding bonds issued by the treasurer of state.

3 2. Payment of moneys appropriated in this division
4 of this Act shall not used for administrative or
5 planning purposes.

6 Sec. 15. REVERSION. Notwithstanding section 8.33,
7 moneys appropriated in this division of this Act for
8 the fiscal year beginning July 1, 2009, and ending
9 June 30, 2010, shall not revert at the close of the
10 fiscal year for which they are appropriated but shall
11 remain available for the purposes designated until the
12 close of the fiscal year that begins July 1, 2012, or
13 until the project for which the appropriation was made
14 is completed, whichever is earlier.

15 DIVISION IV
16 REGENTS BONDING

17 Sec. 16. Section 263A.2, Code 2009, is amended to
18 read as follows:
19 263A.2 AUTHORIZATION OF GENERAL ASSEMBLY AND
20 GOVERNOR.

21 Subject to and in accordance with the provisions of

22 this chapter, the state board of regents ~~after~~
 23 ~~authorization by a constitutional majority of the~~
 24 ~~general assembly and approval by the governor~~ may
 25 undertake and carry out any project as defined in this
 26 chapter at the state university of Iowa. The state
 27 board of regents is authorized to operate, control,
 28 maintain, and manage buildings and facilities and
 29 additions to such buildings and facilities at said
 30 institution. All contracts for the construction,
 31 reconstruction, completion, equipment, improvement,
 32 repair, or remodeling of any buildings, additions, or
 33 facilities shall be let in accordance with the
 34 provisions of section 262.34. The title to all real
 35 estate acquired under the provisions of this chapter
 36 and the improvements erected thereon shall be taken
 37 and held in the name of the state of Iowa.

38 Sec. 17. Section 263A.3, unnumbered paragraph 1,
 39 Code 2009, is amended to read as follows:

40 The board is authorized to borrow money and to
 41 issue and sell negotiable bonds or notes to pay all or
 42 any part of the cost of carrying out any project at
 43 the institution and to refund and refinance bonds or
 44 notes issued for any project or for refunding purposes
 45 at the same rate or at a lower rate. ~~Such bonds or~~
 46 ~~notes shall be sold by the board at public sale on the~~
 47 ~~basis of sealed proposals received pursuant to a~~
 48 ~~notice specifying the time and place of sale and the~~
 49 ~~amount of bonds to be sold which shall be published at~~
 50 ~~least once not less than seven days prior to the date~~

Page 22

1 ~~of sale in a newspaper published in the state of Iowa~~
 2 ~~and having a general circulation in the state. The~~
 3 ~~provisions of chapter 75 shall not apply to bonds or~~
 4 ~~notes issued under authority contained in this~~
 5 ~~chapter, but such bonds or notes shall be sold upon~~
 6 ~~terms of not less than par plus accrued interest. The~~
 7 ~~bonds or notes issued under this chapter may be sold~~
 8 ~~at public sale as provided in chapter 75, but if the~~
 9 ~~board finds it advisable and in the public interest to~~
 10 ~~do so, such bonds or notes may be sold by the board at~~
 11 ~~private sale without published notice of any kind and~~
 12 ~~without regard to the requirements of chapter 75.~~
 13 Bonds or notes issued to refund other bonds or notes
 14 issued under the provisions of this chapter may either
 15 be sold in the manner specified in this chapter and
 16 the proceeds thereof applied to the payment of the
 17 obligations being refunded, or the refunding bonds or
 18 notes may be exchanged for and in payment and
 19 discharge of the obligations being refunded. The
 20 refunding bonds or notes may be sold or exchanged in

21 installments at different times or an entire issue or
22 series may be sold or exchanged at one time. Any
23 issue or series of refunding bonds or notes may be
24 exchanged in part or sold in parts in installments at
25 different times or at one time. The refunding bonds
26 or notes may be sold or exchanged at any time on,
27 before, or after the maturity of any of the
28 outstanding notes, bonds, or other obligations to be
29 refinanced thereby and may be issued for the purpose
30 of refunding a like or greater principal amount of
31 bonds or notes, except that the principal amount of
32 the refunding bonds or notes may exceed the principal
33 amount of the bonds or notes to be refunded to the
34 extent necessary to pay any premium due on the call of
35 the bonds or notes to be refunded or to fund interest
36 in arrears or about to become due.

37 Sec. 18. Section 263A.4, Code 2009, is amended to
38 read as follows:

39 263A.4 BONDS OR NOTES PROVISIONS.

40 Such bonds or notes may bear such date or dates,
41 may bear interest at such rate or rates, payable
42 semiannually, may mature at such time or times, may be
43 in such form and denominations, carry such
44 registration privileges, may be payable at such place
45 or places, may be subject to such terms of redemption
46 prior to maturity with or without premium, if so
47 stated on the face thereof, and may contain such terms
48 and covenants, including the establishment of
49 reserves, all as may be provided by this chapter,
50 section 76.17, and the resolution of the board

Page 23

1 authorizing the issuance of the bonds or notes. In
2 addition to the estimated cost of construction,
3 including site costs, the cost of the project may
4 include interest upon the bonds or notes during
5 construction and for six months after the estimated
6 completion date, the compensation of a fiscal agent or
7 adviser, engineering, architectural, administrative,
8 and legal expenses and provision for contingencies.
9 Such bonds or notes shall be executed by the president
10 of the state board of regents and attested by the
11 executive director, secretary, or other official
12 thereof performing the duties of executive director,
13 and the coupons thereto attached shall be executed
14 with the original or facsimile signatures of said
15 president, executive director, secretary, or other
16 official; provided, however, that the facsimile
17 signature of either of such officers executing such
18 bonds may be imprinted on the face of the bonds in
19 lieu of the manual signature of such officer, but at

20 least one of the signatures appearing on the face of
21 each bond shall be a manual signature. Any bonds or
22 notes bearing the signatures of officers in office on
23 the date of the signing thereof shall be valid and
24 binding for all purposes, notwithstanding that before
25 delivery thereof any or all such persons whose
26 signatures appear thereon shall have ceased to be such
27 officers. Each such bond or note shall state upon its
28 face the name of the institution on behalf of which it
29 is issued, that it is payable solely and only from
30 hospital income received by such institution as
31 provided in this chapter, and that it does not
32 constitute a debt of or charge against the state of
33 Iowa within the meaning or application of any
34 constitutional or statutory limitation or provision.
35 The issuance of such bonds or notes shall be recorded
36 in the office of the treasurer of the institution, and
37 a certificate by such treasurer to this effect shall
38 be printed on the back of each such bond or note.

39 Sec. 19. 2004 Iowa Acts, chapter 1175, section
40 277, is amended by adding the following new
41 subsection:

42 NEW SUBSECTION. 5. DEFINITION. For purposes of
43 subsection 3, paragraph "b", "project" means the same
44 as defined in section 262A.2, subsection 6, and
45 includes the construction of replacement facilities
46 and flood recovery and flood mitigation expenses
47 resulting from a disaster in an area included in a
48 proclamation of disaster emergency in accordance with
49 section 29C.6.

50 Sec. 20. 2007 Iowa Acts, chapter 205, section 1,

Page 24

1 is amended by adding the following new subsection:
2 NEW SUBSECTION. 4. DEFINITION. For purposes of
3 subsection 2, paragraph "a", "project" means the same
4 as defined in section 262A.2, subsection 6, and
5 includes the construction of replacement facilities
6 and flood recovery and flood mitigation expenses
7 resulting from a disaster in an area included in a
8 proclamation of disaster emergency in accordance with
9 section 29C.6.

10 DIVISION V

11 CHANGES TO PRIOR APPROPRIATIONS

12 Sec. 21. 2008 Iowa Acts, chapter 1179, section 7,
13 is amended to read as follows:

14 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
15 is appropriated from the rebuild Iowa infrastructure
16 fund to the department of economic development for the
17 designated fiscal years the following amounts, or so
18 much thereof as is necessary, to be used for the

19 purposes designated:

20 For deposit into the river enhancement community
21 attraction and tourism fund created in 2008 Iowa Acts,
22 [Senate File 2430](#), if enacted:

23	FY 2009-2010	\$ 10,000,000
24		<u>0</u>
25	FY 2010-2011	\$ 10,000,000
26	FY 2011-2012	\$ 10,000,000
27	FY 2012-2013	\$ 10,000,000

28 ~~Notwithstanding section 8.33, moneys appropriated
29 in this section for the fiscal year beginning July 1,
30 2009, and ending June 30, 2010, shall not revert at
31 the close of the fiscal year for which they are
32 appropriated but shall remain available for the
33 purpose designated until the close of the fiscal year
34 that begins July 1, 2012, or until the project for
35 which the appropriation was made is completed,
36 whichever is earlier.~~

37 Notwithstanding section 8.33, moneys appropriated
38 in this section for the fiscal year beginning July 1,
39 2010, and ending June 30, 2011, shall not revert at
40 the close of the fiscal year for which they are
41 appropriated but shall remain available for the
42 purpose designated until the close of the fiscal year
43 that begins July 1, 2013, or until the project for
44 which the appropriation was made is completed,
45 whichever is earlier.

46 Notwithstanding section 8.33, moneys appropriated
47 in this section for the fiscal year beginning July 1,
48 2011, and ending June 30, 2012, shall not revert at
49 the close of the fiscal year for which they are
50 appropriated but shall remain available for the

Page 25

1 purpose designated until the close of the fiscal year
2 that begins July 1, 2014, or until the project for
3 which the appropriation was made is completed,
4 whichever is earlier.

5 Notwithstanding section 8.33, moneys appropriated
6 in this section for the fiscal year beginning July 1,
7 2012, and ending June 30, 2013, shall not revert at
8 the close of the fiscal year for which they are
9 appropriated but shall remain available for the
10 purpose designated until the close of the fiscal year
11 that begins July 1, 2015, or until the project for
12 which the appropriation was made is completed,
13 whichever is earlier.

14 Sec. 22. 2008 Iowa Acts, chapter 1179, section 18,
15 unnumbered paragraph 1, is amended to read as follows:
16 There is appropriated from the ~~FY 2009 tax exempt~~
17 ~~bond proceeds restricted capital funds account of the~~

18 ~~tobacco settlement trust fund~~ revenue bonds capitals
 19 fund pursuant to section ~~12E.12, subsection 1,~~
 20 ~~paragraph "b", subparagraph (1A) 12.88, as if enacted~~
 21 ~~in this Act by the Eighty-third General Assembly, 2009~~
 22 ~~Session~~, to the following departments and agencies for
 23 the fiscal year beginning July 1, 2008, and ending
 24 June 30, 2009, the following amounts, or so much
 25 thereof as is necessary, to be used for the purposes
 26 designated:

27 Sec. 23. 2008 Iowa Acts, chapter 1179, section 18,
 28 subsection 1, paragraphs b through k, are amended to
 29 read as follows:

- 30 b. For renovations to the capitol complex utility
- 31 tunnel system:
- 32 \$ ~~4,763,078~~
- 33 0
- 34 c. For costs associated with capitol interior and
- 35 exterior restoration:
- 36 \$ ~~6,900,000~~
- 37 0
- 38 d. For upgrades to the electrical distribution
- 39 system serving the capitol complex:
- 40 \$ ~~4,470,000~~
- 41 0
- 42 e. For heating, ventilating, and air conditioning
- 43 improvements in the Hoover state office building:
- 44 \$ ~~1,500,000~~
- 45 0
- 46 f. For costs associated with the central energy
- 47 plant addition and improvements:
- 48 \$ ~~623,000~~
- 49 0
- 50 g. For building security and firewall protection

Page 26

- 1 in the Hoover state office building:
- 2 \$ ~~165,000~~
- 3 0
- 4 h. For projects related to major repairs and major
- 5 maintenance for state buildings and facilities under
- 6 the purview of the department:
- 7 \$ ~~15,000,000~~
- 8 14,624,923
- 9 Of the amount appropriated in this lettered
- 10 paragraph, up to \$1,000,000 may be used for demolition
- 11 purposes.
- 12 i. For the purchase of Mercy capitol hospital:
- 13 \$ ~~3,400,000~~
- 14 0
- 15 It is the intent of the general assembly that the
- 16 department will use other appropriations made or other

17 funds available to the department for the acquisition
18 of buildings to complete the purchase of this
19 building.

20 j. For capital improvements at the civil
21 commitment unit for a sexual offenders facility at
22 Cherokee:

23 \$ ~~829,000~~
24 0

25 k. For costs associated with the restoration and
26 renovation, including major repairs and major
27 maintenance, at the governor's mansion at Terrace
28 Hill:

29 \$ ~~769,543~~
30 0

31 Sec. 24. 2008 Iowa Acts, chapter 1179, section 18,
32 subsections 2 through 9, are amended to read as
33 follows:

34 2. DEPARTMENT FOR THE BLIND

35 For costs associated with the renovation of
36 dormitory buildings:

37 \$ 869,748

38 3. DEPARTMENT OF CORRECTIONS

39 a. For expansion of the community-based
40 corrections facility at Sioux City:

41 \$ 5,300,000

42 b. For expansion of the community-based
43 corrections facility at Ottumwa:

44 \$ 4,100,000

45 c. For expansion of the community-based
46 corrections facility at Waterloo:

47 \$ 6,000,000

48 d. For expansion of the community-based
49 corrections facility at Davenport:

50 \$ 2,100,000

Page 27

1 e. For expansion, including land acquisition, of
2 the community-based corrections facility at Des
3 Moines:
4 \$ 13,100,000
5 The appropriation in this lettered paragraph is
6 contingent upon relocation of the sex offender
7 treatment program from the community-based corrections
8 facility at Des Moines to the property in northeast
9 Des Moines identified by the fifth judicial district
10 in the facility and site study final report submitted
11 December 12, 2008.

12 It is the intent of the general assembly that the
13 funds appropriated in paragraphs "a" through "e" "e"
14 be used to expand the number of beds available through
15 new construction and remodeling and ~~not~~ for the

16 ~~replacement~~ expansion of existing facilities.
 17 ~~e. f.~~ For expansion of the Iowa correctional
 18 facility for women at Mitchellville:
 19 \$ 47,500,000
 20 ~~e. g.~~ For the remodeling of kitchens at the
 21 correctional facilities at Mount Pleasant and Rockwell
 22 City:
 23 \$ 12,500,000
 24 4. DEPARTMENT OF ECONOMIC DEVELOPMENT
 25 a. For deposit into the community attraction and
 26 tourism fund created in section 15F.204:
 27 \$ 12,000,000
 28 b. For deposit into the river enhancement
 29 community attraction and tourism fund created in
 30 section 15F.205:
 31 \$ 10,000,000
 32 Moneys appropriated for grants awarded in
 33 paragraphs "a" and "b" shall be used to assist
 34 communities in the development and creation of
 35 multiple purpose attraction or community service
 36 facilities for public use.
 37 c. For accelerated career education program
 38 capital projects at community colleges that are
 39 authorized under chapter 260G and that meet the
 40 definition of vertical infrastructure in section 8.57,
 41 subsection 6, paragraph "c":
 42 \$ 5,500,000
 43 4. 5. DEPARTMENT OF EDUCATION
 44 For major renovation and major repair needs,
 45 including health, life, and fire safety needs, and for
 46 compliance with the federal Americans With
 47 Disabilities Act, for state buildings and facilities
 48 under the purview of the community colleges:
 49 \$ 2,000,000
 50 The moneys appropriated in this subsection shall be

Page 28

1 allocated to the community colleges based upon the
 2 distribution formula established in section 260C.18C.
 3 ~~5.~~ 6. DEPARTMENT OF NATURAL RESOURCES
 4 a. For infrastructure improvements for a state
 5 river recreation area located in a county with a
 6 population between 21,900 and 22,100:
 7 \$ 750,000
 8 ~~b. For the construction and installation of an~~
 9 ~~angled well, pumps, and piping to connect the existing~~
 10 ~~infrastructure from the new well to a lake located in~~
 11 ~~a county with a population between 87,500 and 88,000~~
 12 For the implementation of a water quality improvement
 13 project for the restoration of a lake located in a
 14 county with a population between 87,500 and 88,000:

15 \$ 500,000

16 Moneys appropriated in this lettered paragraph are
17 contingent upon receipt of matching funds from a state
18 taxing authority surrounding such lake.

19 e. For the construction of the cabins, activity
20 building, picnic shelters, and other costs associated
21 with the opening of the Honey creek premier
22 destination park:

23 \$ 4,900,000

24 The department shall not obligate any funding under
25 this appropriation without approval from the
26 department of management. The department shall
27 provide quarterly updates to the Honey creek premier
28 destination park authority and the legislative
29 services agency on the obligation and spending of this
30 appropriation.

31 In light of this appropriation, the department
32 shall not request additional appropriations for
33 funding the construction of future additional
34 amenities at the Honey creek destination park beyond
35 the fiscal year ending June 30, 2009. In the event
36 that the chairperson of the authority delivers a
37 certificate to the governor, pursuant to section
38 463C.13, stating the amounts necessary to restore bond
39 reserve funds, it is the general assembly's intent
40 upon consideration of the governor's request to first
41 seek refunding from the department's budget.

42 d. c. For implementation of lake projects that
43 have established watershed improvement initiatives and
44 community support in accordance with the department's
45 annual lake restoration plan and report,
46 notwithstanding section 8.57, subsection 6, paragraph
47 "c":

48 \$ 8,600,000

49 10,000,000

50 (1) It is the intent of the general assembly that

Page 29

1 the department of natural resources shall implement
2 the lake restoration annual report and plan submitted
3 to the joint appropriations subcommittee on
4 transportation, infrastructure, and capitals and the
5 legislative services agency on December 26, 2006,
6 pursuant to section 456A.33B. The lake restoration
7 projects that are recommended by the department to
8 receive funding for fiscal year 2007-2008 and that
9 satisfy the criteria in section 456A.33B, including
10 local commitment of funding for the projects, shall be
11 funded in the amounts provided in the report.
12 Of the amounts appropriated in this lettered
13 paragraph, at least the following amounts shall be

14 allocated as follows:

15 (a) For clear lake in Cerro Gordo county:
16 \$ 3,000,000

17 (b) For storm lake in Buena Vista county:
18 \$ 1,000,000

19 (c) For carter lake in Pottawattamic county:
20 \$ 200,000

21 (2) Of the moneys appropriated in this lettered
22 paragraph, \$200,000 shall be used for the purposes of
23 supporting a low head dam public hazard improvement
24 program. The moneys shall be used to provide grants
25 to local communities, including counties and cities,
26 for projects approved by the department.

27 (a) The department shall award grants to dam
28 owners including counties, cities, state agencies,
29 cooperatives, and individuals, to support projects
30 approved by the department.

31 (b) The department shall require each dam owner
32 applying for a project grant to submit a project plan
33 for the expenditure of the moneys, and file a report
34 with the department regarding the project, as required
35 by the department.

36 (c) The funds can be used for signs, posts, and
37 related cabling, and the department shall only award
38 money on a matching basis, pursuant to the dam owner
39 contributing at least 20 cents for every 80 cents
40 awarded by the department, in order to finance the
41 project. For the remainder of the funds, including
42 any balance of money not awarded for signs, posts, and
43 related cabling, the department shall only award
44 moneys to a dam owner on a matching basis. A dam
45 owner shall contribute one dollar for each dollar
46 awarded by the department in order to finance a
47 project.

48 ~~6.~~ 7. STATE BOARD OF REGENTS

49 a. For infrastructure, deferred maintenance, and
50 equipment related to Iowa public radio:

Page 30

1 \$ 2,000,000
2 1,900,000

3 b. For phase II of the construction and renovation
4 of the veterinary medical facilities at Iowa state
5 university of science and technology, specifically the
6 renovation and modernization of the area formerly
7 occupied by the large animal area of the teaching
8 hospital for expanded clinical services in a small
9 animal hospital:
10 \$ 10,000,000

11 ~~7.~~ 8. IOWA STATE FAIR
12 For infrastructure improvements to the Iowa state

13 fairgrounds including but not limited to the
 14 construction of an agricultural exhibition center on
 15 the Iowa state fairgrounds:
 16 \$ ~~5,000,000~~
 17 0

18 ~~8.~~ 9. DEPARTMENT OF TRANSPORTATION
 19 a. For deposit into the public transit
 20 infrastructure grant fund created in section 324A.6A:
 21 \$ 2,200,000
 22 b. For infrastructure improvements at the
 23 commercial service airports within the state:
 24 \$ 1,500,000
 25 Fifty percent of the funds appropriated in this
 26 lettered paragraph shall be allocated equally between
 27 each commercial air service airport, forty percent of
 28 the funds shall be allocated based on the percentage
 29 that the number of enplaned passengers at each
 30 commercial air service airport bears to the total
 31 number of enplaned passengers in the state during the
 32 previous fiscal year, and ten percent of the funds
 33 shall be allocated based on the percentage that the
 34 air cargo tonnage at each commercial air service
 35 airport bears to the total air cargo tonnage in the
 36 state during the previous fiscal year. In order for a
 37 commercial air service airport to receive funding
 38 under this lettered paragraph, the airport shall be
 39 required to submit applications for funding of
 40 specific projects to the department for approval by
 41 the state transportation commission.
 42 ~~9.~~ 10. DEPARTMENT OF VETERANS AFFAIRS
 43 ~~a.~~ For matching funds for the construction of
 44 resident living areas at the Iowa veterans home and
 45 related improvements associated with the Iowa veterans
 46 home comprehensive plan:
 47 \$ ~~20,555,329~~
 48 22,555,329
 49 ~~b. To build a memorial plaza that honors veterans~~
 50 ~~from the Dubuque area:~~

Page 31

1 \$ ~~100,000~~
 2 Sec. 25. 2008 Iowa Acts, chapter 1179, sections 19
 3 and 20, are amended to read as follows:
 4 SEC. 19. TAX-EXEMPT STATUS -- USE OF
 5 APPROPRIATIONS. Payment of moneys from the
 6 appropriations in this division of this Act shall be
 7 made in a manner that does not adversely affect the
 8 tax-exempt status of any outstanding bonds issued by
 9 the ~~tobacco settlement authority~~ treasurer of state.
 10 SEC. 20. REVERSION. Notwithstanding section 8.33,
 11 moneys appropriated in this division of this Act for

12 the fiscal year beginning July 1, 2008, and ending
 13 June 30, 2009, shall not revert at the close of the
 14 fiscal year for which they are appropriated but shall
 15 remain available for the purposes designated until the
 16 close of the fiscal year that begins July 1, ~~2011~~
 17 2012, or until the project for which the appropriation
 18 was made is completed, whichever is earlier.

19 DIVISION VI

20 MISCELLANEOUS CODE CHANGES

21 Sec. 26. Section 8.57, subsection 6, paragraph e,
 22 Code 2009, is amended to read as follows:

23 e. (1) ~~(a) (i)~~ Notwithstanding provisions to the
 24 contrary in sections 99D.17 and 99F.11, for the fiscal
 25 year beginning July 1, 2000, and for each fiscal year
 26 thereafter, not more than a total of sixty million
 27 dollars shall be deposited in the general fund of the
 28 state in any fiscal year pursuant to sections 99D.17
 29 and 99F.11.

30 (ii) However, in lieu of the deposit in
 31 subparagraph subdivision (i), for the fiscal year
 32 beginning July 1, 2010, and for each fiscal year
 33 thereafter until the principal and interest on all
 34 bonds issued by the treasurer of state pursuant to
 35 section 12.87 are paid, as determined by the treasurer
 36 of state, the first fifty-five million dollars of the
 37 moneys directed to be deposited in the general fund of
 38 the state under subparagraph subdivision (i) shall be
 39 deposited in the revenue bonds debt service fund
 40 created in section 12.89, and the next five million
 41 dollars of the moneys directed to be deposited in the
 42 general fund of the state under subparagraph
 43 subdivision (i) shall be deposited in the general fund
 44 of the state.

45 (b) The next fifteen million dollars of the moneys
 46 directed to be deposited in the general fund of the
 47 state in a fiscal year pursuant to sections 99D.17 and
 48 99F.11 shall be deposited in the vision Iowa fund
 49 created in section 12.72 for the fiscal year beginning
 50 July 1, 2000, and for each fiscal year through the

Page 32

1 fiscal year beginning July 1, 2019.

2 (c) The next five million dollars of the moneys
 3 directed to be deposited in the general fund of the
 4 state in a fiscal year pursuant to sections 99D.17 and
 5 99F.11 shall be deposited in the school infrastructure
 6 fund created in section 12.82 for the fiscal year
 7 beginning July 1, 2000, and for each fiscal year
 8 thereafter until the principal and interest on all
 9 bonds issued by the treasurer of state pursuant to
 10 section 12.81 are paid, as determined by the treasurer

11 of state.

12 (d) (i) The total moneys in excess of the moneys
13 deposited in the general fund of the state revenue
14 bonds debt service fund, the vision Iowa fund, and the
15 school infrastructure fund, and the general fund of
16 the state in a fiscal year shall be deposited in the
17 rebuild Iowa infrastructure fund and shall be used as
18 provided in this section, notwithstanding section
19 8.60.

20 (ii) However, in lieu of the deposit in
21 subparagraph subdivision (i), for the fiscal year
22 beginning July 1, 2010, and for each fiscal year
23 thereafter until the principal and interest on all
24 bonds issued by the treasurer of state pursuant to
25 section 12.87 are paid, as determined by the treasurer
26 of state, fifty-five million dollars of the excess
27 moneys directed to be deposited in the rebuild Iowa
28 infrastructure fund under subparagraph subdivision (i)
29 shall be deposited in the general fund of the state.

30 (2) If the total amount of moneys directed to be
31 deposited in the general fund of the state under
32 sections 99D.17 and 99F.11 in a fiscal year is less
33 than the total amount of moneys directed to be
34 deposited in the revenue bonds debt service fund in
35 the fiscal year pursuant to this paragraph "e", the
36 difference shall be paid from moneys deposited in the
37 beer and liquor control fund created in section 123.53
38 in the manner provided in section 123.53, subsection
39 2A.

40 ~~(2) (3) If After the deposit of moneys directed to~~
41 ~~be deposited in the general fund of the state and the~~
42 ~~revenue bonds debt service fund as provided in~~
43 ~~subparagraph (2), if the total amount of moneys~~
44 ~~directed to be deposited in the general fund of the~~
45 ~~state under sections 99D.17 and 99F.11 in a fiscal~~
46 ~~year is less than the total amount of moneys directed~~
47 ~~to be deposited in the vision Iowa fund and the school~~
48 ~~infrastructure fund in the fiscal year pursuant to~~
49 ~~this paragraph "e", the difference shall be paid from~~
50 ~~lottery revenues in the manner provided in section~~

Page 33

1 99G.39, subsection 3.

2 Sec. 27. Section 15F.204, subsection 8, paragraph
3 a, subparagraph (6), Code 2009, is amended by striking
4 the subparagraph.

5 Sec. 28. NEW SECTION. 16.185 PUBLIC SERVICE
6 SHELTER GRANT FUND.

7 1. A public service shelter grant fund is created
8 under the authority of the Iowa finance authority.

9 The fund shall consist of appropriations made to the

10 fund. The fund shall be separate from the general
11 fund of the state and the balance in the fund shall
12 not be considered part of the balance of the general
13 fund of the state. However, the fund shall be
14 considered a special account for the purposes of
15 section 8.53, relating to generally accepted
16 accounting principles.

17 2. Notwithstanding section 12C.7, subsection 2,
18 interest or earnings on moneys in the fund shall be
19 credited to the fund.

20 3. Moneys in the fund in a fiscal year shall be
21 used as appropriated by the general assembly for
22 grants for construction, renovations, or improvements
23 of homeless shelters, emergency shelters, and family
24 and domestic violence shelters, to assist communities
25 in providing certain essential social services
26 including supportive services and other kinds of
27 assistance to individuals in need of temporary housing
28 necessary to improve their living situations.

29 4. Annually, on or before January 15 of each year,
30 a state agency that received an appropriation for the
31 public service shelter grant fund shall report to the
32 legislative services agency and the department of
33 management the status of all projects completed or in
34 progress. The report shall include a description of
35 the project, the progress of work completed, the total
36 estimated cost of the project, a list of all revenue
37 sources being used to fund the project, the amount of
38 funds expended, the amount of funds obligated, and the
39 date the project was completed or an estimated
40 completion date of the project, where applicable.

41 5. Payment of moneys from appropriations from the
42 fund shall be made in a manner that does not adversely
43 affect the tax-exempt status of any outstanding bonds
44 issued by the treasurer of state pursuant to section
45 12.87.

46 6. The authority shall adopt rules pursuant to
47 chapter 17A to administer this section.

48 Sec. 29. NEW SECTION. 16.186 DISASTER DAMAGE
49 HOUSING ASSISTANCE GRANT FUND.

50 1. A disaster damage housing assistance grant fund

Page 34

1 is created under the authority of the Iowa finance
2 authority. The fund shall consist of appropriations
3 made to the fund. The fund shall be separate from the
4 general fund of the state and the balance in the fund
5 shall not be considered part of the balance of the
6 general fund of the state. However, the fund shall be
7 considered a special account for the purposes of
8 section 8.53, relating to generally accepted

9 accounting principles.

10 2. Notwithstanding section 12C.7, subsection 2,
11 interest or earnings on moneys in the fund shall be
12 credited to the fund.

13 3. Moneys in the fund in a fiscal year shall be
14 used as appropriated by the general assembly for
15 grants to ease and speed recovery efforts from the
16 natural disasters of 2008, including stabilizing
17 neighborhoods damaged by the natural disasters,
18 preventing population loss and neighborhood
19 deterioration, and improving the health, safety, and
20 welfare of persons living in such disaster-damaged
21 neighborhoods.

22 4. Annually, on or before January 15 of each year,
23 a state agency that received an appropriation for the
24 disaster damage housing assistance grant fund shall
25 report to the legislative services agency and the
26 department of management the status of all projects
27 completed or in progress. The report shall include a
28 description of the project, the progress of work
29 completed, the total estimated cost of the project, a
30 list of all revenue sources being used to fund the
31 project, the amount of funds expended, the amount of
32 funds obligated, and the date the project was
33 completed or an estimated completion date of the
34 project, where applicable.

35 5. Payment of moneys from appropriations from the
36 fund shall be made in a manner that does not adversely
37 affect the tax-exempt status of any outstanding bonds
38 issued by the treasurer of state pursuant to section
39 12.87.

40 6. The authority shall adopt rules pursuant to
41 chapter 17A to administer this section.

42 Sec. 30. NEW SECTION. 16.187 AFFORDABLE HOUSING
43 ASSISTANCE GRANT FUND.

44 1. An affordable housing assistance grant fund is
45 created under the authority of the Iowa finance
46 authority. The fund shall consist of appropriations
47 made to the fund. The fund shall be separate from the
48 general fund of the state and the balance in the fund
49 shall not be considered part of the balance of the
50 general fund of the state. However, the fund shall be

Page 35

1 considered a special account for the purposes of
2 section 8.53, relating to generally accepted
3 accounting principles.

4 2. Notwithstanding section 12C.7, subsection 2,
5 interest or earnings on moneys in the fund shall be
6 credited to the fund.

7 3. Moneys in the fund in a fiscal year shall be

8 used as appropriated by the general assembly for
9 grants for housing for certain elderly, disabled, and
10 low-income persons and public servants in professions
11 meeting critical skill shortages in the state, to
12 assist communities in providing safe and affordable
13 housing for the general welfare and security of the
14 citizens of the state.

15 4. Annually, on or before January 15 of each year,
16 a state agency that received an appropriation for the
17 affordable housing assistance grant fund shall report
18 to the legislative services agency and the department
19 of management the status of all projects completed or
20 in progress. The report shall include a description
21 of the project, the progress of work completed, the
22 total estimated cost of the project, a list of all
23 revenue sources being used to fund the project, the
24 amount of funds expended, the amount of funds
25 obligated, and the date the project was completed or
26 an estimated completion date of the project, where
27 applicable.

28 5. Payment of moneys from appropriations from the
29 fund shall be made in a manner that does not adversely
30 affect the tax-exempt status of any outstanding bonds
31 issued by the treasurer of state pursuant to section
32 12.87.

33 6. The authority shall adopt rules pursuant to
34 chapter 17A to administer this section.

35 Sec. 31. Section 123.53, Code 2009, is amended by
36 adding the following new subsections:

37 NEW SUBSECTION. 2A. Notwithstanding subsection 2,
38 if gaming revenues under sections 99D.17 and 99F.11
39 are insufficient in a fiscal year to meet the total
40 amount of such revenues directed to be deposited in
41 the revenue bonds debt service fund during the fiscal
42 year pursuant to section 8.57, subsection 6, paragraph
43 "e", the difference shall be paid from moneys
44 deposited in the beer and liquor control fund prior to
45 transfer of such moneys to the general fund pursuant
46 to subsection 2 and prior to the transfer of such
47 moneys pursuant to subsections 3 and 4. If moneys
48 deposited in the beer and liquor control fund are
49 insufficient during the fiscal year to pay the
50 difference, the remaining difference shall be paid

Page 36

1 from moneys deposited in the beer and liquor control
2 fund in subsequent fiscal years as such moneys become
3 available.

4 NEW SUBSECTION. 2B. The treasurer of state shall,
5 each quarter, prepare an estimate of the gaming
6 revenues and of the moneys to be deposited in the beer

7 and liquor control fund that will become available
8 during the remainder of the appropriate fiscal year
9 for the purposes described in subsection 2A. The
10 department of management, the department of
11 inspections and appeals and the department of commerce
12 shall take appropriate actions to provide that the sum
13 of the amount of gaming revenues available to be
14 deposited into the revenue bonds debt service fund
15 during a fiscal year and the amount of moneys to be
16 deposited in the beer and liquor control fund
17 available to be deposited into the revenue bonds debt
18 service fund during such fiscal year will be
19 sufficient to cover any anticipated deficiencies.

20 Sec. 32. Section 123.53, subsections 3 and 4, Code
21 2009, are amended to read as follows:

22 3. ~~The treasurer of state~~ After any transfer
23 provided for in subsection 2A is made, the department
24 of commerce shall transfer into a special revenue
25 account in the general fund of the state, a sum of
26 money at least equal to seven percent of the gross
27 amount of sales made by the division from the beer and
28 liquor control fund on a monthly basis but not less
29 than nine million dollars annually. Of the amounts
30 transferred, two million dollars, plus an additional
31 amount determined by the general assembly, shall be
32 appropriated to the Iowa department of public health
33 for use by the staff who administer the comprehensive
34 substance abuse program under chapter 125 for
35 substance abuse treatment and prevention programs.
36 Any amounts received in excess of the amounts
37 appropriated to the Iowa department of public health
38 for use by the staff who administer the comprehensive
39 substance abuse program under chapter 125 shall be
40 considered part of the general fund balance.

41 4. ~~The treasurer of state, after making the~~
42 ~~transfer~~ After any transfers provided for in
43 ~~subsection~~ subsections 2A and 3, the department of
44 commerce shall transfer to the division from the beer
45 and liquor control fund and before any other transfer
46 to the general fund, an amount sufficient to pay the
47 costs incurred by the division for collecting and
48 properly disposing of the liquor containers.

49 Sec. 33. Section 331.441, subsection 2, paragraph
50 b, subparagraph 16, Code 2009, is amended to read as

Page 37

1 follows:

2 (16) Capital projects for the construction,
3 reconstruction, improvement, repair, or equipping of
4 bridges, roads, and culverts if such capital projects
5 assist in economic development which creates jobs and

6 wealth, if such capital projects relate to damage
 7 caused by a disaster as defined in section 29C.2, or
 8 if such capital projects are designed to prevent or
 9 mitigate future disasters as defined in section 29C.2.

10 Sec. 34. NEW SECTION. 313.68 BRIDGE SAFETY FUND.

11 1. A bridge safety fund is created in the
 12 department under the authority of the state
 13 transportation commission. The fund shall consist of
 14 appropriations made to the fund. The fund shall be
 15 separate from the general fund of the state and the
 16 balance in the fund shall not be considered part of
 17 the balance of the general fund of the state.

18 However, the fund shall be considered a special
 19 account for the purposes of section 8.53, relating to
 20 generally accepted accounting principles.

21 2. Notwithstanding section 12C.7, subsection 2,
 22 interest or earnings on moneys in the fund shall be
 23 credited to the fund.

24 3. Moneys in the fund in a fiscal year shall be
 25 used as appropriated by the general assembly for
 26 infrastructure projects relating to functionally
 27 obsolete and structurally deficient bridges on the
 28 primary road system.

29 4. Annually, on or before January 15 of each year,
 30 the department of transportation shall report to the
 31 legislative services agency and the department of
 32 management the status of all projects completed or in
 33 progress. The report shall include a description of
 34 the project, the progress of work completed, the total
 35 estimated cost of the project, a list of all revenue
 36 sources being used to fund the project, the amount of
 37 funds expended, the amount of funds obligated, and the
 38 date the project was completed or an estimated
 39 completion date of the project, where applicable.

40 5. Payment of moneys from appropriations from the
 41 fund shall be made in a manner that does not adversely
 42 affect the tax-exempt status of any outstanding bonds
 43 issued by the treasurer of state pursuant to section
 44 12.87.

45 6. The department shall adopt rules pursuant to
 46 chapter 17A to administer this section.

47 Sec. 35. Section 476.46, subsection 2, paragraph
 48 d, subparagraph (1), Code 2009, is amended to read as
 49 follows:

50 d. (1) A gas or electric utility that is not

Page 38

1 required to be rate-regulated shall not be eligible
 2 for a loan under this section. However, gas and
 3 electric utilities not required to be rate-regulated
 4 shall be eligible for loans from moneys remitted to

5 the fund except as provided in subsection 3. Such
6 loans shall be limited to a maximum of five hundred
7 thousand dollars per applicant and shall be limited to
8 one loan every two years.

9 DIVISION VI

10 EFFECTIVE DATE

11 Sec. 36. EFFECTIVE DATE. This Act, being deemed
12 of immediate importance, takes effect upon enactment.”

13 2. Title page, by striking lines 1 through 5 and
14 inserting the following: “An Act creating an Iowa
15 jobs program, an Iowa jobs board, and Iowa jobs fund,
16 authorizing the issuance of bonds, including the
17 issuance of tax-exempt bonds, making and revising
18 appropriations, and providing an effective date.”

Schueller of Jackson asked and received unanimous consent to withdraw amendment [H-1716](#), to amendment [H-1715](#), filed by him from the floor.

The House stood at ease at 10:46 p.m., until the fall of the gavel.

The House resumed session at 10:50 p.m., Swaim of Davis in the chair.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-1717](#), to amendment [H-1715](#), filed by him from the floor.

Cohoon of Des Moines moved the adoption of amendment [H-1715](#).

A non-record roll call was requested.

The ayes were 52, nays 41.

Amendment [H-1715](#) was adopted.

DISSENT FROM [SENATE FILE 376](#)

Mr. Speaker:

Article III Section 10 of the Constitution of the State of Iowa provides:

Protest – record of vote – Every member of the general assembly shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

I have here a written statement explaining one reason inter alia for our dissent on [Senate File 376](#) to be placed into the journal as provided by Article III Section 10.

Article VII Section 2 of the Constitution of the State of Iowa, states “The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty-thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.”

On 24 April 2009, the Iowa House passed [Senate File 376](#), which issues bond debt of \$475 million. This is clearly above the \$250,000 threshold set by Article VII of the Constitution. Therefore, it is our belief that the bill is unconstitutional.

For this and other reasons we, the undersigned, object to [Senate File 376](#) being before the body and voted against passage of the bill.

Representative Dwayne Alons	Representative Kraig Paulsen
Representative Rich Anderson	Representative Dawn Pettengill
Representative Clel Baudler	Representative Scott Raecker
Representative Peter Cownie	Representative Christopher Rants
Representative Dave Deyoe	Representative Rod Roberts
Representative Cecil Dolecheck	Representative Tom Sands
Representative Jack Drake	Representative Renee Schulte
Representative Greg Forristall	Representative Jason Schultz
Representative Pat Grassley	Representative Chuck Soderberg
Representative Chris Hagenow	Representative Kent Sorenson
Representative Dave Heaton	Representative Doug Struyk
Representative Lance Horbach	Representative Annette Sweeney
Representative Dan Huseman	Representative Dave Tjepkes
Representative Jeff Kaufmann	Representative Jodi Tymeson
Representative Kevin Koester	Representative Linda Upmeyer
Representative Steve Lukan	Representative Jim Van Engelenhoven
Representative Mike May	Representative Nick Wagner
Representative Linda Miller	Representative Ralph Watts
Representative Steve Olson	Representative Matt Windschitl
	Representative Gary Worthan

Cohon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” ([S.F. 376](#))

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohon

Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Shomshor	Smith
Steckman	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach			

The nays were, 43:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Roberts	Sands	Schueller
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan	Swaim, Presiding	

Absent or not voting, 4:

Arnold	Chambers	De Boef	Rayhons
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 477](#), a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes.

Also: That the Senate has on April 24, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 483](#), a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets

transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

[House File 830](#), by committee on appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGE CONSIDERED

[Senate File 477](#), by committee on appropriations, a bill for an act authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision.

Read first time and **passed on file**.

Unfinished Business Calendar

[House File 822](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund and other funds, and providing for properly related matters, was taken up for consideration.

The House stood at ease at 1:53 a.m., until the fall of the gavel.

The House resumed session at 2:12 a.m., Swaim of Davis in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Roberts of Carroll; Rayhons of Hancock on request of Kaufmann of Cedar; Van Engelenhoven of Marion on request of Roberts of Carroll.

Cohoon of Des Moines offered amendment [H-1675](#) filed by him as follows:

[H-1675](#)

1 Amend [House File 822](#) as follows:

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

4 "DIVISION I

5 REBUILD IOWA INFRASTRUCTURE FUND

6 Section 1. There is appropriated from the rebuild
7 Iowa infrastructure fund to the following departments
8 and agencies for the fiscal year beginning July 1,
9 2009, and ending June 30, 2010, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 a. For distribution to other governmental entities
14 for the payment of services related to the integrated
15 information for Iowa system, notwithstanding section
16 8.57, subsection 6, paragraph "c":

17 \$ 3,700,000

18 Moneys appropriated in this lettered paragraph
19 shall be separately accounted for in a distribution
20 account and shall be distributed to other governmental
21 entities based upon a formula established by the
22 department to pay for services provided during the
23 fiscal year to such other governmental entities by the
24 department associated with the integrated information
25 for Iowa system.

26 During the fiscal year, the department may use up
27 to \$1,000,000 of unexpended or unobligated funds in
28 the information technology operations fund established
29 under the provisions of section 8A.123 to provide
30 funding for costs associated with the integrated
31 information for Iowa system. By October 31, 2010, the
32 department shall report to the department of
33 management and the legislative services agency
34 regarding any moneys that are used for this purpose.

35 b. For routine maintenance of state buildings and
36 facilities, notwithstanding section 8.57, subsection
37 6, paragraph "c":

38 \$ 3,000,000

39 Of the amounts appropriated in this lettered
 40 paragraph, up to \$1,000,000 may be used for demolition
 41 purposes.
 42 c. For costs associated with improvements to and
 43 renovation of the Wallace building for extending the
 44 useful life of the building:
 45 \$ 1,500,000
 46 d. For upgrades to the electrical distribution
 47 system serving the capitol complex:
 48 \$ 850,000
 49 e. For costs associated with capitol interior and
 50 exterior restoration and for compliance with the

Page 2

1 federal Americans With Disabilities Act:
 2 \$ 5,000,00
 3 f. For heating, ventilating, and air conditioning
 4 improvements in the Hoover state office building:
 5 \$ 1,500,00
 6 g. For costs associated with the central energy
 7 plant addition and improvements:
 8 \$ 623,00
 9 h. For costs associated with Mercy capitol
 10 hospital building operations upon acquisition of the
 11 hospital, notwithstanding section 8.57, subsection 6,
 12 paragraph "c":
 13 \$ 500,000
 14 i. For costs associated with the restoration and
 15 renovation, including major repairs and major
 16 maintenance, at the governor's mansion at Terrace
 17 Hill:
 18 \$ 769,543
 19 j. For the state's share of support in conjunction
 20 with the city of Des Moines and local area businesses
 21 to provide a free shuttle service to the citizens of
 22 Iowa that includes transportation between the capitol
 23 complex and the downtown Des Moines area,
 24 notwithstanding section 8.57, subsection 6, paragraph
 25 "c":
 26 \$ 188,000
 27 Details for the shuttle service, including the
 28 route to be served, shall be determined pursuant to an
 29 agreement to be entered into by the department with
 30 the Des Moines area regional transit authority (DART)
 31 and any other participating entities.
 32 Of the amount appropriated in this lettered
 33 paragraph, up to \$50,000 shall be used to encourage
 34 state employees to utilize transit services provided
 35 by the Des Moines area regional transit authority.
 36 2. DEPARTMENT OF CORRECTIONS
 37 For project management costs at Fort Madison and

38 Mitchellville prison, associated with construction
 39 projects at the department, notwithstanding section
 40 8.57, subsection 6, paragraph "c":
 41 \$ 1,750,000
 42 3. DEPARTMENT OF CULTURAL AFFAIRS
 43 a. For deposit into the Iowa great places program
 44 fund created in section 303.3D for Iowa great places
 45 program projects that meet the definition of the term
 46 "vertical infrastructure" in section 8.57, subsection
 47 6, paragraph "c":
 48 \$ 1,900,000
 49 b. For costs relating to a traveling exhibit and
 50 museum exhibit of the sesquicentennial of the American

Page 3

1 civil war including but not limited to restoration and
 2 duplication of muster records, publishing and
 3 publication costs, relocation of battle flag
 4 laboratory to a public viewing area including
 5 educational and program costs, notwithstanding section
 6 8.57, subsection 6, paragraph "c":
 7 \$ 350,00
 8 c. For grants for a cultural community grant
 9 program:
 10 \$ 200,000
 11 The department shall establish a cultural community
 12 grant program to provide grants for a cultural and
 13 educational center to showcase an immigrant community
 14 from Laos and Vietnam and their cultures. The
 15 department shall distribute the grants on a
 16 competitive basis to communities with an approved plan
 17 for the establishment of the cultural center.
 18 Applications must be submitted to the department no
 19 later than July 15, 2009.
 20 d. For historical site preservation grants to be
 21 used for the restoration, preservation, and
 22 development of historic sites:
 23 \$ 1,000,000
 24 In making grants pursuant to this lettered
 25 paragraph, the department shall consider the existence
 26 and amount of other funds available to an applicant
 27 for the designated project. A grant awarded from
 28 moneys appropriated in this lettered paragraph shall
 29 not exceed \$100,000 per project. Not more than two
 30 grants may be awarded in the same county.
 31 4. DEPARTMENT OF ECONOMIC DEVELOPMENT
 32 a. For equal distribution to regional sports
 33 authority districts certified by the department
 34 pursuant to section 15E.3211, notwithstanding section
 35 8.57, subsection 6, paragraph "c":
 36 \$ 500,000

37 b. For deposit into the workforce training and
 38 economic development funds for each community college
 39 in section 260C.18A, notwithstanding section 8.57,
 40 subsection 6, paragraph "c":
 41 \$ 2,000,000
 42 Moneys from this lettered paragraph may be used to
 43 provide job training services to underserved
 44 populations in Iowa. "Underserved populations"
 45 include people making less than twenty thousand
 46 dollars annual net income, minorities, women, disabled
 47 persons, the elderly, and people convicted of felonies
 48 trying to reenter society after release from prison.
 49 c. For a city with a population between seven
 50 hundred fifty and eight hundred fifty within a county

Page 4

1 with a population of between six thousand seven
 2 hundred and six thousand eight hundred as determined
 3 by the 2000 certified federal census for demolition
 4 costs for a building asbestos abatement:
 5 \$ 50,00
 6 d. For costs associated with the hosting of a
 7 national junior summer olympics by a nonprofit sports
 8 organization, notwithstanding section 8.57, subsection
 9 6, paragraph "c":
 10 \$ 200,000
 11 e. For the renovation of a building for the
 12 relocation of a juvenile courthouse in a county with a
 13 population between thirty-nine thousand and forty-one
 14 thousand as determined by the 2000 certified federal
 15 census:
 16 \$ 100,000
 17 f. For fire station improvements in a city with a
 18 population between twenty-one thousand and
 19 twenty-three thousand as determined by the 2000
 20 certified federal census:
 21 \$ 200,000
 22 g. For a community center that hosts congregate
 23 meals in a city with a population between seven
 24 hundred forty-six and seven hundred fifty-six as
 25 determined by the 2000 certified federal census for
 26 compliance with the federal Americans With
 27 Disabilities Act:
 28 \$ 10,000
 29 5. DEPARTMENT OF EDUCATION
 30 To provide resources for structural and
 31 technological improvements to local libraries and for
 32 the enrich Iowa program, notwithstanding section 8.57,
 33 subsection 6, paragraph "c":
 34 \$ 1,000,000
 35 Of the moneys appropriated in this subsection,

36 \$50,000 shall be allocated equally to each library
 37 service area.
 38 6. DEPARTMENT OF HUMAN SERVICES
 39 For a mental health systems community development
 40 building safety improvements including electrical
 41 wiring and emergency systems in a city with a
 42 population between five thousand fifty and six
 43 thousand fifty as determined by the 2000 certified
 44 federal census:
 45 \$ 200,000
 46 7. DEPARTMENT OF NATURAL RESOURCES
 47 a. For implementation of lake projects that have
 48 established watershed improvement initiatives and
 49 community support in accordance with the department's
 50 annual lake restoration plan and report,

Page 5

1 notwithstanding section 8.57, subsection 6, paragraph
 2 "c":
 3 \$ 12,800,00
 4 It is the intent of the general assembly that the
 5 department of natural resources shall implement the
 6 lake restoration annual report and plan submitted to
 7 the joint appropriations subcommittee on
 8 transportation, infrastructure, and capitals and the
 9 legislative services agency pursuant to section
 10 456A.33B. The lake restoration projects that are
 11 recommended by the department to receive funding for
 12 fiscal year 2007-2008 and that satisfy the criteria in
 13 section 456A.33B, including local commitment of
 14 funding for the projects, shall be funded in the
 15 amounts provided in the report.
 16 b. For floodplain management and dam safety,
 17 notwithstanding section 8.57, subsection 6, paragraph
 18 "c":
 19 \$ 2,000,000
 20 Of the amounts appropriated in this lettered
 21 paragraph, up to \$400,000 is authorized for stream
 22 gages to be used for tracking and predicting flood
 23 events and for compiling necessary data relating to
 24 flood frequency analysis.
 25 Of the number of full-time equivalent positions
 26 authorized to the department for FY 2009-2010 pursuant
 27 to 2009 Iowa Acts, [Senate File 467](#), if enacted, up to
 28 21.00 full-time equivalent positions shall be
 29 allocated for the floodplain management and dam safety
 30 program.
 31 c. For deposit in the loess hills development and
 32 conservation fund created in section 161D.2 for
 33 allocation to the fund's hungry canyons account for
 34 purposes of streambed erosion and degradation to the

35 loess hills area, notwithstanding section 8.57,
 36 subsection 6, paragraph "c":
 37 \$ 100,000
 38 d. For the administration of a water trails and
 39 low head dam public hazard statewide plan, including
 40 salaries, support, maintenance, and miscellaneous
 41 purposes, notwithstanding section 8.57, subsection 6,
 42 paragraph "c":
 43 \$ 800,000
 44 8. DEPARTMENT OF PUBLIC DEFENSE
 45 a. For major maintenance projects at national
 46 guard armories and facilities:
 47 \$ 1,500,000
 48 b. For construction and renovation costs at the
 49 Davenport aviation readiness center:
 50 \$ 2,000,000

Page 6

1 c. For construction and renovation costs at the
 2 Mt. Pleasant readiness center:
 3 \$ 1,000,000
 4 9. DEPARTMENT OF PUBLIC HEALTH
 5 For a grant to an existing national affiliated
 6 volunteer eye organization that has an established
 7 program for children and adults and that is solely
 8 dedicated to preserving sight and preventing blindness
 9 through education, nationally certified vision
 10 screening and training, community and patient service
 11 programs, notwithstanding section 8.57, subsection 6,
 12 paragraph "c":
 13 \$ 130,000
 14 10. STATE BOARD OF REGENTS
 15 a. For phase II of the construction and renovation
 16 of the veterinary medical facilities at Iowa state
 17 university of science and technology, specifically the
 18 renovation and modernization of the area formerly
 19 occupied by the large animal area of the teaching
 20 hospital for expanded clinical services for a small
 21 animal hospital:
 22 \$ 6,000,000
 23 b. For the Iowa flood center, as established
 24 pursuant to section 466C.2, as enacted in this Act,
 25 including salaries, support, maintenance, and
 26 miscellaneous purposes, notwithstanding section 8.57,
 27 subsection 6, paragraph "c":
 28 \$ 1,300,000
 29 11. IOWA STATE FAIR
 30 For infrastructure improvements to the Iowa state
 31 fairgrounds including but not limited to the
 32 construction of an agricultural exhibition center on
 33 the Iowa state fairgrounds:

34 \$ 5,500,000
 35 12. DEPARTMENT OF TRANSPORTATION
 36 a. To provide funds for capital improvements and
 37 for related studies for expanding passenger rail
 38 services in Iowa, notwithstanding section 8.57,
 39 subsection 6, paragraph "c":
 40 \$ 3,000,000
 41 b. For acquiring, constructing, and improving
 42 recreational trails within the state:
 43 \$ 3,500,000
 44 Moneys appropriated in this lettered paragraph may
 45 be used for purposes of building equestrian or
 46 snowmobile trails that run parallel to a recreational
 47 trail. It is the intent of the general assembly to
 48 promote multiple uses for trails funding in this
 49 lettered paragraph and to maximize the number of trail
 50 users.

Page 7

1 Of the amounts appropriated in this lettered
 2 paragraph, \$750,000 shall be allocated for the
 3 development of a riverwalk in a central Iowa city with
 4 a population between one hundred ninety-five thousand
 5 and two hundred thousand as determined by the 2000
 6 federal census and \$500,000 shall be allocated for the
 7 construction and development of a trail bridge across
 8 a river located in northeastern Iowa that would link
 9 the east and west sides of the Pinicon ridge park.
 10 c. For deposit into the railroad revolving loan
 11 and grant fund created in section 327H.20A,
 12 notwithstanding section 8.57, subsection 6, paragraph
 13 "c":
 14 \$ 1,500,000
 15 d. For infrastructure improvement grants at
 16 general aviation airports within the state:
 17 \$ 750,000
 18 13. TREASURER OF STATE
 19 a. For county fair infrastructure improvements for
 20 distribution in accordance with chapter 174 to
 21 qualified fairs which belong to the association of
 22 Iowa fairs:
 23 \$ 1,590,000
 24 b. For deposit in the watershed improvement fund
 25 created in section 466A.2, notwithstanding section
 26 8.57, subsection 6, paragraph "c":
 27 \$ 5,000,000
 28 14. DEPARTMENT OF VETERANS AFFAIRS
 29 For transfer to the Iowa finance authority for the
 30 continuation of the home ownership assistance program
 31 for persons who are or were eligible members of the
 32 armed forces of the United States, pursuant to section

33 16.54, notwithstanding section 8.57, subsection 6,
 34 paragraph "c":
 35 \$ 1,600,000
 36 Of the funds transferred pursuant to this
 37 subsection, the Iowa finance authority may retain not
 38 more than \$20,000 for administrative purposes.
 39 Sec. 2. There is appropriated from the rebuild
 40 Iowa infrastructure fund to the following departments
 41 and agencies for the fiscal year beginning July 1,
 42 2010, and ending June 30, 2011, the following amounts,
 43 or so much thereof as is necessary, to be used for the
 44 purposes designated:
 45 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 46 For projects related to major repairs and major
 47 maintenance for state buildings and facilities under
 48 the purview of the department:
 49 \$ 15,000,000
 50 2. DEPARTMENT OF CORRECTIONS

Page 8

1 For expansion, including land acquisition, of the
 2 community-based corrections facility at Des Moines:
 3 \$ 5,000,000
 4 The appropriation in this subsection is contingent
 5 upon relocation of the sex offender treatment program
 6 from the community-based corrections facility at Des
 7 Moines to the property in northeast Des Moines
 8 identified by the fifth judicial district in the
 9 facility and site study final report submitted
 10 December 12, 2008.
 11 3. DEPARTMENT OF ECONOMIC DEVELOPMENT
 12 For costs associated with the renovation and
 13 expansion of phase II of a zoo project located in a
 14 city with a population of between one hundred ninety
 15 thousand and two hundred thousand as determined by the
 16 2000 certified federal census:
 17 \$ 500,000
 18 4. STATE BOARD OF REGENTS
 19 For phase II of the construction and renovation of
 20 the veterinary medical facilities at Iowa state
 21 university of science and technology, specifically the
 22 renovation and modernization of the area formerly
 23 occupied by the large animal area of the teaching
 24 hospital for expanded clinical services in a small
 25 animal hospital:
 26 \$ 22,000,000
 27 5. IOWA STATE FAIR
 28 For infrastructure improvements to the Iowa state
 29 fairgrounds including but not limited to the
 30 construction of an agricultural exhibition center on
 31 the Iowa state fairgrounds:

32 \$ 2,500,000
 33 6. DEPARTMENT OF TRANSPORTATION
 34 For deposit into the railroad revolving loan and
 35 grant fund created in section 327H.20A,
 36 notwithstanding section 8.57, subsection 6, paragraph
 37 "c":
 38 \$ 2,000,000
 39 Sec. 3. There is appropriated from the rebuild
 40 Iowa infrastructure fund to the department of
 41 transportation for the fiscal year beginning July 1,
 42 2011, and ending June 30, 2012, the following amounts,
 43 or so much thereof as is necessary, to be used for the
 44 purposes designated:
 45 For deposit into the railroad revolving loan and
 46 grant fund created in section 327H.20A,
 47 notwithstanding section 8.57, subsection 6, paragraph
 48 "c":
 49 \$ 2,000,000
 50 Sec. 4. REVERSION. For purposes of section 8.33,

Page 9

1 unless specifically provided otherwise, unencumbered
 2 or unobligated moneys made from an appropriation in
 3 this division of this Act shall not revert but shall
 4 remain available for expenditure for the purposes
 5 designated until the close of the fiscal year that
 6 ends three years after the end of the fiscal year for
 7 which the appropriation was made. However, if the
 8 project or projects for which such appropriation was
 9 made are completed in an earlier fiscal year,
 10 unencumbered or unobligated moneys shall revert at the
 11 close of that same fiscal year.
 12 DIVISION II
 13 REBUILD IOWA INFRASTRUCTURE FUND - GROW
 14 IOWA VALUES FUND
 15 Notwithstanding the amount of the standing
 16 appropriation from the rebuild Iowa infrastructure
 17 fund as provided in section 15G.110, subsection 2,
 18 there is appropriated from the rebuild Iowa
 19 infrastructure fund to the department of economic
 20 development for deposit into the grow Iowa values
 21 fund, in lieu of the appropriation made in section
 22 15G.110, subsection 2, for the fiscal year beginning
 23 July 1, 2009, and ending June 30, 2010, the following
 24 amount, notwithstanding section 8.57, subsection 6,
 25 paragraph "c":
 26 \$ 45,000,000
 27
 28 DIVISION III
 29 TECHNOLOGY REINVESTMENT FUND
 30 Sec. 5. There is appropriated from the technology

31 reinvestment fund created in section 8.57C to the
 32 following departments and agencies for the fiscal year
 33 beginning July 1, 2009, and ending June 30, 2010, the
 34 following amounts, or so much thereof as is necessary,
 35 to be used for the purposes designated:

36 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 37 For technology improvement projects:
 38 \$ 2,037,184

39 2. DEPARTMENT OF CORRECTIONS
 40 For costs associated with the Iowa corrections
 41 offender network data system:
 42 \$ 500,000

43 3. DEPARTMENT OF EDUCATION
 44 a. For maintenance and lease costs associated with
 45 connections for Part III of the Iowa communications
 46 network:
 47 \$ 2,727,000

48 b. For the implementation of an educational data
 49 warehouse that will be utilized by teachers, parents,
 50 school district administrators, area education agency

Page 10

1 staff, department of education staff, and
 2 policymakers:
 3 \$ 600,000

4 The department may use a portion of the moneys
 5 appropriated in this lettered paragraph for an
 6 etranscript data system capable of tracking students
 7 throughout their education via interconnectivity with
 8 multiple schools.

9 4. DEPARTMENT OF HUMAN RIGHTS
 10 For costs associated with the justice enterprise
 11 data warehouse:
 12 \$ 361,072

13 5. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD
 14 For technological improvements for the board's
 15 electronic filing system including an online
 16 searchable database:
 17 \$ 15,000

18 6. IOWA LAW ENFORCEMENT ACADEMY
 19 For technology upgrades for the development of
 20 computer online testing and training and for a
 21 firearms training simulator:
 22 \$ 185,000

23 7. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 24 COMMISSION
 25 a. For replacement of equipment for the Iowa
 26 communications network:
 27 \$ 2,211,863

28 The commission may continue to enter into contracts
 29 pursuant to section 8D.13 for the replacement of

30 equipment and for operations and maintenance costs of
31 the network.

32 In addition to moneys appropriated in this lettered
33 paragraph, the commission may use a financing
34 agreement entered into by the treasurer of state in
35 accordance with section 12.28 for the replacement of
36 equipment for the network. For purposes of this
37 lettered paragraph, the treasurer of state is not
38 subject to the maximum principal limitation contained
39 in section 12.28, subsection 6. Repayment of any
40 amounts financed shall be made from receipts
41 associated with fees charged for use of the network.

42 b. For generator replacement:
43 \$ 2,755,246

44 c. For continued additions to network redundancy
45 for continuity of operations for the capitol complex:
46 \$ 2,320,000

47 8. DEPARTMENT OF PUBLIC DEFENSE
48 For the homeland security and emergency management
49 division for grants to support 211 nonprofit call
50 centers providing human resources information to

Page 11

1 citizens of this state:
2 \$ 250,000

3 The division shall award moneys appropriated
4 pursuant to this section to support the statewide
5 improvement of a free and confidential telephone
6 hotline available twenty-four hours a day, seven days
7 a week, that provides information or refers callers to
8 appropriate private or government entities that
9 provide assistance relating to families, housing,
10 food, health, legal advice, child and senior services,
11 or volunteer opportunities.

12 9. DEPARTMENT OF PUBLIC SAFETY
13 For continuation of payments on the lease-purchase
14 of the automated fingerprint identification system:
15 \$ 350,000

16 Sec. 6. REVERSION. For purposes of section 8.33,
17 unless specifically provided otherwise, unencumbered
18 or unobligated moneys made from an appropriation in
19 this division of this Act shall not revert but shall
20 remain available for expenditure for the purposes
21 designated until the close of the fiscal year that
22 ends three years after the end of the fiscal year for
23 which the appropriation was made. However, if the
24 project or projects for which such appropriation was
25 made are completed in an earlier fiscal year,
26 unencumbered or unobligated moneys shall revert at the
27 close of that same fiscal year.

28 DIVISION IV

29 TAX-EXEMPT BOND PROCEEDS RESTRICTED
 30 CAPITAL FUNDS ACCOUNT
 31 Sec. 7. There is appropriated from the tax-exempt
 32 bond proceeds restricted capital funds account of the
 33 tobacco settlement trust fund to the department of
 34 administrative services for the fiscal year beginning
 35 July 1, 2009, and ending June 30, 2010, the following
 36 amount, or so much thereof as is necessary, to be used
 37 for the purposes designated:
 38 For projects related to major repairs and major
 39 maintenance for state buildings and facilities under
 40 the purview of the department:
 41 \$ 195,484
 42 Sec. 8. TAX-EXEMPT STATUS – USE OF
 43 APPROPRIATIONS. Payment of moneys from the
 44 appropriations in this division of this Act shall be
 45 made in a manner that does not adversely affect the
 46 tax-exempt status of any outstanding bonds issued by
 47 the tobacco settlement authority.
 48 DIVISION V
 49 TRANSFERS
 50 Sec. 9. ENDOWMENT FOR IOWA'S HEALTH RESTRICTED

Page 12

1 CAPITALS FUND AND TAX-EXEMPT BOND PROCEEDS RESTRICTED
 2 CAPITALS FUND – TRANSFERS. Notwithstanding any
 3 provision of law to the contrary, the unencumbered or
 4 unobligated balances of the endowment for Iowa's
 5 health restricted capitals fund at the close of the
 6 fiscal year beginning July 1, 2009, and the tax-exempt
 7 bond proceeds restricted capitals fund at the close of
 8 the fiscal year beginning July 1, 2009, or the close
 9 of any succeeding fiscal year, shall be transferred to
 10 the department of administrative services for projects
 11 related to major repairs and major maintenance for
 12 state buildings and facilities under the purview of
 13 the department. Upon receipt of a transfer, the
 14 department of administrative services shall report to
 15 the legislative services agency and to the department
 16 of management the amount transferred in conjunction
 17 with the department's report filed pursuant to section
 18 8.57, subsection 6, paragraph "h".
 19 DIVISION VI
 20 SUBCHAPTER I
 21 ALTERNATIVE PUBLIC PROJECT DELIVERY PILOT PROGRAM
 22 Sec. 10. NEW SECTION. 26A.1 DEFINITIONS.
 23 As used in this chapter, unless the context clearly
 24 indicates otherwise:
 25 1. "Alternative project delivery" means procuring
 26 and delivering design and construction services for a
 27 public project according to the selection procedure

28 outlined in subchapter II.

29 2. "Construction documents" means the drawings,
30 specifications, technical submissions, and other
31 documents upon which a construction project is based.

32 3. "Construction services" means the process of
33 planning, building, equipping, altering, repairing,
34 improving, or demolishing any structure or
35 appurtenance thereto, including facilities, utilities,
36 or other improvements to real property, but excluding
37 highways, roads, bridges, dams, or stand-alone parking
38 lots.

39 4. "Criteria consultant" means an individual
40 employed or retained by the governmental entity to
41 assist in the preparation of a request for
42 qualifications and a request for proposals. A
43 criteria consultant shall have professional licensure
44 or significant professional experience in a field
45 related to the proposed public project. If the design
46 criteria package for a public project includes the
47 practice of architecture under chapter 544A, the
48 practice of engineering under chapter 542B, or the
49 practice of landscape architecture under chapter 544B,
50 the criteria consultant shall be a design

Page 13

1 professional.

2 5. "Design professional" means an individual who
3 is licensed to practice architecture, engineering, or
4 landscape architecture in this state.

5 6. "Design-build services" means a method of
6 alternative project delivery for which both design and
7 construction services are provided under one contract.
8 "Design-build services" may include architecture,
9 engineering, and related design services required for
10 a given project and the labor, materials, and other
11 construction services for the project.

12 7. "Design-builder" means an individual,
13 partnership, joint venture, corporation, or other
14 legal entity that furnishes design-build services,
15 whether by itself or through subcontracts.

16 8. "Estimated total cost" means the estimated
17 total cost to a governmental entity to construct a
18 public project, including the cost of labor,
19 materials, equipment, supplies, and fees.

20 9. "Governmental entity" means the department of
21 administrative services or an institution under the
22 control of the state board of regents.

23 10. "Preconstruction services" means a series of
24 services including but not limited to scheduling,
25 review of design, estimating, cost control, value
26 engineering, constructability evaluation, and

27 preparation and coordination of bid packages.

28 11. "Public project" means a project under the
29 control of a governmental entity with an estimated
30 total cost in excess of ten million dollars that is
31 paid for in whole or in part with funds of the
32 governmental entity, including a building or
33 improvement constructed or operated jointly with any
34 other public or private agency. A "public project"
35 may include planning, acquiring, designing, building,
36 equipping, altering, repairing, improving, or
37 demolishing any structure or appurtenance thereto,
38 including facilities, utilities, or other improvements
39 to any real property owned by or under the control of
40 the governmental entity, but excluding highways,
41 roads, bridges, dams, or stand-alone parking lots.
42 However, a parking lot included as part of the site
43 work of a public project may be included as part of a
44 design-build services contract. Parking ramps and
45 parking garages are not considered to be parking lots
46 and may be a "public project" constructed utilizing
47 alternative project delivery methods.

48 12. "Selection plan" means a written procedure
49 adopted by a governmental entity that establishes the
50 evaluation criteria for submissions in response to the

Page 14

1 request for qualifications and the request for
2 proposals and specifies criteria and scoring
3 methodology relating to the selection of a
4 design-builder for a public project.

5 13. "Total contract cost" means the guaranteed
6 maximum cost or the lump sum total cost of the public
7 project as defined in the public project contract
8 between the governmental entity and the
9 design-builder.

10 Sec. 11. NEW SECTION. 26A.2 ALTERNATIVE PROJECT
11 DELIVERY COMMISSION.

12 1. An alternative project delivery commission is
13 established consisting of seven members.

14 2. Members of the commission shall consist of all
15 of the following:

16 a. One member appointed by the state board of
17 regents.

18 b. One member appointed by the director of the
19 department of administrative services.

20 c. One member appointed by the Iowa chapter of the
21 American institute of architects.

22 d. One member appointed by the American council of
23 engineering companies of Iowa.

24 e. One member appointed by the Iowa chapter of the
25 design-build institute of America.

26 f. One member appointed by the master builders of
27 Iowa.

28 g. One member appointed by the mechanical
29 contractors association of Iowa.

30 3. Each member of the commission shall serve until
31 January 15, 2012, or until the member resigns. A
32 vacancy on the commission shall be filled in the same
33 manner as the original appointment. The appointment
34 of members is subject to the requirements of sections
35 69.16 and 69.16A.

36 4. The member appointed by the state board of
37 regents shall serve as the chairperson of the
38 commission.

39 5. Meetings of the commission may be called by the
40 chairperson or by a majority of the members.

41 6. A majority of the members of the commission
42 constitutes a quorum. Any action taken by the
43 commission must be adopted by the affirmative vote of
44 a majority of its membership.

45 7. A member shall not vote on a matter before the
46 commission if the individual has a pecuniary,
47 equitable, or other interest in the matter or
48 conditions exist that would interfere with the
49 member's ability to properly discharge the member's
50 duties.

Page 15

1 8. The duties of the commission shall include all
2 of the following:

3 a. Administer the alternative project delivery
4 pilot program created under section 26A.3.

5 b. Prepare and file with the governor and the
6 general assembly on or before January 15, 2012, a
7 report detailing the activities of the commission and
8 summarizing each public project selected for inclusion
9 in the alternative project delivery pilot program,
10 including information related to the cost to the
11 governmental entity, the duration of the public
12 project, whether the goals of the public project were
13 met, the quality of the work and services performed in
14 completing the public project, the transparency of the
15 alternative project delivery process, the impact of
16 the alternative project delivery process on the
17 persons contracted with to perform the work and
18 services for a public project, and any other
19 information the commission deems relevant.

20 c. Adopt policies and procedures to carry out any
21 duty specified in this chapter.

22 Sec. 12. NEW SECTION. 26A.3 ALTERNATIVE PROJECT
23 DELIVERY PILOT PROGRAM.

24 1. The alternative project delivery commission

25 shall administer an alternative project delivery pilot
26 program consistent with the requirements of this
27 chapter. The purpose of the pilot program is to
28 determine whether alternative project delivery methods
29 are financially beneficial and efficient for
30 governmental entities in undertaking public projects.

31 2. The pilot program shall consist of public
32 projects selected by the commission and undertaken by
33 governmental entities using the alternative project
34 delivery method authorized under subchapter II. The
35 selection of public projects for inclusion in the
36 pilot program shall be completed no later than
37 November 1, 2010.

38 3. A governmental entity that is interested in
39 undertaking a public project using alternative project
40 delivery methods shall submit an application to the
41 commission detailing the nature of the project. Each
42 application shall be on a form prescribed by the
43 commission and may include additional materials
44 requested by the commission.

45 4. The commission shall review each application
46 and shall select those public projects for inclusion
47 in the pilot program which are best suited to
48 accomplish the purposes of the pilot program. In
49 selecting public projects for inclusion in the pilot
50 program the commission shall consider all of the

Page 16

1 following:

2 a. The likelihood that the public project will
3 provide a cost savings to the governmental entity as
4 compared to the use of competitive bid procedures
5 under other provisions of law.

6 b. Whether the use of design-build services,
7 including the simultaneous completion of design and
8 construction phases of the public project, meets the
9 needs of the governmental entity.

10 c. Whether the public project requires the use of
11 an accelerated design and construction schedule as a
12 result of an emergency situation.

13 d. Whether the public project presents
14 complexities that would best be addressed through the
15 use of an integrated team under the direction of a
16 design-builder.

17 e. Whether the use of an alternative project
18 delivery method would diminish competition for the
19 public project.

20 5. The commission shall monitor the selection
21 process for each public project selected for inclusion
22 in the pilot program and may require the governmental
23 entity to provide periodic updates on the public

24 project following selection of a design-builder for
25 the public project.

26 6. Notwithstanding any other provision of law to
27 the contrary, a governmental entity may utilize the
28 alternative project delivery procedures under this
29 chapter to procure design-build services related to
30 the completion of a public project.

31 Sec. 13. NEW SECTION. 26A.4 PUBLIC NOTICE.

32 A governmental entity utilizing the alternative
33 project delivery method under subchapter II shall
34 publish public notices as follows:

35 1. The notice shall be published at least once,
36 not less than fifteen and not more than forty-five
37 days before the date for filing submissions, if
38 applicable, in a newspaper published at least once
39 weekly and having general circulation in the
40 geographic area served by the governmental entity and
41 in a relevant trade publication.

42 2. The notice may also be published in a relevant
43 contractor organization publication and a relevant
44 contractor plan room service with statewide
45 circulation, provided that a notice is posted on an
46 internet site sponsored by either the governmental
47 entity or a statewide association that represents the
48 governmental entity.

49 Sec. 14. NEW SECTION. 26A.5 PUBLIC RECORDS.

50 Each proposal received by a governmental entity

Page 17

1 under this chapter, together with the name of the
2 proposer, after award or letting of the contract, is
3 subject to public inspection upon request. The
4 governmental entity shall, within five days after
5 award or letting of the contract, publish notice of
6 the name of the successful proposer including the
7 proposer's scores received pursuant to the selection
8 process under subchapter II. In addition, such notice
9 shall include the names of all proposers whose
10 proposals were not selected, together with each
11 proposer's scores.

12 Sec. 15. NEW SECTION. 26A.6 PROHIBITION ON
13 PROVIDING FINANCING.

14 The design-builder executing the construction or
15 design of a public project utilizing an alternative
16 project delivery method under subchapter II shall not
17 provide any financing, funding, or facility operations
18 for the public project.

19 SUBCHAPTER II
20 DESIGN-BUILD PROJECT DELIVERY
21 BEST VALUE SELECTION

22 Sec. 16. NEW SECTION. 26A.11 APPLICATION TO THE

23 COMMISSION.

24 1. When in the judgment of the governing body of a
25 governmental entity it is desirable to use
26 design-build services pursuant to a best value
27 selection process for the completion of a public
28 project, the governmental entity shall prepare a
29 selection plan and submit an application to the
30 alternative project delivery commission pursuant to
31 section 26A.3, subsection 3. If the public project is
32 selected by the alternative project delivery
33 commission for inclusion in the pilot program, the
34 governmental entity shall select a design-builder in
35 accordance with the procedures of this subchapter.
36 2. A criteria consultant shall be employed or
37 retained to assist the governmental entity in
38 preparing a request for qualifications and a request
39 for proposals. The criteria consultant may be an
40 employee of the governmental entity or an individual
41 retained specifically to assist the governmental
42 entity with the public project. The request for
43 qualifications and the request for proposals shall
44 specify the selection criteria and scoring methodology
45 included in the selection plan. The criteria
46 consultant shall also assist the governmental entity
47 in selecting a design-builder. A criteria consultant
48 employed or retained by the governmental entity shall
49 not submit a statement of qualifications or a proposal
50 for the public project.

Page 18

1 Sec. 17. NEW SECTION. 26A.12 BEST VALUE
2 SELECTION PROCESS – GENERAL PROCEDURE.

3 The governmental entity shall select a
4 design-builder for a public project pursuant to a
5 two-phase selection process.

6 1. Phase I of the selection process includes
7 publication of a request for qualifications by the
8 governmental entity, review of the statements of
9 qualifications, and the selection of a minimum of two
10 but not more than five design-builders to advance to
11 phase II.

12 2. Phase II includes a request for proposals, the
13 receipt of proposals from those design-builders
14 selected during phase I, including a separate cost and
15 schedule proposal, an interview with each
16 design-builder that submits a proposal, evaluation of
17 each proposal, and selection of a design-builder for
18 the public project.

19 Sec. 18. NEW SECTION. 26A.13 PHASE I – REQUEST
20 FOR QUALIFICATIONS, STATEMENT, EVALUATION, AND
21 SELECTION.

22 1. During phase I, the governmental entity shall
23 publish notice of a request for qualifications
24 pursuant to the requirements of section 26A.4. The
25 governmental entity shall specify in the request for
26 qualifications a time, place, and other specific
27 instructions for the submission of the statements of
28 qualifications, the amount of the stipend required to
29 be paid by the governmental entity under section
30 26A.14, subsection 9, and may include any terms of
31 contract. A statement of qualifications not submitted
32 according to the instructions shall be rejected and
33 returned to the design-builder.

34 2. Each design-builder shall submit a statement of
35 qualifications that includes but is not limited to the
36 following information:

37 a. Similar project experience, including
38 experience in the design-build method of alternative
39 project delivery.

40 b. Qualifications of proposed project personnel.

41 c. References from similar projects.

42 d. The design-builder's experience modification
43 rating and a description of the design-builder's
44 safety plan.

45 e. Bonding capacity and insurance.

46 Design-builders submitting a statement of
47 qualifications shall be capable of providing a bond
48 according to the requirements of chapter 573, shall
49 include evidence of such bonding capacity, and shall
50 include evidence of all required insurance with their

Page 19

1 statement of qualifications. If a design-builder
2 fails to include evidence of bonding capacity or
3 required insurance, the design-builder shall be deemed
4 unqualified for selection under phase I.

5 f. Other information requested by the governmental
6 entity in accordance with the selection plan.

7 3. The governmental entity shall evaluate and
8 score each statement of qualifications received
9 according to the predetermined selection criteria and
10 scoring methodology that were specified in the request
11 for qualifications. The cost or fees associated with
12 a public project shall not be considered by the
13 governmental entity when evaluating a statement of
14 qualifications.

15 4. The governmental entity shall select a minimum
16 of two and a maximum of five design-builders who have
17 the highest scores to proceed to phase II. Scores
18 assigned during phase I shall not carry forward to
19 phase II. The governmental entity shall have
20 discretion to disqualify any design-builder that lacks

21 the minimum qualifications required to perform the
22 design-build services for the public project. If two
23 qualified design-builders cannot be identified, the
24 selection process shall cease. If all design-builders
25 are rejected, the governmental entity may solicit new
26 proposals using different design and budget criteria.
27 Sec. 19. NEW SECTION. 26A.14 PHASE II – REQUEST
28 FOR PROPOSALS, PROPOSAL REVIEW, SELECTION, AND
29 NEGOTIATION.
30 1. During phase II, each design-builder selected
31 during phase I shall be given a request for proposals.
32 The request for proposals shall include but is not
33 limited to the following information:
34 a. The procedures to be followed in submitting
35 proposals and information relating to design-builder
36 interviews under subsection 5.
37 b. The selection criteria and scoring methodology
38 for the proposals.
39 c. Information related to the requirements,
40 specifications, budget, and schedule for the public
41 project, including the specifications of the design
42 criteria package and the requirements and
43 specifications for design services, preconstruction
44 services, and construction services. The request for
45 proposals shall also specify any requirements for a
46 design professional who is employed by the
47 design-builder to assist in designing the public
48 project, including but not limited to requirements
49 relating to communication between the design
50 professional, the design-builder, and the governmental

Page 20

1 entity, the amount of authority the design
2 professional has over the design of the public
3 project, and the responsibility of the design
4 professional to act in the best interest of the
5 governmental entity.
6 d. The proposed terms and conditions for the
7 public project contract.
8 e. The requirements for the submission of a
9 separate cost and schedule proposal.
10 f. Other information requested by the governmental
11 entity in accordance with the selection plan.
12 2. Each design-builder selected during phase I may
13 submit a proposal to the governmental entity. Each
14 proposal submitted under this section shall not
15 contain references to costs associated with work
16 contained in the proposal. The governmental entity
17 shall evaluate and score each proposal according to
18 the selection criteria and scoring methodology
19 specified in the request for proposals.

20 3. Each design-builder selected during phase I
21 shall also provide the governmental entity with a
22 separate cost and schedule proposal. A proposal
23 submitted under subsection 2 and the cost and schedule
24 proposal may be submitted sequentially or
25 concurrently, according to the requirements of the
26 request for proposals. Failure to submit a cost and
27 schedule proposal according to the delivery
28 requirements of the request for proposals shall be
29 grounds to reject the proposal.
30 4. The cost and schedule proposal shall include
31 all of the following:
32 a. A total contract cost for the public project.
33 b. A bid security pursuant to chapter 573.
34 c. A proposed contract time, in calendar days, for
35 completing the public project.
36 d. Any other information required by the request
37 for proposals.
38 5. After the deadline for submission of proposals
39 has passed, the governmental entity shall interview
40 each design-builder that has submitted a proposal
41 individually, allowing each design-builder to present
42 the design-builder's proposed team members,
43 qualifications, and proposal, and to answer questions
44 from the governmental entity.
45 6. The cost and schedule proposals submitted under
46 subsection 3 shall be opened only after all proposals
47 submitted under subsection 2 have been evaluated and
48 scored and after completion of all design-builder
49 interviews under subsection 5. At the time that the
50 cost and schedule proposals are opened, the

Page 21

1 governmental entity shall make public its scoring of
2 the proposals submitted under subsection 2. Cost and
3 schedule proposals shall be evaluated and scored
4 according to selection criteria and scoring
5 methodology specified in the request for proposals.
6 7. The governmental entity shall select the
7 design-builder receiving the highest score based on
8 the selection criteria and scoring methodology
9 specified in the request for proposals. The
10 governmental entity shall proceed to negotiate with
11 and attempt to enter into a contract with the selected
12 design-builder to serve as the design-builder for the
13 public project. If the governmental entity is unable
14 to negotiate a satisfactory contract with the selected
15 design-builder, negotiations with that design-builder
16 shall be terminated, and the governmental entity shall
17 undertake negotiations with the design-builder
18 receiving the second highest score. If negotiations

19 cannot be successfully completed with the
20 design-builder receiving the second highest score, the
21 contract shall not be awarded.

22 8. If the governmental entity determines that it
23 is not in its best interest to proceed with the public
24 project pursuant to the proposals offered, the
25 governmental entity shall reject all proposals. If
26 all proposals are rejected, the governmental entity
27 may solicit new statements of qualifications and
28 proposals using different design or budget criteria.

29 9. As an inducement to qualified design-builders,
30 the governmental entity shall pay a fair and
31 reasonable stipend, the amount of which shall be
32 established in the request for proposals, to each
33 design-builder who participates in phase II, but is
34 not selected as the design-builder for the public
35 project.

36 SUBCHAPTER III

37 REPEAL

38 Sec. 20. NEW SECTION. 26A.21 REPEAL.

39 This chapter is repealed June 30, 2012.

40 DIVISION VII

41 IOWA FLOOD CENTER

42 Sec. 21. Section 466B.3, subsection 6, paragraph
43 b, subparagraph (7), Code 2009, is amended by striking
44 the subparagraph.

45 Sec. 22. Section 466B.9, Code 2009, is amended to
46 read as follows:

47 466B.9 RULEMAKING AUTHORITY.

48 The department and the department of agriculture
49 and land stewardship shall have the power and
50 authority reasonably necessary to carry out the duties

Page 22

1 imposed by this chapter. ~~As to the department, this~~
2 ~~includes rulemaking authority to carry out the~~
3 ~~regional watershed assessment program described in~~
4 ~~section 466B.5. As to the department of agriculture~~
5 ~~and land stewardship, this includes rulemaking~~
6 ~~authority to assist in the implementation of~~
7 ~~community-based subwatershed improvement plans.~~

8 Sec. 23. NEW SECTION. 466C.1 DEFINITIONS.

9 For purposes of this chapter, unless the context
10 otherwise requires:

11 1. "Center" means the Iowa flood center
12 established pursuant to section 466C.2.

13 2. "Council" means the water resources
14 coordinating council established in section 466B.3.

15 3. "Regional watershed" means the watershed of
16 hydrologic unit code scale 8.

17 4. "Subwatershed" means a watershed of hydrologic

18 unit code scale 12 or smaller.

19 5. "Watershed" means a geographic area in which
20 surface water is drained by rivers, streams, or other
21 bodies of water.

22 Sec. 24. NEW SECTION. 466C.2 IOWA FLOOD CENTER.

23 1. The state board of regents shall establish and
24 maintain in Iowa City as a part of the state
25 university of Iowa an Iowa flood center. In
26 conducting the activities of this chapter, the center
27 shall work cooperatively with the department of
28 natural resources, the department of agriculture and
29 land stewardship, the water resources coordinating
30 council, and other state and federal agencies.

31 2. The Iowa flood center shall have all of the
32 following purposes:

33 a. To develop hydrologic models for
34 physically-based flood frequency estimation and
35 real-time forecasting of floods, including hydraulic
36 models of floodplain inundation mapping.

37 b. To establish community-based programs to
38 improve flood monitoring and prediction along Iowa's
39 major waterways and to support ongoing flood research.

40 c. To share resources and expertise of the Iowa
41 flood center.

42 d. To assist in the development of a workforce in
43 the state knowledgeable regarding flood research,
44 prediction, and mitigation strategies.

45 e. To conduct the activities required by this
46 chapter in cooperation with various state and federal
47 agencies.

48 Sec. 25. NEW SECTION. 466C.3 REGIONAL WATERSHED
49 ASSESSMENT, PLANNING, AND PRIORITIZATION.

50 1. The center shall create a regional watershed

Page 23

1 assessment program. The program shall assess all the
2 regional watersheds in the state.

3 a. Under the program, a statewide assessment shall
4 be conducted at the rate of approximately one-third of
5 the watersheds in the state per year, and an initial
6 statewide assessment shall be completed within three
7 years. Thereafter, the center shall review and update
8 the assessments on a regular basis.

9 b. Each regional watershed assessment shall
10 provide a summary of the overall condition of the
11 watershed. The information provided in the summary
12 may include land use patterns, soil types, slopes,
13 management practices, stream conditions, and both
14 point and nonpoint source impairments.

15 c. In conducting regional watershed assessments,
16 the center may identify and facilitate local data

17 collection to support the assessment process.

18 2. In conducting the regional watershed assessment
19 program, the center shall provide hydrologic and
20 geologic information sufficient for the council to
21 prioritize watersheds statewide and for the various
22 communities in those watersheds to plan remedial
23 efforts in their local communities and subwatersheds.

24 3. Upon completion of the initial statewide
25 assessment, and upon subsequent assessment updates,
26 the center shall report the results of the assessment,
27 and any updates, to the council and the general
28 assembly, and shall make the report available to the
29 public.

30 Sec. 26. NEW SECTION. 466C.4 COMMUNITY-BASED
31 SUBWATERSHED IMPROVEMENT PLANS.

32 1. After the center's completion of the initial
33 regional watershed assessment, and after the council's
34 prioritization of the regional watersheds, the council
35 shall initiate the organization of an interagency
36 integrated water resources committee to facilitate the
37 development and implementation of local,
38 community-based subwatershed improvement plans.

39 2. In facilitating the development of
40 community-based subwatershed improvement plans, the
41 interagency integrated water resources committee
42 shall, based on the results of the regional watershed
43 assessment program, identify critical subwatersheds
44 within priority regional watersheds and recruit
45 communities, citizen groups, local governmental
46 entities, or other stakeholders to engage in the
47 assessment, planning, prioritization, and
48 implementation of a local community-based subwatershed
49 improvement plan. The interagency integrated water
50 resources committee may assist in the formation of a

Page 24

1 group of initial local community-based subwatershed
2 improvement plans that can be implemented as pilot
3 projects, in order to develop an effective process
4 that can be replicated across the state.

5 Sec. 27. NEW SECTION. 466C.5 COMMUNITY-BASED
6 SUBWATERSHED MONITORING.

7 1. After completion of the statewide regional
8 watershed assessment and prioritization, and
9 throughout the implementation of local community-based
10 subwatershed improvement plans, the center shall
11 assist communities with the monitoring and measurement
12 of local subwatersheds. The monitoring and
13 measurement shall be designed for the particular needs
14 of individual communities while considering statewide
15 watershed issues.

16 2. Local communities in which the center conducts
17 subwatershed monitoring shall use the information to
18 support subwatershed planning activities, guide
19 supplemental local data collection efforts, and
20 identify priority areas needing additional resources.
21 Local communities shall collect data over time and use
22 the data to evaluate the impacts of their management
23 efforts. Data collected, as directed by interagency
24 integrated water resources committees, shall be
25 integrated into a digital regional watershed framework
26 in real-time, or near real-time, by the center for use
27 in assessment and planning by all the communities in
28 the watershed. The center shall integrate digital
29 regional watershed information into a digital
30 statewide framework for assessment and planning for
31 state water resources planning.
32 Sec. 28. NEW SECTION. 466C.6 DEVELOPMENT OF
33 ADVANCED NUMERICAL TOOLS FOR WATER RESOURCES
34 MANAGEMENT.
35 1. After completion of the statewide regional
36 watershed assessment and prioritization, the center
37 shall develop and implement physically based
38 hydrologic models to improve watershed and community
39 scale flood prediction and mitigation planning.
40 a. Physically based hydrologic models shall be
41 used to improve understanding of frequency of flood
42 occurrence within the state and to guide risk-based
43 flood mitigation planning.
44 b. Physically based hydrologic models shall be
45 used in conjunction with hydrologic sensor networks to
46 provide real-time river discharge forecasts to aid
47 communities in implementing flood response plans.
48 2. The center shall produce flood inundation maps
49 relating the spatial extent of flooding to predicted
50 stream flows.

Page 25

1 a. The center shall perform hydrodynamic
2 simulations of river flow to create detailed water
3 surface profiles for use in developing high-resolution
4 flood inundation maps. A library of inundation maps
5 including but not limited to the one hundred year and
6 five hundred year recurrence intervals shall be
7 developed and made available along all rivers and
8 streams within each watershed. In addition to the
9 static library of flood inundation maps, the center
10 shall provide real-time forecasted flood inundation
11 maps during the threat of severe flooding for
12 imperiled communities.
13 b. Flood inundation maps shall be stored in a
14 geospatial database and publicly distributed through

15 web-based applications.

16 Sec. 29. NEW SECTION. 466C.7 COMMUNITY
17 ENGAGEMENT AND TRAINING.

18 1. The center shall implement statewide programs
19 to educate Iowans on water quality, best management
20 practices, and flood risk and mitigation.

21 2. The center shall provide technical training
22 through regional workshops and short courses to water
23 resources professionals in state agencies, city and
24 county administrators, and private companies.
25 Training shall focus on application of hydrologic and
26 water quality monitoring and forecasting technologies.

27 DIVISION VIII

28 CHANGES TO PRIOR APPROPRIATIONS

29 Sec. 30. 2005 Iowa Acts, chapter 178, section 9,
30 is amended to read as follows:

31 SEC. 9. REVERSION.

32 1. Notwithstanding Except as provided in
33 subsection 2 and notwithstanding section 8.33, moneys
34 appropriated from the rebuild Iowa infrastructure fund
35 in this division of this Act, except for the moneys
36 appropriated in section 1, subsection 2, paragraph
37 "a", for maintenance costs of the department of
38 corrections and subsection 5, paragraph "d", for the
39 vocational rehabilitation division of the department
40 of education, shall not revert at the close of the
41 fiscal year for which they were appropriated but shall
42 remain available for the purposes designated until the
43 close of the fiscal year that begins July 1, 2008, or
44 until the project for which the appropriation was made
45 is completed, whichever is earlier. This section does
46 not apply to the sections in this division of this Act
47 that were previously enacted and are amended in this
48 division of this Act.

49 2. Notwithstanding section 8.33, moneys
50 appropriated in section 3, subsection 1, paragraph h

Page 26

1 of this division of this Act shall not revert at the
2 close of the fiscal year for which they were
3 appropriated but shall remain available for the
4 purpose designated until the close of the fiscal year
5 that begins July 1, 2009, or until the project for
6 which the appropriation was made is completed,
7 whichever is earlier.

8 Sec. 31. 2007 Iowa Acts, chapter 219, section 7,
9 subsection 1, is amended to read as follows:

10 1. For costs associated with the construction and
11 establishment of the Iowa institute for biomedical
12 discovery at the state university of Iowa:

13 FY 2008-2009 \$ 10,000,000

14 FY 2009-2010 \$ 10,000,000
 15 0

16 FY 2010-2011 \$ 10,000,000

17 Sec. 32. 2008 Iowa Acts, chapter 1178, section 18,
 18 is amended by adding the following new subsection:
 19 NEW SUBSECTION. 7. Notwithstanding section 8.33,
 20 moneys appropriated in this section shall not revert
 21 at the close of the fiscal year for which they are
 22 appropriated but shall remain available for the
 23 purposes designated until the close of the fiscal year
 24 that begins July 1, 2009. The full-time equivalent
 25 position authorized in this section shall continue to
 26 be authorized until the close of the fiscal year that
 27 begins July 1, 2009.

28 Sec. 33. 2008 Iowa Acts, chapter 1178, section 19,
 29 is amended to read as follows:

30 SEC. 19. WATER TRAILS AND LOW HEAD DAM PUBLIC
 31 HAZARD STATEWIDE PLAN – APPROPRIATION. There is
 32 appropriated from any interest or earnings on moneys
 33 in the federal economic stimulus and jobs holding fund
 34 to the department of natural resources for the fiscal
 35 year beginning July 1, 2008, and ending June 30, 2009,
 36 the following amount, or so much thereof as is
 37 necessary, to be used for the purposes designated:

38 For the establishment and administration of a water
 39 trails and low head dam public hazard statewide plan,
 40 including salaries, support, maintenance, and
 41 miscellaneous purposes:

42 \$ 250,000

43 Notwithstanding section 8.33, moneys appropriated
 44 in this section shall not revert at the close of the
 45 fiscal year for which they are appropriated but shall
 46 remain available for the purposes designated until the
 47 close of the fiscal year that begins July 1, 2009.

48 Sec. 34. 2008 Iowa Acts, chapter 1179, section 1,
 49 subsection 1, paragraph e, is amended to read as
 50 follows:

Page 27

1 e. For the state's share of support in conjunction
 2 with the city of Des Moines and local area businesses
 3 to provide a free shuttle service to the citizens of
 4 Iowa visiting the capitol complex that includes
 5 transportation between the capitol complex and the
 6 downtown Des Moines area, notwithstanding section
 7 8.57, subsection 6, paragraph "c":

8 \$ 170000
 9 183000

10 Details for the shuttle service, including the
 11 route to be served, shall be determined pursuant to an
 12 agreement to be entered into by the department with

13 the Des Moines area regional transit authority (DART)
14 and any other participating entities.

15 Of the amount appropriated in this lettered
16 paragraph, up to \$50,000 shall be used to encourage
17 state employees to utilize transit services provided
18 by the Des Moines area regional transit authority.

19 Sec. 35. 2008 Iowa Acts, chapter 1179, section 1,
20 subsection 1, is amended by adding the following new
21 paragraphs:

22 NEW PARAGRAPH. h. For projects related to major
23 repairs and major maintenance for state buildings and
24 facilities under the purview of the department:
25 \$ 2,000,000

26 NEW PARAGRAPH. i. For capital improvements at the
27 civil commitment unit for a sexual offenders facility
28 at Cherokee:
29 \$ 829,000

30 NEW PARAGRAPH. j. For costs associated with
31 capitol interior and exterior restoration and for
32 compliance with the federal Americans With
33 Disabilities Act:
34 \$ 1,900,000

35 NEW PARAGRAPH. k. For renovations to the capitol
36 complex utility tunnel system:
37 \$ 1,000,000

38 NEW PARAGRAPH. l. For heating, ventilating, and
39 air conditioning improvements in the Hoover state
40 office building:
41 \$ 165,000

42 NEW PARAGRAPH. m. (1) For the purchase of Mercy
43 capitol hospital:
44 \$ 3,950,000

45 (2) It is the intent of the general assembly that
46 the department will use other appropriations made or
47 other funds available to the department for the
48 acquisition of buildings to complete the purchase of
49 this building.

50 (3) The department is authorized to enter into

Page 28

1 agreements for the use of Mercy capitol hospital, once
2 acquired by the state, with any state agency or other
3 governmental entity, political subdivision, as deemed
4 appropriate by the department.

5 Sec. 36. 2008 Iowa Acts, chapter 1179, section 1,
6 subsection 13, paragraph c, is amended to read as
7 follows:

8 c. For the construction of a depot and platform to
9 accommodate the future Amtrak service from Dubuque to
10 Chicago, notwithstanding section 8.57, subsection 6,
11 paragraph "c":

12 \$ 300,000

13 Sec. 37. 2008 Iowa Acts, chapter 1179, section 1,
14 subsection 14, paragraph a, is amended to read as
15 follows:

16 a. For county fair infrastructure improvements for
17 distribution in accordance with chapter 174 to
18 qualified fairs which belong to the association of
19 Iowa fairs:

20 \$ ~~1,500,000~~
21 1,060,000

22 ~~Of the amount appropriated in this lettered~~
23 ~~paragraph, \$530,000 shall be deposited into the~~
24 ~~fairgrounds infrastructure aid fund created pursuant~~
25 ~~to section 12.101, as enacted in this Act, for~~
26 ~~fairgrounds infrastructure aid as provided in section~~
27 ~~12.102, as enacted in this Act.~~

28 Sec. 38. 2008 Iowa Acts, chapter 1179, section 15,
29 subsection 4, paragraph b, is amended to read as
30 follows:

31 b. To the public broadcasting division for the
32 purchase and installation of generators at transmitter
33 sites:

34 \$ 1,602,437

35 Of the amount appropriated in this lettered
36 paragraph, up to \$210,477 may be used for operational
37 costs of the division for FY 2008-2009 and up to
38 \$1,000,000 may be used for operational costs of the
39 division for FY 2009-2010.

40 Sec. 39. 2008 Iowa Acts, chapter 1186, section 20,
41 subsection 2, is amended to read as follows:

42 2. Notwithstanding any provision of law to the
43 contrary, the unencumbered or unobligated balances of
44 the healthy Iowans tobacco trust ~~at the close of~~
45 available prior to the close of the fiscal year
46 beginning July 1, 2008, or the endowment for Iowa's
47 health account ~~at the close~~ available prior to the
48 close of the fiscal year beginning July 1, 2008, ~~or~~
49 ~~the close of any succeeding fiscal year~~ shall be
50 transferred to the general fund of the state.

Page 29

1 Sec. 40. 2009 Iowa Acts, [Senate File 344](#), section
2 9, subsection 3, if enacted, is amended by striking
3 the subsection and inserting in lieu thereof the
4 following:

5 3. Effective July 1, 2009, all funds remaining in
6 the accelerated career education account of the
7 physical infrastructure assistance fund created in
8 section 15E.175 shall be transferred to the
9 accelerated career education fund established in
10 section 260G.6, subsection 1, as amended by this Act.

11 Sec. 41. EFFECTIVE AND RETROACTIVE APPLICABILITY
12 DATES.

13 1. Except as provided in subsection 2, this
14 division of this Act, being deemed of immediate
15 importance, takes effect upon enactment.

16 2. The sections of this division of this Act,
17 amending 2008 Iowa Acts, chapter 1179, section 1,
18 subsection 13, paragraph "c"; section 1, subsection
19 14, paragraph "a"; and section 15, subsection 4,
20 paragraph "b", apply retroactively to July 1, 2008.

21 DIVISION IX
22 CODE CHANGES

23 Sec. 42. Section 8.57C, subsection 3, paragraph b,
24 Code 2009, is amended to read as follows:

25 b. There is appropriated from the rebuild Iowa
26 infrastructure fund for ~~each the~~ fiscal year ~~of the~~
27 ~~fiscal period~~ beginning July 1, 2008, and ending June
28 30, ~~2010 2009~~, the sum of seventeen million five
29 hundred thousand dollars, and for the fiscal year
30 beginning July 1, 2009, and ending June 30, 2010, the
31 sum of fourteen million five hundred twenty-five
32 thousand dollars to the technology reinvestment fund,
33 notwithstanding section 8.57, subsection 6, paragraph
34 "c".

35 Sec. 43. Section 12E.12, subsection 1, paragraph
36 b, subparagraph (2), subparagraph division (b), Code
37 2007, as amended by 2008 Iowa Acts, chapter 1186,
38 section 16, is amended to read as follows:

39 (b) For each fiscal year beginning July 1, 2009,
40 the moneys deposited in the endowment for Iowa's
41 health account of the tobacco settlement trust fund
42 are transferred to the ~~general fund of the state~~
43 ~~rebuild Iowa infrastructure fund~~. ~~The moneys~~
44 ~~transferred shall be used for the purposes specified~~
45 ~~in section 12E.3A.~~

46 Sec. 44. Section 15.329, subsection 7, Code 2009,
47 is amended by striking the subsection.

48 Sec. 45. Section 15F.201, Code 2009, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 3. "River enhancement community

Page 30

1 attraction and tourism project" means a project that
2 creates or enhances recreational opportunities and
3 community attractions on and near lakes or rivers or
4 river corridors within cities across the state under
5 the purview of the program.

6 Sec. 46. NEW SECTION. 15F.206 RIVER ENHANCEMENT
7 COMMUNITY ATTRACTION AND TOURISM PROJECTS –
8 APPLICATION REVIEW.

9 1. Applications for assistance for river

10 enhancement community attraction and tourism projects
11 shall be submitted to the department. For those
12 applications that meet the eligibility criteria, the
13 department shall provide a staff review analysis and
14 evaluation to the vision Iowa program review committee
15 referred to in section 15F.304, subsection 2, and the
16 board.

17 2. When reviewing the applications, the vision
18 Iowa program review committee and the department shall
19 consider, at a minimum, all of the following:

20 a. Whether the wages, benefits, including health
21 benefits, safety, and other attributes of the project
22 would improve the quality of life or the quality of
23 attraction or tourism employment in the community.

24 b. The extent to which such a project would
25 generate additional recreational and cultural
26 attractions or tourism opportunities.

27 c. The ability of the project to produce a
28 long-term, tax-generating economic impact.

29 d. The location of the projects and geographic
30 diversity of the applications.

31 e. The project is primarily a vertical
32 infrastructure project with demonstrated substantial
33 regional or statewide economic impact. For purposes
34 of the program, "vertical infrastructure" means land
35 acquisition and construction, major renovation and
36 major repair of buildings, all appurtenant structures,
37 utilities, site development, and recreational trails
38 and water trails. "Vertical infrastructure" does not
39 include routine, recurring maintenance, or operational
40 expenses or leasing of a building, appurtenant
41 structure, or utility without a lease-purchase
42 agreement.

43 f. Whether the applicant has received financial
44 assistance under the program for the same project.

45 g. The extent to which the project has taken the
46 following planning principles into consideration:

47 (1) Efficient and effective use of land resources
48 and existing infrastructure by encouraging development
49 in areas with existing infrastructure or capacity to
50 avoid costly duplication of services and costly use of

Page 31

1 land.

2 (2) Provision for a variety of transportation
3 choices, including pedestrian traffic.

4 (3) Maintenance of a unique sense of place by
5 respecting local cultural and natural environmental
6 features.

7 (4) Conservation of open space and farmland and
8 preservation of critical environmental areas.

9 (5) Promotion of the safety, livability, and
10 revitalization of existing urban and rural
11 communities.

12 3. Upon review of the recommendations of the
13 review committee, the board shall approve, defer, or
14 deny the applications.

15 4. Upon approval of an application for financial
16 assistance under the program, the board shall notify
17 the treasurer of state regarding the amount of moneys
18 needed to satisfy the award of financial assistance
19 and the terms of the award. The treasurer of state
20 shall notify the department anytime moneys are
21 disbursed to a recipient of financial assistance under
22 the program.

23 Sec. 47. Section 15F.304, subsection 2, Code 2009,
24 is amended to read as follows:

25 2. A review committee composed of eight members of
26 the board shall review vision Iowa program
27 applications and river enhancement community
28 attraction and tourism project applications submitted
29 to the board and make recommendations regarding the
30 applications to the board. The review committee shall
31 consist of members of the board listed in section
32 15F.102, subsection 2, paragraphs "d" through "h".

33 Sec. 48. Section 15F.304, Code 2009, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 5. The review committee shall
36 consider, review, and make recommendations regarding
37 applications for assistance for river enhancement
38 community attractions and tourism projects a provided
39 in section 15F.206.

40 Sec. 49. Section 15G.111, subsection 4, paragraph
41 a, Code 2009, as amended by 2009 Iowa Acts, Senate
42 File 344, section 2, if enacted, is amended to read as
43 follows:

44 a. For administrative costs, an amount not more
45 than ~~one and one half percent~~ six hundred thousand
46 dollars of the moneys subject to allocation under this
47 subsection.

48 Sec. 50. Section 135.63, subsection 2, paragraph
49 l, unnumbered paragraph 1, Code 2009, is amended to
50 read as follows:

Page 32

1 The replacement or modernization of any
2 institutional health facility if the replacement or
3 modernization does not add new health services or
4 additional bed capacity for existing health services,
5 notwithstanding any provision in this division to the
6 contrary. With respect to a nursing facility,
7 "replacement" means establishing a new facility within

8 the same county as the prior facility to be closed.
9 With reference to a hospital, "replacement" means
10 establishing a new hospital that demonstrates
11 compliance with all of the following criteria through
12 evidence submitted to the department:
13 Sec. 51. Sections 12.101 and 12.102, Code 2009,
14 are repealed.
15 Sec. 52. EFFECTIVE DATE. The section of this
16 division of this Act amending section 12E.12 takes
17 effect June 30, 2009."
18 2. Title page, by striking lines 1 through 4 and
19 inserting the following: "An Act relating to and
20 making, reducing, and transferring appropriations to
21 state departments and agencies from the rebuild Iowa
22 infrastructure fund, the technology reinvestment fund,
23 and other funds creating and funding the Iowa flood
24 center, establishing an alternative public project
25 delivery pilot program, providing for related matters,
26 and providing effective and retroactive applicability
27 date provisions."

Helland of Polk offered the following amendment [H-1697](#), to
amendment [H-1675](#), filed by him and moved its adoption:

[H-1697](#)

1 Amend the amendment, [H-1675](#), to [House File 822](#), as
2 follows:
3 1. Page 1, line 15, by striking the word
4 "notwithstanding" and inserting the following: "if
5 the project meets the definition of "vertical
6 infrastructure" in".
7 2. Page 1, line 36, by striking the word
8 "notwithstanding" and inserting the following: "if
9 the project meets the definition of "vertical
10 infrastructure" in".
11 3. Page 2, line 11, by striking the word
12 "notwithstanding" and inserting the following: "if
13 the project meets the definition of "vertical
14 infrastructure" in".
15 4. Page 2, line 24, by striking the word
16 "notwithstanding" and inserting the following: "if
17 the project meets the definition of "vertical
18 infrastructure" in".
19 5. Page 2, line 39, by striking the word
20 "notwithstanding" and inserting the following: "if
21 the project meets the definition of "vertical
22 infrastructure" in".
23 6. Page 3, line 5, by striking the word
24 "notwithstanding" and inserting the following: "if
25 the project meets the definition of "vertical

26 infrastructure" in".
27 7. Page 3, line 34, by striking the word
28 "notwithstanding" and inserting the following: "if
29 the project meets the definition of "vertical
30 infrastructure" in".
31 8. Page 3, line 39, by striking the word
32 "notwithstanding" and inserting the following: "if
33 the project meets the definition of "vertical
34 infrastructure" in".
35 9. Page 4, line 8, by striking the word
36 "notwithstanding" and inserting the following: "if
37 the project meets the definition of "vertical
38 infrastructure" in".
39 10. Page 4, line 32, by striking the word
40 "notwithstanding" and inserting the following: "if
41 the project meets the definition of "vertical
42 infrastructure" in".
43 11. Page 5, line 1, by striking the word
44 "notwithstanding" and inserting the following: "if
45 the project meets the definition of "vertical
46 infrastructure" in".
47 12. Page 5, line 17, by striking the word
48 "notwithstanding" and inserting the following: "if
49 the project meets the definition of "vertical
50 infrastructure" in".

Page 2

1 13. Page 5, line 35, by striking the word
2 "notwithstanding" and inserting the following: "if
3 the project meets the definition of "vertical
4 infrastructure" in".
5 14. Page 5, line 41, by striking the word
6 "notwithstanding" and inserting the following: "if
7 the project meets the definition of "vertical
8 infrastructure" in".
9 15. Page 6, line 11, by striking the word
10 "notwithstanding" and inserting the following: "if
11 the project meets the definition of "vertical
12 infrastructure" in".
13 16. Page 6, line 26, by striking the word
14 "notwithstanding" and inserting the following: "if
15 the project meets the definition of "vertical
16 infrastructure" in".
17 17. Page 6, line 38, by striking the word
18 "notwithstanding" and inserting the following: "if
19 the project meets the definition of "vertical
20 infrastructure" in".
21 18. Page 7, line 12, by striking the word
22 "notwithstanding" and inserting the following: "if
23 the project meets the definition of "vertical
24 infrastructure" in".

25 19. Page 7, line 25, by striking the word
 26 "notwithstanding" and inserting the following: "if
 27 the project meets the definition of "vertical
 28 infrastructure" in".
 29 20. Page 7, line 33, by striking the word
 30 "notwithstanding" and inserting the following: "if
 31 the project meets the definition of "vertical
 32 infrastructure" in".
 33 21. Page 8, line 36, by striking the word
 34 "notwithstanding" and inserting the following: "if
 35 the project meets the definition of "vertical
 36 infrastructure" in".
 37 22. Page 8, line 47, by striking the word
 38 "notwithstanding" and inserting the following: "if
 39 the project meets the definition of "vertical
 40 infrastructure" in".
 41 23. Page 9, line 24, by striking the word
 42 "notwithstanding" and inserting the following: "if
 43 the project meets the definition of "vertical
 44 infrastructure" in".

Roll call was requested by Helland of Polk and Raecker of Polk.

On the question "Shall amendment [H-1697](#) to amendment [H-1675](#) be adopted?" ([H.F. 822](#))

The ayes were, 38:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen

Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Swaim, Presiding	

Absent or not voting, 7:

Arnold	Baudler	Chambers	De Boef
Quirk	Rayhons	Van Engelenhoven	

Amendment [H-1697](#) lost.

Cohoon of Des Moines offered amendment [H-1719](#), to amendment [H-1675](#), filed by him from the floor and requested division as follows:

[H-1719](#)

1 Amend the amendment, [H-1675](#), to [House File 822](#), as
2 follows:

[H-1719A](#)

- 3 1. Page 1, by striking lines 39 through 41.
- 4 2. Page 3, line 9, by inserting after the word
- 5 "program" the following: ", notwithstanding section
- 6 8.57, subsection 6, paragraph "c".
- 7 3. Page 3, line 34, by striking the figure
- 8 "15E.3211," and inserting the following: "15E.321,".
- 9 4. Page 5, line 3, by striking the figure
- 10 "12,800,000" and inserting the following:
- 11 "2,800,000".
- 12 5. Page 6, by striking lines 15 through 28 and
- 13 inserting the following:
- 14 "For the establishment and administration of an
- 15 Iowa flood center at the state university of Iowa for
- 16 use by the university's college of engineering,
- 17 pursuant to section 466C.1, as enacted in this Act,
- 18 notwithstanding section 8.57, subsection 6, paragraph
- 19 "c":
- 20 \$ 1,300,000"
- 21 6. Page 7, by inserting after line 17 the
- 22 following:
- 23 "e. For deposit into the public transit
- 24 infrastructure grant fund created in section 324A.6A:
- 25 \$ 1,250,000
- 26 f. For a discretionary grant program to assist
- 27 local governments to rebuild and repair local roads,
- 28 notwithstanding section 8.57, subsection 6, paragraph
- 29 "c":

30 \$ 14,750,000

31 The department shall allocate the amount
32 appropriated in this lettered paragraph as follows:
33 50 percent shall be allocated to the street
34 construction fund of the cities and 50 percent shall
35 be allocated to the secondary road fund of the
36 counties, to be used for construction, reconstruction,
37 repair, and maintenance of city roads or secondary
38 roads. The moneys allocated to such funds shall be
39 expended within two years. Any allocated moneys not
40 expended within two years shall be reallocated by the
41 state transportation commission to other projects.
42 The department shall, in cooperation with the cities
43 and counties, provide a report to the legislative
44 services agency regarding the projects funded by this
45 appropriation by January 15 each year until the
46 projects are completed."

47 7. Page 7, line 49, by striking the figure
48 "15,000,000" and inserting the following:
49 "10,000,000".

50 8. Page 7, by inserting before line 50 the

Page 2

1 following:

2 "Of the amount appropriated in this subsection, up
3 to \$1,000,000 may be used for demolition purposes."

4 9. Page 8, line 26, by striking the figure
5 "22,000,000" and inserting the following:
6 "13,000,000".

7 10. Page 8, line 34, by striking the word "For"
8 and inserting the following: "a. For".

9 11. Page 8, by inserting after line 38 the
10 following:

11 "b. For a discretionary grant program to assist
12 local governments to rebuild and repair local roads,
13 notwithstanding section 8.57, subsection 6, paragraph
14 "c":

15 \$ 24,700,000

16 The department shall allocate the amount
17 appropriated in this lettered paragraph as follows:
18 50 percent shall be allocated to the street
19 construction fund of the cities and 50 percent shall
20 be allocated to the secondary road fund of the
21 counties, to be used for construction, reconstruction,
22 repair, and maintenance of city roads or secondary
23 roads. The moneys allocated to such funds shall be
24 expended within two years. Any allocated moneys not
25 expended within two years shall be reallocated by the
26 state transportation commission to other projects.
27 The department shall, in cooperation with the cities
28 and counties, provide a report to the legislative

29 services agency regarding the projects funded by this
30 appropriation by January 15 each year until the
31 projects are completed.”
32 12. By striking page 10, line 48, through page
33 11, line 1, and inserting the following:
34 “For the homeland security and emergency management
35 division for providing a grant to the statewide 211
36 nonprofit call centers to enhance its human resources
37 assistance directory project.”
38 13. Page 11, by striking line 5 and inserting the
39 following: “improvement of the free and confidential
40 211”.

H-1719B

41 14. Page 14, line 13, by striking the word
42 “seven” and inserting the following: “eleven”.
43 15. Page 14, by inserting after line 29 the
44 following:
45 “h. One member appointed by the Iowa state
46 building and construction trades council.
47 i. One public member, appointed by the governor,
48 with expertise in construction.
49 j. One member appointed by the Iowa chapter of the
50 American society of landscape architects.

Page 3

1 k. One member appointed by the Iowa competitive
2 bidding alliance.”

H-1719A

3 16. By striking page 21, line 42, through page
4 25, line 26, and inserting the following:
5 “Sec.____. NEW SECTION. 466C.1 IOWA FLOOD
6 CENTER.
7 1. The state board of regents shall establish and
8 maintain in Iowa City as a part of the state
9 university of Iowa an Iowa flood center. In
10 conducting the activities of this chapter, the center
11 shall work cooperatively with the department of
12 natural resources, the department of agriculture and
13 land stewardship, the water resources coordinating
14 council, and other state and federal agencies.
15 2. The Iowa flood center shall have all of the
16 following purposes:
17 a. To develop hydrologic models for physically
18 based flood frequency estimation and real-time
19 forecasting of floods, including hydraulic models of
20 flood plain inundation mapping.
21 b. To establish community-based programs to

22 improve flood monitoring and prediction along Iowa's
23 major waterways and to support ongoing flood research.

24 c. To share resources and expertise of the Iowa
25 flood center.

26 d. To assist in the development of a workforce in
27 the state knowledgeable regarding flood research,
28 prediction, and mitigation strategies.”

29 17. Page 25, line 50, by striking the word “h”
30 and inserting the following: “h”.

31 18. Page 28, line 3, by striking the word
32 “entity,” and inserting the following: “entity or”.

33 19. Page 28, by inserting after line 27 the
34 following:

35 “Sec.____. 2008 Iowa Acts, chapter 1179, section
36 6, is amended to read as follows:

37 SEC. 6. DEPARTMENT OF CORRECTIONS. There is
38 appropriated from the rebuild Iowa infrastructure fund
39 to the department of corrections for the designated
40 fiscal years the following amounts, or so much thereof
41 as is necessary, to be used for the purposes
42 designated:

43 For expansion of the Iowa correctional facility for
44 women at Mitchellville:

45 FY ~~2010-2011~~ 2011-2012..... \$ 11,700,000
46 FY ~~2011-2012~~ 2012-2013..... \$ 8,779,000

47 Notwithstanding section 8.33, moneys appropriated
48 in this section for the fiscal year beginning July 1,
49 ~~2010-2011~~, and ending June 30, ~~2011-2012~~, shall not
50 revert at the close of the fiscal year for which they

Page 4

1 are appropriated but shall remain available for the
2 purpose designated until the close of the fiscal year
3 that begins July 1, ~~2013-2014~~, or until the project
4 for which the appropriation was made is completed,
5 whichever is earlier.

6 Notwithstanding section 8.33, moneys appropriated
7 in this section for the fiscal year beginning July 1,
8 ~~2011-2012~~, and ending June 30, ~~2012-2013~~, shal not
9 revert at the close of the fiscal year for which they
10 are appropriated but shall remain available for the
11 purpose designated until the close of the fiscal year
12 that begins July 1, ~~2014-2015~~, or until the project
13 for which the appropriation was made is completed,
14 whichever is earlier.”

15 20. Page 28, line 39, by inserting after the
16 figures “~~2009-2010~~” the following: “. notwithstanding
17 section 8.57C, subsection 2”.

18 21. Page 29, line 22, by inserting after the word
19 “CODE” the following: “AND MISCELLANEOUS”.

20 22. Page 32, by inserting after line 12 the

21 following:

22 "Sec.____, 1989 Iowa Acts, chapter 131, section
 23 63, is amended to read as follows:
 24 SEC. 63. Sections 455G.6 and 455G.7 are repealed
 25 effective July 1, ~~2009~~ 2010, except as such sections
 26 apply with respect to any outstanding bonds issued
 27 thereunder, or refinancing of such outstanding bonds."
 28 23. By renumbering as necessary.

Cohoon of Des Moines moved the adoption of amendment [H-1719A](#) to amendment [H-1675](#).

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment [H-1719A](#) to amendment [H-1675](#) be adopted?" ([H.F. 822](#))

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Swaim, Presiding

The nays were, 38:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Windschitl	Worthan		

Absent or not voting, 6:

Arnold Baudler Chambers De Boef
Rayhons Van Engelenhoven

Amendment [H-1719A](#) was adopted, placing out of order amendment [H-1678](#) filed by Cohoon of Des Moines on April 23, 2009, amendment [H-1698](#) filed by Wagner of Linn on April 23, 2009 and amendment [H-1700](#) filed by Huseman of Cherokee on April 23, 2009.

Steckman of Cerro Gordo offered the following amendment [H-1706](#), to amendment [H-1675](#), filed by her from the floor and moved its adoption:

[H-1706](#)

1 Amend the amendment, [H-1675](#), to [House File 822](#), as
2 follows:
3 1. Page 3, by striking lines 29 and 30 and
4 inserting the following: "not exceed \$100,000 per
5 project. Not more than \$200,000 may be awarded in the
6 same county in the same round of grant reviews."

Amendment [H-1706](#) was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-1692](#), to amendment [H-1675](#), filed by him on April 23, 2009.

Thomas of Clayton offered the following amendment [H-1682](#), to amendment [H-1675](#), filed by him and moved its adoption:

[H-1682](#)

1 Amend the amendment, [H-1675](#), to [House File 822](#) as
2 follows:
3 1. Page 9, by inserting after line 26 the
4 following:
5 "Sec. ____ 2009 Iowa Acts, [House File 817](#), section
6 2, if enacted is amended to read as follows:
7 SEC. 2. GROW IOWA VALUES FUND APPROPRIATION -
8 TRANSFER.
9 1. ~~In lieu of any standing appropriation in~~
10 ~~section 15C.111 from the grow Iowa values fund to the~~
11 ~~department of economic development, for the fiscal~~
12 ~~year beginning July 1, 2009, there is appropriated~~
13 ~~from the grow Iowa values fund to the department of~~

14 ~~economic development for purposes of administering~~
 15 ~~financial assistance programs:~~
 16 \$ 31,000,000

17 Of the amount allocated for departmental purposes
 18 in section 15G.111, subsection 4, if enacted by 2009
 19 Iowa Acts, [Senate File 344](#), section 2, the department
 20 of economic development shall allocate one million
 21 dollars for transfer to the general fund of the state
 22 for purposes of funding the increased amount of tax
 23 credits authorized in this Act. The amount remaining
 24 after allocating the one million dollars for transfer
 25 shall be allocated for departmental purposes as
 26 described in section 15G.111, subsection 4, if enacted
 27 by 2009 Iowa Acts, [Senate File 344](#), section 2.

28 2. For the fiscal year beginning July 1, 2009, and
 29 ending June 30, 2010, ~~the~~ one million dollars
 30 allocated for transfer pursuant to subsection 1 is
 31 transferred ~~from the grow Iowa values fund~~ to the
 32 general fund of the state only if a tax credit is
 33 awarded pursuant to section 15.335, as amended by this
 34 Act. If one or more tax credits are not awarded, the
 35 department may reallocate the one million dollars for
 36 departmental purposes.

37 Sec.____. REDUCTION OF THE GROW IOWA VALUES FUND
 38 APPROPRIATION TO THE DEPARTMENT OF ECONOMIC
 39 DEVELOPMENT. In lieu of the fifty million dollars
 40 appropriated for the fiscal year beginning July 1,
 41 2009, and ending June 30, 2010, from the grow Iowa
 42 values fund to the department of economic development
 43 pursuant to section 15G.111, subsection 3, if enacted
 44 by 2009 Iowa Acts, [Senate File 344](#), section 2, there
 45 is appropriated from the grow Iowa values fund to the
 46 department of economic development for the fiscal year
 47 beginning July 1, 2009, and ending June 30, 2010,
 48 forty-five million dollars for purposes of making
 49 expenditures pursuant to chapter 15G.
 50 Sec.____. GROW IOWA VALUES FUND ALLOCATIONS. In

Page 2

1 lieu of the amounts allocated pursuant to section
 2 15G.111, subsections 4 through 10, if enacted by 2009
 3 Iowa Acts, [Senate File 344](#), section 2, for the fiscal
 4 year beginning July 1, 2009, and ending June 30, 2010,
 5 of the forty-five million dollars appropriated to the
 6 department of economic development pursuant to this
 7 division of this Act, the department shall allocate
 8 the following amounts for the following purposes as
 9 described in section 15G.111, subsections 4 through
 10 10, if enacted by 2009 Iowa Acts, [Senate File 344](#),
 11 section 2:

12 1. For departmental purposes, twenty-eight million

13 eight hundred thousand dollars. Of the moneys
14 allocated pursuant to this subsection and in lieu of
15 the two million dollars allocated for deposit in the
16 renewable fuel infrastructure fund under section
17 15G.111, subsection 4, paragraph "h", if enacted by
18 2009 Iowa Acts, [Senate File 344](#), section 2, the
19 department shall allocate one million eight hundred
20 thousand dollars for deposit in the renewable fuel
21 infrastructure fund.

22 2. For the state board of regents institutions,
23 four million five hundred thousand dollars.

24 3. For state parks, nine hundred thousand dollars.

25 4. For deposit in the Iowa cultural trust fund,
26 nine hundred thousand dollars.

27 5. For community colleges, six million three
28 hundred thousand dollars.

29 6. For regional financial assistance, nine hundred
30 thousand dollars. Of the moneys allocated pursuant to
31 this subsection and in lieu of the three hundred fifty
32 thousand dollars transferred under section 15G.111,
33 subsection 9, paragraph "a", if enacted by 2009 Iowa
34 Acts, [Senate File 344](#), section 2, the department shall
35 transfer three hundred fifteen thousand dollars to
36 Iowa state university of science and technology, for
37 purposes of providing financial assistance to
38 establish small business development centers.

39 7. For commercialization services, two million
40 seven hundred thousand dollars.

41 Sec.____. CONDITIONAL GROW IOWA VALUES FUND
42 APPROPRIATIONS. If 2009 Iowa Acts, [Senate File 344](#) is
43 not enacted, for the fiscal year beginning July 1,
44 2009 and ending June 30, 2009, the following amounts
45 are appropriated from the grow Iowa values fund in
46 lieu of the amounts appropriated under section
47 15G.111:

48 1. To the department of economic development for
49 departmental purposes as described in section 15G.111,
50 subsection 1, twenty-eight million eight hundred

Page 3

1 thousand dollars.

2 2. To the department of economic development for
3 financial assistance to the state board of regents
4 institutions pursuant to section 15G.111, subsection
5 2, four million five hundred thousand dollars.

6 3. To the department of economic development for
7 financial assistance to state parks pursuant to
8 section 15G.111, subsection 3, nine hundred thousand
9 dollars.

10 4. To the treasurer of state for deposit in the
11 Iowa cultural trust fund pursuant to section 15G.111,

12 subsection 4, nine hundred thousand dollars.
13 5. To the department of economic development for
14 deposit in the workforce training and economic
15 development funds of the community colleges pursuant
16 to section 15G.111, subsection 5, six million three
17 hundred thousand dollars.
18 6. To the department of economic development for
19 providing economic development region financial
20 assistance pursuant to section 15G.111, subsection 6,
21 nine hundred thousand dollars. Of the moneys
22 appropriated pursuant to this subsection and in lieu
23 of the three hundred fifty thousand dollars
24 transferred under section 15G.111, subsection 6,
25 paragraph "b", the department shall transfer three
26 hundred fifteen thousand dollars to Iowa state
27 university of science and technology, for purposes of
28 providing financial assistance to establish small
29 business development centers.
30 7. To the department of economic development for
31 providing commercialization services pursuant to
32 section 15G.111, subsection 7, two million seven
33 hundred thousand dollars."
34 2. By renumbering as necessary.

Amendment [H-1682](#) was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-1701](#), to amendment [H-1675](#), filed by him on April 23, 2009.

Cohoon of Des Moines offered the following amendment [H-1720](#), to amendment [H-1675](#), filed by him from the floor and moved its adoption:

[H-1720](#)

1 Amend the amendment, [H-1675](#), to [House File 822](#), as
2 follows:
3 1. By striking page 12, line 19, through page 21,
4 line 39.
5 2. By renumbering as necessary.

Amendment [H-1720](#) was adopted, placing out of order amendment [H-1719B](#).

Hagenow of Polk offered the following amendment [H-1699](#), to amendment [H-1675](#), filed by him and moved its adoption:

[H-1699](#)

- 1 Amend the amendment, [H-1675](#), to [House File 822](#), as
 2 follows:
 3 1. Page 28, by striking lines 8 through 12 and
 4 inserting the following:
 5 ~~"e. For the construction of a depot and platform~~
 6 ~~to accommodate the future Amtrak service from Dubuque~~
 7 ~~to Chicago;~~
 8 \$ ~~300000~~"
 9 2. By renumbering as necessary.

Roll call was requested by Hagenow of Polk and Paulsen of Linn.

On the question "Shall amendment [H-1699](#) be adopted?" ([H.F. 822](#))

The ayes were, 37:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 57:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Swaim, Presiding			

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment [H-1699](#) lost.

Cphoon of Des Moines offered the following amendment [H-1689](#), to amendment [H-1675](#), filed by him and Huseman of Cherokee and moved its adoption:

[H-1689](#)

1 Amend the amendment, [H-1675](#), to [House File 822](#), as
 2 follows:
 3 1. Page 29, by inserting after line 22, the
 4 following:
 5 "Sec. _____. Section 8.57, subsection 6, Code 2009,
 6 is amended by adding the following new paragraph:
 7 NEW PARAGRAPH. i. Annually, on or before December
 8 31 of each year, a recipient of moneys from the
 9 rebuild Iowa infrastructure fund for any purpose shall
 10 report to the state agency to which the moneys are
 11 appropriated the status of all projects completed or
 12 in progress. The report shall include a description
 13 of the project, the progress of work completed, the
 14 total estimated cost of the project, a list of all
 15 revenue sources being used to fund the project, the
 16 amount of funds expended, the amount of funds
 17 obligated, and the date the project was completed or
 18 an estimated completion date of the project, where
 19 applicable."
 20 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Zirkelbach of Jones.

On the question "Shall amendment [H-1689](#) to amendment [H-1675](#) be adopted?" ([H.F. 822](#))

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Bailey
Beard	Bell	Berry	Bukta
Burt	Cphoon	Cownie	Deyoe
Dolecheck	Drake	Ficken	Ford

Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Swaim, Presiding			

The nays were, none.

Absent or not voting, 7:

Arnold	Baudler	Chambers	De Boef
Olson, R.	Rayhons	Van Engelenhoven	

Amendment [H-1689](#) was adopted.

Windschitl of Harrison offered the following amendment [H-1696](#), to amendment [H-1675](#), filed by him and moved its adoption:

[H-1696](#)

- 1 Amend the amendment, [H-1675](#), to [House File 822](#), as
- 2 follows:
- 3 1. Page 31, by striking lines 40 through 47.
- 4 2. By renumbering as necessary.

Speaker Murphy in the chair at 3:10 a.m.

Roll call was requested by Windschitl of Harrison and Paulsen of Linn.

On the question "Shall amendment [H-1696](#) to amendment 1675 be adopted?" ([H.F. 822](#))

The ayes were, 39:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl	Worthan	

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment [H-1696](#) lost.

Quirk of Chickasaw offered amendment [H-1721](#) to amendment [H-1675](#) filed by him and Struyk of Pottawattamie from the floor as follows:

[H-1721](#)

- 1 Amend the amendment, [H-1675](#), to [House File 822](#), as
- 2 follows:
- 3 1. Page 31, by inserting after line 47 the
- 4 following:
- 5 "Sec. ____ Section 103.22, subsection 7, Code
- 6 2009, is amended to read as follows:

7 7. Prohibit an owner of property from performing
8 work on the owner's ~~principal~~ residence, if such
9 residence is an existing dwelling rather than new
10 construction and is not an apartment that is attached
11 to any other apartment or building, as those terms are
12 defined in section 499B.2, and is not larger than a
13 single-family dwelling, or farm property, excluding
14 commercial or industrial installations or
15 installations in public use buildings or facilities,
16 or require such owner to be licensed under this
17 chapter. ~~In order to qualify for inapplicability~~
18 ~~pursuant to this subsection, a residence shall qualify~~
19 ~~for the homestead tax exemption.~~
20 Sec. _____. Section 105.11, subsection 11, Code
21 2009, if enacted by 2009 Iowa Acts, [Senate File 224](#),
22 is amended to read as follows:
23 11. Prohibit ~~a private college, an accredited~~
24 ~~nonpublic school, or~~ an owner or operator of a health
25 care facility licensed pursuant to chapter 135C,
26 assisted living center licensed pursuant to chapter
27 231C, hospital licensed pursuant to chapter 135B,
28 adult day care center licensed pursuant to chapter
29 231D, or a retirement facility certified pursuant to
30 chapter 523D from performing work on the facility or
31 requiring such owner or operator to be licensed under
32 this chapter; except for projects that exceed the
33 dollar amount specified as the competitive bid
34 threshold in section 26.3.”
35 2. By renumbering as necessary.

Cohon of Des Moines rose on a point of order that amendment [H-1721](#) was not germane, to amendment [H-1675](#).

The Speaker ruled the point well taken and amendment [H-1721](#) not germane, to amendment [H-1675](#).

Struyk of Pottawattamie offered amendment [H-1709](#), to amendment [H-1675](#), filed by him from the floor as follows:

[H-1709](#)

1 Amend the amendment, [H-1675](#), to [House File 822](#), as
2 follows:
3 1. Page 32, by inserting after line 12 the
4 following:
5 “Sec. _____. Section 105.11, subsection 11, Code
6 2009, if enacted by 2009 Iowa Acts, [Senate File 224](#),
7 is amended to read as follows:
8 11. Prohibit ~~a private college, an accredited~~

9 nonpublic school, or an owner or operator of a health
 10 care facility licensed pursuant to chapter 135C,
 11 assisted living center licensed pursuant to chapter
 12 231C, hospital licensed pursuant to chapter 135B,
 13 adult day care center licensed pursuant to chapter
 14 231D, or a retirement facility certified pursuant to
 15 chapter 523D from performing work on the facility or
 16 requiring such owner or operator to be licensed under
 17 this chapter; except for projects that exceed the
 18 dollar amount specified as the competitive bid
 19 threshold in section 26.3.”
 20 2. By renumbering as necessary.

Cohoon of Des Moines rose on a point of order that amendment [H-1709](#) to amendment [H-1675](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1709](#) to amendment [H-1675](#) not germane.

Struyk of Pottawattamie moved to suspend the rules to consider amendment [H-1709](#).

Roll call was requested by Struyk of Pottawattamie and Paulsen of Linn.

On the question “Shall the rules be suspended to consider amendment [H-1709](#)?” ([H.F. 822](#))

The ayes were, 41:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Kelley	Koester
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser

Isenhart	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker Murphy			

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

The motion to suspend the rules lost.

The House stood at ease at 3:20 a.m., until the fall of the gavel.

The House resumed session at 3:47 a.m., Mascher of Johnson in the chair.

Huseman of Cherokee offered the following amendment [H-1725](#), to amendment [H-1675](#), filed by him from the floor and moved its adoption:

[H-1725](#)

- 1 Amend the amendment, H-1675, to [House File 822](#), as
- 2 follows:
- 3 1. Page 4, by striking lines 11 through 16.
- 4 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Huseman of Cherokee.

On the question "Shall amendment [H-1725](#) to amendment [H-1675](#) be adopted?" ([H.F. 822](#))

The ayes were, 38:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan

May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Roberts
Sands	Schulte	Schultz	Smith
Soderberg	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Windschitl	Worthan		

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Sorenson	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mascher, Presiding

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment [H-1725](#) lost.

Huseman of Cherokee offered the following amendment [H-1726](#), to amendment [H-1675](#), filed by him from the floor and moved its adoption:

- 1 Amend the amendment, [H-1675](#), to [House File 822](#) as
- 2 follows:
- 3 1. Page 2, by striking lines 19 through 35.
- 4 2. By striking page 3, line 49, through page 4,
- 5 line 10.
- 6 3. Page 4, by striking lines 17 through 28.
- 7 4. Page 4, by striking lines 38 through 45.
- 8 5. Page 6, by striking lines 4 through 13.
- 9 6. Page 7, by striking lines 1 through 9.
- 10 7. Page 8, by striking lines 11 through 17.
- 11 8. By renumbering as necessary.

Division was requested as follows:

Page 1 Line 3, division A

Page 1 Lines 4 through 11, division B.

Huseman of Cherokee moved the adoption of amendment [H-1726A](#) to amendment [H-1675](#).

Roll call was requested by Huseman of Cherokee and Paulsen of Linn.

On the question "Shall amendment [H-1726A](#) to amendment [H-1675](#) be adopted?" ([H.F. 822](#))

The ayes were, 93:

Alons	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, 1:

Abdul-Samad

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment [H-1726A](#) was adopted.

Huseman of Cherokee moved the adoption of amendment [H-1726B](#) to amendment [H-1675](#).

Roll call was requested by Huseman of Cherokee and Smith of Marshall.

On the question "Shall amendment [H-1726B](#) to amendment [H-1675](#) be adopted?" ([H.F. 822](#))

The ayes were, 39:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Kelley	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl	Worthan	

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mascher,	
		Presiding	

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment [H-1726B](#) lost.

Cohoon of Des Moines moved the adoption of amendment [H-1675](#), as amended.

Amendment [H-1675](#), as amended, was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 822](#))

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mascher, Presiding	

The nays were, 39:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 822](#) and [Senate File 376](#) be immediately messaged to the Senate.

MOTION TO RECONSIDER

([Senate File 470](#))

I move to reconsider the vote by which [Senate File 470](#) passed the House on April 24, 2009.

MCCARTHY of Polk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 24, 2009. Had I been present, I would have voted "aye" on amendment [H-1713](#) to [Senate File 483](#) and "nay" on [Senate File 483](#).

KOESTER of Polk

I was necessarily absent from the House chamber on April 24, 2009. Had I been present, I would have voted "aye" on [Senate File 340](#) and "nay" on [Senate File 465](#).

RAECKER of Polk

I was necessarily absent from the House chamber on April 24, 2009 from 10 a.m. to 6:30 p.m. Had I been present, I would have voted "aye" on Senate Files 340, 389, 432, 457 and 470.

WENTHE of Fayette

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 24, 2009, he approved and transmitted to the Secretary of State the following bills:

[House File 311](#), an Act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

[House File 321](#), an Act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

[House File 400](#), an Act relating to the licensing of persons installing fire protection systems.

[House File 496](#), an Act relating to the authority of a city to dispose of real property by gift.

[House File 505](#), an Act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home.

[House File 720](#), an Act relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

[Senate File 114](#), an Act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

[Senate File 142](#), an Act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

[Senate File 187](#), an Act providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

[Senate File 203](#), an Act relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

[Senate File 318](#), an Act pertaining to the duties and regulations under the purview of the labor commissioner.

[Senate File 334](#), an Act relating to the legislative committees charged with providing government oversight.

[Senate File 336](#), an Act providing for waivers of certain community attraction and tourism program requirements.

[Senate File 380](#), an Act relating to the practices and procedures of the department of public safety including gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2009\3751 Ashton Wickett, Indianola – For celebrating his 101st birthday.
- 2009\3752 Mr. and Mrs. Emery Neymeyer, Greene – For celebrating their 60th wedding anniversary.
- 2009\3753 Marie Meyer, Webster City – For celebrating her 90th birthday.
- 2009\3754 Gerald and Sandra Hammond, Hartford – For celebrating their 50th wedding anniversary.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 294](#) Appropriations

Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 294](#)), relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2009.

RESOLUTION FILED

[HCR 9](#), by Smith and Upmeyer, a concurrent resolution relating to a legislative health care coverage commission.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1714	S.F. 429	Whitaker of Van Buren
H-1718	H.F. 820	Wenthe of Fayette
H-1722	H.F. 807	Shomshor of Pottawattamie
H-1723	H.F. 807	Shomshor of Pottawattamie
H-1724	H.F. 820	Petersen of Polk

On motion by McCarthy of Polk the House adjourned at 4:21 a.m., until 10:00 a.m., Saturday, April 25, 2009.