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**STATE OF IOWA**

**House Journal**

**MONDAY, MARCH 29, 2010**

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

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# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 29, 2010

The House met pursuant to adjournment at 10:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Bob Speirs, pastor of St. Johns Lutheran Church, Des Moines. He was the guest of Representative Janet Petersen, state representative from Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Johnson, House Page from Stratford.

The Journal of Saturday, March 27, 2010 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 March 27, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2512](#), a bill for an act concerning weight limits for certain commercial motor vehicles on noninterstate highways.

Also: That the Senate has on March 27, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2383](#), a bill for an act relating to the collection of debt obligations owed the state and cities and establishing a state debt coordinator, providing a fee, and including effective date provisions.

Also: That the Senate has on March 27, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2389](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals

fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 10:14 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:12 p.m., Speaker Murphy in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Paulsen of Linn; Schulte of Linn, until her return, on request of Paulsen of Linn; Wendt of Woodbury on request of McCarthy of Polk.

#### QUORUM CALL

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

#### SENATE MESSAGE CONSIDERED

[Senate File 2389](#), by committee on appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

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

#### CONSIDERATION OF BILLS

##### Regular Calendar

[House File 2528](#), a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the

dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered the following committee amendment [H-8641](#) filed by the committee on public safety and moved its adoption:

[H-8641](#)

- 1 Amend [House File 2528](#) as follows:
- 2 1. Page 1, by striking lines 1 through 14.
- 3 2. Page 2, by striking lines 4 through 7 and
- 4 inserting <forwarding to the federal bureau of
- 5 investigation information that a person has been
- 6 disqualified from possessing, shipping, transporting,
- 7 or receiving a firearm pursuant to section 724.31.>
- 8 3. Page 2, after line 7 by inserting:
- 9 <Sec. \_\_\_\_ Section 602.8102, Code 2009, is amended
- 10 by adding the following new subsection:
- 11 NEW SUBSECTION. 125A. Forward information that a
- 12 person has been disqualified from possessing, shipping,
- 13 transporting, or receiving a firearm pursuant to
- 14 section 724.31 to the department of public safety.>
- 15 4. Page 2, by striking lines 10 through 30 and
- 16 inserting:
- 17 <A permit issued under this chapter is invalid if
- 18 the person to whom the permit is issued is intoxicated
- 19 as provided in section 321J.2, subsection 1.>
- 20 5. Page 3, line 8, after <permit.> by inserting
- 21 <Such permits shall not be issued for a particular
- 22 weapon and shall not contain information about a
- 23 particular weapon including the make, model, or serial
- 24 number of the weapon or any ammunition used in that
- 25 weapon.>
- 26 6. Page 3, by striking lines 24 and 25 and
- 27 inserting:
- 28 <~~3. 2. The person is not Is~~ addicted to the use of
- 29 alcohol or any controlled substance.>
- 30 7. Page 3, by striking line 26 and inserting:
- 31 <~~4. 3. The person has no history of repeated~~
- 32 acts of violence. Probable cause exists to believe,
- 33 based upon documented specific actions of the person,
- 34 where at least one of the actions occurred within two
- 35 years immediately preceding the date of the permit
- 36 application, that the person is likely to use a weapon
- 37 unlawfully or in such other manner as would endanger
- 38 the person's self or others.>>
- 39 8. Page 3, line 29, by striking <2.> and inserting

40 4.>  
41 9. Page 3, line 30, by striking <3.> and inserting  
42 5.>  
43 10. Page 3, line 33, after <708.7> by inserting  
44 <not involving the use of a firearm or explosive>  
45 11. By striking page 3, line 34, through page 4,  
46 line 31, and inserting:  
47 <6. Is prohibited by federal law from shipping,  
48 transporting, possessing, or receiving a firearm.>  
49 12. Page 5, by striking lines 2 and 3 and  
50 inserting:

Page 2

1 <a. Completion of any national rifle association  
2 handgun safety training course.>  
3 13. Page 5, by striking line 4 and inserting:  
4 b. Completion of any handgun safety training>  
5 14. Page 5, line 8, by striking <school> and  
6 inserting <school.>  
7 15. Page 5, by striking lines 12 and 13 and  
8 inserting:  
9 <c. Completion of any handgun safety training  
10 course offered for security guards.>  
11 16. Page 5, line 15, after <agency> by inserting  
12 <approved by the department of public safety>  
13 17. Page 5, by striking lines 16 and 17.  
14 18. Page 5, line 18, by striking <e.> and inserting  
15 d.>  
16 19. Page 5, by striking lines 29 through 32.  
17 20. Page 5, line 33, by striking <g.> and inserting  
18 e.>  
19 21. Page 6, by striking lines 12 and 13.  
20 22. Page 6, line 26, by striking <age> and  
21 inserting <age date of birth>  
22 23. Page 7, by striking lines 11 through 15 and  
23 inserting:  
24 <3. A person who knowingly makes what the person  
25 knows to be a false statement of material fact on  
26 the an application submitted under this section or who  
27 submits what the person knows to be any materially  
28 falsified or forged documentation in connection with  
29 such an application commits a class "D" felony.>  
30 24. Page 7, by striking line 21 and inserting  
31 <Applications from for professional permits to carry  
32 weapons for persons who are nonresidents of the state.>  
33 25. Page 7, by striking lines 27 through 29  
34 and inserting <sections 724.6 to 724.10 have been  
35 satisfied. However, for renewal of a permit the  
36 training program requirements in section 724.9 may be  
37 waived for renewal permits, subsection 1, shall apply  
38 or the renewal applicant may choose to qualify on a

39 firing range under the supervision of an instructor  
40 certified by the national rifle association or  
41 the department of public safety or another state's  
42 department of public safety, state police department,  
43 or similar certifying body. Such training or  
44 qualification must occur within the twelve-month period  
45 prior to the expiration of the applicant's current  
46 permit.>

47 26. Page 7, before line 30 by inserting:

48 <1A. Neither the sheriff nor the commissioner shall  
49 require an applicant for a permit to carry weapons to  
50 provide information identifying a particular weapon in

Page 3

1 the application including the make, model, or serial  
2 number of the weapon or any ammunition used in that  
3 particular weapon.>

4 27. Page 7, line 30, by striking <ten> and  
5 inserting <~~ten~~ fifty>

6 28. Page 7, line 33, by striking <five> and  
7 inserting <~~five~~ twenty-five>

8 29. Page 8, by striking line 4 and inserting <equal  
9 to ~~two~~ ten dollars for each permit issued and ~~one~~  
10 ~~dollar~~ five dollars>

11 30. Page 8, line 10, after <shall> by inserting  
12 <~~not~~>

13 31. Page 8, by striking lines 12 through 26 and  
14 inserting:

15 <3. The sheriff or commissioner of public safety  
16 shall approve or deny an initial or renewal application  
17 submitted under this section within thirty days of  
18 receipt of the application. A person whose application  
19 for a permit under this chapter is denied may seek  
20 review of the denial under section 724.21A. The failure  
21 to approve or deny an initial or renewal application  
22 shall result in a decision of approval.>

23 32. By striking page 8, line 27, through page 9,  
24 line 5, and inserting:

25 <Sec. \_\_\_\_ NEW SECTION. 724.11A Recognition.

26 A valid permit or license issued by another state to  
27 any nonresident of this state shall be considered to  
28 be a valid permit or license to carry weapons issued  
29 pursuant to this chapter, except that such permit or  
30 license shall not be considered to be a substitute for  
31 an annual permit to acquire pistols or revolvers issued  
32 pursuant to section 724.15.>

33 33. Page 9, line 8, after <weapons> by inserting <--  
34 criminal history background check>

35 34. Page 9, after line 31 by inserting:

36 <The issuing officer may annually conduct a  
37 background check concerning a person issued a permit by

38 obtaining criminal history data from the department of  
 39 public safety.>  
 40 35. Page 10, by striking lines 8 and 9 and  
 41 inserting:  
 42 <e. ~~b. The person is not~~ Is addicted to the use of  
 43 ~~alcohol or a controlled substance.~~>  
 44 36. Page 10, line 15, by striking <b.> and  
 45 inserting <c.>  
 46 37. By striking page 10, line 16, through page 11,  
 47 line 13, and inserting:  
 48 <d. Is prohibited by federal law from shipping,  
 49 transporting, possessing, or receiving a firearm.>  
 50 38. Page 12, by striking lines 4 through 7 and

Page 4

1 inserting <revolvers during the period that the permit  
 2 remains valid. If the issuing officer determines  
 3 that the applicant has become disqualified under  
 4 the provisions of subsection 1, the issuing officer  
 5 may immediately ~~invalidate~~ revoke the permit and  
 6 shall provide a written statement of the reasons for  
 7 revocation, and the applicant shall have the right to  
 8 appeal the revocation as provided in section 724.21A.>  
 9 39. Page 12, line 21, by striking <commissioner>  
 10 and inserting <issuing officer>  
 11 40. Page 13, line 8, by striking <age> and  
 12 inserting <~~age date~~>  
 13 41. Page 13, by striking lines 21 through 25 and  
 14 inserting <“~~D~~” felony. A person who makes what the  
 15 person knows to be a false statement of material fact  
 16 on an application submitted under this section or who  
 17 submits what the person knows to be any materially  
 18 falsified or forged documentation in connection with  
 19 such an application commits a class “D” felony.>  
 20 42. By striking page 13, line 26, through page 14,  
 21 line 22, and inserting:  
 22 <Sec. \_\_\_\_ NEW SECTION. 724.21A Denial,  
 23 suspension, or revocation of permit to carry weapons or  
 24 permit to acquire pistols or revolvers.  
 25 1. In any case where the sheriff or the  
 26 commissioner of public safety denies an application  
 27 for or suspends or revokes a permit to carry weapons  
 28 or an annual permit to acquire pistols or revolvers,  
 29 the sheriff or commissioner shall provide a written  
 30 statement of the reasons for the denial, suspension,  
 31 or revocation and the applicant or permit holder  
 32 shall have the right to appeal the denial, suspension,  
 33 or revocation to an administrative law judge in the  
 34 department of inspections and appeals within thirty  
 35 days of receiving written notice of the denial,  
 36 suspension, or revocation.

37 2. The applicant or permit holder may file an  
38 appeal with an administrative law judge by filing a  
39 copy of the denial, suspension, or revocation notice  
40 with a written statement that clearly states the  
41 applicant's reasons rebutting the denial, suspension,  
42 or revocation along with a fee of ten dollars.  
43 Additional supporting information relevant to the  
44 proceedings may also be included.  
45 3. The administrative law judge shall, within  
46 forty-five days of receipt of the request for an  
47 appeal, set a hearing date. The hearing may be held  
48 by telephone or video conference at the discretion  
49 of the administrative law judge. The administrative  
50 law judge shall receive witness testimony and other

Page 5

1 evidence relevant to the proceedings at the hearing.  
2 The hearing shall be conducted pursuant to chapter 17A.  
3 4. Upon conclusion of the hearing, the  
4 administrative law judge shall order that the denial,  
5 suspension, or revocation of the permit be either  
6 rescinded or sustained. An applicant, permit holder,  
7 or issuing officer aggrieved by the final judgment of  
8 the administrative law judge shall have the right to  
9 judicial review in accordance with the terms of the  
10 Iowa administrative procedure Act, chapter 17A.  
11 5. The standard of review under this section shall  
12 be clear and convincing evidence that the issuing  
13 officer's written statement of the reasons for the  
14 denial, suspension, or revocation constituted probable  
15 cause to deny an application or to suspend or revoke  
16 a permit.  
17 6. The department of inspections and appeals shall  
18 adopt rules pursuant to chapter 17A as necessary to  
19 carry out the provisions of this section.  
20 7. In any case where the issuing officer denies an  
21 application for, or suspends or revokes a permit to  
22 carry weapons or an annual permit to acquire pistols or  
23 revolvers solely because of an adverse determination  
24 by the national instant criminal background check  
25 system, the applicant or permit holder shall not seek  
26 relief under this section but may pursue relief of  
27 the national instant criminal background check system  
28 determination pursuant to Pub. L. No. 103-159, sections  
29 103(f) and (g) and 104 and 28 C.F.R. § 25.10, or other  
30 applicable law. The outcome of such proceedings shall  
31 be binding on the issuing officer.>  
32 43. Page 14, by striking lines 23 through 34.  
33 44. Page 15, lines 34 and 35, by striking <orders,  
34 commitments, or findings – disabilities> and inserting  
35 orders or commitments – firearms>



36 45. Page 16, by striking lines 1 through 19 and  
37 inserting:  
38 <1. A court order referred to in subsection 2 shall  
39 include information informing the person who is the  
40 subject of the order not to ship, possess, receive,  
41 or transport or cause the transport of firearms or  
42 ammunition. The clerk of the district court shall  
43 forward only such information as is necessary to  
44 identify a person subject to an order in subsection  
45 2 to the department of public safety, which in turn  
46 shall forward the information to the federal bureau  
47 of investigation or its successor agency for the sole  
48 purpose of inclusion in the national instant criminal  
49 background check system database.>  
50 46. Page 16, line 22, by striking <or treatment>

Page 6

1 47. Page 16, line 25, by striking <or treatment>  
2 48. Page 16, by striking lines 27 through 31.  
3 49. Page 16, line 32, by striking <h.> and  
4 inserting <d.>  
5 50. By striking page 16, line 34, through page 17,  
6 line 34, and inserting:  
7 <3. a. A person who is the subject of a court  
8 order listed in subsection 2 and who has been released  
9 from commitment may petition the court that issued  
10 the order or the court in the county where the person  
11 resides no earlier than two years from the date of the  
12 issuance of the order for relief from the disabilities  
13 imposed by 18 U.S.C. section 922(d)(4) and (g)(4).  
14 A copy of the petition shall also be served on the  
15 director of human services and the county attorney at  
16 the county attorney's office of the county in which  
17 the original order occurred, and the director or the  
18 county attorney may appear, support, object to, and  
19 present evidence relevant to the relief sought by the  
20 petitioner. A court considering a petition under this  
21 section shall receive evidence concerning all of the  
22 following:  
23 (1) The circumstances surrounding the original  
24 issuance of the order in subsection 2.  
25 (2) The petitioner's mental health and criminal  
26 history.  
27 (3) The petitioner's reputation and character.  
28 (4) Any changes in the petitioner's condition  
29 or circumstances since the issuance of the order in  
30 subsection 2 that are relevant to the relief sought.  
31 b. The court shall grant a petition filed pursuant  
32 to paragraph "a" if the court finds by a preponderance  
33 of the evidence that the petitioner will not be likely  
34 to act in a manner dangerous to the public safety and

35 that the granting of the relief would not be contrary  
36 to the public interest. The petitioner may appeal a  
37 denial of the requested relief and the review shall be  
38 de novo. A person may file a petition for relief under  
39 this subsection not more than once every two years.  
40 c. If a court issues an order granting a petition  
41 for relief under paragraph "b", the clerk of the  
42 district court shall immediately forward only such  
43 information as is necessary to identify a person  
44 granted relief to the department of public safety  
45 which, upon receipt, shall immediately forward such  
46 information as is necessary to the federal bureau of  
47 investigation or its successor agency to update the  
48 national instant criminal background check system  
49 database with the relief from disabilities.>  
50 51. Page 17, after line 34 by inserting:

Page 7

1 <Sec. \_\_\_\_. TRANSITION PROVISIONS. A permit issued  
2 under chapter 724 prior to January 1, 2011, remains  
3 effective and continues in effect as issued for the  
4 twelve-month period following its issuance. This Act  
5 does not preclude the permit holder from seeking to  
6 renew the permit under this Act prior to the expiration  
7 of the twelve-month period.  
8 Sec. \_\_\_\_. EFFECTIVE DATE. This Act takes effect  
9 January 1, 2011.>  
10 52. Title page, line 5, after <penalties> by  
11 inserting <and an effective date>  
12 53. By renumbering as necessary.

The committee amendment [H-8641](#) was adopted.

Roberts of Carroll asked and received unanimous consent to withdraw amendment [H-8619](#) filed by him on March 25, 2010.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment [H-8466](#) filed by him on March 18, 2010.

[SENATE FILE 2379](#) SUBSTITUTED FOR [HOUSE FILE 2528](#)

Baudler of Adair asked and received unanimous consent to substitute [Senate File 2379](#) for [House File 2528](#).

[Senate File 2379](#), a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from

mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date, was taken up for consideration.

Roberts of Carroll offered the following amendment [H-8652](#) filed by him and moved its adoption:

[H-8652](#)

1 Amend [Senate File 2379](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking everything after the enacting clause  
4 and inserting:  
5 <Section 1. Section 80A.13, Code 2009, is amended  
6 to read as follows:  
7 80A.13 Campus weapon requirements.  
8 An individual employed by a college or university,  
9 or by a private security business holding a contract  
10 with a college or university, who performs private  
11 security duties on a college or university campus and  
12 who carries a weapon while performing these duties  
13 shall ~~meet all of the following requirements:~~  
14 ~~1. File with the sheriff of the county in which~~  
15 ~~the campus is located evidence that the individual has~~  
16 ~~successfully completed an approved firearms training~~  
17 ~~program under section 724.9. This requirement does not~~  
18 ~~apply to armored car personnel.~~  
19 ~~2. Possess a permit to carry weapons issued by the~~  
20 ~~sheriff of the county in which the campus is located~~  
21 ~~under sections 724.6 through 724.11. This requirement~~  
22 ~~does not apply to armored car personnel.~~  
23 ~~3. File file with the sheriff of the county in~~  
24 ~~which the campus is located a sworn affidavit from~~  
25 ~~the employer outlining the nature of the duties to be~~  
26 ~~performed and justification of the need to go armed.~~  
27 Sec. 2. Section 724.4, Code 2009, is amended to  
28 read as follows:  
29 724.4 Carrying weapons.  
30 1. Except as otherwise provided in this section, a  
31 person who goes armed with a dangerous weapon ~~concealed~~  
32 ~~on or about the person, or who, within the limits of~~  
33 ~~any city, goes armed with a pistol or revolver, or~~  
34 ~~any loaded firearm of any kind, whether concealed~~  
35 ~~or not, or who knowingly carries or transports in a~~  
36 ~~vehicle a pistol or revolver, commits an aggravated~~  
37 ~~misdemeanor with the intent to commit a crime of~~  
38 ~~violence commits a class "D" felony. This subsection~~  
39 ~~applies regardless of whether the dangerous weapon~~  
40 ~~is concealed or not concealed on or about the person~~  
41 ~~and regardless of whether the dangerous weapon is~~

42 transported in a vehicle. For purposes of this  
43 subsection, "crime of violence" means a felony which  
44 has, as an element of the offense, the use of physical  
45 force by one person against another person.  
46 2. A person who goes armed with a knife concealed  
47 on or about the person, if the person uses the knife  
48 in the commission of a crime, commits an aggravated  
49 misdemeanor.  
50 3. A person who goes armed with a knife concealed

Page 2

1 on or about the person, if the person does not use the  
2 knife in the commission of a crime:  
3 a. If the knife has a blade exceeding eight inches  
4 in length, commits an aggravated misdemeanor.  
5 b. If the knife has a blade exceeding five inches  
6 but not exceeding eight inches in length, commits a  
7 serious misdemeanor.  
8 4. Subsections 1 through 3 do not apply to any of  
9 the following:  
10 a. A person who for any lawful purpose goes armed  
11 with a dangerous weapon in the person's own dwelling  
12 or place of business, or on land owned or possessed by  
13 the person.  
14 b. A peace officer, when the officer's duties  
15 require the person to carry such weapons.  
16 ~~c. A member of the armed forces of the United~~  
17 ~~States or of the national guard or person in the~~  
18 ~~service of the United States, when the weapons are~~  
19 ~~carried in connection with the person's duties as such.~~  
20 ~~d. A correctional officer, when the officer's~~  
21 ~~duties require, serving under the authority of the Iowa~~  
22 ~~department of corrections.~~  
23 ~~e. c.~~ A person who for any lawful purpose carries  
24 an unloaded pistol, revolver, or other dangerous weapon  
25 inside a closed and fastened container or securely  
26 wrapped package which is too large to be concealed on  
27 the person.  
28 ~~f. A person who for any lawful purpose carries or~~  
29 ~~transports an unloaded pistol or revolver in a vehicle~~  
30 ~~inside a closed and fastened container or securely~~  
31 ~~wrapped package which is too large to be concealed on~~  
32 ~~the person or inside a cargo or luggage compartment~~  
33 ~~where the pistol or revolver will not be readily~~  
34 ~~accessible to any person riding in the vehicle or~~  
35 ~~common carrier.~~  
36 ~~g. A person while the person is lawfully engaged in~~  
37 ~~target practice on a range designed for that purpose or~~  
38 ~~while actually engaged in lawful hunting.~~  
39 ~~h. d.~~ A person who carries a knife used in hunting  
40 or fishing, while actually engaged in lawful hunting

41 or fishing.

42 ~~i. A person who has in the person's possession~~  
43 ~~and who displays to a peace officer on demand a valid~~  
44 ~~permit to carry weapons which has been issued to the~~  
45 ~~person, and whose conduct is within the limits of that~~  
46 ~~permit. A person shall not be convicted of a violation~~  
47 ~~of this section if the person produces at the person's~~  
48 ~~trial a permit to carry weapons which was valid at~~  
49 ~~the time of the alleged offense and which would have~~  
50 ~~brought the person's conduct within this exception if~~

Page 3

1 ~~the permit had been produced at the time of the alleged~~  
2 ~~offense.~~

3 ~~j. e.~~ A law enforcement officer from another stat  
4 when the officer's duties require the officer to carry  
5 the weapon and the officer is in this state for any of  
6 the following reasons:

7 (1) The extradition or other lawful removal of a  
8 prisoner from this state.

9 (2) Pursuit of a suspect in compliance with chapter  
10 806.

11 (3) Activities in the capacity of a law enforcement  
12 officer with the knowledge and consent of the chief  
13 of police of the city or the sheriff of the county in  
14 which the activities occur or of the commissioner of  
15 public safety.

16 ~~k. f.~~ A person engaged in the business of  
17 transporting prisoners under a contract with the  
18 Iowa department of corrections or a county sheriff,  
19 a similar agency from another state, or the federal  
20 government.

21 Sec. 3. Section 724.4B, subsection 2, paragraph a,  
22 Code 2009, is amended to read as follows:

23 a. A person listed under section 724.4, subsection  
24 4, paragraphs paragraph "b" through "f", "c", or  
25 "j" "e".

26 Sec. 4. Section 724.6, subsection 1, Code  
27 Supplement 2009, is amended to read as follows:

28 1. A person ~~may be issued a permit to carry weapons~~  
29 ~~when the person's employment who is employed in a~~  
30 ~~private investigation business or private security~~  
31 ~~business licensed under chapter 80A, or a person's~~  
32 ~~employment as a peace officer, correctional officer,~~  
33 ~~security guard, bank messenger or other person~~  
34 ~~transporting property of a value requiring security, or~~  
35 ~~in police work, whose employment reasonably justifies~~  
36 ~~that person going armed, shall be issued a professional~~  
37 ~~permit to carry weapons if the person applies for~~  
38 ~~the permit and meets the requirements of sections~~  
39 ~~724.8 through 724.10. The permit shall be on a form~~

40 prescribed and published by the commissioner of public  
41 safety, shall identify the holder, and shall state  
42 the nature of the employment requiring the holder to  
43 go armed. A permit so issued, other than to a peace  
44 officer, shall authorize the person to whom it is  
45 issued to go armed anywhere in the state, ~~only~~ while  
46 engaged in the employment, and while going to and from  
47 the place of the employment. A permit issued to a  
48 certified peace officer shall authorize that peace  
49 officer to go armed anywhere in the state at all times.  
50 Permits shall expire ~~twelve months~~ five years after the

Page 4

1 date when issued except that permits issued to peace  
2 officers and correctional officers are valid through  
3 the officer's period of employment unless otherwise  
4 canceled. When the employment is terminated, the  
5 holder of the permit shall surrender it to the issuing  
6 officer for cancellation.

7 Sec. 5. Section 724.7, Code 2009, is amended to  
8 read as follows:

9 724.7 Nonprofessional permit to carry weapons.  
10 Any person ~~who can reasonably justify going armed~~  
11 ~~may not otherwise prohibited from possessing or~~  
12 ~~transporting a firearm and who meets the requirements~~  
13 ~~in sections 724.8 through 724.10 shall~~ be issued a  
14 nonprofessional permit to carry weapons if the person  
15 applies for such permit. Such permits shall be on a  
16 form prescribed and published by the commissioner of  
17 public safety, which shall be readily distinguishable  
18 from the professional permit, and shall identify the  
19 holder thereof, and state the reason for the issuance  
20 of the permit, ~~and the limits of the authority granted~~  
21 ~~by such permit~~. All permits so issued shall be for a  
22 ~~definite five-year period as established by the issuing~~  
23 ~~officer, but in no event shall exceed a period of~~  
24 ~~twelve months~~.

25 Sec. 6. Section 724.8, subsection 5, Code 2009, is  
26 amended to read as follows:

27 5. The ~~issuing officer reasonably determines that~~  
28 ~~the applicant does not constitute a danger to any~~  
29 ~~person~~ person is not otherwise prohibited by state or  
30 federal law from possessing or transporting a firearm.

31 Sec. 7. Section 724.9, Code 2009, is amended to  
32 read as follows:

33 724.9 Firearm training program.

34 A training program to qualify persons in the safe  
35 use of firearms shall be provided by the issuing  
36 officer of permits, as provided in section 724.11.  
37 The ~~commissioner of public safety shall approve~~  
38 ~~the training program, and the county sheriff or~~

39 the commissioner of public safety conducting the  
 40 training program within their respective jurisdictions  
 41 ~~may shall~~ contract with ~~a private organization or~~  
 42 ~~use the services of other agencies, or may use a~~  
 43 ~~combination of the two, to provide such training a~~  
 44 ~~private individual or a professional organization who~~  
 45 ~~shall conduct the training consistent with training~~  
 46 ~~standards set forth by the national rifle association.~~  
 47 Any person eligible to be issued a permit to carry  
 48 weapons may enroll in such course. A fee sufficient  
 49 to cover the cost of the program may be charged each  
 50 person attending. Certificates of completion, on a

Page 5

1 form prescribed and published by the commissioner  
 2 of public safety, shall be issued to each person who  
 3 successfully completes the program. ~~No A~~ person shall  
 4 ~~not~~ be issued either a professional or nonprofessional  
 5 permit unless the person has received a certificate of  
 6 completion or is a certified peace officer. ~~No peace~~  
 7 ~~officer or correctional officer, except a certified~~  
 8 ~~peace officer, shall go armed with a pistol or revolver~~  
 9 ~~unless the officer has received a certificate of~~  
 10 ~~completion, provided that this requirement shall not~~  
 11 ~~apply to persons who are employed in this state as~~  
 12 ~~peace officers on January 1, 1978 until July 1, 1978,~~  
 13 ~~or to peace officers of other jurisdictions exercising~~  
 14 ~~their legal duties within this state.~~  
 15 Sec. 8. Section 724.11, Code 2009, is amended to  
 16 read as follows:  
 17 724.11 Issuance of permit to carry weapons.  
 18 ~~Applications for permits~~ An application for a  
 19 permit to carry weapons, if made, shall be made to the  
 20 sheriff of the county in which the applicant resides.  
 21 Applications from persons who are nonresidents of  
 22 the state, or whose need to go armed arises out  
 23 of employment by the state, shall be made to the  
 24 commissioner of public safety. In either case,  
 25 the issuance of the permit shall be by ~~and at the~~  
 26 ~~discretion of~~ the sheriff or commissioner, who  
 27 shall, before issuing the permit, determine that the  
 28 requirements of sections ~~724.6 to 724.8 through~~ 724.10  
 29 have been satisfied and the person is not otherwise  
 30 prohibited by state or federal law from possessing or  
 31 transporting a firearm. ~~However, the training program~~  
 32 ~~requirements in section 724.9 may be waived for renewal~~  
 33 ~~permits.~~ The issuing officer shall collect a fee  
 34 of ~~ten~~ fifty dollars, except from a duly appointed  
 35 peace officer or correctional officer, for each permit  
 36 issued. Renewal permits or duplicate permits shall be  
 37 issued for a fee of five dollars. The issuing officer

38 shall notify the commissioner of public safety of the  
 39 issuance of any permit at least monthly and forward to  
 40 the commissioner an amount equal to two dollars for  
 41 each permit issued and one dollar for each renewal  
 42 or duplicate permit issued. All such fees received  
 43 by the commissioner shall be paid to the treasurer  
 44 of state and deposited in the operating account of  
 45 the department of public safety to offset the cost of  
 46 administering this chapter. Any unspent balance as of  
 47 June 30 of each year shall revert to the general fund  
 48 as provided by section 8.33.  
 49 Sec. 9. NEW SECTION. 724.11A Reciprocity.  
 50 A person possessing a valid out-of-state permit to

Page 6

1 carry a weapon shall be entitled to the privileges and  
 2 subject to the restrictions prescribed by this chapter  
 3 provided the state that issued the license recognizes  
 4 weapons permits issued in Iowa and provided the person  
 5 possessing such permit is not otherwise prohibited from  
 6 possessing a firearm.  
 7 Sec. 10. REPEAL. Section 724.5, Code 2009, is  
 8 repealed.>  
 9 2. Title page, by striking lines 1 through 5 and  
 10 inserting <An Act relating to the carrying of weapons.>

Roll call was requested by Roberts of Carroll and Sorenson of Warren.

Rule 75 was invoked.

On the question "Shall amendment [H-8652](#) be adopted?" ([S.F. 2379](#))

The ayes were, 45:

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



The nays were, 52:

Abdul-Samad	Bailey	Baudler	Beard
Bell	Berry	Bukta	Burt
Cohoon	Ficken	Ford	Frevert
Gaskill	Gayman	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Swaim	Taylor	Thede
Tjepkes	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 3:

De Boef	Olson, R.	Wendt
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Amendment [H-8652](#) lost.

Swaim of Davis offered the following amendment [H-8653](#) filed by him and Baudler of Adair from the floor and moved its adoption:

[H-8653](#)

1 Amend [Senate File 2379](#), as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 8, by striking lines 27 and 28 and  
 4 inserting:  
 5 ~~<e. The person is not addicted to the use of~~  
 6 ~~alcohol or a controlled substance.>~~  
 7 2. Page 8, line 34, by striking <c.> and inserting  
 8 <b.>  
 9 3. Page 8, line 35, by striking <d.> and inserting  
 10 <c.>

Amendment [H-8653](#) was adopted.

Mascher of Johnson offered the following amendment [H-8659](#) filed by her from the floor and moved its adoption:

[H-8659](#)

1 Amend [Senate File 2379](#), as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. Page 6, before line 24 by inserting:  
 4 <1B. A sheriff shall apply all requirements of this  
 5 chapter regarding the issuance and renewal of permits  
 6 but may apply more restrictive qualifications if deemed  
 7 necessary.>  
 8 2. Page 9, after line 24 by inserting:  
 9 <2A. A sheriff shall apply all requirements of this  
 10 chapter regarding the issuance and renewal of permits  
 11 but may apply more restrictive qualifications if deemed  
 12 necessary.>  
 13 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 7, nays 64.

Amendment [H-8659](#) 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. 2379](#))

The ayes were, 81:

Alons	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Burt	Chambers	Cohoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Helland	Horbach	Huseman	Huser
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lukan	Lykam
Marek	May	McCarthy	Mertz
Miller, H.	Miller, L.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Whitead	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 16:

Abdul-Samad	Bukta	Frevert	Heddens
Hunter	Isenhart	Jacoby	Lensing
Mascher	Oldson	Olson, D.	Petersen
Schueller	Wessel-Kroeschell	Willems	Winckler

Absent or not voting, 3:

De Boef	Schulte	Wendt
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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 2379](#) be immediately messaged to the Senate.

#### [HOUSE FILE 2528](#) WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw [House File 2528](#) from further consideration by the House.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House File 2534](#).

Bukta of Clinton in the chair at 2:36 p.m.

#### Appropriations Calendar

[House File 2534](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date, was taken up for consideration.

Cohon of Des Moines offered the following amendment [H-8657](#) filed by him from the floor and moved its adoption:

[H-8657](#)

1 Amend [House File 2534](#) as follows:

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

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 2010, and ending June 30, 2011, 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 shall  
19 be separately accounted for in a distribution account  
20 and shall be distributed to other governmental entities  
21 based upon a formula established by the department  
22 to pay for services associated with the integrated  
23 information for Iowa system provided during the fiscal  
24 year by the department.

25 During the fiscal year, the department may use up  
26 to \$1,000,000 of unexpended or unobligated funds in  
27 the information technology operations fund established  
28 under the provisions of section 8A.123 to provide  
29 funding for costs associated with the integrated  
30 information for Iowa system. By October 31, 2011, the  
31 department shall report to the department of management  
32 and the legislative services agency regarding any  
33 moneys that are used for this purpose.

34 b. For costs associated with Mercy capitol hospital  
35 building operations, notwithstanding section 8.57,  
36 subsection 6, paragraph "c":

37 ..... \$ 1,083,175

38 c. For the state's share of support in conjunction  
39 with the city of Des Moines and local area businesses  
40 to provide a free shuttle service to the citizens  
41 of Iowa that includes transportation between the  
42 capitol complex and the downtown Des Moines area,  
43 notwithstanding section 8.57, subsection 6, paragraph  
44 "c":

45 ..... \$ 200,000

46 Details for the shuttle service, including the  
47 route to be served, shall be determined pursuant to an  
48 agreement to be entered into by the department with the  
49 Des Moines area regional transit authority (DART) and  
50 any other participating entities.

Page 2

1 Of the amount appropriated in this lettered  
2 paragraph, up to \$50,000 shall be used to encourage  
3 state employees to utilize transit services provided by  
4 the Des Moines area regional transit authority.  
5 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
6 For the administration of the watershed improvement  
7 review board established in section 466A.3,  
8 notwithstanding section 8.57, subsection 6, paragraph  
9 "c":  
10 ..... \$ 50,000  
11 3. DEPARTMENT FOR THE BLIND  
12 For costs associated with universal access to audio  
13 information over the phone on demand for blind and  
14 print handicapped Iowans, notwithstanding section 8.57,  
15 subsection 6, paragraph "c":  
16 ..... \$ 20,000  
17 4. DEPARTMENT OF CULTURAL AFFAIRS  
18 a. For continuation of the project recommended  
19 by the Iowa battle flag advisory committee to  
20 stabilize the condition of the battle flag collection,  
21 notwithstanding section 8.57, subsection 6, paragraph  
22 "c":  
23 ..... \$ 60,000  
24 b. For purposes of maintenance and repairs of  
25 historic sites:  
26 ..... \$ 40,000  
27 5. DEPARTMENT OF ECONOMIC DEVELOPMENT  
28 a. For deposit in the workforce training and  
29 economic development funds for each community college  
30 in section 260C.18A, notwithstanding section 8.57,  
31 subsection 6, paragraph "c":  
32 ..... \$ 2,000,000  
33 b. To the 6th avenue corridor for improvements to  
34 the streetscape associated with the national mainstreet  
35 conference and for additional architectural and  
36 engineering design plans for economic development and  
37 community revitalization, notwithstanding section 8.57,  
38 subsection 6, paragraph "c":  
39 ..... \$ 100,000  
40 c. To develop site plans for the southeast Iowa  
41 regional economic and port authority including  
42 plans for infrastructure for economic development,  
43 notwithstanding section 8.57, subsection 6, paragraph  
44 "c":  
45 ..... \$ 50,000  
46 d. For equal distribution to regional sports  
47 authority districts certified by the department  
48 pursuant to section 15E.321, notwithstanding section  
49 8.57, subsection 6, paragraph "c":  
50 ..... \$ 500,000

Page 3

1 e. For administration and support of the world  
2 food prize including the Borlaug/Ruan scholar program,  
3 notwithstanding section 8.57, subsection 6, paragraph  
4 "c":  
5 ..... \$ 100,000

6 6. DEPARTMENT OF EDUCATION  
7 To provide resources for structural and  
8 technological improvements to local libraries and for  
9 the enrich Iowa program, notwithstanding section 8.57,  
10 subsection 6, paragraph "c":  
11 ..... \$ 500,000

12 Of the moneys appropriated in this subsection,  
13 \$50,000 shall be allocated equally to each library  
14 service area.

15 7. DEPARTMENT OF NATURAL RESOURCES  
16 a. For floodplain management and dam safety,  
17 notwithstanding section 8.57, subsection 6,  
18 paragraph "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 b. For costs associated with the construction of a  
26 permanent structure for handicapped persons and senior  
27 citizens in a county with a population between 37,150  
28 and 37,250:  
29 ..... \$ 40,000

30 c. For costs associated with the hiring and  
31 employment of an asset manager at Honey creek resort  
32 state park, notwithstanding section 8.57, subsection  
33 6, paragraph "c":  
34 ..... \$ 100,000

35 The department shall issue a request for proposals  
36 to competitively procure the services of an asset  
37 manager which shall be selected by the natural resource  
38 commission. The asset manager shall have hospitality  
39 management experience of at least five years including  
40 at least three years asset management experience in a  
41 setting similar in size and quality to the Honey creek  
42 resort state park with a similar type of market. The  
43 duties and job responsibilities of the asset manager  
44 shall include but are not limited to reviewing and  
45 commenting on the resort's sales and marketing plan,  
46 providing for the operation of the resort in a manner  
47 consistent with the requirements and limitations set  
48 forth in the resort's operating agreement, monitoring  
49 and supervising the resort including site visits,

50 and negotiating and recommending an annual operating

Page 4

1 budget and budget plan. The asset manager shall  
2 report to bond counsel, the governor, the Honey creek  
3 authority, the department of natural resources, and the  
4 legislative services agency.

5 8. DEPARTMENT OF PUBLIC DEFENSE

6 a. For major maintenance projects at national guard  
7 armories and facilities:

8 ..... \$ 1,500,000

9 b. For renovation and facility improvements at the  
10 Iowa Falls readiness center:

11 \$ 500,000

12 c. For renovation and facility improvements at the  
13 Cedar Rapids armed forces readiness center:

14 ..... \$ 200,000

15 d. For renovation and facility improvements at the  
16 Middletown readiness center:

17 ..... \$ 100,000

18 9. DEPARTMENT OF PUBLIC HEALTH

19 For a grant to an existing national affiliated  
20 volunteer eye organization that has an established  
21 program for children and adults and that is solely  
22 dedicated to preserving sight and preventing blindness  
23 through education, nationally certified vision  
24 screening and training, community and patient service  
25 programs, notwithstanding section 8.57, subsection 6,  
26 paragraph "c":

27 ..... \$ 100,000

28 10. IOWA FINANCE AUTHORITY

29 For transfer to the Polk county housing trust  
30 fund for the construction of facilities to meet the  
31 specialized needs of adult persons with severe and  
32 profound disabilities who have high medical needs:

33 ..... \$ 250,000

34 11. STATE BOARD OF REGENTS

35 a. For allocation by the state board of regents to  
36 the state university of Iowa, the Iowa state university  
37 of science and technology, and the university of  
38 northern Iowa to reimburse the institutions for  
39 deficiencies in the operating funds resulting from  
40 the pledging of tuition, student fees and charges,  
41 and institutional income to finance the cost of  
42 providing academic and administrative buildings and  
43 facilities and utility services at the institutions,  
44 notwithstanding section 8.57, subsection 6, paragraph  
45 "c":

46 ..... \$ 24,305,412

47 b. For the Iowa flood center at the state  
48 university of Iowa for use by the university's

49 college of engineering, pursuant to section 466C.1,  
50 notwithstanding section 8.57, subsection 6, paragraph

Page 5

1 "c":  
2 ..... \$ 1,300,000  
3 c. To Iowa state university of science and  
4 technology to purchase veterinary surgical and other  
5 equipment to modernize the animal care facilities at  
6 the blank park zoo as part of a cooperative effort of  
7 blank park zoo and the college of veterinary medicine,  
8 notwithstanding section 8.57, subsection 6, paragraph  
9 "c":  
10 ..... \$ 400,000  
11 12. TREASURER OF STATE  
12 For county fair infrastructure improvements  
13 for distribution in accordance with chapter 174 to  
14 qualified fairs which belong to the association of Iowa  
15 fairs:  
16 ..... \$ 1,060,000  
17 13. DEPARTMENT OF TRANSPORTATION  
18 For infrastructure improvements at general aviation  
19 airports within the state:  
20 ..... \$ 750,000  
21 14. DEPARTMENT OF VETERANS AFFAIRS  
22 For transfer to the Iowa finance authority for the  
23 continuation of the home ownership assistance program  
24 for persons who are or were eligible members of the  
25 armed forces of the United States, pursuant to section  
26 16.54, notwithstanding section 8.57, subsection 6,  
27 paragraph "c":  
28 ..... \$ 1,000,000  
29 Sec. 2. There is appropriated from the rebuild Iowa  
30 infrastructure fund to the following departments and  
31 agencies for the following fiscal years, the following  
32 amounts, or so much thereof as is necessary, to be used  
33 for the purposes designated:  
34 1. DEPARTMENT OF CORRECTIONS  
35 For project management costs at Fort Madison and  
36 Mitchellville prisons, associated with construction  
37 projects at the department, notwithstanding section  
38 8.57, subsection 6, paragraph "c":  
39 FY 2011-2012 ..... \$ 4,500,000  
40 FY 2012-2013..... \$ 1,000,000  
41 FY 2013-2014..... \$ 200,000  
42 2. DEPARTMENT OF NATURAL RESOURCES  
43 For state park infrastructure improvements:  
44 FY 2011-2012..... \$ 5,000,000  
45 FY 2012-2013..... \$ 5,000,000  
46 FY 2013-2014..... \$ 5,000,000  
47 FY 2014-2015..... \$ 5,000,000



48 3. DEPARTMENT OF TRANSPORTATION  
 49 For deposit into the passenger rail service  
 50 revolving fund created in section 327J.2 for matching

Page 6

1 federal funding available through the federal Passenger  
 2 Rail Investment and Improvement Act of 2008 for  
 3 passenger rail service, notwithstanding section 8.57,  
 4 subsection 6, paragraph "c":  
 5 FY 2011-2012..... \$ 6,500,00

6 It is the intent of the general assembly to fund  
 7 up to \$20 million over a four-year period to fully  
 8 fund the state commitment for matching federal funding  
 9 available through the federal Passenger Rail Investment  
 10 and Improvement Act of 2008.

11 Sec. 3. REVERSION. For purposes of section 8.33,  
 12 unless specifically provided otherwise, unencumbered  
 13 or unobligated moneys made from an appropriation in  
 14 this division of this Act shall not revert but shall  
 15 remain available for expenditure for the purposes  
 16 designated until the close of the fiscal year that ends  
 17 three years after the end of the fiscal year for which  
 18 the appropriation was made. However, if the project  
 19 or projects for which such appropriation was made are  
 20 completed in an earlier fiscal year, unencumbered or  
 21 unobligated moneys shall revert at the close of that  
 22 same fiscal year.

DIVISION \_\_II

TECHNOLOGY REINVESTMENT FUND

25 Sec. 4. There is appropriated from the technology  
 26 reinvestment fund created in section 8.57C to the  
 27 following departments and agencies for the fiscal year  
 28 beginning July 1, 2010, and ending June 30, 2011, the  
 29 following amounts, or so much thereof as is necessary,  
 30 to be used for the purposes designated:

- 31 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
- 32 For technology improvement projects:
- 33 ..... \$ 3,793,654
- 34 2. DEPARTMENT OF CORRECTIONS
- 35 For costs associated with the Iowa corrections
- 36 offender network data system:
- 37 ..... \$ 500,000
- 38 3. DEPARTMENT OF EDUCATION
- 39 a. For maintenance and lease costs associated with
- 40 connections for Part III of the Iowa communications
- 41 network:
- 42 ..... \$ 2,727,000
- 43 b. For the implementation of an educational data
- 44 warehouse that will be utilized by teachers, parents,
- 45 school district administrators, area education agency
- 46 staff, department of education staff, and policymakers:

47 ..... \$ 600,000  
 48 The department may use a portion of the moneys  
 49 appropriated in this lettered paragraph for an  
 50 e-transcript data system capable of tracking students

Page 7

1 throughout their education via interconnectivity with  
2 multiple schools.

3 4. DEPARTMENT OF PUBLIC HEALTH

4 For deposit in the county mental health, mental  
5 retardation, and developmental disabilities services  
6 fund created by section 331.424A in a county with a  
7 population over 350,000 for a community mental health  
8 center created under chapter 230A which serves only  
9 adults:

10 ..... \$ 250,000

11 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
12 COMMISSION

13 For replacement of equipment for the Iowa  
14 communications network:

15 ..... \$ 2,244,956

16 The commission may continue to enter into contracts  
17 pursuant to section 8D.13 for the replacement of  
18 equipment and for operations and maintenance costs of  
19 the network.

20 In addition to moneys appropriated in this  
21 subsection, the commission may use a financing  
22 agreement entered into by the treasurer of state in  
23 accordance with section 12.28 for the replacement  
24 of equipment for the network. For purposes of this  
25 subsection, the treasurer of state is not subject to  
26 the maximum principal limitation contained in section  
27 12.28, subsection 6. Repayment of any amounts financed  
28 shall be made from receipts associated with fees  
29 charged for use of the network.

30 Sec. 5. REVERSION. For purposes of section 8.33,  
31 unless specifically provided otherwise, unencumbered  
32 or unobligated moneys made from an appropriation in  
33 this division of this Act shall not revert but shall  
34 remain available for expenditure for the purposes  
35 designated until the close of the fiscal year that ends  
36 three years after the end of the fiscal year for which  
37 the appropriation was made. However, if the project  
38 or projects for which such appropriation was made are  
39 completed in an earlier fiscal year, unencumbered or  
40 unobligated moneys shall revert at the close of that  
41 same fiscal year.

42 DIVISION \_\_III

43 REVENUE BONDS CAPITALS FUND – APPROPRIATIONS

44 Sec. 6. There is appropriated from the revenue  
45 bonds capitals fund created in section 12.88, to the

46 following departments and agencies for the fiscal year  
 47 beginning July 1, 2010, and ending June 30, 2011, the  
 48 following amounts, or so much thereof as is necessary,  
 49 to be used for the purposes designated:  
 50 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

Page 8

1 For projects related to major repairs and major  
 2 maintenance for state buildings and facilities:  
 3 ..... \$ 3,000,000

4 Moneys appropriated in this subsection shall not  
 5 be used for purposes of the renovation of the Mercy  
 6 capitol hospital building.

7 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

8 a. To the soil conservation division of the  
 9 department established in section 161A.4 to provide  
 10 financial assistance for the establishment of permanent  
 11 soil and water conservation practices:

12 ..... \$ 1,000,000

13 b. Not more than 5 percent of the moneys  
 14 appropriated in paragraph "a" may be allocated for  
 15 cost sharing to abate complaints filed under section  
 16 161A.47.

17 c. Of the moneys appropriated in paragraph "a",  
 18 5 percent shall be allocated for financial incentives  
 19 to establish practices to protect watersheds above  
 20 publicly owned lakes of the state from soil erosion and  
 21 sediment as provided in section 161A.73.

22 d. Not more than 30 percent of a soil and water  
 23 conservation district's allocation of moneys as  
 24 financial incentives may be provided for the purpose  
 25 of establishing management practices to control soil  
 26 erosion on land that is row cropped, including but  
 27 not limited to no-till planting, ridge-till planting,  
 28 contouring, and contour strip-cropping as provided in  
 29 section 161A.73.

30 e. The state soil conservation committee created  
 31 in section 161A.4 may allocate moneys appropriated in  
 32 paragraph "a" to conduct research and demonstration  
 33 projects to promote conservation tillage and nonpoint  
 34 source pollution control practices.

35 f. The allocation of moneys as financial incentives  
 36 as provided in section 161A.73 may be used in  
 37 combination with moneys allocated by the department of  
 38 natural resources.

39 g. Moneys appropriated in this subsection shall not  
 40 be used for administrative or planning purposes.

41 3. DEPARTMENT OF CULTURAL AFFAIRS

42 For grants for Iowa great places program projects:  
 43 ..... \$ 2,000,000

44 4. DEPARTMENT OF CORRECTIONS

45 a. For one-time costs associated with the opening  
 46 of community-based corrections facilities including the  
 47 purchase of equipment:  
 48 ..... \$ 1,519,048  
 49 b. For use by a city with a population between  
 50 198,000 and 199,000 for a safety barrier to be

Page 9

1 constructed in the natural environment between the  
 2 fifth judicial district facility and the blank park  
 3 zoo:  
 4 ..... \$ 1,000,000  
 5 c. For project management costs at Fort Madison  
 6 and Mitchellville prisons associated with construction  
 7 projects at the department:  
 8 ..... \$ 2,200,000

9 5. DEPARTMENT OF ECONOMIC DEVELOPMENT  
 10 To the Des Moines area regional transit authority  
 11 (DART) for construction of a regional transit hub for  
 12 economic development purposes and for providing public  
 13 transportation in a city with a population between  
 14 198,000 and 199,000 in the last preceding certified  
 15 federal census:  
 16 ..... \$ 4,000,000

17 6. DEPARTMENT OF NATURAL RESOURCES  
 18 For implementation of lake projects that have  
 19 established watershed improvement initiatives and  
 20 community support in accordance with the department's  
 21 annual lake restoration plan and report:  
 22 ..... \$ 7,000,000

23 Of the amount appropriated in this subsection,  
 24 \$250,000 shall be allocated for dredging,  
 25 reconstruction, and related improvements of twin  
 26 ponds adjacent to a nature center in a county with a  
 27 population between 13,050, and 13,100.  
 28 Of the amount appropriated in this subsection,  
 29 \$2,000,000 shall be allocated for costs associated with  
 30 dam construction; shoreline protection; boat ramp,  
 31 parking, and road construction; and an in-lake fishing  
 32 habitat development project for a new state recreation  
 33 area on a lake located in a county with a population  
 34 between 155,000 and 160,000.  
 35 Of the amount appropriated in this subsection,  
 36 \$100,000 shall be allocated for lake dredging and  
 37 related improvements including ongoing dam maintenance  
 38 and operation on a lake with public access that has  
 39 the support of a benefited lake district located in a  
 40 county with a population between 18,350 and 18,450 in  
 41 the last preceding federal census.

42 7. STATE BOARD OF REGENTS  
 43 For phase II of the construction and renovation

44 of the veterinary medical facilities at Iowa state  
 45 university of science and technology, specifically  
 46 the renovation and modernization of the area formerly  
 47 occupied by the large animal area of the teaching  
 48 hospital for expanded clinical services:  
 49 ..... \$ 13,000,000  
 50 8. IOWA STATE FAIR

Page 10

1 For infrastructure improvements to the Iowa  
 2 state fairgrounds including but not limited to the  
 3 construction of an agricultural exhibition center on  
 4 the Iowa state fairgrounds:  
 5 ..... \$ 2,500,000

6 9. IOWA FINANCE AUTHORITY  
 7 For grants for purposes of the housing trust fund  
 8 created in section 16.181:  
 9 ..... \$ 2,000,000

10 Sec. 7. TAX-EXEMPT STATUS – USE OF APPROPRIATIONS.

11 1. Payment of moneys from the appropriations in  
 12 this division of this Act shall be made in a manner  
 13 that does not adversely affect the tax-exempt status of  
 14 any outstanding bonds issued by the treasurer of state.

15 2. Payment of moneys from the appropriations  
 16 in this division of this Act shall not be used for  
 17 administrative or planning purposes.

18 Sec. 8. REVERSION. For purposes of section 8.33,  
 19 unless specifically provided otherwise, unencumbered  
 20 or unobligated moneys made from an appropriation in  
 21 this division of this Act shall not revert but shall  
 22 remain available for expenditure for the purposes  
 23 designated until the close of the fiscal year that ends  
 24 three years after the end of the fiscal year for which  
 25 the appropriation was made. However, if the project  
 26 or projects for which such appropriation was made are  
 27 completed in an earlier fiscal year, unencumbered or  
 28 unobligated moneys shall revert at the close of that  
 29 same fiscal year.

30 DIVISION \_\_\_ IV

31 REVENUE BONDS CAPITALS II FUND – APPROPRIATIONS

32 Sec. 9. NEW SECTION. 12.88A Revenue bonds capitals  
 33 II fund.

34 1. A revenue bonds capitals II fund is created and  
 35 established as a separate and distinct fund in the  
 36 state treasury. The treasurer of state shall act as  
 37 custodian of the fund and disburse moneys contained in  
 38 the fund.

39 2. Revenue for the revenue bonds capitals II fund  
 40 shall include but is not limited to the following,  
 41 which shall be deposited with the treasurer of state or  
 42 the treasurer of state's designee as provided by any

43 bond or security documents and credited to the fund:  
 44 a. The net proceeds of bonds issued after July 1,  
 45 2010, pursuant to section 12.87 other than bonds issued  
 46 for the purpose of refunding such bonds, and investment  
 47 earnings on the net proceeds.  
 48 b. Interest attributable to investment of moneys in  
 49 the fund or an account of the fund.  
 50 c. Moneys in the form of a devise, gift, bequest,

Page 11

1 donation, federal or other grant, reimbursement,  
 2 repayment, judgment, transfer, payment, or  
 3 appropriation from any source intended to be used for  
 4 the purposes of the fund.

5 3. Moneys in the revenue bonds capitals II fund are  
 6 not subject to section 8.33. Notwithstanding section  
 7 12C.7, subsection 2, interest or earnings on moneys in  
 8 the fund shall be credited to the fund.

9 4. Annually, on or before January 15 of each year,  
 10 a state agency that received an appropriation from  
 11 the revenue bonds capitals II fund shall report to  
 12 the legislative services agency and the department of  
 13 management the status of all projects completed or in  
 14 progress. The report shall include a description of  
 15 the project, the work completed, the total estimated  
 16 cost of the project, a list of all revenue sources  
 17 being used to fund the project, the amount of funds  
 18 expended, the amount of funds obligated, and the date  
 19 the project was completed or an estimated completion  
 20 date of the project, where applicable.

21 Sec. 10. There is appropriated from the revenue  
 22 bonds capitals II fund created in section 12.88A to the  
 23 following departments and agencies for the fiscal year  
 24 beginning July 1, 2010, and ending June 30, 2011, the  
 25 following amounts, or so much thereof as is necessary,  
 26 to be used for the purposes designated:

27 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

28 a. To the soil conservation division of the  
 29 department established in section 161A.4 to provide  
 30 financial assistance for the establishment of permanent  
 31 soil and water conservation practices:

32 ..... \$ 5,950,000

33 (1) Not more than 5 percent of the moneys  
 34 appropriated in this paragraph "a" may be allocated for  
 35 cost sharing to abate complaints filed under section  
 36 161A.47.

37 (2) Of the moneys appropriated in this paragraph  
 38 "a", 5 percent shall be allocated for financial  
 39 incentives to establish practices to protect watersheds  
 40 above publicly owned lakes of the state from soil  
 41 erosion and sediment as provided in section 161A.73.

42 (3) Not more than 30 percent of a soil and water  
 43 conservation district's allocation of moneys as  
 44 financial incentives may be provided for the purpose  
 45 of establishing management practices to control soil  
 46 erosion on land that is row cropped, including but  
 47 not limited to no-till planting, ridge-till planting,  
 48 contouring, and contour strip-cropping as provided in  
 49 section 161A.73.

50 (4) The state soil conservation committee created

Page 12

1 in section 161A.4 may allocate moneys appropriated in  
 2 paragraph "a" to conduct research and demonstration  
 3 projects to promote conservation tillage and nonpoint  
 4 source pollution control practices.

5 (5) The allocation of moneys as financial  
 6 incentives as provided in section 161A.73 may be used  
 7 in combination with moneys allocated by the department  
 8 of natural resources.

9 (6) Moneys appropriated in this paragraph "a" shall  
 10 not be used for administrative or planning purposes.

11 b. For grants under the conservation reserve  
 12 enhancement program to improve water quality and  
 13 intercept nitrates:

14 ..... \$ 2,500,000

15 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

16 a. For deposit into the community attraction and  
 17 tourism fund created in section 15F.204:

18 ..... \$ 12,000,000

19 b. For deposit into the river enhancement community  
 20 attraction and tourism fund created in section 15F.205:

21 ..... \$ 4,000,000

22 Moneys appropriated for grants awarded in paragraphs  
 23 "a" and "b" shall be used to assist communities in  
 24 the development and creation of multiple purpose  
 25 attractions or community service facilities for public  
 26 use.

27 c. For accelerated career education program capital  
 28 projects at community colleges that are authorized  
 29 under chapter 260G and that meet the definition of  
 30 vertical infrastructure in section 8.57, subsection 6,  
 31 paragraph "c":

32 ..... \$ 5,500,000

33 d. For the main street Iowa program to be used as  
 34 grants for projects that have previously applied for  
 35 funding consideration, or have received partial funding  
 36 for facade master plans to rehabilitate storefronts in  
 37 main street Iowa districts, to complete streetscape  
 38 projects where planning and the majority of funding is  
 39 already secured, for unfunded main street challenge  
 40 grant projects, and for other building rehabilitation

41 projects that are currently on the department's highest  
 42 priority list:  
 43 ..... \$ 8,450,000  
 44 Moneys appropriated in this lettered paragraph shall  
 45 not be used for administration or planning purposes.  
 46 Of the amount appropriated in this lettered  
 47 paragraph, \$300,000 shall be allocated to a city with  
 48 a population between 25,100 and 25,200 in the last  
 49 preceding certified federal census for a redevelopment  
 50 project that includes improvements and modifications to

Page 13

1 streets and storm sewers in both the downtown and mall  
 2 areas of the city.  
 3 e. To north Iowa area community college (merged  
 4 area II) for the construction of a small business  
 5 center for economic development:  
 6 ..... \$ 1,500,000  
 7 f. To Kirkwood community college (merged area X)  
 8 for the construction of a small business center for  
 9 economic development:  
 10 ..... \$ 1,200,000  
 11 3. DEPARTMENT OF EDUCATION  
 12 For major renovation and major repair needs,  
 13 including health, life, and fire safety needs and for  
 14 compliance with the federal Americans with Disabilities  
 15 Act, for state buildings and facilities under the  
 16 purview of the community colleges:  
 17 ..... \$ 2,000,000  
 18 4. IOWA FINANCE AUTHORITY  
 19 a. To the Iowa jobs board created in section 16.191  
 20 for disaster relief and mitigation renovation and  
 21 construction projects:  
 22 ..... \$ 30,900,000  
 23 The moneys appropriated in this paragraph "a" shall  
 24 be allocated as follows:  
 25 (1) To a county with a population between 189,000  
 26 and 196,000 in the last preceding certified federal  
 27 census for the renovation and expansion of an  
 28 administrative office building:  
 29 ..... \$ 4,400,000  
 30 (2) To a city with a population between 120,500 and  
 31 120,800 in the last preceding certified federal census,  
 32 for the following projects:  
 33 (a) For renovation of an existing public building  
 34 to make the building useful for city department  
 35 offices:  
 36 ..... \$ 4,400,000  
 37 (b) For flood mitigation or renovation in and  
 38 around an existing courthouse:  
 39 ..... \$ 2,000,000



- 40 (3) To a city with a population between 198,000 and
- 41 199,000 in the last preceding certified federal census
- 42 to be allocated as follows:
- 43 (a) For site acquisition, design, engineering, and
- 44 construction of a fire training and logistics center:
- 45 ..... \$ 3,000,000
- 46 (b) For land acquisition, design, and construction
- 47 of sewers, structures, and pumping facilities necessary
- 48 to separate and convey sewer flow within the riverpoint
- 49 service area:
- 50 ..... \$ 1,250,000

Page 14

- 1 (c) For land acquisition, design, and construction
- 2 of sewers, structures, and pumping facilities necessary
- 3 to separate or convey sewer flow within the Court
- 4 avenue service area:
- 5 ..... \$ 3,050,000
- 6 (d) For bank stabilization, stream bed
- 7 stabilization, and erosion control on highly
- 8 erodible ground that is impacting utilities, road
- 9 infrastructure, and water quality:
- 10 ..... \$ 700,000
- 11 (e) To improve utilization of two of the wastewater
- 12 reclamation authority's existing equalization basins
- 13 for the control of peak flows during wet weather events
- 14 in the authority's sewer system:
- 15 ..... \$ 500,000
- 16 (4) For a publicly owned acute care teaching
- 17 hospital located in a county with a population of over
- 18 350,000, for the construction and renovation of patient
- 19 access and care facilities, equipment replacement and
- 20 upgrades, and other infrastructure improvements:
- 21 ..... \$ 1,000,000
- 22 (5) For a city with a population between 98,300 and
- 23 98,400 in the last preceding certified federal census,
- 24 for flood protection, replacement, and construction
- 25 improvements to a recreational sports facility:
- 26 ..... \$ 1,050,000
- 27 (6) For a city with a population between 68,700 and
- 28 68,800 in the last preceding certified federal census,
- 29 for a public works building that will allow the city to
- 30 provide for disaster-related services:
- 31 ..... \$ 5,000,000
- 32 (7) For a city with a population between 62,100 and
- 33 62,250 in the last preceding certified federal census,
- 34 for the demolition, relocation, and reconstruction of a
- 35 public wastewater treatment plant and the development
- 36 of a public green space:
- 37 ..... \$ 2,000,000
- 38 (8) For a city with a population between 2,545

39 and 2,555 in the last preceding certified federal  
 40 census, for a streetscape project that reconstructs  
 41 existing horizontal infrastructure and lighting systems  
 42 utilizing sustainable development practices:  
 43 ..... \$ 1,175,000  
 44 (9) For a city with a population between 2,200 and  
 45 2,220 in the last preceding certified federal census,  
 46 for construction of a public city building:  
 47 ..... \$ 475,000  
 48 (10) For a city with a population between 2,558 and  
 49 2,565 in the last preceding certified federal census,  
 50 for the installation of backflow prevention devices for

Page 15

1 the city's storm sewer system:  
 2 ..... \$ 600,000  
 3 (11) For a city with a population between 6,875 and  
 4 6,890 in the last preceding certified federal census,  
 5 for the construction of grade control structures and  
 6 associated grading to mitigate future water damage to  
 7 residential structures:  
 8 ..... \$ 300,000  
 9 b. To the Iowa jobs board for a disaster prevention  
 10 program created in section 16.194A for grants  
 11 for cities and counties that apply smart planning  
 12 principles and guidelines pursuant to sections 18B.1  
 13 and 18B.2, as enacted in this Act:  
 14 ..... \$ 30,000,000  
 15 5. DEPARTMENT OF NATURAL RESOURCES  
 16 a. For state park infrastructure improvements:  
 17 ..... \$ 5,000,000  
 18 Of the amount appropriated in this lettered  
 19 paragraph, \$100,000 shall be allocated for the  
 20 renovation of a clubhouse on a lake in a county with  
 21 a population between 20,200 and 20,250 in the last  
 22 preceding certified federal census.  
 23 b. For implementation of lake projects that have  
 24 established watershed improvement initiatives and  
 25 community support in accordance with the department's  
 26 annual lake restoration plan and report:  
 27 ..... \$ 3,000,000  
 28 6. STATE BOARD OF REGENTS  
 29 a. For costs associated with the construction and  
 30 establishment of the Iowa institute for biomedical  
 31 discovery at the state university of Iowa:  
 32 ..... \$ 10,000,000  
 33 b. For deposit into the alternate energy revolving  
 34 loan fund created in section 476.46 to encourage the  
 35 development of alternate energy production facilities  
 36 and small hydro facilities, as defined in section  
 37 476.42, within the state:

38 ..... \$ 5,000,000

39 Any award of loans to private individuals or  
40 organizations must be for the public purpose of  
41 encouraging the development of alternate energy  
42 production facilities and small hydro facilities  
43 within the state in order to conserve finite and  
44 expensive energy resources and to provide for their  
45 most efficient use. Funds from bond proceeds shall not  
46 be used for administration or planning purposes. These  
47 moneys, and any loan repayments, shall be maintained  
48 in separate accounts and shall only be used for these  
49 public purposes.

50 7. DEPARTMENT OF TRANSPORTATION

Page 16

1 a. For grants for rail projects including wind  
2 energy rail port projects that provide assistance  
3 consistent with the purposes of section 327H.20A:  
4 ..... \$ 7,500,000

5 Grants awarded pursuant to this lettered paragraph  
6 shall meet all of the following selection criteria:

- 7 (1) Be located in or adjacent to a rail industrial
- 8 park.
- 9 (2) Be a facility that serves multiple industrial
- 10 clients with one rail infrastructure investment.
- 11 (3) Accommodate building and loading a complete
- 12 unit train in the rail port.
- 13 (4) Have connection tracks with adequate clearances
- 14 to transport large components.
- 15 (5) Be located in an area with short unimpeded
- 16 access for oversized wind components to a divided
- 17 four-lane highway.

18 A grant awarded for a project under this lettered  
19 paragraph "a" shall not exceed more than forty percent  
20 of the appropriation in this lettered paragraph.

21 Priority in the awarding of grants shall be given to  
22 communities that have experienced exceptional economic  
23 setbacks. An additional preference shall be given to  
24 a county that has lost nine percent of its workforce to  
25 a permanent factory closing where the laid off workers  
26 are trade adjustment assistance eligible.

27 b. For the public transit infrastructure grant  
28 program in section 324A.6A:  
29 ..... \$ 2,000,000

30 c. For infrastructure improvements at the  
31 commercial air service airports within the state:  
32 ..... \$ 1,500,000

33 Fifty percent of the funds appropriated in this  
34 lettered paragraph shall be allocated equally between  
35 each commercial air service airport, forty percent of  
36 the funds shall be allocated based on the percentage

37 that the number of enplaned passengers at each  
 38 commercial air service airport bears to the total  
 39 number of enplaned passengers in the state during the  
 40 previous fiscal year, and ten percent of the funds  
 41 shall be allocated based on the percentage that the  
 42 air cargo tonnage at each commercial air service  
 43 airport bears to the total air cargo tonnage in the  
 44 state during the previous fiscal year. In order for  
 45 a commercial air service airport to receive funding  
 46 under this lettered paragraph, the airport shall be  
 47 required to submit applications for funding of specific  
 48 projects to the department for approval by the state  
 49 transportation commission.  
 50 d. For infrastructure projects relating to

Page 17

1 functionally obsolete and structurally deficient  
 2 bridges:  
 3 ..... \$ 10,000,000  
 4 8. TREASURER OF STATE  
 5 For transfer to the watershed improvement review  
 6 board created in section 466A.3 for grants associated  
 7 with the construction and restoration of wetland  
 8 easements and flood prevention projects:  
 9 ..... \$ 2,000,000

10 Notwithstanding section 466A.5, moneys from the  
 11 appropriation in this subsection shall not be used for  
 12 administrative purposes.

13 Sec. 11. TAX-EXEMPT STATUS – USE OF  
 14 APPROPRIATIONS.

15 1. Payment of moneys from the appropriations in  
 16 this division of this Act shall be made in a manner  
 17 that does not adversely affect the tax-exempt status of  
 18 any outstanding bonds issued by the treasurer of state.

19 2. Payment of moneys from the appropriations  
 20 in this division of this Act shall not be used for  
 21 administrative or planning purposes.

22 Sec. 12. REVERSION. For purposes of section 8.33,  
 23 unless specifically provided otherwise, unencumbered  
 24 or unobligated moneys made from an appropriation in  
 25 this division of this Act shall not revert but shall  
 26 remain available for expenditure for the purposes  
 27 designated until the close of the fiscal year that ends  
 28 three years after the end of the fiscal year for which  
 29 the appropriation was made. However, if the project  
 30 or projects for which such appropriation was made are  
 31 completed in an earlier fiscal year, unencumbered or  
 32 unobligated moneys shall revert at the close of that  
 33 same fiscal year.

34 DIVISION \_\_ V  
 35 PRISON BONDING

36 Sec. 13. There is appropriated from the FY 2009  
 37 prison bonding fund created pursuant to section 12.79  
 38 to the department of corrections for the fiscal year  
 39 beginning July 1, 2010, and ending June 30, 2011, the  
 40 following amount, or so much thereof as is necessary,  
 41 to be used for the purpose designated:  
 42 For costs associated with the building of a new Iowa  
 43 State penitentiary at Fort Madison:  
 44 ..... \$ 322,500  
 45 The appropriation made in this section constitutes  
 46 approval by the general assembly for the issuance of  
 47 bonds by the treasurer of state pursuant to section  
 48 12.80.  
 49 Sec. 14. REVERSION. For purposes of section 8.33,  
 50 unless specifically provided otherwise, unencumbered

Page 18

1 or unobligated moneys made from an appropriation in  
 2 this division of this Act shall not revert but shall  
 3 remain available for expenditure for the purposes  
 4 designated until the close of the fiscal year that ends  
 5 three years after the end of the fiscal year for which  
 6 the appropriation was made. However, if the project  
 7 or projects for which such appropriation was made are  
 8 completed in an earlier fiscal year, unencumbered or  
 9 unobligated moneys shall revert at the close of that  
 10 same fiscal year.

11 DIVISION \_\_VI  
 12 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK  
 13 FUND –  
 14 DEPARTMENT OF TRANSPORTATION

15 Sec. 15. There is appropriated from the Iowa  
 16 comprehensive petroleum underground storage tank fund  
 17 to the department of transportation for the fiscal year  
 18 beginning July 1, 2010, and ending June 30, 2011, the  
 19 following amount, or so much thereof as is necessary,  
 20 to be used for the purposes designated:  
 21 Notwithstanding section 455G.3, subsection 1, for  
 22 deposit in the passenger rail service revolving fund  
 23 created in section 327J.2:  
 24 ..... \$ 2,000,000

25 Such funds shall be coupled with the remaining  
 26 unobligated balance of up to one million five hundred  
 27 thousand dollars from the appropriation made in 2009  
 28 Iowa Acts, chapter 184, section 1, subsection 12,  
 29 paragraph "a", for a total commitment of three million  
 30 five hundred thousand dollars for the fiscal year  
 31 beginning July 1, 2010, and ending June 30, 2011,  
 32 for matching federal funding available through the  
 33 Passenger Rail Investment and Improvement Act of 2008.

34 DIVISION \_\_VII

35 SMART PLANNING  
36 Sec. 16. NEW SECTION. 18B.1 Iowa smart planning  
37 principles.  
38 State agencies, local governments, and other public  
39 entities shall consider and may apply the following  
40 principles during deliberation of all appropriate  
41 planning, zoning, development, and resource management  
42 decisions, except that nothing in this section shall be  
43 construed to expand the eminent domain authority of a  
44 state agency, local government, or other public entity  
45 beyond that which is authorized under chapter 6A or 6B:  
46 1. Collaboration. Governmental, community, and  
47 individual stakeholders, including those outside  
48 the jurisdiction of the entity, are encouraged to be  
49 involved and provide comment during deliberation of  
50 planning, zoning, development, and resource management

Page 19

1 decisions and during implementation of such decisions.  
2 The state agency, local government, or other public  
3 entity is encouraged to develop and implement a  
4 strategy to facilitate such participation.  
5 2. Efficiency, transparency, and  
6 consistency. Planning, zoning, development, and  
7 resource management should be undertaken to provide  
8 efficient, transparent, and consistent outcomes.  
9 Individuals, communities, regions, and governmental  
10 entities should share in the responsibility to promote  
11 the equitable distribution of development benefits and  
12 costs.  
13 3. Clean, renewable, and efficient  
14 energy. Planning, zoning, development, and resource  
15 management should be undertaken to promote clean and  
16 renewable energy use and increased energy efficiency.  
17 4. Occupational diversity. Planning, zoning,  
18 development, and resource management should promote  
19 increased diversity of employment and business  
20 opportunities, promote access to education and  
21 training, expand entrepreneurial opportunities,  
22 and promote the establishment of businesses in  
23 locations near existing housing, infrastructure, and  
24 transportation.  
25 5. Revitalization. Planning, zoning, development,  
26 and resource management should facilitate the  
27 revitalization of established town centers and  
28 neighborhoods by promoting development that conserves  
29 land, protects historic resources, promotes pedestrian  
30 accessibility, and integrates different uses of  
31 property. Remediation and reuse of existing sites,  
32 structures, and infrastructure is preferred over new  
33 construction in undeveloped areas.

34 6. Housing diversity. Planning, zoning,  
35 development, and resource management should encourage  
36 diversity in the types of available housing, support  
37 the rehabilitation of existing housing, and promote  
38 the location of housing near public transportation and  
39 employment centers.  
40 7. Community character. Planning, zoning,  
41 development, and resource management should promote  
42 activities and development that are consistent with the  
43 character and architectural style of the community and  
44 should respond to local values regarding the physical  
45 character of the community.  
46 8. Natural resources and agricultural protection.  
47 Planning, zoning, development, and resource management  
48 should emphasize protection, preservation, and  
49 restoration of natural resources, agricultural  
50 land, and cultural and historic landscapes, and

Page 20

1 should increase the availability of open spaces and  
2 recreational facilities.  
3 9. Sustainable design. Planning, zoning,  
4 development, and resource management should promote  
5 developments, buildings, and infrastructure that  
6 utilize sustainable design and construction standards  
7 and conserve natural resources by reducing waste and  
8 pollution through efficient use of land, energy, water,  
9 air, and materials.  
10 10. Transportation diversity. Planning, zoning,  
11 development, and resource management should promote  
12 expanded transportation options for residents of  
13 the community. Consideration should be given to  
14 transportation options that maximize mobility, reduce  
15 congestion, conserve fuel, and improve air quality.  
16 Sec. 17. NEW SECTION. 18B.2 Local comprehensive  
17 planning and development guidelines.  
18 1. For the purposes of this chapter, unless the  
19 context otherwise requires:  
20 a. (1) "Development" means any of the following:  
21 (a) Construction, reconstruction, renovation,  
22 mining, extraction, dredging, filling, excavation, or  
23 drilling activity or operation.  
24 (b) Man-made changes in the use or appearance of  
25 any structure or in the land itself.  
26 (c) The division or subdivision of land.  
27 (d) Any change in the intensity of use or the use  
28 of land.  
29 (2) "Development" does not include any of the  
30 following:  
31 (a) Activities on or uses of agricultural land,  
32 farm houses, or agricultural buildings or structures,

33 unless such buildings or structures are located in the  
34 flood plain of a river or stream.  
35 (b) Installation, operation, and maintenance of  
36 soil and water conservation practices.  
37 (c) The choice of crops or a change in the choice  
38 of crops on agricultural land.  
39 b. "Land development regulations" means zoning,  
40 subdivision, site plan, corridor map, floodplain or  
41 storm water ordinances, rules, or regulations, or other  
42 governmental controls that affect the use of property.  
43 c. "Municipality" means a city or a county.  
44 2. A municipality shall consider the smart planning  
45 principles under section 18B.1 and may include the  
46 following information, if applicable, when developing  
47 or amending a comprehensive plan under chapter 335 or  
48 chapter 414 or when developing or amending other local  
49 land development regulations:  
50 a. Information relating to public participation

Page 21

1 during the creation of the comprehensive plan or land  
2 development regulations, including documentation of  
3 the public participation process, a compilation of  
4 objectives, policies, and goals identified in the  
5 public comment received, and identification of the  
6 groups or individuals comprising any work groups or  
7 committees that were created to assist the planning and  
8 zoning commission or other appropriate decision-making  
9 body of the municipality.  
10 b. Information relating to the primary  
11 characteristics of the municipality and a description  
12 of how each of those characteristics impacts future  
13 development of the municipality. Such information may  
14 include historical information about the municipality,  
15 the municipality's geography, natural resources,  
16 natural hazards, population, demographics, types of  
17 employers and industry, labor force, political and  
18 community institutions, housing, transportation,  
19 educational resources, and cultural and recreational  
20 resources. The comprehensive plan or land development  
21 regulations may also identify characteristics and  
22 community aesthetics that are important to future  
23 development of the municipality.  
24 c. Objectives, information, and programs that  
25 identify current land uses within the municipality and  
26 that guide the future development and redevelopment  
27 of property, consistent with the municipality's  
28 characteristics identified under paragraph "b". The  
29 comprehensive plan or land development regulations may  
30 include information on the amount, type, intensity,  
31 and density of existing land use, trends in the market



32 price of land used for specific purposes, and plans  
33 for future land use throughout the municipality. The  
34 comprehensive plan or land development regulations  
35 may identify and include information on property  
36 that has the possibility for redevelopment, a map of  
37 existing and potential land use and land use conflicts,  
38 information and maps relating to the current and  
39 future provision of utilities within the municipality,  
40 information and maps that identify the current  
41 and future boundaries for areas reserved for soil  
42 conservation, water supply conservation, flood control,  
43 and surface water drainage and removal. Information  
44 provided under this paragraph may also include an  
45 analysis of the current and potential impacts on local  
46 watersheds and air quality.  
47 d. Objectives, policies, and programs to further  
48 the vitality and character of established residential  
49 neighborhoods and new residential neighborhoods and  
50 plans to ensure an adequate housing supply that meets

Page 22

1 both the existing and forecasted housing demand. The  
2 comprehensive plan or land development regulations  
3 may include an inventory and analysis of the local  
4 housing stock and may include specific information  
5 such as age, condition, type, market value, occupancy,  
6 and historical characteristics of all the housing  
7 within the municipality. The comprehensive plan or  
8 land development regulations may identify specific  
9 policies and programs that promote the development  
10 of new housing and maintenance or rehabilitation of  
11 existing housing and that provide a range of housing  
12 choices that meet the needs of the residents of the  
13 municipality.  
14 e. Objectives, policies, and programs to guide  
15 future development of sanitary sewer service,  
16 storm water management, water supply, solid waste  
17 disposal, wastewater treatment technologies, recycling  
18 facilities, and telecommunications facilities. The  
19 comprehensive plan or land development regulations may  
20 include estimates regarding future demand for such  
21 utility services.  
22 f. Objectives, policies, and programs to guide the  
23 future development of a safe, convenient, efficient,  
24 and economical transportation system. Plans for  
25 such a transportation system may be coordinated  
26 with state and regional transportation plans and  
27 take into consideration the need for diverse modes  
28 of transportation, accessibility, improved air  
29 quality, and interconnectivity of the various modes of  
30 transportation.

- 31 g. Objectives, policies, and programs to promote  
32 the stabilization, retention, or expansion of economic  
33 development and employment opportunities. The  
34 comprehensive plan or land development regulations  
35 may include an analysis of current industries and  
36 economic activity and identify economic growth goals  
37 for the municipality. The comprehensive plan or land  
38 development regulations may also identify locations for  
39 future brownfield or grayfield development.
- 40 h. Objectives, policies, and programs addressing  
41 preservation and protection of agricultural and natural  
42 resources.
- 43 i. Objectives, policies, and programs to assist  
44 future development of educational facilities,  
45 cemeteries, health care facilities, child care  
46 facilities, law enforcement and fire protection  
47 facilities, libraries, and other governmental  
48 facilities that are necessary or desirable to meet the  
49 projected needs of the municipality.
- 50 j. Objectives, policies, and programs to

Page 23

- 1 identify characteristics and qualities that make the  
2 municipality unique and that are important to the  
3 municipality's heritage and quality of life.
- 4 k. Objectives, policies, and programs that identify  
5 the natural and other hazards that have the greatest  
6 likelihood of impacting the municipality or that pose  
7 a risk of catastrophic damage as such hazards relate  
8 to land use and development decisions, as well as the  
9 steps necessary to mitigate risk after considering the  
10 local hazard mitigation plan approved by the federal  
11 emergency management agency.
- 12 l. Objectives, policies, and programs for joint  
13 planning and joint decision making with other  
14 municipalities or governmental entities, including  
15 school districts and drainage districts, for siting  
16 and constructing public facilities and sharing public  
17 services. The comprehensive plan or land development  
18 regulations may identify existing or potential  
19 conflicts between the municipality and other local  
20 governments related to future development of the  
21 municipality and may include recommendations for  
22 resolving such conflicts. The comprehensive plan  
23 or land development regulations may also identify  
24 opportunities to collaborate and partner with  
25 neighboring jurisdictions and other entities in the  
26 region for projects of mutual interest.
- 27 m. A compilation of programs and specific  
28 actions necessary to implement any provision of the  
29 comprehensive plan, including changes to any applicable

30 land development regulations, official maps, or  
31 subdivision ordinances.  
32 3. A municipality's comprehensive plan developed  
33 using the guidelines under this section shall address  
34 prevention and mitigation of, response to, and recovery  
35 from a catastrophic flood.  
36 Sec. 18. Section 28I.4, Code 2009, is amended to  
37 read as follows:  
38 28I.4 Powers and duties.  
39 1. The commission shall have the power and duty  
40 to make comprehensive studies and plans for the  
41 development of the area it serves which will guide  
42 the unified development of the area and which will  
43 eliminate planning duplication and promote economy and  
44 efficiency in the ~~co-ordinated~~ coordinated development  
45 of the area and the general welfare, convenience,  
46 safety, and prosperity of its people. The plan or  
47 plans collectively shall be known as the regional  
48 or metropolitan development plan. The plans for  
49 the development of the area may include, but shall  
50 not be limited to, recommendations with respect to

Page 24

1 existing and proposed highways, bridges, airports,  
2 streets, parks and recreational areas, schools and  
3 public institutions and public utilities, public  
4 open spaces, and sites for public buildings and  
5 structures; districts for residence, business,  
6 industry, recreation, agriculture, and forestry; water  
7 supply, sanitation, drainage, protection against floods  
8 and other disasters; areas for housing developments,  
9 slum clearance and urban renewal and redevelopment;  
10 location of private and public utilities, including  
11 but not limited to sewerage and water supply systems;  
12 and such other recommendations concerning current  
13 and impending problems as may affect the area served  
14 by the commission. Time and priority schedules  
15 and cost estimates for the accomplishment of the  
16 recommendations may also be included in the plans. The  
17 plans shall be made with consideration of the smart  
18 planning principles under section 18B.1. The plans  
19 shall be based upon and include appropriate studies  
20 of the location and extent of present and anticipated  
21 populations; social, physical, and economic resources,  
22 problems and trends; and governmental conditions and  
23 trends. The commission is also authorized to make  
24 surveys, land-use studies, and urban renewal plans,  
25 provide technical services and other planning work  
26 for the area it serves and for cities, counties, and  
27 other political subdivisions in the area. A plan or  
28 plans of the commission may be adopted, added to,

29 and changed from time to time by a majority vote of  
30 the planning commission. The plan or plans may in  
31 whole or in part be adopted by the governing bodies of  
32 the ~~co-operating~~ cooperating cities and counties as  
33 the general plans of such cities and counties. The  
34 commission may also assist the governing bodies and  
35 other public authorities or agencies within the area it  
36 serves in carrying out any regional plan or plans, and  
37 assist any planning commission, board or agency of the  
38 cities and counties and political subdivisions in the  
39 preparation or effectuation of local plans and planning  
40 consistent with the program of the commission. The  
41 commission may ~~co-operate~~ cooperate and confer, as far  
42 as possible, with planning agencies of other states or  
43 of regional groups of states adjoining its area.  
44 2. A planning commission formed under the  
45 provisions of this chapter shall, upon designation as  
46 such by the governor, serve as a district, regional, or  
47 metropolitan agency for comprehensive planning for its  
48 area for the purpose of carrying out the functions as  
49 defined for such an agency by federal, state, and local  
50 laws and regulations.

Page 25

1 Sec. 19. Section 329.3, Code 2009, is amended to  
2 read as follows:  
3 329.3 Zoning regulations – powers granted.  
4 Every municipality having an airport hazard area  
5 within its territorial limits may adopt, administer,  
6 and enforce in the manner and upon the conditions  
7 prescribed by this chapter, zoning regulations for  
8 such airport hazard area, which regulations may divide  
9 such area into zones and, within such zones, specify  
10 the land uses permitted, and regulate and restrict,  
11 for the purpose of preventing airport hazards, the  
12 height to which structures and trees may be erected  
13 or permitted to grow. Regulations adopted under this  
14 chapter shall be made with consideration of the smart  
15 planning principles under section 18B.1.  
16 Sec. 20. Section 335.5, Code 2009, is amended to  
17 read as follows:  
18 335.5 Objectives.  
19 1. The regulations shall be made in accordance  
20 with a comprehensive plan and designed to preserve  
21 the availability of agricultural land; to consider  
22 the protection of soil from wind and water erosion;  
23 to encourage efficient urban development patterns; to  
24 lessen congestion in the street or highway; to secure  
25 safety from fire, flood, panic, and other dangers; to  
26 protect health and the general welfare; to provide  
27 adequate light and air; to prevent the overcrowding

28 of land; to avoid undue concentration of population;  
 29 to promote the conservation of energy resources; to  
 30 promote reasonable access to solar energy; and to  
 31 facilitate the adequate provision of transportation,  
 32 water, sewerage, schools, parks, and other public  
 33 requirements. However, provisions of this section  
 34 relating to the objectives of energy conservation  
 35 and access to solar energy shall not be construed as  
 36 voiding any zoning regulation existing on July 1, 1981,  
 37 or to require zoning in a county that did not have  
 38 zoning prior to July 1, 1981.

39 2. Such The regulations shall be made with  
 40 reasonable consideration, among other things, as to the  
 41 character of the area of the district and the peculiar  
 42 suitability of such area for particular uses, and  
 43 with a view to conserving the value of buildings and  
 44 encouraging the most appropriate use of land throughout  
 45 such county.

46 3. The regulations and comprehensive plan shall  
 47 be made with consideration of the smart planning  
 48 principles under section 18B.1 and may include the  
 49 information specified in section 18B.2, subsection 2.

50 4. a. A comprehensive plan recommended for

Page 26

1 adoption by the zoning commission established  
 2 under section 335.8, may be adopted by the board of  
 3 supervisors. The board of supervisors may amend a  
 4 proposed comprehensive plan prior to adoption. The  
 5 board of supervisors shall publish notice of the  
 6 meeting at which the comprehensive plan will be  
 7 considered for adoption. The notice shall be published  
 8 as provided in section 331.305.

9 b. Following its adoption, copies of the  
 10 comprehensive plan shall be sent or made available to  
 11 neighboring counties, cities within the county, the  
 12 council of governments or regional planning commission  
 13 where the county is located, and public libraries  
 14 within the county.

15 c. Following its adoption, a comprehensive plan may  
 16 be amended by the board of supervisors at any time.

17 Sec. 21. Section 335.8, Code 2009, is amended to  
 18 read as follows:  
 19 335.8 Commission appointed.

20 1. In order to avail itself of the powers conferred  
 21 by this chapter, the board of supervisors shall  
 22 appoint a commission, a majority of whose members shall  
 23 reside within the county but outside the corporate  
 24 limits of any city, to be known as the county zoning  
 25 commission, to recommend the boundaries of the various  
 26 original districts, and appropriate regulations and

27 restrictions to be enforced therein. Such commission  
28 shall, with due diligence, prepare a preliminary report  
29 and hold public hearings thereon before submitting  
30 its final report; and the board of supervisors shall  
31 not hold its public hearings or take action until it  
32 has received the final report of such commission.  
33 After the adoption of such regulations, restrictions,  
34 and boundaries of districts, the zoning commission  
35 may, from time to time, recommend to the board of  
36 supervisors amendments, supplements, changes or  
37 modifications.

38 2. The zoning commission may recommend to the  
39 board of supervisors for adoption a comprehensive plan  
40 pursuant to section 335.5, or amendments thereto.

41 3. The zoning commission, with the approval of the  
42 board of supervisors, may contract with professional  
43 consultants, regional planning commissions, the Iowa  
44 department of economic development, or the federal  
45 government, for local planning assistance.

46 Sec. 22. Section 414.3, Code 2009, is amended to  
47 read as follows:

48 414.3 Basis of regulations.

49 1. The regulations shall be made in accordance  
50 with a comprehensive plan and designed to preserve

Page 27

1 the availability of agricultural land; to consider  
2 the protection of soil from wind and water erosion;  
3 to encourage efficient urban development patterns;  
4 to lessen congestion in the street; to secure safety  
5 from fire, flood, panic, and other dangers; to promote  
6 health and the general welfare; to provide adequate  
7 light and air; to prevent the overcrowding of land; to  
8 avoid undue concentration of population; to promote the  
9 conservation of energy resources; to promote reasonable  
10 access to solar energy; and to facilitate the adequate  
11 provision of transportation, water, sewerage, schools,  
12 parks, and other public requirements. However,  
13 provisions of this section relating to the objectives  
14 of energy conservation and access to solar energy do  
15 not void any zoning regulation existing on July 1,  
16 1981, or require zoning in a city that did not have  
17 zoning prior to July 1, 1981.

18 2. ~~Such~~ The regulations shall be made with  
19 reasonable consideration, among other things, as to the  
20 character of the area of the district and the peculiar  
21 suitability of such area for particular uses, and  
22 with a view to conserving the value of buildings and  
23 encouraging the most appropriate use of land throughout  
24 such city.

25 3. The regulations and comprehensive plan shall

26 be made with consideration of the smart planning  
 27 principles under section 18B.1 and may include the  
 28 information specified in section 18B.2, subsection 2.  
 29 4. a. A comprehensive plan recommended for  
 30 adoption by the zoning commission established under  
 31 section 414.6, may be adopted by the council. The  
 32 council may amend the proposed comprehensive plan  
 33 prior to adoption. The council shall publish notice  
 34 of the meeting at which the comprehensive plan will be  
 35 considered for adoption. The notice shall be published  
 36 as provided in section 362.3.  
 37 b. Following its adoption, copies of the  
 38 comprehensive plan shall be sent or made available to  
 39 the county in which the city is located, neighboring  
 40 counties and cities, the council of governments or  
 41 regional planning commission where the city is located,  
 42 and public libraries within the city.  
 43 c. Following its adoption, a comprehensive plan may  
 44 be amended by the council at any time.  
 45 Sec. 23. Section 414.6, Code 2009, is amended to  
 46 read as follows:  
 47 414.6 Zoning commission.  
 48 1. In order to avail itself of the powers  
 49 conferred by this chapter, the council shall appoint  
 50 a commission, to be known as the zoning commission,

Page 28

1 to recommend the boundaries of the various original  
 2 districts, and appropriate regulations and restrictions  
 3 to be enforced therein. Where a city plan commission  
 4 already exists, it may be appointed as the zoning  
 5 commission. Such commission shall, with due diligence,  
 6 prepare a preliminary report and hold public hearings  
 7 thereon before submitting its final report; and such  
 8 council shall not hold its public hearings or take  
 9 action until it has received the final report of such  
 10 commission. After the adoption of such regulations,  
 11 restrictions, and boundaries of districts, the zoning  
 12 commission may, from time to time, recommend to  
 13 the council amendments, supplements, changes, or  
 14 modifications.  
 15 2. The zoning commission may recommend to the  
 16 council for adoption a comprehensive plan pursuant to  
 17 section 414.3, or amendments thereto.  
 18 Sec. 24. IOWA SMART PLANNING TASK FORCE.  
 19 1. An Iowa smart planning task force is established  
 20 consisting of twenty-nine voting members and four ex  
 21 officio, nonvoting members.  
 22 2. Members of the task force shall consist of all  
 23 of the following:  
 24 a. Fourteen state agency director or administrator

25 members consisting of all of the following:

- 26 (1) The director of the department on aging or the  
27 director's designee.
- 28 (2) The director of the department of economic  
29 development or the director's designee.
- 30 (3) The secretary of agriculture and land  
31 stewardship or the secretary's designee.
- 32 (4) The director of the department of cultural  
33 affairs or the director's designee.
- 34 (5) The director of the department of public health  
35 or the director's designee.
- 36 (6) The director of the department of management or  
37 the director's designee.
- 38 (7) The director of the department of natural  
39 resources or the director's designee.
- 40 (8) The director of the department of workforce  
41 development or the director's designee.
- 42 (9) The director of the office of energy  
43 independence or the director's designee.
- 44 (10) The director of the department of  
45 transportation or the director's designee.
- 46 (11) The administrator of the homeland security  
47 and emergency management division of the department of  
48 public defense or the administrator's designee.
- 49 (12) The director of the rebuild Iowa office or the  
50 director's designee.

Page 29

- 1 (13) The state building code commissioner or the  
2 commissioner's designee.
- 3 (14) The chairperson of the utilities board within  
4 the utilities division of the department of commerce or  
5 the chairperson's designee.
- 6 b. Chairperson of the department of community  
7 and regional planning at Iowa state university or the  
8 chairperson's designee.
- 9 c. Director of the urban and regional planning  
10 program at the university of Iowa or the director's  
11 designee.
- 12 d. Director of the institute for decision making  
13 at the university of northern Iowa or the director's  
14 designee.
- 15 e. President of the Iowa chapter of the American  
16 planning association or the president's designee.
- 17 f. Executive director of the Iowa association of  
18 regional councils or the executive director's designee.
- 19 g. President of the Iowa chapter of the American  
20 institute of architects or the president's designee.
- 21 h. Executive director of the Iowa league of cities  
22 or the executive director's designee.
- 23 i. Executive director of the Iowa state association



24 of counties or the executive director's designee.  
25 j. President of the executive committee of the  
26 school administrators of Iowa or the president's  
27 designee.  
28 k. A representative appointed by the governor from  
29 a city having a population of five thousand or less  
30 according to the 2000 certified federal census.  
31 l. A representative appointed by the governor from  
32 a city having a population of more than five thousand  
33 and less than twenty-five thousand according to the  
34 2000 certified federal census.  
35 m. A representative appointed by the governor from  
36 a city having a population of twenty-five thousand or  
37 more according to the 2000 certified federal census.  
38 n. A representative appointed by the governor from  
39 a county having a population of ten thousand or less  
40 according to the 2000 certified federal census.  
41 o. A representative appointed by the governor from  
42 a county having a population of more than ten thousand  
43 and less than fifty thousand according to the 2000  
44 certified federal census.  
45 p. A representative appointed by the governor from  
46 a county having a population of fifty thousand or more  
47 according to the 2000 certified federal census.  
48 3. The task force shall include four members of  
49 the general assembly serving as ex officio, nonvoting  
50 members, with not more than one member from each

Page 30

1 chamber being from the same political party. The two  
2 senators shall be appointed one each by the majority  
3 leader of the senate after consultation with the  
4 president of the senate, and by the minority leader of  
5 the senate. The two representatives shall be appointed  
6 one each by the speaker of the house of representatives  
7 after consultation with the majority leader of the  
8 house of representatives, and by the minority leader of  
9 the house of representatives.  
10 4. The task force may establish committees and  
11 subcommittees comprised of members of the task force.  
12 5. Members of the task force designated in  
13 subsection 2, paragraphs "k" through "p" shall serve at  
14 the pleasure of the governor. For the members of the  
15 task force designated in subsection 2, paragraphs "k"  
16 through "p", at least one member shall have experience  
17 in real estate, at least one member shall have  
18 experience in land development, and at least one member  
19 shall have experience in residential construction.  
20 6. A vacancy on the task force shall be filled in  
21 the same manner as the original appointment.  
22 7. a. A majority of the members of the task force

23 constitutes a quorum. Any action taken by the task  
24 force must be adopted by the affirmative vote of a  
25 majority of its membership. A task force member's  
26 designee may vote on task force matters in the absence  
27 of the member.

28 b. The task force shall elect a chairperson and  
29 vice chairperson from the membership of the task force.

30 c. The task force shall meet at least four times  
31 before November 15, 2010. Meetings of the task force  
32 may be called by the chairperson or by a majority of  
33 the members. However, the first meeting of the task  
34 force shall be called by the governor.

35 d. Members of the task force shall not be  
36 compensated for meeting participation or reimbursed  
37 for costs associated with meeting attendance. A  
38 legislative member is not eligible for per diem and  
39 expenses as provided in section 2.10.

40 8. The director of the department of management, or  
41 the director's designee, shall provide staff assistance  
42 and administrative support to the task force. The task  
43 force may request information or other assistance from  
44 the Iowa association of regional councils.

45 9. The director of the department of management, or  
46 the director's designee, shall seek funding to support  
47 municipal comprehensive planning in this state.

48 10. The task force shall comply with the  
49 requirements of chapters 21 and 22. The department of  
50 management shall be the official repository of task

Page 31

1 force records.

2 11. The duties of the task force shall include but  
3 are not limited to the following:

4 a. Consult land use experts, representatives of  
5 cities and counties, agricultural and environmental  
6 interests, urban and regional planning experts, reports  
7 or information from the local government innovation  
8 commission, and all other information deemed relevant  
9 by task force members.

10 b. Solicit information from the general public on  
11 matters related to comprehensive planning.

12 c. Evaluate state policies, programs, statutes,  
13 and rules to determine whether any state policies,  
14 programs, statutes, or rules should be revised to  
15 integrate the Iowa smart planning principles under  
16 section 18B.1.

17 d. Develop statewide goals for comprehensive  
18 planning that utilize the Iowa smart planning  
19 principles under section 18B.1, and develop  
20 recommendations for a process to measure progress  
21 toward achieving those goals.

- 22 e. Evaluate and develop incentives to conduct local  
23 and regional comprehensive planning, including but not  
24 limited to state financial and technical assistance.
- 25 f. Develop a model for regional comprehensive  
26 planning within the state and recommend partnerships  
27 between state agencies, local governments, educational  
28 institutions, and research facilities.
- 29 g. Review municipal comprehensive plans to  
30 determine the number of such plans that address the  
31 hazards identified in section 18B.2, subsection 2,  
32 paragraph "k", and the adequacy of such plans in  
33 addressing those hazards.
- 34 h. Develop a set of recommendations that is  
35 consistent with the Iowa smart planning principles  
36 under section 18B.1 and that does all of the following:
- 37 (1) Coordinates, facilitates, and centralizes  
38 the exchange of information related to state and  
39 local planning, zoning, and development between state  
40 agencies and the general assembly.
- 41 (2) Coordinates discussions concerning a proposed  
42 geographic information system between the producers and  
43 the users of such systems.
- 44 (3) Allows the efficient production and  
45 dissemination of population and other demographic  
46 statistical forecasts.
- 47 (4) Creates a centralized electronic storage  
48 location for all comprehensive plans adopted under  
49 chapter 335 or chapter 414.
- 50 (5) Facilitates the cooperation of state and local

Page 32

1 governments with comprehensive planning, educational,  
2 and research programs.

3 (6) Provides and administers technical and  
4 financial assistance for state and local comprehensive  
5 planning.

6 (7) Provides information to local governments  
7 relating to state and federal resources and other  
8 resources for comprehensive planning.

9 12. The task force shall prepare a report that  
10 includes goals, recommendations, and other information  
11 described in subsection 11, to the governor and the  
12 general assembly on or before November 15, 2010.

13 13. The task force is dissolved on December 31,  
14 2012.

15 DIVISION \_\_VIII  
16 GROW IOWA VALUES FUND

17 Sec. 25. There is appropriated from the rebuild  
18 Iowa infrastructure fund to the department of economic  
19 development for deposit in the grow Iowa values fund,  
20 for the fiscal year beginning July 1, 2010, and ending

21 June 30, 2011, the following amount, notwithstanding  
 22 section 8.57, subsection 6, paragraph "c":  
 23 ..... \$ 38,000,000  
 24 Sec. 26. GROW IOWA VALUES FUND APPROPRIATION  
 25 REDUCTION. In lieu of the \$50,000,000 appropriated  
 26 for the fiscal year beginning July 1, 2010, and ending  
 27 June 30, 2011, from the grow Iowa values fund to the  
 28 department of economic development pursuant to section  
 29 15G.111, subsection 3, there is appropriated from the  
 30 grow Iowa values fund to the department of economic  
 31 development for the fiscal year beginning July 1, 2010,  
 32 and ending June 30, 2011, \$38,000,000 for the purposes  
 33 of making expenditures pursuant to chapter 15G.  
 34 Sec. 27. GROW IOWA VALUES FUND ALLOCATIONS. In  
 35 lieu of the amounts allocated pursuant to section  
 36 15G.111, subsections 4 through 10, for the fiscal year  
 37 beginning July 1, 2010, and ending June 30, 2011, of  
 38 the \$38,000,000 appropriated to the department of  
 39 economic development pursuant to this division of  
 40 this Act, the department shall allocate the following  
 41 amounts for the following purposes as described in  
 42 section 15G.111, subsections 4 through 10:  
 43 1. For departmental purposes, \$21,363,600.  
 44 2. For the state board of regents institutions,  
 45 \$3,800,000.  
 46 3. For state parks, \$760,000.  
 47 4. For deposit in the Iowa cultural trust fund,  
 48 \$760,000.  
 49 5. For community colleges, \$5,320,000.  
 50 6. For regional financial assistance, \$760,000.

Page 33

1 Of the moneys allocated pursuant to this subsection  
 2 and in lieu of the three hundred fifty thousand  
 3 dollars transferred under section 15G.111, subsection  
 4 9, paragraph "a", the department shall transfer two  
 5 hundred sixty-six thousand dollars to Iowa state  
 6 university of science and technology, for purposes  
 7 of providing financial assistance to establish small  
 8 business development centers.  
 9 7. For commercialization services, \$4,389,000.  
 10 8. For targeted small business, \$847,400.  
 11 Sec. 28. Section 15.247, subsection 3, Code  
 12 Supplement 2009, is amended to read as follows:  
 13 3. a. All moneys designated for the targeted small  
 14 business financial assistance program shall be credited  
 15 to the program account. The department shall determine  
 16 the actuarially sound reserve requirement for the  
 17 amount of guaranteed loans outstanding.  
 18 b. Of the moneys credited to the program account,  
 19 the department may allocate an amount necessary

20 for marketing and compliance and an amount for the  
21 provision of the mentoring services required under  
22 subsection 7.

23 Sec. 29. Section 15G.110, Code Supplement 2009, is  
24 amended to read as follows:

25 15G.110 Appropriation.

26 1. For the fiscal period beginning July 1, 2005,  
27 and ending June 30, 2008, and for the fiscal period  
28 beginning July 1, ~~2010~~ 2011, and ending June 30, 2015,  
29 there is appropriated to the department of economic  
30 development each fiscal year fifty million dollars from  
31 the general fund of the state for deposit in the grow  
32 Iowa values fund.

33 2. For the fiscal period beginning July 1, 2008,  
34 and ending June 30, ~~2010~~ 2011, there is appropriated  
35 to the department of economic development each fiscal  
36 year fifty million dollars from the rebuild Iowa  
37 infrastructure fund for deposit in the grow Iowa values  
38 fund, notwithstanding section 8.57, subsection 6,  
39 paragraph "c".

40 Sec. 30. Section 15G.111, subsection 2, paragraph  
41 b, Code Supplement 2009, is amended to read as follows:

42 b. Moneys credited to the fund are not subject to  
43 section 8.33. Notwithstanding section 12C.7, interest  
44 or earnings on moneys in the fund shall be credited  
45 to the fund. Interest or earnings on moneys in the  
46 fund are appropriated to the department. Of the  
47 moneys appropriated to the department pursuant to this  
48 paragraph, the department shall make the following  
49 allocations:

50 (1) For each fiscal year of the fiscal period

Page 34

1 beginning July 1, 2010, and ending June 30, 2013, the  
2 department shall allocate not more than one hundred  
3 seventy-five thousand dollars for purposes of providing  
4 financial assistance to Iowa's councils of governments.

5 (2) For each fiscal year of the fiscal period  
6 beginning July 1, 2010, and ending June 30, 2013, the  
7 department shall allocate not more than two hundred  
8 thousand dollars for purposes of providing support and  
9 administrative assistance to the vision Iowa board, the  
10 community attraction and tourism program, and river  
11 enhancement community attraction and tourism projects.

12 (3) For each fiscal year of the fiscal period  
13 beginning July 1, 2010, and ending June 30, 2013, the  
14 department shall allocate the remaining amount of  
15 interest or earnings on moneys in the fund for purposes  
16 of providing financial assistance under the disaster  
17 recovery component of the grow Iowa values financial  
18 assistance program. All moneys allocated pursuant to

19 this subparagraph that remain unexpended or unobligated  
20 at the end of the fiscal year beginning July 1, 2012.  
21 shall revert and be credited to the fund.

22 Sec. 31. Section 15G.111, subsection 4, unnumbered  
23 paragraph 1, Code Supplement 2009, is amended to read  
24 as follows:

25 Of the moneys appropriated to the department  
26 pursuant to subsection 3, the department shall  
27 allocate ~~thirty two~~ twenty-eight million five hundred  
28 thousand dollars each fiscal year as follows:

29 Sec. 32. Section 15G.111, subsection 10, Code  
30 Supplement 2009, is amended to read as follows:

31 ~~10. Commercialization~~ Innovation and  
32 commercialization services. Of the moneys appropriated  
33 to the department pursuant to subsection 3, the  
34 department shall allocate ~~three~~ five million five  
35 hundred thousand dollars for deposit in the innovation  
36 and commercialization development fund created in  
37 section 15.412.

38 Sec. 33. Section 15G.111, Code Supplement 2009, is  
39 amended by adding the following new subsection:

40 NEW SUBSECTION. 11. Targeted small businesses. Of  
41 the moneys appropriated to the department pursuant to  
42 subsection 3, the department shall allocate one million  
43 dollars for deposit in the targeted small business  
44 financial assistance program account established  
45 pursuant to section 15.247 within the strategic  
46 investment fund created in section 15.313.

47 DIVISION \_\_IX  
48 SMALL BUSINESS LINKED INVESTMENTS

49 Sec. 34. Section 12.43, subsection 5, unnumbered  
50 paragraph 1, Code 2009, is amended to read as follows:

Page 35

1 In order to qualify under this program, all  
2 owners of the business or borrowers must not have  
3 a combined net worth exceeding ~~seven~~ nine hundred  
4 ~~forty~~ seventy-five thousand dollars as defined in  
5 rules adopted by the treasurer of state pursuant to  
6 chapter 17A and the small business must meet all of the  
7 following criteria:

8 DIVISION \_\_X  
9 SITE DEVELOPMENT

10 Sec. 35. Section 15E.18, Code 2009, is amended by  
11 striking the section and inserting in lieu thereof the  
12 following:

13 15E.18 Site development consultations –  
14 certificates of readiness.

15 1. a. The department shall consult with local  
16 governments and local economic development officials in  
17 regard to site development techniques. For purposes

18 of this section, "site development techniques" include  
19 environmental evaluations, property and wetland  
20 delineation, and historical evaluations.

21 b. The department may charge a fee for providing  
22 site development consultations. The fee shall not  
23 exceed the reasonable cost to the department of  
24 providing the consultations. The amount of any fees  
25 collected by the department shall be deposited in the  
26 general fund of the state.

27 2. a. A local government or local economic  
28 development official involved with the development of  
29 a site may apply to the department for a certificate  
30 of readiness verifying that the site is ready for  
31 development.

32 b. The department shall develop criteria for  
33 evaluating various types of sites in order to determine  
34 whether a particular site is ready for development  
35 based on the site's individual circumstances and the  
36 economic development goals of the applicant.

37 c. The department shall review applications for  
38 certificates of readiness and may issue a certificate  
39 of readiness to any site that meets the criteria  
40 developed under paragraph "b".

41 3. The department shall adopt rules pursuant to  
42 chapter 17A for the implementation of this section.

43 Sec. 36. SITE DEVELOPMENT CONSULTATIONS  
44 APPROPRIATION. There is appropriated from the school  
45 infrastructure fund created in section 12.82 to the  
46 department of economic development for the fiscal year  
47 beginning July 1, 2010, and ending June 30, 2011, the  
48 following amount, or so much thereof as is necessary,  
49 to be used for the purposes designated:  
50 For providing site development consultations

Page 36

1 pursuant to section 15E.18, including salaries,  
2 support, maintenance, miscellaneous purposes, and  
3 for not more than the following full-time equivalent  
4 positions:

5 ..... \$ 175,000  
6 ..... FTEs 1.00

7 Of the moneys appropriated to the department  
8 pursuant to this section, the department may allocate  
9 up to \$75,000 for purposes of contracting with third  
10 parties to provide site development consultations.

11 DIVISION \_\_XI  
12 INTERNET SITE FOR BUSINESS  
13 ASSISTANCE

14 Sec. 37. BUSINESS ASSISTANCE INTERNET SITE.

15 1. The department of economic development, in  
16 consultation with other state agencies that provide

17 financial and technical assistance to small businesses  
 18 and with the state board of regents, shall create a  
 19 business assistance internet site designed to assist  
 20 small businesses in finding information related to the  
 21 various kinds of technical and financial assistance  
 22 available from the state of Iowa. The department  
 23 may incorporate the internet site into its existing  
 24 internet site as appropriate.

25 2. The internet site shall include links to the  
 26 various internet sites maintained by other state  
 27 agencies or the state board of regents that pertain  
 28 to assistance for small businesses. The other state  
 29 agencies and the board of regents shall assist the  
 30 department of economic development in an effort to keep  
 31 the information on the internet site up-to-date. The  
 32 department of administrative services shall work with  
 33 the department of economic development to ensure that  
 34 the internet site is readily accessible to the public.

35 Sec. 38. BUSINESS ASSISTANCE INTERNET SITE  
 36 APPROPRIATION. There is appropriated from the school  
 37 infrastructure fund created in section 12.82 to the  
 38 department of economic development for the fiscal year  
 39 beginning July 1, 2010, and ending June 30, 2011, the  
 40 following amount, or so much thereof as is necessary,  
 41 to be used for the purposes designated:

42 For purposes of creating a business assistance  
 43 internet site:  
 44 ..... \$ 20,000

45 DIVISION \_\_XII  
 46 REGULATORY ASSISTANCE INTERIM  
 47 STUDY COMMITTEE

48 Sec. 39. REGULATORY ASSISTANCE INTERIM STUDY  
 49 COMMITTEE.

50 1. The legislative council is requested to

Page 37

1 establish an interim study committee to examine and  
 2 make recommendations regarding methods of assisting  
 3 small businesses that do not require direct financial  
 4 incentives and regarding potential changes of law  
 5 that would improve business licensing, regulatory  
 6 compliance, and tax collection procedures.

7 2. The study committee shall be composed of five  
 8 members of the house of representatives, five members  
 9 of the senate, and five members of the general public  
 10 who are also small business owners. Of the members  
 11 of the senate, three members shall be appointed by  
 12 the majority leader of the senate and two shall be  
 13 appointed by the minority leader of the senate. Of  
 14 the members of the house of representatives, three  
 15 members shall be appointed by the speaker of the house



16 of representatives, and two shall be appointed by the  
17 minority leader of the house of representatives.

18 3. a. The study committee shall work with the  
19 department of economic development, the department of  
20 inspections and appeals, the insurance division of  
21 the department of commerce, the department of natural  
22 resources, the professional licensing and regulation  
23 bureau of the banking division of the department  
24 of commerce, the department of public health, the  
25 department of public safety, the department of revenue,  
26 the secretary of state, and the department of workforce  
27 development to study ways to improve the state's  
28 business licensing procedures.

29 b. In preparation for assisting with the interim  
30 study committee, a state agency listed in this  
31 subsection shall conduct an internal review to identify  
32 and prioritize its procedures as they pertain to  
33 businesses and business licensing.

34 c. A state agency listed in this subsection shall  
35 provide all necessary assistance to the interim study  
36 committee in making recommendations to the general  
37 assembly.

38 4. The interim study committee shall submit its  
39 recommendations to the general assembly on or before  
40 January 14, 2011.

41 DIVISION \_\_XIII

42 SAVE OUR SMALL BUSINESSES FUND  
43 AND PROGRAM

44 Sec. 40. NEW SECTION. 15.300 Findings and intent.

45 1. The general assembly finds all of the following:

46 a. That entrepreneurs and small businesses often  
47 have difficulty obtaining conventional loan financing,  
48 limiting their ability to expand, retain, and create  
49 additional jobs.

50 b. That a source of capital provided by the state

Page 38

1 could greatly assist entrepreneurs and small businesses  
2 in their efforts to upgrade or modernize equipment,  
3 realize additional efficiencies in their supply  
4 chains, improve their distribution and transportation  
5 margins, reduce facility costs through increased energy  
6 efficiency, and leverage other sources of business  
7 financing.

8 2. The purpose of the save our small businesses  
9 fund created in section 15.301 is to promote the  
10 creation and retention of jobs in the state's economy  
11 and to assist businesses to be more competitive by  
12 addressing the needs identified in subsection 1.

13 Sec. 41. NEW SECTION. 15.301 Save our small  
14 businesses fund and program.

15 1. a. A save our small businesses fund is created  
16 in the state treasury under the control of the  
17 department and consisting of any moneys appropriated to  
18 the fund by the general assembly and any other moneys  
19 available and obtained or accepted by the department  
20 for placement in the fund.

21 b. Payments of interest, repayments of moneys  
22 loaned pursuant to this section, and recaptures of  
23 loans shall be deposited in the fund. The fund shall  
24 be used to provide financial assistance in the form  
25 of low-interest loans as provided under the program  
26 created in this section.

27 c. (1) If, on March 31, 2011, there are  
28 unobligated moneys in the fund, such unobligated moneys  
29 shall revert to the general fund of the state.

30 (2) For each quarter, beginning with the first  
31 quarter after the reversion of moneys pursuant to  
32 subparagraph (1) and ending with the last quarter prior  
33 to the reversion of moneys pursuant to subparagraph  
34 (3), the department shall, on the last day of the  
35 quarter transfer to the general fund of the state the  
36 balance of unencumbered moneys in the fund.

37 (3) On March 31, 2016, all moneys in the fund shall  
38 revert to the general fund of the state.

39 2. a. The department shall establish and  
40 administer a program for purposes of providing  
41 financial assistance to eligible small businesses.  
42 For purposes of this section, "financial assistance"  
43 means loans at an interest rate not to exceed three  
44 and nine-tenths percent per annum and "eligible  
45 small business" means a small business meeting the  
46 requirements of subsection 3.

47 b. (1) The department may designate an  
48 organization to administer the provisions of this  
49 section on the department's behalf.

50 (2) In order to be designated, an organization must

Page 39

1 be a nonprofit organization exempt from taxation under  
2 section 501(c)(3) of the Internal Revenue Code and  
3 must be designated by the United States small business  
4 administration as a statewide microloan program  
5 provider.

6 (3) If the department elects to designate an  
7 organization pursuant to subparagraph (1), the  
8 department shall enter into an agreement with the  
9 organization for purposes of ensuring that the program  
10 is administered pursuant to the requirements of this  
11 section.

12 (4) An organization designated pursuant to  
13 subparagraph (1) may accept, evaluate, and approve

14 applications for financial assistance from eligible  
15 small businesses pursuant to the requirements of this  
16 section and may monitor the compliance of eligible  
17 businesses with the terms of an agreement entered into  
18 with the department.

19 (5) All disbursements of moneys to recipients  
20 of financial assistance approved by an organization  
21 designated pursuant to subparagraph (1) shall be made  
22 by the department.

23 (6) All repayments of principal and interest on  
24 financial assistance provided under the program shall  
25 be remitted to the department and deposited in the  
26 fund.

27 (7) The department, with the assistance of an  
28 organization designated pursuant to subparagraph (1),  
29 may seek the recapture of financial assistance provided  
30 pursuant to this section as provided in subsection 4.

31 c. Financial assistance under the program shall be  
32 provided from the fund created in subsection 1.

33 d. Financial assistance to a small business shall  
34 be at least two thousand five hundred dollars, but  
35 shall not exceed fifty thousand dollars.

36 e. The department, under the terms of an agreement  
37 with the organization designated pursuant to paragraph  
38 "b", shall begin to provide financial assistance from  
39 the fund not later than August 1, 2010, and shall to  
40 the extent practicable obligate all available moneys in  
41 the fund prior to March 31, 2011.

42 f. A loan made to a small business under the  
43 program may be for any period of time, but the terms of  
44 such loan shall provide for the repayment of principal  
45 and interest prior to the date the moneys in the  
46 fund revert pursuant to subsection 1, paragraph "c",  
47 subparagraph (3).

48 3. A business is eligible to apply for financial  
49 assistance under the program if the business meets all  
50 of the following criteria at the time of application:

Page 40

1 a. The business has thirty-five or fewer full-time  
2 equivalent employees.

3 b. The business is located in Iowa.

4 c. The business is owned, operated, and actively  
5 managed by a resident of Iowa.

6 d. The business has a business plan and has  
7 received assistance in the development stage or the  
8 expansion stage from a small business development  
9 center or from a qualified public or nonprofit small  
10 business consultant as defined by the department.

11 e. If a business has been a going concern for two  
12 years or more, the business has not been found to be in

13 violation of any environmental or worker safety laws,  
14 rules, or regulations.

15 f. The business only employs individuals legally  
16 authorized to work in this state.

17 g. The business does not engage in the production,  
18 depiction, or distribution of obscene material. For  
19 purposes of this paragraph, "obscene material" means  
20 the same as defined in section 728.1.

21 h. The business is not in bankruptcy and is not  
22 imminently contemplating filing for bankruptcy.

23 4. Upon approval of the application for financial  
24 assistance by the department or an organization  
25 designated pursuant to subsection 2, paragraph "b", the  
26 eligible business shall enter into an agreement with  
27 the department which shall include but not be limited  
28 to all of the following provisions:

29 a. If an eligible business, after receiving  
30 financial assistance, does not continue to meet one or  
31 more of the criteria for eligibility under subsection  
32 3, except for subsection 3, paragraph "a", all or a  
33 portion of the financial assistance received is subject  
34 to disallowance, recapture, or immediate repayment.

35 b. If, after receiving financial assistance, an  
36 eligible business ceases operations within the state  
37 or removes a significant portion of its operations  
38 to a location outside of the state, all or a portion  
39 of the financial assistance received is subject to  
40 disallowance, recapture, or immediate repayment.

41 5. a. An eligible business shall not receive more  
42 than one award of financial assistance under this  
43 section.

44 b. An eligible business that receives financial  
45 assistance under this section may subsequently  
46 apply for financial assistance under other programs  
47 administered by the department.

48 c. An eligible business that receives financial  
49 assistance under this section shall not use such  
50 financial assistance for purposes of meeting payroll

Page 41

1 obligations to employees.

2 6. a. The small business development centers shall  
3 track the number of referrals for assistance made  
4 to the department for assistance under this section  
5 and shall include that number in the small business  
6 development center's annual report to the general  
7 assembly.

8 b. The department in conjunction with an  
9 organization designated pursuant to subsection 2,  
10 paragraph "b", shall by January 15 of each year submit  
11 a report on the program administered pursuant to

12 this section to the general assembly. The report  
13 shall include information on the number of businesses  
14 that receive loans under the program and any other  
15 information the department deems relevant to assessing  
16 the success of the program.

17 7. The department shall adopt rules pursuant to  
18 chapter 17A as necessary to administer the program.  
19 The department may adopt emergency rules under section  
20 17A.4, subsection 3, and section 17A.5, subsection 2,  
21 paragraph "b", as necessary for the administration of  
22 this section.

23 Sec. 42. SAVE OUR SMALL BUSINESSES FUND  
24 APPROPRIATION. There is appropriated from the school  
25 infrastructure fund created in section 12.82 to the  
26 department of economic development for deposit in the  
27 save our small businesses fund for the fiscal year  
28 beginning July 1, 2010, and ending June 30, 2011, the  
29 following amount, or so much thereof as is necessary,  
30 to be used for the purposes designated:

31 For purposes of providing financial assistance under  
32 the save our small businesses program under section  
33 15.301:  
34 ..... \$ 5,000,000

35 Of the moneys appropriated pursuant to this section,  
36 the department may allocate an amount not to exceed  
37 two percent of the moneys appropriated for purposes of  
38 retaining the services of an organization designated  
39 pursuant to section 15.301, subsection 2, paragraph  
40 "b".

41 Sec. 43. EFFECTIVE UPON ENACTMENT. This division  
42 of this Act, being deemed of immediate importance,  
43 takes effect upon enactment.

44 DIVISION \_\_XIV

45 ALTERNATIVE PUBLIC PROJECT DELIVERY STUDY

46 Sec. 44. INTERIM STUDY COMMITTEE – ALTERNATIVE  
47 PROJECT DELIVERY – REGENTS INSTITUTIONS.

48 1. The legislative council is requested to  
49 establish an interim study committee to study the use  
50 of alternative project delivery for public projects at

Page 42

1 institutions under the control of the state board of  
2 regents. The study shall include but is not limited  
3 to a review and analysis of the use of alternative  
4 project delivery at land grant institutions and  
5 research universities in other states. There shall  
6 be three members from the house of representatives  
7 and three members from the senate. In addition to  
8 the legislative members, the membership of the study  
9 committee shall include the following public members:

10 a. Two members appointed by the state board of

11 regents.  
12 b. One member appointed by the Iowa chapter of the  
13 American institute of architects.  
14 c. One member appointed by the American council of  
15 engineering companies of Iowa.  
16 d. One member appointed by the Iowa chapter of the  
17 design-build institute of America.  
18 e. One member appointed by the master builders of  
19 Iowa.  
20 f. One member appointed by the mechanical  
21 contractors association of Iowa.  
22 g. One member appointed by the Iowa chapter of the  
23 national electrical contractors association.  
24 h. One member appointed by the Iowa state building  
25 and construction trades council.  
26 i. One member appointed by the sheet metal  
27 contractors of Iowa.  
28 2. The committee shall meet twice during the 2010  
29 legislative interim and shall submit findings and any  
30 recommendations in a report to the general assembly by  
31 January 15, 2011.

32 DIVISION \_\_XV

33 FLOODPLAIN MAPPING

34 Sec. 45. FLOODPLAIN MAPPING. Using funds allocated  
35 to the department of natural resources for floodplain  
36 mapping from the appropriation made to the department  
37 of economic development in 2009 Iowa Acts, chapter  
38 183, section 67, of federal community development  
39 block grant funds awarded to the state under the  
40 federal Consolidated Security, Disaster Assistance,  
41 and Continuing Appropriations Act, 2009, Pub. L. No.  
42 110-329, the department of natural resources shall  
43 enter an agreement in an amount of not less than  
44 \$10,000,000 with the state university of Iowa for the  
45 development of new floodplain maps by June 30, 2014, by  
46 the Iowa flood center established pursuant to section  
47 466C.1. The department of natural resources shall  
48 structure the contract to be consistent with any plan  
49 for use of the funds approved by any federal agency,  
50 or, if necessary, follow any procedures necessary for

Page 43

1 approval of this contract.  
2 Sec. 46. EFFECTIVE UPON ENACTMENT. This division  
3 of this Act, being deemed of immediate importance,  
4 takes effect upon enactment.

5 DIVISION \_\_XVI

6 DEPARTMENT OF ADMINISTRATIVE SERVICES – OFFICE  
7 SPACE – STATE FLEET

8 Sec. 47. DEPARTMENT OF ADMINISTRATIVE SERVICES –  
9 OFFICE SPACE REQUEST FOR PROPOSALS.

10 1. The department of administrative services  
11 shall issue a request for proposals concerning the  
12 availability and cost of office space for state  
13 employees in downtown Des Moines and in other areas  
14 in close proximity to the state capitol complex. The  
15 department shall consider the advantages of locating  
16 state employees and their functions near the state  
17 capitol complex.

18 2. In issuing the request for proposals, the  
19 department shall examine current leases for office  
20 space within the greater Des Moines area, determine  
21 the current length and duration of those leases, and  
22 consider the number of state employees impacted by  
23 those leases.

24 3. The request for proposals shall ensure that any  
25 office space selected shall meet all of the following  
26 criteria:

27 a. The building which includes the office space has  
28 skywalk access.

29 b. The building which includes the office space is  
30 located within reasonable proximity to the free shuttle  
31 service route that includes transportation between the  
32 capitol complex and the downtown Des Moines area.

33 c. The entity leasing office space provides  
34 adequate parking to employees utilizing the office  
35 space which is within reasonable proximity to the  
36 office space.

37 d. The office space is energy efficient.

38 e. The office space provides adequate space and  
39 resources needed for the employees intending to occupy  
40 the office space.

41 4. The department of administrative services  
42 shall issue the request for proposals by December 1,  
43 2010, and shall submit a written report to the general  
44 assembly concerning the request for proposals by  
45 January 14, 2011.

46 Sec. 48. DEPARTMENT OF ADMINISTRATIVE SERVICES –  
47 OFFICE SPACE – COST-BENEFIT ANALYSIS.

48 1. a. The department of administrative services  
49 shall conduct a cost-benefit analysis of utilizing  
50 existing office space for state employees in downtown

Page 44

1 Des Moines and other areas in close proximity to  
2 the state capitol complex in lieu of replacing or  
3 renovating the Wallace Building or relocating any state  
4 agencies to any space in the mercy capitol hospital  
5 building. The cost-benefit analysis shall include  
6 consideration of any cost to the applicable local  
7 jurisdiction arising from the state's utilization of  
8 existing office space.

9 b. The department of administrative services shall  
10 submit a written report to the general assembly on the  
11 cost-benefit analysis by January 14, 2011.

12 2. Prior to submitting the cost-benefit analysis  
13 report required by this section, the department of  
14 administrative services shall not relocate any state  
15 agencies to space in the Mercy capitol hospital  
16 building other than any of the following:

17 a. A centralized department of corrections  
18 pharmacy.

19 b. Offices of a state agency currently located in a  
20 state-owned office building.

21 c. Any state employee located in a nonleased  
22 facility or space.

23 d. A nonstate agency.

24 e. The office of the insurance division of the  
25 department of commerce.

26 f. The agricultural development authority  
27 established in section 175.3.

28 Sec. 49. DEPARTMENT OF ADMINISTRATIVE SERVICES

29 – STATE FLEET RELOCATION. The department of  
30 administrative services shall evaluate and consider  
31 relocating state fleet operations. The department  
32 shall be authorized to relocate state fleet operations  
33 pursuant to such evaluation.

34 DIVISION \_\_XVII

35 CHANGES TO PRIOR APPROPRIATIONS

36 Sec. 50. 2004 Iowa Acts, chapter 1175, section 288,  
37 subsection 7, paragraph d, is amended by adding the  
38 following new unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH Notwithstanding section

40 8.33, 2004 Iowa Acts, chapter 1175, section 290,  
41 or any other provision of law, moneys allocated in  
42 this lettered paragraph that remain unencumbered or  
43 unobligated at the close of a fiscal year shall not  
44 revert but shall remain available for expenditure  
45 for the purposes designated until the close of the  
46 fiscal year that begins July 1, 2012. However, if the  
47 projects for which the moneys are appropriated are  
48 completed in an earlier fiscal year, unencumbered or  
49 unobligated moneys shall revert at the close of that  
50 fiscal year.

Page 45

1 Sec. 51. 2006 Iowa Acts, chapter 1179, section 4,  
2 subsection 1, is amended to read as follows:

3 1. a. Notwithstanding Except as provided in  
4 paragraph "b", notwithstanding section 8.33, moneys  
5 appropriated for the fiscal year beginning July  
6 1, 2006, in this division of this Act that remain  
7 unencumbered or unobligated at the close of the fiscal



8 year shall not revert but shall remain available for  
9 the purposes designated until the close of the fiscal  
10 year that begins July 1, 2009, or until the project  
11 for which the appropriation was made is completed,  
12 whichever is earlier.

13 b. Notwithstanding section 8.33, moneys  
14 appropriated for the fiscal year beginning July 1,  
15 2006, in section 1, subsection 1, and section 1,  
16 subsection 11, paragraph "b" of this division of this  
17 Act that remain unencumbered or unobligated at the  
18 close of the fiscal year shall not revert but shall  
19 remain available for the purposes designated until the  
20 close of the fiscal year that begins July 1, 2010, or  
21 until the project for which the appropriation was made  
22 is completed, whichever is earlier.

23 Sec. 52. 2006 Iowa Acts, chapter 1179, section 18,  
24 is amended to read as follows:

25 SEC. 18. REVERSION.

26 1. Except as provided in subsections 2, ~~and~~ 3, and  
27 4, notwithstanding section 8.33, moneys appropriated  
28 from the endowment for Iowa's health restricted  
29 capitals fund for the fiscal years that begin July 1,  
30 2005, and July 1, 2006, in this division of this Act  
31 that remain unencumbered or unobligated at the close  
32 of the fiscal year shall not revert but shall remain  
33 available for the purposes designated until the close  
34 of the fiscal year that begins July 1, 2009, or until  
35 the project for which the appropriation was made is  
36 completed, whichever is earlier.

37 2. Notwithstanding section 8.33, moneys  
38 appropriated from the endowment for Iowa's health  
39 restricted capitals fund for the fiscal year that  
40 begins July 1, 2006, and ends June 30, 2007, in this  
41 division of this Act to the department of veterans  
42 affairs for capital improvement projects at the Iowa  
43 veterans home that remain unencumbered or unobligated  
44 at the close of the fiscal year shall not revert but  
45 shall remain available for expenditure for the purposes  
46 designated until the close of the fiscal year that  
47 begins July 1, 2010.

48 3. Notwithstanding section 8.33, moneys  
49 appropriated from the endowment for Iowa's health  
50 restricted capitals fund for the fiscal year beginning

Page 46

1 July 1, 2006, and ending June 30, 2007, in this  
2 division of this Act to the department of education  
3 for major renovation and major repair needs at the  
4 community colleges that remain unencumbered or  
5 unobligated at the close of the fiscal year shall not  
6 revert but shall remain available for expenditure for

7 the purposes designated until the close of the fiscal  
8 year beginning July 1, 2010, or until the project for  
9 which appropriated is completed, whichever is earlier.

10 4. Notwithstanding section 8.33, moneys  
11 appropriated from the endowment for Iowa's health  
12 restricted capitals fund for the fiscal year that  
13 begins July 1, 2006, and ends June 30, 2007, in  
14 this division of this Act to the department of  
15 administrative services for upgrades to the Woodward  
16 state resource center wastewater treatment system that  
17 remain unencumbered or unobligated at the close of the  
18 fiscal year shall not revert but shall remain available  
19 for expenditure for the purposes designated until the  
20 close of the fiscal year that begins July 1, 2011, or  
21 until the project for which the appropriation is made  
22 is completed, whichever is earlier.

23 Sec. 53. 2007 Iowa Acts, chapter 219, section 7,  
24 subsection 1, as amended by 2009 Iowa Acts, chapter  
25 170, section 20, and 2009 Iowa Acts, chapter 184,  
26 section 17, is amended to read as follows:

27 1. For costs associated with the construction and  
28 establishment of the Iowa institute for biomedical  
29 discovery at the state university of Iowa:

30	FY 2008-2009.....	\$	0
31	FY 2009-2010.....	\$	0
32	FY 2010-2011.....	\$	<del>10,000,000</del>
33			<u>0</u>

34 Sec. 54. 2007 Iowa Acts, chapter 219, section 15,  
35 is amended to read as follows:

36 SEC. 15. REVERSION.

37 1. Notwithstanding Except as provided in subsection  
38 2, notwithstanding section 8.33, moneys appropriated  
39 for the fiscal year beginning July 1, 2007, in this  
40 division of this Act that remain unencumbered or  
41 unobligated at the close of the fiscal year shall not  
42 revert but shall remain available for the purposes  
43 designated until the close of the fiscal year beginning  
44 July 1, 2009, or until the project for which the  
45 appropriation was made is completed, whichever is  
46 earlier.

47 2. Notwithstanding section 8.33, moneys  
48 appropriated for the fiscal year beginning July 1,  
49 2007, in section 14, subsections 4 and 7 of this  
50 division of this Act that remain unencumbered or

1 unobligated at the close of the fiscal year shall not  
2 revert but shall remain available for the purposes  
3 designated until the close of the fiscal year beginning

4 July 1, 2011, or until the project for which the  
5 appropriation was made is completed, whichever is  
6 earlier.

7 Sec. 55. 2008 Iowa Acts, chapter 1179, section 1,  
8 subsection 1, paragraph 1, as enacted by 2009 Iowa  
9 Acts, chapter 184, section 21, is amended to read as  
10 follows:

11 1. For ~~heating, ventilating, and air conditioning~~  
12 ~~improvements~~ building security and firewall  
13 protection in the Hoover state office building:  
14 ..... \$ 165,000

15 Sec. 56. 2008 Iowa Acts, chapter 1179, section 1,  
16 subsection 4, paragraph b, as amended by 2009 Iowa  
17 Acts, chapter 81, section 1, is amended to read as  
18 follows:

19 b. For historical site preservation grants to be  
20 used for the restoration, preservation, and development  
21 of historic sites:  
22 ..... \$  
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 for  
27 the designated project. A grant awarded from moneys  
28 appropriated in this lettered paragraph shall not  
29 exceed \$100,000 per project. Not more than \$200,000  
30 may be awarded in the same county in the same round of  
31 grant reviews.

32 Of the amount appropriated in this lettered  
33 paragraph, \$20,000 shall be used for the administration  
34 and support of historic sites including the hiring and  
35 employment of seasonal workers, notwithstanding section  
36 8.57, subsection 6, paragraph "c".

37 Sec. 57. 2008 Iowa Acts, chapter 1179, section 7,  
38 as amended by 2009 Iowa Acts, chapter 173, section 21,  
39 is amended to read as follows:

40 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There  
41 is appropriated from the rebuild Iowa infrastructure  
42 fund to the department of economic development for  
43 the designated fiscal years the following amounts, or  
44 so much thereof as is necessary, to be used for the  
45 purposes designated:

46 For deposit into the river enhancement community  
47 attraction and tourism fund created in 2008 Iowa Acts,  
48 [Senate File 2430](#), if enacted:

49 FY 2009-2010 ..... \$ 0  
50 FY 2010-2011 ..... \$ ~~10,000,000~~

Page 48

1 ..... 0  
2 FY 2011-2012 ..... \$ 10,000,00  
3 FY 2012-2013 ..... \$ 10,000,00

4 ~~Notwithstanding section 8.33, moneys appropriated~~  
 5 ~~in this section for the fiscal year beginning July~~  
 6 ~~1, 2010, and ending June 30, 2011, shall not revert~~  
 7 ~~at the close of the fiscal year for which they are~~  
 8 ~~appropriated but shall remain available for the purpose~~  
 9 ~~designated until the close of the fiscal year that~~  
 10 ~~begins July 1, 2013, or until the project for which~~  
 11 ~~the appropriation was made is completed, whichever is~~  
 12 ~~earlier.~~

13 Notwithstanding section 8.33, moneys appropriated  
 14 in this section for the fiscal year beginning July  
 15 1, 2011, and ending June 30, 2012, shall not revert  
 16 at the close of the fiscal year for which they are  
 17 appropriated but shall remain available for the purpose  
 18 designated until the close of the fiscal year that  
 19 begins July 1, 2014, or until the project for which  
 20 the appropriation was made is completed, whichever is  
 21 earlier.

22 Notwithstanding section 8.33, moneys appropriated  
 23 in this section for the fiscal year beginning July  
 24 1, 2012, and ending June 30, 2013, shall not revert  
 25 at the close of the fiscal year for which they are  
 26 appropriated but shall remain available for the purpose  
 27 designated until the close of the fiscal year that  
 28 begins July 1, 2015, or until the project for which  
 29 the appropriation was made is completed, whichever is  
 30 earlier.

31 Sec. 58. 2008 Iowa Acts, chapter 1179, section 15,  
 32 subsection 4, paragraph b, as amended by 2009 Iowa  
 33 Acts, chapter 184, section 25, is amended to read as  
 34 follows:

35 b. To the public broadcasting division for the  
 36 purchase and installation of generators at transmitter  
 37 sites:  
 38 ..... \$ 1,602,437

39 Of the amount appropriated in this lettered  
 40 paragraph, up to \$210,477 may be used for operational  
 41 costs of the division for FY 2008-2009, ~~and up to~~  
 42 \$1,000,000 may be used for operational costs of the  
 43 division for FY 2009-2010, ~~and up to \$378,637 may be~~  
 44 used for operational costs of the division for FY  
 45 2010-2011, notwithstanding section 8.57C, subsection 2.

46 Sec. 59. 2008 Iowa Acts, chapter 1179, section  
 47 15, subsection 4, paragraph c, is amended to read as  
 48 follows:

49 c. To the public broadcasting division for the  
 50 replacement and digital conversion of the Keosauqua  
 Page 49

1 translator:  
 2 ..... \$ 701,500  
 3 Of the amount appropriated in this lettered

4 paragraph, up to \$25,378 may be used for operational  
5 costs of the division for FY 2010-2011, notwithstanding  
6 section 8.57C, subsection 2.  
7 Sec. 60. 2008 Iowa Acts, chapter 1179, section 18,  
8 subsection 3, as amended by 2009 Iowa Acts, chapter  
9 173, section 24, is amended to read as follows:  
10 3. DEPARTMENT OF CORRECTIONS  
11 a. For expansion of the community-based corrections  
12 facility at Sioux City:  
13 ..... \$ 5,300,000  
14 b. For expansion of the community-based corrections  
15 facility at Ottumwa:  
16 ..... \$ 4,100,000  
17 c. For expansion of the community-based corrections  
18 facility at Waterloo:  
19 ..... \$ 6,000,000  
20 d. For expansion of the community-based corrections  
21 facility at Davenport:  
22 ..... \$ 2,100,000  
23 e. For expansion, including land acquisition, of  
24 the community-based corrections facility at Des Moines:  
25 ..... \$ 13,100,000  
26 ..... 0

27 ~~The appropriation in this lettered paragraph~~  
28 ~~is contingent upon relocation of the sex offender~~  
29 ~~treatment program from the community-based corrections~~  
30 ~~facility at Des Moines to the property in northeast Des~~  
31 ~~Moines identified by the fifth judicial district in the~~  
32 ~~facility and site study final report submitted December~~  
33 ~~12, 2008.~~

34 It is the intent of the general assembly that the  
35 funds appropriated in paragraphs "a" through "e" be  
36 used to expand the number of beds available through new  
37 construction and remodeling and for the expansion of  
38 existing facilities.

39 f. For expansion of the Iowa correctional facility  
40 for women at Mitchellville including costs related  
41 to project management including the hiring and  
42 employment of a construction manager and a correctional  
43 specialist:  
44 ..... \$ 47,500,000  
45 g. For the remodeling of kitchens at the  
46 correctional facilities at Mount Pleasant and Rockwell  
47 City:  
48 ..... \$ 12,500,000

49 Sec. 61. 2008 Iowa Acts, chapter 1179, section 22,  
50 is amended to read as follows:

Page 50

1 SEC. 22. There is appropriated from the FY 2009  
2 prison bonding fund created pursuant to section  
3 12.79, as enacted in this Act, to the department of

4 corrections for the fiscal year beginning July 1, 2008,  
5 and ending June 30, 2009, the following amount, or  
6 so much thereof as is necessary, to be used for the  
7 purpose designated:

8 For costs associated with the building of a new Iowa  
9 State Penitentiary at Fort Madison including costs  
10 related to project management including the hiring and  
11 employment of a construction manager and a correctional  
12 specialist:  
13 ..... \$130,677,500

14 The appropriation made in this section constitutes  
15 approval by the general assembly for the issuance of  
16 bonds by the treasurer pursuant to section 12.80, as  
17 enacted in this Act.

18 Sec. 62. 2009 Iowa Acts, chapter 173, section 13,  
19 subsection 1, is amended by adding the following new  
20 paragraph:

21 NEW PARAGRAPH. e. Of the moneys appropriated  
22 in this subsection, the department may award moneys  
23 for the establishment of drainage district pilot  
24 projects. Each drainage district pilot project shall  
25 be presented to the state soil conservation committee  
26 and the watershed improvement review board to ensure  
27 the project design, project goals, baseline data  
28 collection, project data collection standards, and data  
29 evaluation standards are appropriate for, and advance,  
30 the soil and water conservation goals of the state.  
31 Annual progress reports on each pilot project shall  
32 be presented to the state soil conservation committee  
33 and the watershed improvement review board to ensure  
34 the projects continue to advance the soil and water  
35 conservation goals of the state. All construction  
36 plans, monitoring plans, project data, and project  
37 data analysis shall be available for public review  
38 and study. Experts from the United States geological  
39 survey, the national laboratory for agriculture and  
40 the environment at Iowa state university, and other  
41 appropriate state and federal agencies may be consulted  
42 on any aspect of the program.

43 Sec. 63. 2009 Iowa Acts, chapter 173, section 13,  
44 subsection 2, is amended to read as follows:

45 2. DEPARTMENT OF NATURAL RESOURCES  
46 For watershed rebuilding and water quality projects:  
47 ..... \$ 13,500,000

48 Of the moneys appropriated in this subsection,  
49 the department may provide moneys to construct,  
50 reconstruct, or repair infrastructure associated with  
Page 51

1 the control and movement of surface water, including  
2 but not limited to addressing issues affected by  
3 combined sewer overflows, enrolling larger contiguous

4 areas in emergency watershed programs, improving  
 5 facilities or systems that provide water quality,  
 6 mitigating flood damage or the threat of flood damage  
 7 in the areas most severely affected by the 2008 flood,  
 8 and improving or replacing low-head dams. Any award  
 9 of moneys made under this subsection shall be in the  
 10 form of a grant. Any grant awards for practices on  
 11 private property shall be for the public purposes of  
 12 flood control, watershed management, or improving water  
 13 quality.

14 Sec. 64. 2009 Iowa Acts, chapter 173, section 13,  
 15 subsection 4, paragraphs b, c, and d, are amended to  
 16 read as follows:

17 b. For ~~deposit into the public service shelter~~  
 18 ~~grant fund created in section 16.185~~ for grants for the  
 19 construction, renovation, and improvements to homeless  
 20 shelters, emergency shelters, and family and domestic  
 21 violence shelters:  
 22 ..... \$ 10,000,000

23 c. For ~~deposit into the disaster damage housing~~  
 24 ~~assistance grant fund created in section 16.186~~  
 25 for grants to ease and speed recovery efforts  
 26 from the natural disasters of 2008, including  
 27 stabilizing neighborhoods damaged by the natural  
 28 disasters, preventing population loss and neighborhood  
 29 deterioration, and improving the health, safety, and  
 30 welfare of persons living in such disaster-damaged  
 31 neighborhoods:  
 32 ..... \$ 5,000,000

33 d. For ~~deposit into the affordable housing~~  
 34 ~~assistance grant fund created in section 16.187~~  
 35 for grants for housing for certain elderly, disabled,  
 36 and low-income persons and public servants in critical  
 37 skills shortage areas of the state:  
 38 ..... \$ 20,000,000

39 Sec. 65. 2009 Iowa Acts, chapter 173, section 13,  
 40 subsection 5, unnumbered paragraph 1, as amended by  
 41 2009 Iowa Acts, chapter 183, section 71, is amended to  
 42 read as follows:

43 For broadband technology grants for the deployment  
 44 and sustainability of high-speed broadband access:  
 45 ..... \$ 25,000,000  
 46 0

47 Sec. 66. 2009 Iowa Acts, chapter 173, section 13,  
 48 subsection 6, is amended to read as follows:

49 6. DEPARTMENT OF TRANSPORTATION  
 50 For ~~deposit into the bridge safety fund created in~~  
 Page 52

1 ~~section 313.68 to be used for~~ infrastructure projects  
 2 relating to functionally obsolete and structurally  
 3 deficient bridges:

4 ..... \$ 50,000,000  
5 ..... 40,000,000

6 Sec. 67. 2009 Iowa Acts, chapter 173, section 13,  
7 is amended by adding the following new subsection:  
8 NEW SUBSECTION. 7. DEPARTMENT OF ECONOMIC  
9 DEVELOPMENT

10 For the main street Iowa program to be used as  
11 grants for projects that have previously applied for  
12 funding consideration, or have received partial funding  
13 for facade master plans to rehabilitate storefronts in  
14 main street Iowa districts, to complete streetscape  
15 projects where planning and the majority of funding is  
16 already secured, for unfunded main street challenge  
17 grant projects, and for other building rehabilitation  
18 projects that are currently on the department's highest  
19 priority list:

20 ..... \$ 5,550,000

21 Moneys appropriated in this subsection shall not be  
22 used for administration or planning purposes.

23 Sec. 68. 2009 Iowa Acts, chapter 174, section 6, is  
24 repealed.

25 Sec. 69. 2009 Iowa Acts, chapter 184, section  
26 1, subsection 3, paragraph d, is amended to read as  
27 follows:

28 d. For historical site preservation grants to be  
29 used for the restoration, preservation, and development  
30 of historic sites:

31 ..... \$ 1,000,000

32 In making grants pursuant to this lettered  
33 paragraph, the department shall consider the existence  
34 and amount of other funds available to an applicant for  
35 the designated project. A grant awarded from moneys  
36 appropriated in this lettered paragraph shall not  
37 exceed \$100,000 per project. Not more than \$200,000  
38 may be awarded in the same county in the same round of  
39 grant reviews.

40 Of the amount appropriated in this lettered  
41 paragraph, \$20,000 shall be used for the administration  
42 and support of historic sites including the hiring and  
43 employment of seasonal workers, notwithstanding section  
44 8.57, subsection 6, paragraph "c".

45 Sec. 70. 2009 Iowa Acts, chapter 184, section  
46 1, subsection 12, paragraph a, is amended to read as  
47 follows:

48 a. ~~To provide funds for capital improvements~~  
49 ~~and for related studies for expanding passenger rail~~  
50 ~~services in Iowa~~ For deposit in the passenger rail

Page 53

1 service revolving fund created in section 327J.2,  
2 notwithstanding section 8.57, subsection 6, paragraph  
3 "c":



4 ..... \$ 3,000,000

5 Sec. 71. 2009 Iowa Acts, chapter 184, section 2,  
6 subsections 1, 2, 4, and 5, are amended by striking the  
7 subsections.

8 Sec. 72. 2009 Iowa Acts, chapter 184, section  
9 2, subsection 6, paragraph a, is amended to read as  
10 follows:

11 a. For deposit into the railroad revolving loan and  
12 grant fund created in section 327H.20A, notwithstanding  
13 section 8.57, subsection 6, paragraph "c":

14 ..... \$ 2,000,000

15 Of the amount appropriated in this lettered  
16 paragraph, \$2,000,000 shall be allocated to a city  
17 with a population between 98,300 and 98,400 in the  
18 last preceding certified federal census, for a rail  
19 trans-load facility if a federal match of funds is  
20 received.

21 Sec. 73. EFFECTIVE UPON ENACTMENT. This division,  
22 being deemed of immediate importance, takes effect upon  
23 enactment.

24 DIVISION \_\_XVIII

25 MISCELLANEOUS CODE CHANGES

26 Sec. 74. Section 8.57, subsection 6, paragraph e,  
27 Code Supplement 2009, is amended to read as follows:

28 e. (1) (a) (i) Notwithstanding provisions to the  
29 contrary in sections 99D.17 and 99F.11, for the fiscal  
30 year beginning July 1, 2000, and for each fiscal year  
31 thereafter, not more than a total of sixty-six million  
32 dollars shall be deposited in the general fund of the  
33 state in any fiscal year pursuant to sections 99D.17  
34 and 99F.11.

35 (ii) However, in lieu of the deposit in  
36 subparagraph subdivision (i), for the fiscal year  
37 beginning July 1, 2010, and for each fiscal year  
38 thereafter until the principal and interest on all  
39 bonds issued by the treasurer of state pursuant to  
40 section 12.87 are paid, as determined by the treasurer  
41 of state, the first fifty-five million dollars of  
42 the moneys directed to be deposited in the general  
43 fund of the state under subparagraph subdivision  
44 (i) shall be deposited in the revenue bonds debt  
45 service fund created in section 12.89, and the next  
46 five three million seven hundred fifty thousand dollars  
47 of the moneys directed to be deposited in the general  
48 fund of the state under subparagraph subdivision (i)  
49 shall be deposited in the revenue bonds federal subsidy  
50 holdback fund created in section 12.89, and the next  
Page 54

1 one million two hundred fifty thousand dollars of the  
2 moneys directed to be deposited in the general fund of  
3 the state under subparagraph subdivision (i) shall be

4 deposited in the general fund of the state.

5 (b) The next fifteen million dollars of the moneys  
6 directed to be deposited in the general fund of the  
7 state in a fiscal year pursuant to sections 99D.17  
8 and 99F.11 shall be deposited in the vision Iowa fund  
9 created in section 12.72 for the fiscal year beginning  
10 July 1, 2000, and for each fiscal year through the  
11 fiscal year beginning July 1, 2019.

12 (c) The next five million dollars of the moneys  
13 directed to be deposited in the general fund of the  
14 state in a fiscal year pursuant to sections 99D.17 and  
15 99F.11 shall be deposited in the school infrastructure  
16 fund created in section 12.82 for the fiscal year  
17 beginning July 1, 2000, and for each fiscal year  
18 thereafter until the principal and interest on all  
19 bonds issued by the treasurer of state pursuant to  
20 section 12.81 are paid, as determined by the treasurer  
21 of state.

22 (d) (i) The total moneys in excess of the moneys  
23 deposited in the revenue bonds debt service fund,  
24 the revenue bonds federal holdback subsidy fund, the  
25 vision Iowa fund, the school infrastructure fund,  
26 and the general fund of the state in a fiscal year  
27 shall be deposited in the rebuild Iowa infrastructure  
28 fund and shall be used as provided in this section,  
29 notwithstanding section 8.60.

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, ~~fifty-five~~ sixty-four million seven hundred  
37 fifty thousand dollars of the excess moneys directed to  
38 be deposited in the rebuild Iowa infrastructure fund  
39 under subparagraph subdivision (i) shall be deposited  
40 in the general fund of the state.

41 (2) If the total amount of moneys directed to  
42 be deposited in the general fund of the state under  
43 sections 99D.17 and 99F.11 in a fiscal year is  
44 less than the total amount of moneys directed to be  
45 deposited in the revenue bonds debt service fund and  
46 the revenue bonds federal subsidy holdback fund in  
47 the fiscal year pursuant to this paragraph "e", the  
48 difference shall be paid from moneys deposited in the  
49 beer and liquor control fund created in section 123.53  
50 in the manner provided in section 123.53, subsection 3.  
Page 55

1 (3) After the deposit of moneys directed to be  
2 deposited in the general fund of the state, ~~and~~  
3 revenue bonds debt service fund, and the revenue

4 bonds federal subsidy holdback fund, as provided in  
 5 subparagraph (1), subparagraph division (a), if the  
 6 total amount of moneys directed to be deposited in the  
 7 general fund of the state under sections 99D.17 and  
 8 99F.11 in a fiscal year is less than the total amount  
 9 of moneys directed to be deposited in the vision Iowa  
 10 fund and the school infrastructure fund in the fiscal  
 11 year pursuant to this paragraph "e", the difference  
 12 shall be paid from lottery revenues in the manner  
 13 provided in section 99G.39, subsection 3.

14 Sec. 75. Section 8.57, subsection 6, paragraph f,  
 15 Code Supplement 2009, is amended to read as follows:

16 f. There is appropriated from the rebuild Iowa  
 17 infrastructure fund to the secure an advanced vision  
 18 for education fund created in section 423F.2, for each  
 19 fiscal year of the fiscal period beginning July 1,  
 20 2008, and ending June 30, ~~2014~~, 2010, and for each  
 21 fiscal year of the fiscal period beginning July 1,  
 22 2011, and ending June 30, 2014, the amount of the  
 23 moneys in excess of the first forty-seven million  
 24 dollars credited to the rebuild Iowa infrastructure  
 25 fund during the fiscal year, not to exceed ten million  
 26 dollars.

27 Sec. 76. Section 8.57A, subsection 4, Code 2009, is  
 28 amended to read as follows:

29 4. a. There is appropriated from the rebuild Iowa  
 30 infrastructure fund for the fiscal ~~year~~ years beginning  
 31 July 1, 2008, July 1, 2009, and July 1, 2011, and  
 32 for each fiscal year thereafter, the sum of forty-two  
 33 million dollars to the environment first fund,  
 34 notwithstanding section 8.57, subsection 6, paragraph  
 35 "c".

36 b. ~~There is appropriated from the rebuild Iowa~~  
 37 ~~infrastructure fund for the fiscal year beginning~~  
 38 ~~July 1, 2010, and ending June 30, 2011, the sum of~~  
 39 ~~thirty-three million dollars to the environment first~~  
 40 ~~fund, notwithstanding section 8.57, subsection 6,~~  
 41 ~~paragraph "c".~~

42 Sec. 77. Section 8.57C, subsection 3, Code  
 43 Supplement 2009, is amended to read as follows:

44 3. a. There is appropriated from the general fund  
 45 of the state for the fiscal years beginning July 1,  
 46 2006, July 1, 2007, July 1, ~~2010~~ 2011, and for each  
 47 subsequent fiscal year thereafter, the sum of seventeen  
 48 million five hundred thousand dollars to the technology  
 49 reinvestment fund.

50 b. There is appropriated from the rebuild Iowa  
 Page 56

1 infrastructure fund for the fiscal year beginning  
 2 July 1, 2008, and ending June 30, 2009, the sum of  
 3 seventeen million five hundred thousand dollars,

4 and for the fiscal year beginning July 1, 2009, and  
5 ending June 30, 2010, the sum of fourteen million five  
6 hundred twenty-five thousand dollars to the technology  
7 reinvestment fund, notwithstanding section 8.57,  
8 subsection 6, paragraph "c".

9 c. There is appropriated from the rebuild Iowa  
10 infrastructure fund for the fiscal year beginning  
11 July 1, 2010, the sum of ten million dollars to the  
12 technology reinvestment fund, notwithstanding section  
13 8.57, subsection 6, paragraph "c".

14 Sec. 78. Section 12.87, subsections 1 and 2, Code  
15 Supplement 2009, are amended to read as follows:

16 1. The treasurer of state is authorized to issue  
17 and sell bonds on behalf of the state to provide funds  
18 for certain infrastructure projects and for purposes of  
19 the Iowa jobs program established in section 16.194.  
20 The treasurer of state shall have all of the powers  
21 which are necessary or convenient to issue, sell and  
22 secure bonds and carry out the treasurer of state's  
23 duties, and exercise the treasurer of state's authority  
24 under this section and sections 12.88 through 12.90.  
25 The treasurer of state may issue and sell bonds in  
26 such amounts as the treasurer of state determines to  
27 be necessary to provide sufficient funds for certain  
28 infrastructure projects and the revenue bonds capitals  
29 fund, the revenue bonds capitals II fund, the payment  
30 of interest on the bonds, the establishment of reserves  
31 to secure the bonds, the payment of costs of issuance  
32 of the bonds, the payment of other expenditures of  
33 the treasurer of state incident to and necessary or  
34 convenient to carry out the issuance and sale of the  
35 bonds, and the payment of all other expenditures of  
36 the treasurer of state necessary or convenient to  
37 administer the funds and to carry out the purposes for  
38 which the bonds are issued and sold. The treasurer of  
39 state may issue and sell bonds in one or more series  
40 on the terms and conditions the treasurer of state  
41 determines to be in the best interest of the state,  
42 in accordance with this section in such amounts as  
43 the treasurer of state determines to be necessary to  
44 fund the purposes for which such bonds are issued and  
45 sold, as follows:

46 a. The treasurer of state may issue and sell bonds  
47 in amounts which provide aggregate net proceeds of  
48 not more than ~~five hundred forty five~~ six hundred  
49 ninety-five million dollars, excluding any bonds issued  
50 and sold to refund outstanding bonds issued under this  
Page 57

1 section, as follows:

2 ~~a.~~ (1) The On or after July 1, 2009, the treasurer  
3 of state may issue and sell bonds in amounts which

4 provide aggregate net proceeds of not more than  
 5 one hundred eighty-five million dollars for capital  
 6 projects which qualify as vertical infrastructure  
 7 projects as defined in section 8.57, subsection 6,  
 8 paragraph "c", to the extent practicable in any fiscal  
 9 year and without limiting other qualifying capital  
 10 expenditures.

11 ~~b.~~ (2) ~~The~~ On or after July 1, 2009, the treasurer  
 12 of state may issue and sell bonds in amounts which  
 13 provide aggregate net proceeds of not more than three  
 14 hundred sixty million dollars for purposes of the Iowa  
 15 jobs program established in section 16.194 and for  
 16 watershed flood rebuilding and prevention projects,  
 17 soil conservation projects, sewer infrastructure  
 18 projects, for certain housing and public service  
 19 shelter projects and public broadband and alternative  
 20 energy projects, and for projects relating to bridge  
 21 safety and the rehabilitation of deficient bridges.

22 (3) On or after July 1, 2010, the treasurer of  
 23 state may issue and sell bonds in amounts which provide  
 24 aggregate net proceeds of not more than one hundred  
 25 fifty million dollars for purposes of the Iowa jobs  
 26 II program established in section 16.194A and for  
 27 qualified projects in the departments of agriculture  
 28 and land stewardship, economic development, education,  
 29 natural resources, and transportation, and the  
 30 Iowa finance authority, state board of regents, and  
 31 treasurer of state.

32 2. Bonds issued and sold under this section are  
 33 payable solely and only out of the moneys in the  
 34 revenue bonds debt service fund, the revenue bonds  
 35 federal subsidy holdback fund, and any bond reserve  
 36 funds established pursuant to section 12.89, and  
 37 only to the extent provided in the trust indenture,  
 38 resolution, or other instrument authorizing their  
 39 issuance. All moneys in the revenue bonds debt service  
 40 fund, the revenue bonds federal subsidy holdback  
 41 fund, and any bond reserve funds established pursuant  
 42 to section 12.89 may be deposited with trustees or  
 43 depositories in accordance with the terms of the  
 44 trust indentures, resolutions, or other instruments  
 45 authorizing the issuance of bonds and pledged by the  
 46 treasurer of state to the payment thereof. Bonds  
 47 issued and sold under this section shall contain  
 48 a statement that the bonds are limited special  
 49 obligations of the state and do not constitute a debt  
 50 or indebtedness of the state or a pledge of the faith  
 Page 58

1 or credit of the state or a charge against the general  
 2 credit or general fund of the state. The treasurer of  
 3 state shall not pledge the credit or taxing power of

4 this state or any political subdivision of this state  
5 or make bonds issued and sold pursuant to this section  
6 payable out of any moneys except those in the revenue  
7 bonds debt service fund, the revenue bonds federal  
8 subsidy holdback fund, and any bond reserve funds  
9 established pursuant to section 12.89.

10 Sec. 79. Section 12.89, subsection 2, Code  
11 Supplement 2009, is amended by adding the following new  
12 paragraph:

13 NEW PARAGRAPH. Od. Federal subsidies and any  
14 transfers from the revenue bonds federal subsidy  
15 holdback fund created pursuant to section 12.89A.

16 Sec. 80. NEW SECTION. 12.89A Revenue bonds federal  
17 subsidy holdback fund.

18 1. A revenue bonds federal subsidy holdback fund  
19 is created and established as a separate and distinct  
20 fund in the state treasury. The treasurer of state  
21 shall act as custodian of the fund and disburse moneys  
22 contained in the fund.

23 2. The moneys in such fund shall include all of the  
24 following:

25 a. The revenues required to be deposited in the  
26 fund pursuant to section 8.57, subsection 6, paragraph  
27 "e", subparagraphs (1) and (2).

28 b. Interest attributable to investment moneys in  
29 the fund.

30 c. Any other moneys from any other sources which  
31 may be legally available to the treasurer of state for  
32 the purpose of the fund.

33 3. The moneys in the revenue bonds federal subsidy  
34 holdback fund are appropriated and shall be used or  
35 transferred to the revenue bonds debt service fund  
36 created in section 12.89, subsection 1, solely for the  
37 purpose of making payments of principal and interest  
38 on federal subsidy bonds when due, if the treasurer  
39 of state or the treasurer's designee has not received  
40 a federal subsidy scheduled to be received for such  
41 payment by the due date.

42 4. The moneys on deposit in the revenue bonds  
43 federal subsidy holdback fund shall be used or  
44 transferred to the revenue bonds debt service fund  
45 created in section 12.89, subsection 1, solely for the  
46 purpose of making payments of principal and interest on  
47 federal subsidy bonds prior to any use or transfer of  
48 moneys on deposit in any bond reserve fund created for  
49 such federal subsidy bonds by the treasurer of state  
50 pursuant to section 12.89, subsection 3, paragraph "a".  
Page 59

1 5. At any time during each fiscal year that  
2 there are moneys on deposit in the revenue bonds  
3 federal subsidy holdback fund that are not needed

4 to pay principal and interest on federal subsidy  
5 bonds during such fiscal year as determined by the  
6 treasurer of state or the treasurer's designee, such  
7 moneys on deposit in the revenue bonds federal subsidy  
8 holdback account shall be credited to the rebuild Iowa  
9 infrastructure fund of the state.

10 6. For purposes of this section:

11 a. "Federal subsidy" means any payment from the  
12 federal government with respect to federal subsidy  
13 bonds.

14 b. "Federal subsidy bonds" means any bonds issued  
15 and sold pursuant to section 12.87 for which a federal  
16 subsidy is expected to be paid on or before any date on  
17 which interest on such bonds is due and payable.

18 Sec. 81. Section 15F.204, subsection 8, paragraph  
19 a, subparagraph (6), Code Supplement 2009, is amended  
20 by striking the subparagraph.

21 Sec. 82. Section 15F.204, subsection 8, paragraph  
22 b, subparagraph (4), Code Supplement 2009, is amended  
23 by striking the subparagraph.

24 Sec. 83. Section 16.181A, Code 2009, is amended to  
25 read as follows:

26 16.181A Housing trust fund – appropriations.

27 1. There is appropriated from the rebuild Iowa  
28 infrastructure fund to the Iowa finance authority for  
29 deposit in the housing trust fund created in section  
30 16.181, for the fiscal year beginning July 1, 2009, and  
31 ending June 30, 2010, and for each succeeding fiscal  
32 year, the sum of three million dollars.

33 2. There is appropriated from the rebuild Iowa  
34 infrastructure fund to the Iowa finance authority for  
35 deposit in the housing trust fund created in section  
36 16.181, for the fiscal year beginning July 1, 2010 and  
37 ending June 30, 2011, the sum of one million dollars.

38 Sec. 84. Section 16.192, subsections 2 and 4, Code  
39 Supplement 2009, are amended to read as follows:

40 2. Establish the Iowa jobs program pursuant to  
41 section 16.194 and the Iowa jobs II program pursuant  
42 to section 16.194A.

43 4. Award financial assistance, including financial  
44 assistance in the form of grants under the Iowa jobs  
45 program pursuant to sections 16.194, 16.194A, and  
46 16.195.

47 Sec. 85. Section 16.193, subsection 2, Code  
48 Supplement 2009, is amended to read as follows:

49 2. During the term of the Iowa jobs program  
50 established in section 16.194 and the Iowa jobs II

Page 60

1 program established in section 16.194A, two hundred  
2 thousand dollars of the moneys deposited in the rebuild  
3 Iowa infrastructure fund shall be allocated each fiscal

4 year to the Iowa finance authority for purposes of  
5 administering the Iowa jobs program, notwithstanding  
6 section 8.57, subsection 6, paragraph "c".  
7 Sec. 86. NEW SECTION. 16.194A Iowa jobs II program -  
8 disaster prevention.

9 1. An Iowa jobs II program is created to assist in  
10 the development and completion of public construction  
11 projects relating to disaster prevention.

12 2. A city or county in this state that applies  
13 the smart planning principles and guidelines pursuant  
14 to sections 18B.1 and 18B.2, as enacted in this Act,  
15 may submit an application to the Iowa jobs board  
16 for financial assistance for a local infrastructure  
17 competitive grant for an eligible project under the  
18 program, notwithstanding any limitation on the state's  
19 percentage in funding as contained in section 29C.6,  
20 subsection 17.

21 3. Financial assistance under the program shall be  
22 awarded in the form of grants.

23 4. The board shall consider the following criteria  
24 in evaluating eligible projects to receive financial  
25 assistance under the program:

26 a. The total number and quality of jobs to be  
27 created and the benefits likely to accrue to areas  
28 distressed by high unemployment.

29 b. Financial feasibility, including the ability  
30 of projects to fund depreciation costs or replacement  
31 reserves, and the availability of other federal, state,  
32 local, and private sources of funds.

33 c. Sustainability and energy efficiency.

34 d. Benefits for disaster prevention.

35 e. The project's readiness to proceed.

36 5. An applicant must demonstrate local support for  
37 the project as defined by rule.

38 6. Any award of financial assistance to a project  
39 shall be limited to up to ninety percent of the total  
40 cost of the development and completion of a public  
41 construction project relating to disaster prevention.

42 7. In order for a project to be eligible to receive  
43 financial assistance from the board, the project must  
44 be a public construction project pursuant to subsection  
45 1 with a demonstrated substantial local, regional, or  
46 statewide economic impact.

47 8. The board shall not approve an application for  
48 assistance for any of the following purposes:

49 a. To refinance a loan existing prior to the date  
50 of the initial financial assistance application.

Page 61

1 b. For a project that has previously received  
2 financial assistance under the program, unless the  
3 applicant demonstrates that the financial assistance



4 would be used for a significant expansion of a project.  
5 9. Any portion of an amount allocated for projects  
6 that remains unexpended or unencumbered one year after  
7 the allocation has been made may be reallocated to  
8 another project category, at the discretion of the  
9 board. The board shall ensure that all bond proceeds  
10 be expended within three years from when the allocation  
11 was initially made.

12 10. The board shall ensure that funds obligated  
13 under this section are coordinated with other federal  
14 program funds received by the state, and that projects  
15 receiving funds are located in geographically diverse  
16 areas of the state.

17 11. An applicant or combination of applicants for  
18 a project within the same county shall not be awarded  
19 more than forty percent of the funds available under  
20 this program.

21 Sec. 87. Section 16.195, subsection 2, Code  
22 Supplement 2009, is amended to read as follows:

23 2. A review committee composed of members of the  
24 board as determined by the board shall review Iowa  
25 jobs program applications submitted to the board and  
26 make recommendations regarding the applications to the  
27 board. When reviewing the applications, the review  
28 committee and the authority shall consider the project  
29 criteria specified in ~~section~~ sections 16.194 and  
30 16.194A. The board shall develop the appropriate level  
31 of transparency regarding project fund allocations.

32 Sec. 88. Section 26.3, subsection 2, Code  
33 Supplement 2009, is amended to read as follows:

34 2. A governmental entity shall have an engineer  
35 licensed under chapter 542B, a landscape architect  
36 licensed under chapter 544B, or an architect registered  
37 under chapter 544A prepare plans and specifications,  
38 and calculate the estimated total cost of a proposed  
39 public improvement. A governmental entity shall  
40 ensure that a sufficient number of paper copies  
41 of the project's contract documents, including  
42 all drawings, plans, specifications, and estimated  
43 total costs of the proposed public improvement  
44 are made available for distribution at no charge  
45 to prospective bidders, subcontractor bidders,  
46 suppliers, and contractor plan room services. If  
47 a deposit is required as part of a paper contract  
48 documents distribution policy by the public owner, the  
49 deposit shall not exceed two hundred fifty dollars per  
50 set which shall be refunded upon return of the contract  
Page 62

1 documents within fourteen days after award of the  
2 project. If the contract documents are not returned  
3 in a timely manner and in a reusable condition,

4 the deposit shall be forfeited. The governmental  
5 entity shall reimburse the landscape architect,  
6 architect, or professional engineer for the actual  
7 costs of preparation and distribution of plans and  
8 specifications.

9 Sec. 89. NEW SECTION. 73.14 Minority-owned and  
10 female-owned businesses – bond issuance services.

11 1. The state, board of regents institutions,  
12 counties, townships, school districts, community  
13 colleges, cities, and other public entities, and every  
14 person acting as contracting agent for any such entity,  
15 shall, when issuing bonds or other obligations, make  
16 a good-faith effort to utilize minority-owned and  
17 female-owned businesses for attorneys, accountants,  
18 financial advisors, banks, underwriters, insurers, and  
19 other occupations necessary to carry out the issuance  
20 of bonds or other obligations by the entity.

21 2. For purposes of this section:

22 a. "Female-owned business" means a business that is  
23 fifty-one percent or more owned, operated, and actively  
24 managed by one or more women.

25 b. "Minority-owned business" means a business that  
26 is fifty-one percent or more owned, operated, and  
27 actively managed by one or more minority persons.

28 Sec. 90. Section 123.53, subsections 3 and 4, Code  
29 Supplement 2009, are amended to read as follows:

30 3. Notwithstanding subsection 2, if gaming revenues  
31 under sections 99D.17 and 99F.11 are insufficient  
32 in a fiscal year to meet the total amount of such  
33 revenues directed to be deposited in the revenue  
34 bonds debt service fund and the revenue bonds federal  
35 subsidy holdback fund during the fiscal year pursuant  
36 to section 8.57, subsection 6, paragraph "e", the  
37 difference shall be paid from moneys deposited in the  
38 beer and liquor control fund prior to transfer of such  
39 moneys to the general fund pursuant to subsection 2  
40 and prior to the transfer of such moneys pursuant  
41 to subsections 5 and 6. If moneys deposited in the  
42 beer and liquor control fund are insufficient during  
43 the fiscal year to pay the difference, the remaining  
44 difference shall be paid from moneys deposited in the  
45 beer and liquor control fund in subsequent fiscal years  
46 as such moneys become available.

47 4. The treasurer of state shall, each quarter,  
48 prepare an estimate of the gaming revenues and of  
49 the moneys to be deposited in the beer and liquor  
50 control fund that will become available during the  
Page 63

1 remainder of the appropriate fiscal year for the  
2 purposes described in subsection 3. The department of  
3 management, the department of inspections and appeals,

4 and the department of commerce shall take appropriate  
5 actions to provide that the sum of the amount of gaming  
6 revenues available to be deposited into the revenue  
7 bonds debt service fund during a fiscal year and the  
8 amount of moneys to be deposited in the beer and liquor  
9 control fund available to be deposited into the revenue  
10 bonds debt service fund and the revenue bonds federal  
11 subsidy holdback fund during such fiscal year will be  
12 sufficient to cover any anticipated deficiencies.

13 Sec. 91. Section 327H.20A, subsection 3, Code  
14 Supplement 2009, is amended to read as follows:

15 3. Notwithstanding any other provision to the  
16 contrary, on or after July 1, 2006, moneys received as  
17 repayments for loans made pursuant to this chapter or  
18 chapter 327I, Code 2009, before, on, or after July 1,  
19 2005, other than repayments of federal moneys subject  
20 to section 327H.21, shall be credited to the railroad  
21 revolving loan and grant fund. Notwithstanding section  
22 8.33, moneys in the railroad revolving loan and grant  
23 fund shall not revert to the ~~general fund of the~~  
24 ~~state fund from which it was appropriated~~ but shall  
25 remain available indefinitely for expenditure under  
26 this section.

27 Sec. 92. Section 327J.2, subsection 3, Code  
28 Supplement 2009, is amended to read as follows:

29 3. No reversion. Notwithstanding section 8.33, any  
30 balance in the fund on June 30 of any fiscal year shall  
31 not revert to the ~~general fund of the state fund from~~  
32 ~~which it was appropriated~~.

33 Sec. 93. REPEAL. Sections 8.57D, 12.90A, 12.90B,  
34 12.90C, 16.185, 16.186, 16.187, and 313.68, Code  
35 Supplement 2009, are repealed.>

Amendment [H-8657](#) was adopted.

[SENATE FILE 2389](#) SUBSTITUTED FOR [HOUSE FILE 2534](#)

Cphoon of Des Moines asked and received unanimous consent to substitute [Senate File 2389](#) for [House File 2534](#).

[Senate File 2389](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date, was taken up for consideration.

Speaker Murphy in the chair at 2:47 p.m.

Cohon of Des Moines asked and received unanimous consent to withdraw amendment [H-8654](#) filed by him from the floor.

Cohon of Des Moines offered the following amendment [H-8658](#) filed by him from the floor and moved its adoption:

[H-8658](#)

- 1 Amend [Senate File 2389](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, line 13, by striking
- 4 <existingcourthouse> and inserting <existing
- 5 courthouse>
- 6 2. Page 19, line 22, by striking <on a lake> and
- 7 inserting <in a state park>
- 8 3. Page 56, after line 19 by inserting:
- 9 g. The department for the blind storage facility.>
- 10 4. Page 75, line 34, after <prevention> by
- 11 inserting <including but not limited to the
- 12 construction of, or the replacement or reconstruction
- 13 of, local public buildings in a manner that mitigates
- 14 damages from future disasters, including flooding>
- 15 5. Page 76, line 28, after <prevention> by
- 16 inserting <consistent with the purposes of the program
- 17 as specified in subsection 1>
- 18 6. By renumbering as necessary.

Amendment [H-8658](#) was adopted.

Kaufmann of Cedar offered amendment [H-8660](#) filed by him and Tymeson of Madison from the floor as follows:

[H-8660](#)

- 1 Amend [Senate File 2389](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, line 15, after <Act> by inserting <,
- 4 except that a city or county applying smart planning
- 5 principles and guidelines shall not implement or
- 6 undertake a planning, zoning, development, or resources
- 7 management decision that involves the use of eminent
- 8 domain authority under chapter 6A or 6B>
- 9 2. Page 24, after line 1 by inserting:
- 10 <0A Property rights. Planning, zoning,
- 11 development, and resource management shall take into

12 account the impact of decisions upon the property  
13 rights of landowners and shall consider opportunities  
14 to avoid the infringement or deprivation of those  
15 rights.>

16 3. Page 67, after line 17 by inserting:

17 <Sec. \_\_\_\_ Section 6B.14, subsection 2, Code  
18 Supplement 2009, is amended to read as follows:

19 2. Prior to the meeting of the commission, the  
20 commission or a commissioner shall not communicate  
21 with the applicant, property owner, or tenant, or  
22 their agents, regarding the condemnation proceedings.  
23 The commissioners shall meet in open session to view  
24 the property and to receive evidence, ~~but may and~~  
25 ~~shall deliberate and vote in closed open session.~~  
26 ~~When deliberating in closed session, the meeting~~  
27 ~~is closed to all persons who are not commissioners~~  
28 ~~except for personnel from the sheriff's office if~~  
29 ~~such personnel is requested by the commission.~~ After  
30 deliberations commence, the commission and each  
31 commissioner is prohibited from communicating with  
32 any party to the proceeding unless such communication  
33 occurs in the presence of or with the consent of the  
34 property owner and the other parties who appeared  
35 before the commission or their agents. However, if  
36 ~~the commission is deliberating in closed session, and~~  
37 ~~after deliberations commence the commission requires~~  
38 ~~further information from a party or a witness, the~~  
39 ~~commission shall notify the property owner and the~~  
40 ~~acquiring agency that they are allowed to attend the~~  
41 ~~meeting at which such additional information shall~~  
42 ~~be provided but only for that period of time during~~  
43 ~~which the additional information is being provided.~~  
44 ~~The property owner and the acquiring agency shall~~  
45 ~~be given a reasonable opportunity to attend the~~  
46 ~~meeting.~~ The commission shall keep minutes of all its  
47 meetings showing the date, time, and place, the members  
48 present, and the action taken at each meeting. The  
49 minutes shall show the results of each vote taken and  
50 information sufficient to indicate the vote of each

Page 2

1 member present. ~~The vote of each member present shall~~  
2 ~~be made public at the open session.~~ The minutes shall  
3 be public records open to public inspection.>

4 4. Page 77, after line 30 by inserting:

5 <Sec. \_\_\_\_ NEW SECTION. 21.12 Condemnation  
6 proceedings – deliberations.

7 Compensation commissioners shall meet, deliberate,  
8 and vote in open session when condemning private land  
9 through the process established in chapter 6B pursuant  
10 to section 6B.14, subsection 2.>

11 5. By renumbering as necessary.

Huser of Polk rose on a point of order that amendment [H-8660](#) was not germane.

Huser of Polk withdrew her request for germaneness and requested division as follows:

Page 1 Lines 3 through 15, Division A  
Page 1 Lines 16 through Page 2 line 10 division B.

Kaufmann of Cedar moved the adoption of amendment [H-8660A](#).

Roll call was requested by Paulsen of Linn and Helland of Polk.

Rule 75 was invoked.

On the question "Shall amendment [H-8660A](#) be adopted?" ([S.F. 2389](#))

The ayes were, 45:

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

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	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	Running-Marquardt	Schueller

Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 2:

De Boef	Wendt
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Amendment [H-8660](#)A lost.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment [H-8660](#)B filed by him and Tymeson of Madison from the floor.

Steckman of Cerro Gordo offered amendment [H-8656](#) filed by her, H. Miller of Webster, Gaskill of Wapello, Smith of Marshal, Thede of Scott, Winckler of Scott, Beard of Winneshiek, T. Olson of Linn, Wenthe of Fayette, Kelley of Black Hawk, Petersen of Polk, Wessel-Kroeschell of Story, Thomas of Clayton, Hunter of Polk, Reichert of Muscatine, Cohoon of Des Moines, Palmer of Mahaska, Bailey of Hamilton, Marek of Washington, Reasoner of Union, Whitead of Woodbury, Isenhardt of Dubuque, Mascher of Johnson, Running-Marquardt of Linn, Frevert of Palo Alto, Kuhn Floyd, Kearns of Lee, Mertz of Kossuth, Taylor of Linn, Heddens of Story, Berry of Black Hawk, Lykam of Scott, Bell of Jasper, Swaim of Davis, Abdul-Samad of Polk and Ford of Polk, from the floor and requested division as follows:

[H-8656](#)

1 Amend [Senate File 2389](#) as amended, passed, and  
2 reprinted by the Senate, as follows:

[H-8656A](#)

3 1. Page 75, after line 29 by inserting:  
4 <Sec. \_\_\_\_ Section 16.193, Code Supplement 2009, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 3. a. During the term of the  
7 Iowa jobs program, the Iowa finance authority shall  
8 collect data on all of the projects approved for the  
9 program. The department of management and the state  
10 agencies associated with the projects shall assist the  
11 authority with the data collection and in developing  
12 the report required by this subsection. The authority  
13 shall report quarterly to the governor and the general

14 assembly concerning the data.  
 15 b. The report shall include but is not limited to  
 16 all of the following:  
 17 (1) The nature of each project and its purpose.  
 18 (2) The status of each project and the amount and  
 19 percentage of program funds expended for the project.  
 20 (3) The outside funding that is matched or  
 21 leveraged by the program funds.  
 22 (4) The number of jobs created or retained by each  
 23 project.  
 24 (5) For each project, the names of the project  
 25 contractors, state of residence of the project  
 26 contractors, and the state of residence of the  
 27 contractors' employees.  
 28 c. The authority shall maintain an internet site  
 29 that allows citizens to track project data on a  
 30 county-by-county basis.>

[H-8656B](#)

31 2. Page 80, after line 18 by inserting:  
 32 <Sec. \_\_\_. EFFECTIVE DATE AND APPLICABILITY. This  
 33 section of this division of this Act enacting section  
 34 16.193, subsection 3, being deemed of immediate  
 35 importance, takes effect upon enactment, and applies to  
 36 projects approved on, before, and after the effective  
 37 date of the section.>

[H-8656](#)

38 3. By renumbering as necessary.

Steckman of Cerro Gordo moved the adoption of amendment  
[H-8656A](#).

Roll call was requested by Paulsen of Linn and Raecker of Polk.

On the question "Shall amendment [H-8656A](#) be adopted?" ([S.F.](#)  
[2389](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser



Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	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	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker Murphy			

The nays were, none.

Absent or not voting, 3:

De Boef                      Gayman                      Wendt

Amendment [H-8656A](#) was adopted.

Steckman of Cerro Gordo asked and received unanimous consent to withdraw amendment [H-8656B](#), filed by her from the floor.

McCarthy of Polk asked and received unanimous consent that [Senate File 2389](#) be deferred and that the bill retain its place on the calendar.

The House stood at ease at 3:44 p.m., until the fall of the gavel.

The House resumed Session at 4:30 p.m., Speaker Murphy 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 March 29, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2379](#), a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to

persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date.

MICHAEL E. MARSHALL, Secretary

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [Senate File 2389](#).

Cohon of Des Moines offered the following amendment [H-8661](#) filed by him from the floor and moved its adoption:

[H-8661](#)

- 1 Amend [Senate File 2389](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, line 22, by striking <July> and
- 4 inserting <April>
- 5 2. Page 22, after line 17 by inserting:
- 6 <Sec. \_\_\_. EFFECTIVE UPON ENACTMENT. The section
- 7 of this division of this Act enacting section 12.88A,
- 8 being deemed of immediate importance, takes effect upon
- 9 enactment.>
- 10 3. Page 72, line 14, by striking <July> and
- 11 inserting <April>
- 12 4. Page 75, by striking line 5 and inserting
- 13 <fiscal year beginning July 1, 2009, ~~and ending June~~
- 14 ~~30, 2010, and ending July 1, 2011.~~>
- 15 5. Page 80, after line 18 by inserting:
- 16 <Sec. \_\_\_. EFFECTIVE DATES AND APPLICABILITY.
- 17 1. The section of this division of this Act
- 18 amending section 12.87, being deemed of immediate
- 19 importance, takes effect upon enactment.
- 20 2. The section of this division of this Act
- 21 enacting section 16.193, subsection 3, being deemed of
- 22 immediate importance, takes effect upon enactment, and
- 23 applies to projects approved on, before, and after the
- 24 effective date of the section.>
- 25 6. By renumbering as necessary.

Amendment [H-8661](#) was adopted.

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. 2389](#))

The ayes were, 52:

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

The nays were, 47:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Kelley
Koester	Lukan	May	Mertz
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, 1:

Wendt

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 2389](#) be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 5:35 p.m., until 7:30 p.m.

#### EVENING SESSION

The House reconvened at 7:22 p.m., Speaker Murphy in the chair.

## 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 March 29, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2389](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 29, 2010. Had I been present, I would have voted "aye" on [Senate File 2379](#).

SCHULTE of Linn

## AMENDMENTS FILED

<a href="#">H-8655</a>	<a href="#">H.F. 2531</a>	R. Olson of Polk
<a href="#">H-8662</a>	<a href="#">H.F. 2531</a>	Horbach of Tama
<a href="#">H-8663</a>	<a href="#">H.F. 2531</a>	R. Olson of Polk
<a href="#">H-8664</a>	<a href="#">H.F. 2531</a>	Lensing of Johnson
Mascher of Johnson		Koester of Polk
Struyk of Pottawattamie		Pettengill of Benton

On motion by McCarthy of Polk the House adjourned at 7:22 p.m., until 9:00 a.m., Tuesday, March 30, 2010.