

State of Iowa

2018

ACTS AND JOINT RESOLUTIONS
(Session Laws)

Enacted at the

2018 REGULAR SESSION

of the

Eighty-Seventh General Assembly

of the

State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE
IN THE ONE HUNDRED SEVENTY-SECOND YEAR OF THE STATE

REGULAR SESSION CONVENED ON THE EIGHTH DAY OF JANUARY
AND ADJOURNED ON THE FIFTH DAY OF MAY, A.D. 2018



Published under the authority of Iowa Code section 2B.10
by the
Legislative Services Agency
GENERAL ASSEMBLY OF IOWA
Des Moines

PREFACE

CERTIFICATION

We, Glen P. Dickinson, Director, Legislative Services Agency, Richard L. Johnson, Legal Services Division Director, and Leslie E. W. Hickey, Iowa Code Editor, certify that, to the best of our knowledge, the Acts and Resolutions in this volume have been prepared from the original enrolled Acts and Resolutions on file in the office of the Secretary of State; are correct copies of those Acts and Resolutions; are published under the authority of the statutes of this state; and constitute the Acts and Resolutions of the 2018 Regular Session of the Eighty-seventh General Assembly of the State of Iowa.

STATUTES AS EVIDENCE

Iowa Code section 622.59 is as follows:

622.59 Printed copies of statutes. Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.

EXPLANATORY NOTES

Provisional Code numbers. Code numbers assigned to new sections and subsections in the Acts are provisional and may be changed when the 2019 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2019 Iowa Code.

Typographic style. The Acts and Resolutions in this volume are printed as they appear on file in the office of the Secretary of State. No editorial corrections have been made. Underlined type indicates new material added to existing statutes; strike-through type indicates deleted material. Italics within an Act indicate material that the Governor has item vetoed. Item vetoed text is also indicated by asterisks at the beginning and ending of the vetoed material. Superscript numbers indicate explanatory footnotes.

Effective and enactment dates. Effective and enactment dates are governed by Iowa Code section 3.7. The date of enactment generally is the date an Act is approved by the Governor, which is shown at the end of each Act. The Acts of the 2018 Regular Session generally took effect on July 1, 2018, unless otherwise provided.

State mandates. Iowa Code sections 2B.10 and 25B.5 require that any updated, final estimate of additional local revenue expenditures required by a state mandate contained in an enacted bill or joint resolution and filed with the Secretary of State must be notated in the Iowa Acts. Such a notation is made by placing a dagger at the beginning of the title of the Act or Resolution indicating the inclusion of a footnote. No enacted bill or joint resolution required the filing or notation of such an estimate this year.

Resolutions. Concurrent resolutions and Senate and House resolutions are generally not included. See Senate and House Journals for adopted resolutions.

Orders for legal publications, including the Iowa Acts, should be directed to:

Legislative Services Agency
1112 E. Grand Avenue, Miller Building, Des Moines, Iowa 50319; 515.281.6766
www.legis.iowa.gov/law/information

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REGULAR SESSION

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ELECTIVE OFFICERS

Name and Office

County of residence

GOVERNOR

KIM REYNOLDS Clarke
 Jake Ketzner, Chief of Staff
 Austin Jacobs, Scheduler

LIEUTENANT GOVERNOR

ADAM GREGG Polk
 Kirby Connell, Assistant to the Lieutenant Governor

SECRETARY OF STATE

PAUL D. PATE Linn
 Michael Ross, Chief Deputy Secretary of State
 Ken Kline, Deputy Commissioner of Elections

AUDITOR OF STATE

MARY MOSIMAN, CPA Story
 Tamera Kusian, CPA, Deputy, Performance Investigation Division
 Andrew E. Nielsen, CPA, Deputy, Financial Audit Division

TREASURER OF STATE

MICHAEL L. FITZGERALD Polk
 Stefanie Devin, Deputy Treasurer
 Karen Austin, Deputy Treasurer

SECRETARY OF AGRICULTURE

MIKE NAIG * Polk
 Julie Kenney, Deputy Secretary
 Susan Kozak, Acting Director, Soil Conservation and Water Quality Division
 Stephen Moline, Director, Consumer Protection and Industry Services Division/Food
 Safety and Animal Health Division
 Margaret Thomson, Director, Administrative Division

ATTORNEY GENERAL

THOMAS J. MILLER Polk
 Jeffrey S. Thompson, Solicitor General
 Eric Tabor, Chief Deputy Attorney General
 Nathan Blake, Deputy Attorney General

* Appointed to fill vacancy on resignation of Bill Northey effective March 5, 2018

GENERAL ASSEMBLY

“X” means First Extraordinary Session; “XX” means Second Extraordinary Session
 Italicized county in district column denotes home county

SENATORS

Name and Residence	Occupation	Senatorial District	Legislative Service
Allen, Chaz Newton	Executive Director— Jasper County Economic Development Corporation	15th— <i>Jasper</i> , Polk	86(1st), 86(2nd), 87(1st), 87(2nd)
Behn, Jerry Boone	Farmer/Agribusiness	24th— <i>Boone</i> , Greene, Hamilton, Story, Webster	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Bertrand, Rick Sioux City		7th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Bisignano, Tony Des Moines	Retired	17th— <i>Polk</i>	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Bolkcom, Joe Iowa City	Outreach Director— University of Iowa Center for Global and Regional Environmental Research and Iowa Flood Center	43rd— <i>Johnson</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Boulton, Nate Des Moines	Attorney/Part-Time College Professor	16th— <i>Polk</i>	87(1st), 87(2nd)
Bowman, Tod R. Maquoketa	Educator	29th— <i>Dubuque</i> , <i>Jackson</i> , Jones	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Breitbart, Michael Strawberry Point	Business Owner	28th— <i>Allamakee</i> , <i>Clayton</i> , <i>Fayette</i> , <i>Winneshiek</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Brown, Waylon St. Ansgar		26th— <i>Cerro Gordo</i> , <i>Chickasaw</i> , <i>Floyd</i> , <i>Howard</i> , <i>Mitchell</i> , <i>Winneshiek</i> , <i>Worth</i>	87(1st), 87(2nd)
Carlin, Jim Sioux City	Attorney	3rd— <i>Plymouth</i> , <i>Woodbury</i>	87(1st), 87(2nd)
Chapman, Jake Adel	Businessman/EMT	10th— <i>Adair</i> , <i>Cass</i> , <i>Dallas</i> , <i>Guthrie</i> , <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Chelgren, Mark Ottumwa	Entrepreneur	41st—Davis, Jefferson, Van Buren, <i>Wapello</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Costello, Mark Imogene	Farmer	12th—Fremont, <i>Mills</i> , Montgomery, Page, Ringgold, Taylor	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Danielson, Jeff Waterloo	Career Fire Fighter— City of Cedar Falls	30th— <i>Black Hawk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Dawson, Dan Council Bluffs	Peace Officer	8th— <i>Pottawattamie</i>	87(1st), 87(2nd)
Dix, Bill * Shell Rock	Farmer	25th— <i>Butler</i> , Grundy, Hardin, Story	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Dotzler, William A., Jr. Waterloo	Retired—John Deere	31st— <i>Black Hawk</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Dvorsky, Robert E. Coralville	Retired Executive Officer—Community Based Corrections	37th—Cedar, <i>Johnson</i> , Muscatine	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Edler, Jeff State Center		36th—Black Hawk, <i>Marshall</i> , Tama	87(1st), 87(2nd)
Feenstra, Randy Hull	Dordt College Professor	2nd—Cherokee, O'Brien, Plymouth, <i>Sioux</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Garrett, Julian B. Indianola	Farmer	13th—Madison, <i>Warren</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Greene, Thomas A. Burlington		44th— <i>Des Moines</i> , Louisa, Muscatine	87(1st), 87(2nd)

* Resigned March 12, 2018

Name and Residence	Occupation	Senatorial District	Legislative Service
Guth, Dennis Klemme	Farmer	4th—Emmet, <i>Hancock</i> , Kossuth, Winnebago, Wright	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Hart, Rita Wheatland	Farmer	49th— <i>Clinton</i> , Scott	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Hogg, Robert Cedar Rapids	Attorney	33rd— <i>Linn</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Horn, Wally E. Cedar Rapids	Legislator	35th— <i>Linn</i>	65(1st), 65(2nd), 66(1st), 66(2nd), 67(1st), 67(1st)X, 67(2nd), 68(1st), 68(2nd), 69(1st), 69(1st)X, 69(1st)XX, 69(2nd), 70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Jochum, Pam Dubuque	Legislator	50th— <i>Dubuque</i>	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Johnson, Craig Independence	Executive Director— Heartland Acres	32nd—Black Hawk, Bremer, <i>Buchanan</i> , Fayette	87(1st), 87(2nd)
Johnson, David Ocheyedan	Former Dairyman/ Newspaper Owner-Editor/Polar Research/Agribusines	1st—Clay, Dickinson, Lyon, <i>Osceola</i> , Palo Alto	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Kapucian, Tim L. Keystone	Farmer	38th— <i>Benton</i> , Iowa, Poweshiek	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Kinney, Kevin Oxford	Farmer/Retired Deputy Sheriff	39th— <i>Johnson</i> , Keokuk, Washington	86(1st), 86(2nd), 87(1st), 87(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Kraayenbrink, Tim Fort Dodge	Investment Advisor	5th—Calhoun, Humboldt, Pocahontas, <i>Webster</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Lofgren, Mark S. Muscatine	Real Estate Sales Associate	46th— <i>Muscatine</i> , Scott	84(1st), 84(2nd), 85(1st), 85(2nd), 87(1st), 87(2nd)
Lykam, Jim Davenport	Legislator	45th— <i>Scott</i>	73(1st), 73(2nd), 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Mathis, Liz Hiawatha	Nonprofit Executive	34th— <i>Linn</i>	84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
McCoy, Matt Des Moines	Owner—Resource Development Consultants (RDC)	21st— <i>Polk</i> , Warren	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Petersen, Janet Des Moines	Marketing Communications Consultant	18th— <i>Polk</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Quirnbach, Herman C. Ames	Associate Professor of Economics—Iowa State University	23rd— <i>Story</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Ragan, Amanda Mason City	Executive Director— Community Kitchen of North Iowa/Executive Director—Meals on Wheels	27th—Butler, <i>Cerro Gordo</i> , Franklin	79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Rozenboom, Ken Oskaloosa	Farming/Ag Business	40th—Appanoose, <i>Mahaska</i> , Marion, Monroe, Wapello	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Schneider, Charles West Des Moines	Counsel—Principal Financial Group	22nd— <i>Dallas</i> , Polk	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Schultz, Jason Schleswig	Farmer	9th— <i>Crawford</i> , Harrison, Ida, Monona, Shelby, Woodbury	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Segebart, Mark Vail	Farmer	6th—Audubon, Buena Vista, Carroll, Crawford, Sac	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Shiple, Tom Nodaway	Farmer/Legislator	11th—Adams, Cass, Pottawattamie, Union	86(1st), 86(2nd), 87(1st), 87(2nd)
Sinclair, Amy Allerton		14th—Clarke, Decatur, Jasper, Lucas, Marion, Wayne	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Smith, Roby Davenport	Small Business Owner	47th—Scott	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Sweeney, Annette Alden	Farmer	25th—Butler, Grundy, Hardin, Story	83(1st), 83(2nd), 84(1st), 84(2nd), 87(2nd)
Taylor, Rich Mount Pleasant	Master HVACR Technician/Master Electrician	42nd—Henry, Jefferson, Lee, Washington	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Whitver, Jack Ankeny	Business Owner/ Attorney	19th—Polk	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Zaun, Brad Urbandale	Director—Master Dowel/Director— Grapnel Tech Services	20th—Polk	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Zumbach, Dan Ryan	Farmer	48th—Buchanan, Delaware, Jones, Linn	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)

REPRESENTATIVES

Name and Residence	Occupation	Representative District	Legislative Service
Abdul-Samad, Ako Des Moines	CEO—Creative Visions	35th— <i>Polk</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Anderson, Marti Des Moines	Social Worker	36th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Bacon, Rob Slater	Retired Funeral Director	48th— <i>Boone, Hamilton, Story, Webster</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Baltimore, Chip Boone	Attorney/General Counsel	47th— <i>Boone, Greene</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Baudler, Clel Greenfield	Retired State Trooper/Farmer	20th— <i>Adair, Cass, Dallas, Guthrie</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Baxter, Terry C. Garner		8th— <i>Hancock, Kossuth, Wright</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Bearinger, Bruce Oelwein		64th— <i>Buchanan, Fayette</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Bennett, Liz Cedar Rapids	Internet Sales/Support Consultant	65th— <i>Linn</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Bergan, Michael Dorchester	Accountant	55th— <i>Clayton, Fayette, Winneshiek</i>	87(1st), 87(2nd)
Best, Brian Glidden	Respiratory Therapist/ President—Western Iowa Sleep	12th— <i>Audubon, Carroll, Crawford</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Bloomington, Jane Northwood		51st— <i>Howard, Mitchell, Winneshiek, Worth</i>	87(1st), 87(2nd)
Bossmann, Jacob Sioux City		6th— <i>Woodbury</i>	87(2nd)
Breckenridge, Wes Newton		29th— <i>Jasper</i>	87(1st), 87(2nd)
Brown-Powers, Timi Waterloo	Med-Fit Facilitator for Persons with Physical and Mental Disabilities	61st— <i>Black Hawk</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Carlson, Gary Muscatine	Vice President—HNI Corporation	91st— <i>Muscatine</i>	86(1st), 86(2nd), 87(1st), 87(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Cphoon, Dennis M. Burlington	Retired Special Education Teacher	87th— <i>Des Moines</i>	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Cownie, Peter West Des Moines	Executive Director— Iowa State Fair Blue Ribbon Foundation	42nd— <i>Polk, Warren</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Deyoe, Dave Nevada	Farmer	49th— <i>Hardin, Story</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Dolecheck, Cecil Mount Ayr	Retired Farmer	24th— <i>Montgomery, Page, Ringgold, Taylor</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Finkenauer, Abby Dubuque		99th— <i>Dubuque</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Fisher, Dean Montour	Retired Farmer/ Engineer	72nd— <i>Black Hawk, Marshall, Tama</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Forbes, John Urbandale	Pharmacist	40th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Fry, Joel Osceola	Therapist/Educator/ Consultant/Speaker	27th— <i>Clarke, Decatur, Lucas, Wayne</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Gaines, Ruth Ann Des Moines	Teacher	32nd— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Gaskill, Mary Ottumwa	Retired County Auditor	81st— <i>Wapello</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Gassman, Tedd Scarville	Insurance Sales/Farmer	7th— <i>Emmet, Kossuth, Winnebago</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Grassley, Pat New Hartford	Farmer	50th— <i>Butler, Grundy, Hardin</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Gustafson, Stan Cumming	Retired Marine/Retired Attorney	25th— <i>Madison, Warren</i>	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Hagenow, Chris Windsor Heights	Attorney	43rd— <i>Polk</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Hager, Kristi Waukon	Nurse/Campground Owner	56th— <i>Allamakee</i> , Clayton	87(1st), 87(2nd)
Hall, Chris Sioux City		13th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Hanusa, Mary Ann Council Bluffs		16th— <i>Pottawattamie</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Heartsill, Greg Rural Columbia	Fence Contractor	28th— <i>Jasper</i> , <i>Lucas</i> , <i>Marion</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Heaton, David E. Mount Pleasant	Retired Restaurateur	84th— <i>Henry</i> , <i>Jefferson</i> , <i>Lee</i> , <i>Washington</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Heddens, Lisa Ames		46th— <i>Story</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Hein, Lee Monticello	Business Owner	96th— <i>Delaware</i> , <i>Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Highfill, Jake Johnston	Commercial Real Estate	39th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Hinson, Ashley Marion		67th— <i>Linn</i>	87(1st), 87(2nd)
Holt, Steven Denison		18th— <i>Crawford</i> , <i>Harrison</i> , <i>Shelby</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Holz, Chuck Le Mars	Veterinarian	5th— <i>Plymouth</i> , <i>Woodbury</i>	86(2nd), 87(1st), 87(2nd)
Hunter, Bruce L. Des Moines		34th— <i>Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Huseman, Daniel A. Aurelia	Farmer	3rd— <i>Cherokee</i> , <i>O'Brien</i> , <i>Plymouth</i> , <i>Sioux</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Isenhart, Charles Dubuque	President—Common Good Services/Sports Official	100th— <i>Dubuque</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Jacobsen, Jon A. Council Bluffs	Senior Trust Officer/Vice President/Attorney	22nd— <i>Pottawattamie</i>	87(2nd)
Jacoby, Dave Coralville	STEM Outreach Coordinator	74th— <i>Johnson</i>	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Jones, Megan Sioux Rapids	Attorney	2nd— <i>Clay, Dickinson, Palo Alto</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Kacena, Timothy Sioux City		14th— <i>Woodbury</i>	87(1st), 87(2nd)
Kaufmann, Bobby Wilton	Grain and Livestock Farmer/Small Business Owner	73rd— <i>Cedar, Johnson, Muscatine</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Kearns, Jerry A. Keokuk	Retired Staff Representative—United Steelworkers Union	83rd— <i>Lee</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Kerr, David Morning Sun	Farming/Retired Kinder Morgan Inc.	88th— <i>Des Moines, Louisa, Muscatine</i>	87(1st), 87(2nd)
Klein, Jarad J. Keota	Family Farmer	78th— <i>Keokuk, Washington</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Koester, Kevin Ankeny	Director—Ankeny Service Center/Retired School Administrator	38th— <i>Polk</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Kressig, Bob Cedar Falls	Retired—John Deere	59th— <i>Black Hawk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Kurth, Monica Davenport		89th— <i>Scott</i>	87(1st), 87(2nd)
Landon, John Ankeny	Retired—Ag Business	37th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Lensing, Vicki S. Iowa City	Funeral Home Owner	85th— <i>Johnson</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Lundgren, Shannon Peosta	Small Business Owner	57th— <i>Dubuque</i>	87(1st), 87(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Mascher, Mary Iowa City	Retired Teacher	86th— <i>Johnson</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Maxwell, Dave Gibson	Drainage Contractor/Farmer	76th—Iowa, <i>Poweshiek</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
McConkey, Charlie Council Bluffs	Retired Steelworker	15th— <i>Pottawattamie</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
McKean, Andy Anamosa	Retired Attorney	58th—Dubuque, Jackson, <i>Jones</i>	68(1st), 68(2nd), 69(1st), 69(1st)X, 69(1st)XX, 69(2nd), 70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 87(1st), 87(2nd)
Meyer, Brian Des Moines	Attorney	33rd— <i>Polk</i>	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Miller, Helen Fort Dodge	Attorney	9th— <i>Webster</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Miller, Phil Fairfield	Veterinarian—Large and Small Animal	82nd—Davis, <i>Jefferson</i> , Van Buren	87(2nd)
Mohr, Gary Bettendorf	Retired Higher Education Administrator	94th— <i>Scott</i>	87(1st), 87(2nd)
Mommsen, Norlin DeWitt	Farmer	97th— <i>Clinton</i> , <i>Scott</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Moore, Tom Griswold		21st—Adams, <i>Cass</i> , Pottawattamie, Union	86(2nd), 87(1st), 87(2nd)
Nielsen, Amy North Liberty		77th— <i>Johnson</i>	87(1st), 87(2nd)
Nunn, Zach Bondurant	Military Officer	30th— <i>Polk</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Oldson, Jo Des Moines		41st— <i>Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Olson, Rick Des Moines	Attorney	31st— <i>Polk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Ourth, Scott Ackworth	Public Affairs Executive/Heavy Equipment Operator	26th— <i>Warren</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Paustian, Ross Walcott	Farmer	92nd— <i>Scott</i>	84(1st), 84(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Pettengill, Dawn E. Mount Auburn	Legislator	75th— <i>Benton, Iowa</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Prichard, Todd Charles City	Attorney	52nd— <i>Cerro Gordo, Chickasaw, Floyd</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Rizer, Ken Marion		68th— <i>Linn</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Rogers, Walt Cedar Falls		60th— <i>Black Hawk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Running-Marquardt, Kirsten Cedar Rapids		69th— <i>Linn</i>	83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Salmon, Sandy Janesville	Retired Home Educator	63rd— <i>Black Hawk, Bremer</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Sexton, Mike Rockwell City	Environmental Consultant/Farmer/ Entrepreneur	10th— <i>Calhoun, Humboldt, Pocahontas, Webster</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 86(1st), 86(2nd), 87(1st), 87(2nd)
Sheets, Larry Moulton		80th— <i>Appanoose, Mahaska, Monroe, Wapello</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Sieck, David Glenwood	Farmer/Real Estate	23rd— <i>Fremont, Mills, Montgomery</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Smith, Mark Marshalltown	Licensed Independent Social Worker	71st— <i>Marshall</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Smith, Ras Waterloo		62nd— <i>Black Hawk</i>	87(1st), 87(2nd)
Staed, Art Cedar Rapids		66th— <i>Linn</i>	82(1st), 82(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Steckman, Sharon S. Mason City	Retired Educator	53rd— <i>Cerro Gordo</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Taylor, Rob West Des Moines	Small Business Owner/Consultant/ Educator/Distiller	44th— <i>Dallas</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Taylor, Todd E. Cedar Rapids	AFSCME Representative	70th— <i>Linn</i>	76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Thede, Phyllis Bettendorf		93rd— <i>Scott</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Upmeyer, Linda L. Clear Lake	Nurse Practitioner	54th— <i>Butler, Cerro Gordo, Franklin</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Vander Linden, Guy Oskaloosa	Retired Marine	79th— <i>Mahaska, Marion</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Watts, Ralph C. Adel	Retired Engineer	19th— <i>Dallas, Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Wessel-Kroeschell, Beth Ames	Legislator	45th— <i>Story</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Wheeler, Skyler Orange City	Manager—Anytime Fitness/Direct Support Professional—Hope Haven	4th— <i>Sioux</i>	87(1st), 87(2nd)
Wills, John H. Spirit Lake	Environmental Coordinator	1st— <i>Dickinson, Lyon, Osceola</i>	86(1st), 86(2nd), 87(1st), 87(2nd)
Winckler, Cindy Davenport	Retired Educator	90th— <i>Scott</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Windschitl, Matt W. Missouri Valley	Gunsmith/Conductor— Union Pacific Railroad	17th— <i>Harrison, Ida, Monona, Woodbury</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Wolfe, Mary Lynn Clinton	Attorney	98th— <i>Clinton</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Worthan, Gary Storm Lake	Farmer	11th— <i>Buena Vista, Sac</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd)
Zumbach, Louie Coggon		95th— <i>Buchanan, Linn</i>	87(1st), 87(2nd)

JUDICIAL BRANCH

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	City of Office	Term Ending
Mark S. Cady, C.J.	Fort Dodge	December 31, 2024
David S. Wiggins	West Des Moines	December 31, 2020
Daryl L. Hecht	Sloan	December 31, 2024
Brent R. Appel	Ackworth	December 31, 2024
Thomas D. Waterman	Pleasant Valley	December 31, 2020
Edward M. Mansfield	Des Moines	December 31, 2020
Bruce B. Zager	Waterloo	December 31, 2020

JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Gayle N. Vogel	Spirit Lake	December 31, 2022
Anuradha Vaitheswaran	Des Moines	December 31, 2018
Amanda Potterfield	Cedar Rapids	December 31, 2022
Richard H. Doyle	Des Moines	December 31, 2022
David R. Danilson, C.J.	Pleasant Hill	December 31, 2022
Mary E. Tabor	Des Moines	December 31, 2018
Michael R. Mullins	Washington	December 31, 2018
Thomas N. Bower	Cedar Falls	December 31, 2020
Christopher L. McDonald	Des Moines	December 31, 2020

CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

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721 Federal Building
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CONDITION OF STATE TREASURY

June 30, 2017

	Balance July 1, 2016	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2017
General Fund	\$ 635,440,579	\$14,152,841,305	\$14,788,281,884	\$14,398,178,778	\$ 390,103,106
Special Revenue Fund	1,022,797,996	5,000,959,170	6,023,757,166	4,944,859,551	1,078,897,615
Capital Projects Fund	23,113,371	34,576,830	57,690,201	34,715,971	22,974,230
Debt Service Fund	1	0	1	1	0
Enterprise Fund	72,288,976	759,862,776	832,151,752	760,443,038	71,708,714
Internal Service Fund	156,185,464	710,046,312	866,231,776	688,382,234	177,849,542
Expendable Trust Fund	169,545,619	494,250,498	663,796,117	496,275,650	167,520,467
Nonexpendable Trust Fund	38,325,290	3,020,217	41,345,507	6,953,211	34,392,296
Pension Fund	24,137,633,536	3,604,068,151	27,741,701,687	2,092,833,838	25,648,867,849
Trust and Agency Fund	330,664,773	6,336,621,117	6,667,285,890	6,324,926,639	342,359,251
Totals	<u>\$26,585,995,605</u>	<u>\$31,096,246,376</u>	<u>\$57,682,241,981</u>	<u>\$29,747,568,911</u>	<u>\$27,934,673,070</u>

Balance July 1, 2016	\$26,585,995,605
Receipts and Transfers	31,096,246,376
Total Available	57,682,241,981
Disbursements and Transfers	29,747,568,911
Balance June 30, 2017	\$27,934,673,070

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE ACCOUNTING ENTERPRISE

May 1, 2018

ANALYSIS BY CHAPTERS

2018 REGULAR SESSION

For Conversion Tables of Senate and House Files and Joint Resolutions to chapters of the 2018 Acts, Regular Session, see page 648

CH.	FILE	TITLE
1001	SF 512	Water quality
1002	SF 2163	Lighting devices or reflectors on department of transportation vehicles or equipment used for snow and ice treatment or removal
1003	HF 2175	Investments by life insurance companies or associations in CM3 classified mezzanine loans
1004	HF 2197	Administration of commercial driver's license driving skills tests
1005	HF 2230	School finance — state percents of growth — property tax replacement payments
1006	HF 2240	Employee wage statements — electronic options
1007	SF 455	School finance — state school foundation program modifications — transportation equity program
1008	SF 2059	Electronic delivery of assessments, notices, or other information by local assessors
1009	SF 2135	Motor vehicle safety belt or harness violations — assessment of comparative fault
1010	SF 2262	Final-stage motor vehicle manufacturers
1011	HF 2199	Illegal use of scanning devices or encoding machines
1012	HF 2237	Insurance — insurers and information exchange
1013	HF 2286	Restrictions on local regulation of real property transactions
1014	HF 2417	Payment methods for amusement concessions at fairs
1015	SF 2378	Public corporations — boards of directors
1016	HF 2171	Negotiable instruments — electronic stop-payment orders
1017	HF 2196	Operation of commercial vehicles — texting or use of mobile telephone prohibited
1018	HF 2236	Commissioner of insurance as agent or attorney for service of process on regulated individuals or entities
1019	HF 2238	Criminal restitution and pecuniary damages — insurers
1020	HF 2255	Contraband at community-based correctional facilities
1021	HF 2283	Validity of licenses issued by the board of educational examiners
1022	HF 2302	Operation of rescue vehicles in emergencies
1023	HF 2303	Natural resources — departmental duties — programs
1024	HF 2307	Sale of city utilities and acquisition of public utilities
1025	HF 2408	Sale of eggs by grocery stores participating in a federal food program
1026	HF 2457	Substantive Code corrections
1027	SF 2098	Probate procedures
1028	SF 2117	Appropriation reductions, transfers, and supplementals
1029	SF 2131	Iowa learning online initiative — students receiving private instruction — online learning working group
1030	SF 2139	Powers of attorney and real property rights
1031	SF 2201	National guard — morale, welfare, and recreation activity — civilian criminal offenses by guard members
1032	SF 2255	Audits or examinations of state or local government entities — requests — payment for services
1033	SF 2290	County and city hospital boards of trustees
1034	SF 2325	Security interests in motor vehicles — notation of discharge
1035	HF 2125	Probate — distribution of property by affidavit
1036	HF 2232	Mortgage releases
1037	HF 2235	Student academic achievement assessments
1038	HF 2309	Payments for hospice services in nursing facilities — dually eligible Medicare and Medicaid beneficiaries

CH.	FILE	TITLE
1039	HF 2318	Redemption of property sold at tax sales — persons with legal disabilities
1040	HF 2343	State agency regulation — implementation or enforcement — statutory authorization
1041	HF 2348	Nonsubstantive Code corrections
1042	HF 2354	Student online personal information protection
1043	HF 2356	Direct primary care agreements
1044	HF 2365	Natural resources — authority of department — Mississippi river partnership council repealed
1045	HF 2370	Adoptions — postadoption information
1046	HF 2383	Private employer alcohol testing policies — standard for alcohol concentration
1047	HF 2422	Management of weeds
1048	HF 2449	Substitute decision makers or payees
1049	HF 2451	Department on aging programs and services
1050	SF 360	Newborn safe haven Act — miscellaneous changes
1051	SF 2113	School employee training — suicide prevention, adverse childhood experiences identification, and toxic stress response mitigation
1052	SF 2228	Licensure of genetic counselors
1053	SF 2289	Joint exercise of government powers by federally recognized Indian tribes
1054	HF 2285	Reimbursement for ground emergency medical transportation providers
1055	HF 2305	Insurance coverage for telehealth health care services
1056	HF 2456	Mental health and substance-related disorders — hospitalizations, disclosure of information, and services
1057	SF 2114	Education — miscellaneous changes
1058	SF 2231	Carrying weapons on snowmobiles or all-terrain vehicles
1059	SF 2256	Campaign finance — filing and reporting requirements — illegal contributions
1060	SF 2310	Regulation of alcoholic beverages
1061	SF 2323	State officials and employees — foreign agent registration
1062	SF 2334	Hospitals — licensing — conversion requirements
1063	SF 2349	Association or agricultural organization health benefit plans
1064	SF 2366	Department of veterans affairs — commission membership — trust fund expenditures
1065	HF 2195	State transportation commission membership terms
1066	HF 2300	Regulated professions — permissible business entity arrangements
1067	HF 2458	Future ready Iowa Act
1068	SF 2241	Parole violations — procedures
1069	SF 2257	Marketplace contractors
1070	SF 2271	Regulation of motor carriers
1071	SF 2274	Department of education reports — state or federal content requirements — citation to statute or regulation
1072	SF 2333	Amusement concessions — value of allowable prizes
1073	HF 2200	Terrace Hill endowment fund for musical arts
1074	HF 2239	Securities, viatical settlements, and cemetery and funeral merchandise and services
1075	HF 2253	Competitive bidding — private party construction of government lease-purchased property
1076	HF 2254	911 emergency telephone and internet communication systems
1077	HF 2256	Reports on secondary road construction and structurally deficient bridges
1078	HF 2281	Confinement feeding operations for fishes — animal unit capacity
1079	HF 2304	Motor vehicle operation and stationary motor vehicles
1080	HF 2321	Employment regulation — criminal history checks — unemployment insurance
1081	HF 2340	Fences and fence viewers
1082	HF 2382	Engineering and land surveying examining board — membership

CH.	FILE	TITLE
1083	HF 2390	Educational standards, instruction, and subject matter requirements — languages
1084	HF 2402	Termination or suspension of powers of attorney — dependent adult abuse
1085	HF 2407	Off-label pesticide application into lakes
1086	HF 2420	Iowa national service corps program
1087	HF 2425	Physical therapy licensure compact
1088	HF 2439	Horse racing regulation
1089	SF 481	Immigration law enforcement
1090	SF 2169	Alcoholic beverage licensees or permittees and dramshop liability
1091	SF 2177	Consumer protection and personal information — security freezes and breach protection
1092	SF 2203	Nurse licensure — limited authorization
1093	SF 2226	Groundwater hazard statements — formatting requirements
1094	SF 2229	Mechanic's liens — contracts for labor and materials — collateral security
1095	SF 2293	Motor vehicle regulation — dealer or manufacturer records, registration and titling, and warranties and recalls
1096	SF 2347	Importing and sale of alcoholic liquor, wine, and beer — personal use — bootlegging
1097	HF 2233	Public construction bidding, mechanic's liens, and early release of retained funds
1098	HF 2297	Boiler and unfired steam pressure vessel inspections
1099	HF 2349	Gambling facilities — persons voluntarily excluded — licensee access to personal information
1100	HF 2379	Municipal utility retirement systems
1101	HF 2381	Children found to have committed delinquent acts — custody
1102	HF 2392	Electronic or mechanical eavesdropping or communications interception
1103	HF 2404	Crime victim restitution paid to victims' estates or heirs at law — third-party payments
1104	HF 2427	Free health care clinics — criminal and abuse history checks — volunteers
1105	HF 2464	Land recycling program fees
1106	SF 192	Regulation of applied behavior analysis
1107	SF 2165	Crime victim compensation program payments
1108	SF 2175	Partition of property
1109	SF 2364	School building emergency operations plans
1110	HF 2338	Operating while intoxicated — temporary restricted licenses
1111	HF 2414	Child support — medical support
1112	HF 2441	Regulation of primary and secondary education and school district funding
1113	HF 2444	Child care facilities and care providers — abuse reporting — employment and licensure restrictions
1114	SF 2155	Investments by political subdivisions of the state — maturity limitations
1115	SF 2200	Regulation of veterans' benefits events, products, and services — required disclosures — prohibited acts
1116	SF 2230	Second degree kidnapping — victims under age eighteen
1117	SF 2321	Going armed with portable devices or weapons directing electric current, impulses, waves, or beams
1118	SF 449	Cattle guard installation by landowners along streets or highways
1119	SF 475	Regulation of primary and secondary education — miscellaneous changes
1120	SF 2235	Critical infrastructure sabotage
1121	SF 2318	High school credit for high school-level units of instruction
1122	SF 2360	Dyslexia task force — report
1123	HF 637	Information technology and credit union division personnel background checks — technology advisory council repeal
1124	HF 2258	Flood mitigation program — use of sales tax revenue and other funds

CH.	FILE	TITLE
1125	HF 2277	Inspection of public records — state archives or county registrar records
1126	HF 2371	Honeybees on public property — state or municipal liability exemption
1127	HF 2467	School meal debt and school meal programs
1128	HF 2480	Home ownership assistance — manufactured housing program fund
1129	SF 2389	State park and recreation area fees
1130	HF 648	Career and technical education programs and partnerships
1131	HF 2442	Extracurricular interscholastic activities — concussion and brain injury policies
1132	SF 359	Terminations of pregnancy — fetal body parts — fetal heartbeat
1133	SF 2227	County boards of supervisors' proceedings and resolutions — publication
1134	SF 2303	Inheritance tax — payment deferral — security requirements
1135	SF 2311	Public utilities — financing, rate regulation, and energy efficiency — electric vehicle infrastructure
1136	SF 2314	Corporations — agricultural land acquisition — director duties and liability
1137	HF 2445	Administration of health-related services
1138	HF 2377	Prescription drug regulation and reporting, substance abuse prevention and treatment, and drug overdose reporting immunity
1139	SF 385	Revised uniform athlete agents Act
1140	SF 2099	Probate — administration of small estates
1141	SF 2298	Regulation of pharmacy and wholesale distribution of drugs and devices
1142	SF 2322	Administration and dispensing of prescription drugs and vaccines
1143	SF 2353	Workforce development — miscellaneous changes
1144	SF 2390	Regulation of hotel sanitation, home bakeries, food establishments, and food processing plants
1145	SF 2400	Municipal risk protection
1146	SF 2407	Sales and use tax — rebates to raceway facility owners or operators
1147	SJR 2011	Sale of merchandise at children's benefit on capitol grounds
1148	HF 2234	Foreclosure proceedings and judgments on claims for rent
1149	HF 2252	Programs and activities administered by the secretary of state
1150	HF 2342	Seizure and disposition of property by the department of natural resources
1151	HF 2372	County supervisor representation and districting plans
1152	HF 2440	Water quality and water quality programs
1153	HF 2443	Juvenile delinquency — offenses included, proceedings, records
1154	HF 2475	Governmental ethics — gifts — lobbyists
1155	HF 2478	Sales tax — construction machinery, equipment, attachments, and replacement parts
1156	HF 2488	Practice of cosmetology arts and sciences — temporary permits
1157	HF 2500	Workforce housing tax incentives program — limited deadline extensions
1158	SF 2388	Assessment and taxation of telephone and telegraph company property
1159	HF 631	Hunting, fishing, and trapping licenses and related fees
1160	HF 2446	Regulation of public utilities
1161	SF 2417	State and local taxation, revenue, and finance
1162	SF 2414	Appropriations — infrastructure and capital projects
1163	SF 2415	Appropriations — education
1164	SF 2416	Appropriations — administration and regulation
1165	SF 2418	Appropriations — health and human services
1166	HF 633	School district supplementary weighting — shared operational functions
1167	HF 2491	Appropriations — agriculture and natural resources
1168	HF 2492	Appropriations — justice system
1169	HF 2493	Appropriations — economic development
1170	HF 2494	Appropriations — transportation
1171	HF 2495	Appropriations — judicial branch

CH.	FILE	TITLE
1172	HF 2502	State and local government financial and regulatory matters — appropriations and miscellaneous changes
1173	SJR 2007	Convicted drug offenders and driver's license revocation, suspension, issuance, or reinstatement
1174	HJR 2009	Proposed constitutional amendment — right to keep and bear arms
1175	SJR 2006	Proposed constitutional amendment — gubernatorial succession and lieutenant governor vacancy

2018 Regular Session
of the
Eighty-Seventh General Assembly
of the
State of Iowa

CHAPTER 1001

WATER QUALITY

S.F. 512

AN ACT relating to water quality by amending the wastewater treatment financial assistance program, creating a water quality infrastructure fund, establishing a water quality financing program, providing for cost-share programs for infrastructure on agricultural and urban land under the water quality initiative, creating a water service excise tax and a related sales tax exemption, making transfers and appropriations and other changes properly related to water quality, and including effective date provisions.

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

Section 1. Section 8.57, subsection 5, paragraph f, subparagraph (1), Code 2017, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0c) (i) For each fiscal year of the period beginning July 1, 2020, and ending June 30, 2029, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next fifteen million dollars shall be deposited in the water quality infrastructure fund created in section 8.57B.

(ii) Notwithstanding subparagraph subdivision (i), this subparagraph division (0c) is repealed on one of the following dates, whichever is earlier:

(A) On July 1 following the enactment date that the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this state in effect on July 1, 2016, is increased.

(B) On July 1, 2029.

Sec. 2. Section 8.57, subsection 5, paragraph f, subparagraph (1), subparagraph division (d), Code 2017, is amended to read as follows:

(d) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, the total moneys in excess of the moneys deposited under this paragraph “f” in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, the vision Iowa fund, the water quality infrastructure fund, and the Iowa skilled worker and job creation fund shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

Sec. 3. NEW SECTION. **8.57B Water quality infrastructure fund — creation — appropriations.**

1. A water quality infrastructure fund is created within the division of soil conservation and water quality of the department of agriculture and land stewardship. The fund shall consist

of moneys transferred pursuant to section 8.57, subsection 5, paragraph “f”, subparagraph (1), subparagraph division (0c), moneys transferred to the fund pursuant to section 423G.6, and appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law.

2. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

3. Moneys in the fund are appropriated to the division of soil conservation and water quality of the department of agriculture and land stewardship for the exclusive purpose of supporting water quality agriculture infrastructure programs created in section 466B.43.

4. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 4. Section 16.134, Code 2017, is amended to read as follows:

16.134 Wastewater and drinking water treatment financial assistance program.

1. The Iowa finance authority shall establish and administer a wastewater and drinking water treatment financial assistance program. The purpose of the program shall be to provide financial assistance to enhance water quality. The program shall be administered in accordance with rules adopted by the authority pursuant to chapter 17A. For purposes of this section, “program” means the wastewater and drinking water treatment financial assistance program and “committee” means the water quality financing review committee created in subsection 9.

2. A wastewater and drinking water treatment financial assistance fund is created and shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. Moneys transferred to the fund pursuant to section 16.134A are appropriated to the authority for purposes of the program. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Financial assistance under the program shall be used to install or upgrade wastewater treatment facilities and systems and drinking water treatment facilities and systems, including source water protection projects, and for engineering or technical assistance for facility planning and design.

4. The authority committee shall distribute approve financial assistance in from the fund in accordance with the following:

~~a.~~ The goal of the program shall be to base awards on the impact of the grant combined with other sources of financing to ensure that sewer rates do not exceed one and one-half percent of a community’s median household income.

~~b.~~ a. Communities shall be eligible for financial assistance by qualifying as Priority shall be given for projects in which a disadvantaged community and is seeking financial assistance for the installation or upgrade of wastewater treatment facilities due to regulatory activity by the department of natural resources and drinking water treatment facilities. For purposes of this section, the term “disadvantaged community” means the same as defined by the department.

~~e.~~ b. Priority shall be given to projects in which the meeting criteria established in section 455B.199B in which the applicant seeks financial assistance is to be used to obtain with financing under the water pollution control works and drinking water facilities financing program pursuant to section 16.131 or other federal, or state, or private financing.

~~d.~~ c. Priority shall also be given to projects whose completion will provide significant improvement to water quality in the relevant watershed.

~~e.~~ d. Priority shall also be given to communities that employ an alternative wastewater treatment technology pursuant to section 455B.199C.

~~f.~~ e. Priority shall be also be given to those communities where sewer or water rates are the highest as a percentage of that community’s median household income.

f. Priority shall also be given to communities that employ technology to address the latest version of the “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by

the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.^{1 2}

g. Financial assistance in the form of grants shall be issued on an annual basis.

h. An applicant shall not receive a grant that exceeds five hundred thousand dollars.

4A. A utility management organization formed under chapter 28E or operated by a rural water system organized under chapter 357A or chapter 504 shall be considered eligible for financial assistance under the program.

5. The authority in cooperation with the department of natural resources shall share provide information and resources to the committee when the committee is determining the qualifications of a community for financial assistance from the fund.

6. The authority shall enter into agreements with financial assistance recipients and distribute moneys under the program pursuant to financial assistance determinations made by the committee. The authority may use an amount of not more than ~~four~~ one percent of any moneys appropriated for deposit in the fund for administration purposes.

7. By October 1 of each year, the authority shall submit a report to the governor and the general assembly itemizing expenditures under the program during the previous fiscal year, if any.

8. a. Beginning September 1, 2027, and every ten years thereafter, a program review committee is established for purposes of reviewing the wastewater and drinking water treatment financial assistance program. By December 1 of the same year, the program review committee shall file a report with the governor and the general assembly that reviews the effectiveness of the program during the prior ten fiscal years.

b. The program review committee shall consist of the following members:

(1) The governor or the governor's designee.

(2) The secretary of agriculture or the secretary's designee.

(3) The executive director of the authority or the executive director's designee.

(4) The director of the department of natural resources or the director's designee.

(5) Four members of the general assembly, with two from the senate and two from the house of representatives and not more than one member from each chamber being from the same political party. The two senators shall be designated one member each by the president of the senate, after consultation with the majority leader of the senate, and by the minority leader of the senate. The two representatives shall be designated one member each by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

c. Staffing services shall be provided by the authority.

9. a. A water quality financing review committee is created consisting of the secretary of agriculture or the secretary's designee, the executive director of the authority or the executive director's designee, and the director of the department of natural resources or the director's designee.

b. The committee shall review and approve or deny applications for financial assistance under the wastewater and drinking water treatment financial assistance program established in this section.

Sec. 5. NEW SECTION. 16.134A Water quality financial assistance fund.

1. A water quality financial assistance fund is created in the state treasury as a revolving fund.

2. The fund shall consist of all of the following:

a. (1) Moneys transferred to the fund pursuant to section 423G.6.

(2) This paragraph "a" is repealed on January 1, 2030.

b. Appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law.

3. For each fiscal year in the fiscal period beginning July 1, 2018, and ending June 30, 2029, there is appropriated the following percentages of the balance of the fund for the following purposes:

¹ See chapter 1152, §2 herein

² See chapter 1152, §3 herein

a. Forty percent to the Iowa finance authority to support the wastewater and drinking water treatment financial assistance program created in section 16.134.

b. Forty-five percent to the Iowa finance authority to be credited to the water quality financing program fund created pursuant to section 16.144.

c. Fifteen percent to the division of soil conservation and water quality of the department of agriculture and land stewardship to support the water quality urban infrastructure program created in section 466B.44.

4. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 6. NEW SECTION. 16.142 Definitions.

As used in this part, unless the context otherwise requires:

1. “Cost” means all costs, charges, expenses, or other indebtedness incurred by a loan recipient and determined by the authority as reasonable and necessary for carrying out all works and undertakings necessary or incidental to the accomplishment of any project.

2. “Eligible entity” means a municipality or a landowner, as determined by the authority, a public utility as defined in section 476.1,³ or a rural water district or rural water association as defined in section 357A.1.

3. “Loan recipient” means an eligible entity that has received a loan under the program.

4. “Municipality” means a governmental body such as a state agency or a political subdivision of the state. Municipality includes but is not limited to a city, city utility, county, soil and water conservation district, sanitary district, a subdistrict of any of the foregoing districts, a state agency, or other governmental body or corporation empowered to provide sewage collection and treatment services or drinking water, or any entity jointly exercising governmental powers pursuant to chapter 28E or 28F, or any other combination of two or more governmental bodies or corporations acting jointly under the laws of this state in connection with a project.

5. “Program” means the water quality financing program created in this part.

6. “Project” means any combination of improvements, structures, developments, tasks, actions, constructions, modifications, operations, or practices designed to improve water quality that are proposed by an eligible entity and approved by the authority. “Project” includes but is not limited to any of the following:

a. A project meeting the requirements of part 2 of this subchapter.

b. A project, operation, or practice undertaken or carried out to address watershed protection, flood prevention, or water quality improvement.

c. A project meeting the requirements of a sponsor project under section 455B.199.⁴

Sec. 7. NEW SECTION. 16.143 Water quality financing program.

1. The authority, in cooperation with the department of natural resources and the department of agriculture and land stewardship, shall establish and administer a water quality financing program. The purpose of the program shall be to provide financial assistance to enhance the quality of surface water and groundwater, particularly by providing financial assistance for projects designed to improve water quality by addressing point and nonpoint sources, with a higher prioritization provided to collaborative efforts.

2. The authority shall determine the interest rate and repayment terms for loans made under the program, in cooperation with the department of natural resources and the department of agriculture and land stewardship, and the authority shall enter into loan agreements with eligible entities in compliance with and subject to the terms and conditions of the program as described in this part.

3. The authority may charge loan recipients fees and assess costs against such recipients necessary for the continued operation of the program. Such fees and costs shall not exceed the costs directly associated with the administration of the program. Fees and costs collected pursuant to this subsection shall be deposited in the appropriate fund or account created in section 16.144.

³ See chapter 1152, §4 herein

⁴ See chapter 1152, §5 herein

4. The program shall be administered by the authority in accordance with rules adopted by the authority pursuant to chapter 17A.

Sec. 8. NEW SECTION. 16.144 Water quality financing program fund — appropriation — other funds.

1. *a.* A water quality financing program fund is created and shall consist of appropriations made to the fund, moneys credited to the fund pursuant to section 16.134A, and transfers of interest, earnings, and moneys from other funds as provided by law. The fund shall be administered by the authority as a revolving fund. Moneys in the fund are appropriated to the authority for purposes of the program. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

b. The authority shall use the moneys in the fund to provide financial assistance to eligible entities under the program. The authority may provide financial assistance in the form deemed most convenient for the efficient financing of projects, including loans, forgivable loans, or grants. The authority shall administer the fund and the program in such a manner as to provide a permanent source of water quality project financial assistance to eligible entities.

c. The authority may annually use an amount of not more than one percent of the moneys in the fund for administrative purposes.

2. *a.* The authority may establish and maintain other funds and accounts determined to be necessary to carry out the purposes of the program and shall provide for the funding, administration, investment, restrictions, and disposition of the funds and accounts.

b. Moneys appropriated to and used by the authority for purposes of paying the costs and expenses associated with the administration of the program shall be administered as determined by the authority.

c. All moneys transferred to the authority for purposes of the program shall be deposited and held in a fund or account established and maintained pursuant to this section.

3. The funds or accounts held by the authority, or a trustee acting on behalf of the authority pursuant to a trust agreement related to the program, shall not be considered part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state, but shall remain in the funds and accounts maintained by the authority or trustee pursuant to a trust agreement. Funds and accounts held by the authority, or a trustee acting on behalf of the authority pursuant to a trust agreement related to the program, are separate dedicated funds and accounts under the administration and control of the authority and subject to section 16.31.

4. By October 1, 2018,⁵ and by October 1 of each year thereafter, the authority shall submit a report to the governor and the general assembly itemizing expenditures from the fund, if any, during the previous fiscal year.

Sec. 9. NEW SECTION. 16.145 Eligible entities — agreements required.

1. An eligible entity may apply to the authority for financial assistance under the program by submitting a plan that meets the following requirements:

a. The plan includes one or more projects that improve water quality in the local area or watershed. Projects shall use practices identified in the latest version of the document entitled “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology. A drainage or levee district established under chapter 468 shall utilize the installation of edge-of-field infrastructure as described in section 466B.43.⁶

b. The plan describes in detail the manner in which the projects will be financed and undertaken, including, as applicable, the sources of revenue directed to financing the

⁵ See chapter 1152, §6 herein

⁶ See chapter 1152, §7 herein

improvements as well as the eligible entities that will be receiving the revenues and how such revenues will be spent on the projects.

2. The authority shall review and approve or deny applications for financial assistance. The provision of financial assistance under the program shall take into account, as applicable, the number of municipalities, landowners, public utilities,⁷ rural water districts, or rural water associations comprising an eligible entity and the eligible entity's financing capacity. The authority shall score applications for financial assistance according to rules adopted pursuant to this part. The authority shall only provide financial assistance to eligible entities that have sufficient financing capacity and that submit an appropriate plan designed to improve water quality.

3. An approved eligible entity shall enter into an agreement with the authority for the provision of financial assistance. The agreement shall include standard terms for the receipt of program moneys and any other terms the authority deems necessary or convenient for the efficient administration of the program.

Sec. 10. Section 423.3, Code 2017, is amended by adding the following new subsection: NEW SUBSECTION. 103. *a.* The sales price from the sale or furnishing by a water utility of a water service in the state to consumers or users.

b. For purposes of this subsection:

(1) "*Water service*" means the delivery of water by piped distribution system.

(2) "*Water utility*" means a public utility as defined in section 476.1 that furnishes water by piped distribution system to the public for compensation.

Sec. 11. NEW SECTION. **423G.1 Short title.**

This chapter may be cited as the "*Water Service Tax Act*".

Sec. 12. NEW SECTION. **423G.2 Definitions.**

1. All words and phrases used in this chapter and defined in section 423.1 have the same meaning given them by section 423.1 for purposes of this chapter.

2. As used in this chapter, "*water service*" and "*water utility*" mean the same as defined in section 423.3, subsection 103.

Sec. 13. NEW SECTION. **423G.3 Water service tax.**

An excise tax at the rate of six percent is imposed on the sales price from the sale or furnishing by a water utility of a water service in the state to consumers or users.

Sec. 14. NEW SECTION. **423G.4 Exemptions.**

The sales price from transactions exempt from state sales tax under section 423.3, except section 423.3, subsection 103, is also exempt from the tax imposed by this chapter.

Sec. 15. NEW SECTION. **423G.5 Administration by director.**

1. The director of revenue shall administer the water service tax as nearly as possible in conjunction with the administration of the state sales and use tax law, except that portion of the law that implements the streamlined sales and use tax agreement. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting water service tax liability.⁸

2. The director may require all persons who are engaged in the business of deriving any sales price or purchase price subject to tax under this chapter to register with the department. The director may also require a tax permit applicable only to this chapter for any retailer not collecting, or any user not paying, taxes under chapter 423.

3. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31 through 423.35, 423.37 through 423.42, and 423.47, consistent with the provisions of this chapter, shall apply with respect to the tax authorized under this chapter, in the same manner and with the same effect as if the excise

⁷ See chapter 1152, §8 herein

⁸ See chapter 1161, §25 herein

taxes on the sale or furnishing of a water service were retail sales taxes within the meaning of those statutes. Notwithstanding this subsection, the director shall provide for quarterly filing of returns and for other than quarterly filing of returns both as prescribed in section 423.31. All taxes collected under this chapter by a retailer or any user are deemed to be held in trust for the state of Iowa.

Sec. 16. NEW SECTION. 423G.6 **Deposit of revenues.**

1. All moneys received and all refunds shall be deposited in or withdrawn from the general fund of the state.

2. Subsequent to the deposit in the general fund of the state, the department shall transfer the following amounts to the following funds:

a. For revenues collected on or after July 1, 2018, but before August 1, 2019, one-twelfth of the revenues to the water quality infrastructure fund created in section 8.57B, and one-twelfth of the revenues to the water quality financial assistance fund created in section 16.134A.

b. For revenues collected on or after August 1, 2019, but before August 1, 2020, one-sixth of the revenues to the water quality infrastructure fund created in section 8.57B, and one-sixth of the revenues to the water quality financial assistance fund created in section 16.134A.

c. For revenues collected on or after August 1, 2020, one-half of the revenues to the water quality financial assistance fund created in section 16.134A.⁹

Sec. 17. NEW SECTION. 423G.7 **Future repeal.**

This chapter is repealed upon the occurrence of one of the following, whichever is earlier:

1. The enactment date that the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this state in effect on July 1, 2016, is increased.

2. July 1, 2029.

Sec. 18. Section 455B.171, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 10A. “*Iowa nutrient reduction strategy*” means a water quality initiative developed and updated by the department of agriculture and land stewardship, the department of natural resources, and the college of agriculture and life sciences at Iowa state university of science and technology in order to assess and reduce nutrients in this state’s watersheds that utilize a pragmatic, strategic, and coordinated approach with the goal of accomplishing reductions over time.

NEW SUBSECTION. 15A. “*Nutrient*” means total nitrogen and total phosphorus.

Sec. 19. Section 455B.171, subsection 19, Code 2017, is amended to read as follows:

19. “*Point source*” means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. “*Point source*” does not include agricultural storm water discharge and return flows from irrigated agriculture.

Sec. 20. Section 455B.177, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The general assembly further finds and declares that it is in the interest of the people of Iowa to assess and reduce nutrients in surface waters over time by implementing the Iowa nutrient reduction strategy. To evaluate the progress achieved over time toward the goals of the Iowa nutrient reduction strategy and the United States environmental protection agency gulf hypoxia action plan, the baseline condition shall be calculated for the time period from 1980 to 1996.

⁹ See chapter 1161, §26 herein

Sec. 21. Section 466B.3, subsection 3, paragraph c, Code 2017, is amended to read as follows:

c. Whether the funds, programs, and regulatory efforts coordinated by the council eventually result in a long-term improvement to the quality of surface water in Iowa. To evaluate the progress achieved over time toward the goals of the Iowa nutrient reduction strategy, as defined in section 455B.171,¹⁰ and the United States environmental protection agency gulf hypoxia action plan, the baseline condition shall be calculated for the time period from 1980 to 1996.

Sec. 22. Section 466B.42, Code 2017, is amended to read as follows:

466B.42 Water quality initiative.

The division shall establish a water quality initiative in order to assess and reduce nutrients in this state's watersheds, including subwatersheds, and regional watersheds, and for implementing its responsibilities under the Iowa nutrient reduction strategy as defined in section 455B.171.¹¹ The division shall establish and administer projects to reduce nutrients in surface waters from nonpoint sources in a scientific, reasonable, and cost-effective manner. The division shall utilize a pragmatic, strategic, and coordinated approach with the goal of accomplishing reductions over time. To evaluate the progress achieved over time toward the goals of the Iowa nutrient reduction strategy and the United States environmental protection agency gulf hypoxia action plan, the baseline condition shall be calculated for the time period from 1980 to 1996.

Sec. 23. **NEW SECTION. 466B.43 Water quality agriculture infrastructure programs.**

1. As part of the water quality initiative established pursuant to section 466B.42, the division shall administer water quality agriculture infrastructure programs created in this section.

2. The purpose of the programs is to support projects for the installation of infrastructure, including conservation structures, practices, or other measures that reduce contributing nutrient loads, associated sediment, or contaminants from sources to surface waters. The programs shall be administered in a manner that is consistent with the latest version of the "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.¹²

3. An edge-of-field infrastructure program is created. The program shall support projects located on agricultural land, which may include demonstration projects, that capture or filter nutrients entering into a surface water. The program's projects shall be limited to infrastructure designed and installed for use over multiple years, including but not limited to wetlands, bioreactor systems, saturated buffers, or land use changes. The program shall be financed on a cost-share basis.

4. An in-field infrastructure program is created. The program shall support projects located on agricultural land, which may include demonstration projects, that decrease erosion and precipitation-induced surface runoff, increase water infiltration rates, and increase soil sustainability. The program's projects shall be limited to infrastructure designed and installed for use over multiple years, including but not limited to structures, terraces, and waterways located on cropland or pastureland, and including but not limited to soil conservation or erosion control structures or managed drainage systems. The program shall be financed on a cost-share basis.

5. Any state moneys used to finance a project under a water quality agriculture infrastructure program shall be administered according to an agreement entered into by the division and the owner of the land where the infrastructure is to be installed. The agreement shall include standard terms and conditions for the receipt of program moneys and any other terms and conditions the division deems necessary or convenient for the efficient administration of the project or program. The division may support multiple installations of infrastructure on a single parcel of land. The division may also combine programs if cost

¹⁰ See chapter 1152, §11 herein

¹¹ See chapter 1152, §12 herein

¹² See chapter 1152, §13 herein

effective. The division may annually use an amount of not more than four percent of the moneys used to support each program for administrative purposes.

6. By October 1, 2018,¹³ and each October 1, thereafter, the division shall submit a report to the governor and the general assembly itemizing expenditures, by hydrologic unit code 8 watershed, under the programs during the previous fiscal year, if any.

7. Any information obtained by the division identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under section 22.7.

Sec. 24. NEW SECTION. 466B.44 Water quality urban infrastructure program.

1. As part of the water quality initiative established pursuant to section 466B.42, the division shall administer a water quality urban infrastructure program.

2. The purpose of the program is to support watershed projects and advance implementation of the latest version of the "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology, which program support may include demonstration projects that decrease erosion, precipitation-induced surface runoff, and storm water discharges and that increase water infiltration rates. The program's projects shall be based on Iowa's storm water management manual published by the department of natural resources.

3. The program shall be financed on a cost-share basis or through cooperative agreements with watershed projects funded through section 455B.199 whose project activities fall outside the territorial boundaries of a city.

4. Any state moneys used to finance a project under a water quality urban infrastructure program shall be administered according to an agreement entered into by the division and the owner of the land where the infrastructure is to be installed. The agreement shall include standard terms and conditions for the receipt of program moneys and any other terms and conditions the division deems necessary or convenient for the efficient administration of the project or program. The division may support multiple installations of infrastructure on a single parcel of land. The division may annually use an amount of not more than four percent of the moneys used to support the program for administrative purposes.

5. Notwithstanding any other provision in this section to the contrary, beginning on July 1, 2018, the division may use any amount available to support the water quality urban infrastructure program to instead extend and support the three-year data collection of in-field agricultural practices project as enacted in 2015 Iowa Acts, ch. 132, §18.

6. Notwithstanding any other provision of this section to the contrary, the division may use any amount available to support the water quality urban infrastructure program to develop and maintain an online resource displaying measurable indicators of desirable change in water quality within the state's watersheds. These measurable indicators may include but are not limited to public and private funding inputs, involvement in water quality projects, and improvements, land use, practice adoption, calculated load reduction, and measured loads at existing monitoring stations.

7. By October 1, 2018, and by October 1 of each year thereafter, the division shall submit a report to the governor and the general assembly itemizing expenditures under the program, if any, during the previous fiscal year.¹⁴

8. Any information obtained by the division identifying a person holding a legal interest in land or specific land shall be a confidential record under section 22.7.

Sec. 25. INTERIM STUDY COMMITTEE ON SMALL CITIES AND CLEAN WATER STANDARDS.

1. The legislative council is requested to establish a study committee for the 2017 interim to identify and comprehensively review the financial and other challenges faced by small cities in complying with the various state and federal clean water standards, and to consider options for addressing those challenges.

¹³ See chapter 1152, §14 herein

¹⁴ See chapter 1152, §15 herein

2. The interim committee's review shall include an evaluation of the future effectiveness of the wastewater and drinking water treatment financial assistance program created in this Act in section 16.134 and the water quality financing program created in sections 16.142 through 16.145, and may include evaluations of other existing or proposed state programs as desired. The committee shall seek input and may request information or assistance from public and private stakeholders and experts, including utility management organizations, the Iowa association of business and industry, the department of natural resources, the Iowa finance authority, the department of agriculture and land stewardship, the economic development authority, the Iowa chamber alliance, the Iowa league of cities, and the Iowa state association of counties.

3. The interim committee shall submit its findings and recommendations to the general assembly for consideration during the 2018 legislative session.¹⁵

Sec. 26. LEGISLATIVE INTENT. It is the intent of the general assembly that the amendment in this Act to the definition of point source in section 455B.171, subsection 19, is a conforming amendment consistent with current state and federal law, and that the amendment does not change the application of current law but instead reflects current law both before and after the enactment of this Act.

Sec. 27. EFFECTIVE DATE. The following provision or provisions of this Act take effect July 1, 2018:

1. The section of this Act enacting section 423.3, subsection 103.

2. The sections of this Act enacting sections 423G.1, 423G.2, 423G.3, 423G.4, 423G.5, 423G.6, and 423G.7.

Approved January 31, 2018

CHAPTER 1002

LIGHTING DEVICES OR REFLECTORS ON DEPARTMENT OF TRANSPORTATION VEHICLES OR EQUIPMENT USED FOR SNOW AND ICE TREATMENT OR REMOVAL

S.F. 2163

AN ACT relating to amber, blue, and white lighting devices and reflectors on motor vehicles and equipment owned by the department of transportation and used for snow and ice treatment or removal.

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

Section 1. Section 321.393, subsection 5, Code 2018, is amended to read as follows:

5. ~~a.~~ The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber, white, or blue light when the lighting device or reflector is rear-facing and mounted on a motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the department while the equipment is being used for snow and ice treatment or removal on the public streets or highways.

~~b. This subsection is repealed on July 1, 2019.~~

Sec. 2. Section 321.423, subsection 3, paragraph a, subparagraph (4), Code 2018, is amended to read as follows:

(4) ~~(a)~~ A motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the department if the blue light is rear-facing and used in conjunction with amber and white

¹⁵ See chapter 1152, §16 herein

lighting devices or reflectors while the equipment is being used for snow and ice treatment or removal on the public streets or highways.

~~(b) This subparagraph (4) is repealed on July 1, 2019.~~

Sec. 3. Section 321.423, subsection 7, paragraph a, subparagraph (4), Code 2018, is amended to read as follows:

(4) ~~(a)~~ On a motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the department if the white light is rear-facing and used in conjunction with amber and blue lighting devices or reflectors while the equipment is being used for snow and ice treatment or removal on the public streets or highways.

~~(b) This subparagraph (4) is repealed on July 1, 2019.~~

Sec. 4. REPEAL. 2015 Iowa Acts, chapter 81, section 5, is repealed.

Approved March 7, 2018

CHAPTER 1003

INVESTMENTS BY LIFE INSURANCE COMPANIES OR ASSOCIATIONS IN CM3 CLASSIFIED MEZZANINE LOANS

H.F. 2175

AN ACT relating to the maximum value of life insurance companies' and life insurance associations' investments in CM3 classified mezzanine loans as a percentage of such company's or association's legal reserve.

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

Section 1. Section 511.8, subsection 9, paragraph h, subparagraph (3), subparagraph division (a), Code 2018, is amended to read as follows:

(a) The value of a company's or association's total investments qualified under this paragraph "h" in mezzanine real estate loans classified as CM3 in accordance with the national association of insurance commissioners' rating methodology or an equivalent or successor rating at the time of purchase shall not exceed ~~two~~ three percent of the legal reserve.

Approved March 7, 2018

CHAPTER 1004

ADMINISTRATION OF COMMERCIAL DRIVER'S LICENSE DRIVING SKILLS TESTS

H.F. 2197

AN ACT relating to the administration of driving skills tests required for a commercial driver's license.

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

Section 1. REPEAL. 2014 Iowa Acts, chapter 1123, section 23, is repealed.

Approved March 7, 2018

CHAPTER 1005

SCHOOL FINANCE — STATE PERCENTS OF GROWTH — PROPERTY TAX REPLACEMENT PAYMENTS

H.F. 2230

AN ACT relating to the state school foundation program by establishing the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2018, modifying provisions relating to school district property tax replacement payments, and including effective date provisions.

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

Section 1. Section 257.8, subsections 1 and 2, Code 2018, are amended to read as follows:

1. *State percent of growth.* ~~The state percent of growth for the budget year beginning July 1, 2015, is one and twenty-five hundredths percent.~~ The state percent of growth for the budget year beginning July 1, 2016, is two and twenty-five hundredths percent. The state percent of growth for the budget year beginning July 1, 2017, is one and eleven hundredths percent. The state percent of growth for the budget year beginning July 1, 2018, is one percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the transmission of the governor's budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year.

2. *Categorical state percent of growth.* ~~The categorical state percent of growth for the budget year beginning July 1, 2015, is one and twenty-five hundredths percent.~~ The categorical state percent of growth for the budget year beginning July 1, 2016, is two and twenty-five hundredths percent. The categorical state percent of growth for the budget year beginning July 1, 2017, is one and eleven hundredths percent. The categorical state percent of growth for the budget year beginning July 1, 2018, is one percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the transmission of the governor's budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, the early intervention supplement, and the teacher leadership supplement.

Sec. 2. Section 257.16B, subsection 2, paragraph e, unnumbered paragraph 1, Code 2018, is amended to read as follows:

For each the budget year beginning ~~on or after~~ July 1, 2017, the department of management shall calculate for each school district all of the following:

Sec. 3. Section 257.16B, subsection 2, paragraph e, subparagraph (3), Code 2018, is amended to read as follows:

(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment for the budget year beginning July 1, 2017, multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).

Sec. 4. Section 257.16B, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. For each budget year beginning on or after July 1, 2018, the department of management shall calculate for each school district all of the following:

(1) The regular program state cost per pupil for the budget year beginning July 1, 2012, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(2) The regular program state cost per pupil for the budget year beginning July 1, 2018, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment for the budget year multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).

Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 7, 2018

CHAPTER 1006

EMPLOYEE WAGE STATEMENTS — ELECTRONIC OPTIONS

H.F. 2240

AN ACT permitting employers to provide employees with wage statements by electronic means.

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

Section 1. Section 91A.6, subsection 4, Code 2018, is amended to read as follows:

4. a. On each regular payday, the employer shall ~~send~~ provide to each employee ~~by mail or shall provide at the employee's normal place of employment during normal employment hours~~ a statement showing the hours the employee worked, the wages earned by the employee, and deductions made for the employee.

b. The employer shall provide the statement using one of the following methods:

(1) Sending the statement to an employee by mail.

(2) Providing the statement to an employee by secure electronic transmission or by other secure electronic means. If an employee is unable to receive the statement by this method, the employee shall notify the employer in writing at least one pay period in advance, and the employer shall provide the statement by one of the other methods listed in this paragraph "b".

(3) Providing the statement to the employee at the employee's normal place of employment during normal employment hours.

(4) Providing each employee access to view a statement of the employee's earnings electronically and providing the employee free and unrestricted access to a printer to print the statement.

c. However, the employer need not provide information on hours worked for employees who are exempt from overtime under the federal Fair Labor Standards Act, as defined in 29 C.F.R. pt. 541, unless the employer has established a policy or practice of paying to or on behalf of exempt employees overtime, a bonus, or a payment based on hours worked, whereupon the employer shall send or otherwise provide a statement to the exempt employees showing the hours the employee worked or the payments made to the employee by the employer, as applicable.

~~An employer who provides each employee access to view an electronic statement of the employee's earnings and provides the employee free and unrestricted access to a printer to print the employee's statement of earnings, if the employee chooses, is in compliance with this subsection.~~

Approved March 7, 2018

CHAPTER 1007

SCHOOL FINANCE — STATE SCHOOL FOUNDATION PROGRAM MODIFICATIONS — TRANSPORTATION EQUITY PROGRAM

S.F. 455

AN ACT relating to school district funding by modifying and establishing provisions relating to state school foundation program and school district transportation costs, making appropriations, and including effective date provisions.

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

DIVISION I STATE AND DISTRICT COSTS PER PUPIL

Section 1. Section 257.2, subsection 12, Code 2018, is amended to read as follows:

12. *"Supplemental state aid"* means the amount by which state cost per pupil and district cost per pupil will increase from one budget year to the next as the result of the state percent of growth.

Sec. 2. Section 257.8, subsection 5, Code 2018, is amended to read as follows:

5. *Alternate supplemental state aid — definitions.*

a. For budget years beginning July 1, 2000, and subsequent budget years, references to the terms *"supplemental state aid"*, *"regular program state cost per pupil"*, and *"regular program district cost per pupil"* shall mean those terms as calculated for those school districts that calculated regular program supplemental state aid for the school budget year beginning July 1, 1999, with the additional thirty-eight dollars specified in section 257.8, subsection 4, Code 2013.

b. For the budget year beginning July 1, 2018, and subsequent budget years, references to "supplemental state aid" and "regular program state cost per pupil" shall mean those terms as calculated including the additional amount for the budget year beginning July 1, 2018, under section 257.9, subsection 2, paragraph "b", and references to "regular program district cost per pupil" shall mean that term as calculated including any adjustments made under section 257.10, subsection 2.

Sec. 3. Section 257.9, subsection 2, Code 2018, is amended to read as follows:

2. *Regular program state cost per pupil for 1992-1993 and succeeding years.*

a. For the budget year beginning July 1, 1992, and succeeding budget years beginning before July 1, 2018, the regular program state cost per pupil for a budget year is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year.

b. For the budget year beginning July 1, 2018, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus five dollars.

c. For the budget year beginning July 1, 2019, and succeeding budget years, the regular program state cost per pupil for a budget year is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year.

Sec. 4. Section 257.10, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. If the regular program district cost per pupil of a school district for the budget year under paragraph “a” exceeds one hundred five percent of the regular program state cost per pupil for the budget year and the state percent of growth for the budget year is greater than two percent, the regular program district cost per pupil for the budget year for that district shall be reduced to one hundred five percent of the regular program state cost per pupil for the budget year. However, under such conditions, if the difference between the regular program district cost per pupil for the budget year and the regular program state cost per pupil for the budget year is greater than an amount equal to two percent multiplied by the regular program state cost per pupil for the base year, the regular program district cost per pupil for the budget year shall be reduced by the amount equal to two percent multiplied by the regular program state cost per pupil for the base year.

Sec. 5. Section 257.10, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For the budget year beginning July 1, 2018, and succeeding budget years, if the regular program district cost per pupil for the budget year calculated under this subsection in any school district is less than the regular program state cost per pupil for the budget year, the department of management shall increase the regular program district cost per pupil of that district to an amount equal to the regular program state cost per pupil for the budget year.

Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II SCHOOL DISTRICT TRANSPORTATION COSTS

Sec. 7. NEW SECTION. 257.16C Transportation equity program — fund.

1. A transportation equity program is established to provide prioritized additional funding for school districts with a transportation cost per pupil that exceeds the statewide adjusted transportation cost per pupil for the same budget year.

2. a. For the budget year beginning July 1, 2018, and each succeeding budget year, the department of management shall annually determine a statewide adjusted transportation cost per pupil that is not lower than the statewide average transportation cost per pupil. The statewide adjusted transportation cost per pupil shall be annually determined, by taking into account amounts appropriated to the transportation equity fund under subsection 3, for the purpose of providing transportation equity aid for those school districts with the highest transportation cost per pupil differential.

b. Each school district that satisfies the criteria of subsection 1 shall receive transportation equity aid in an amount equal to the school district’s actual enrollment for the school year, excluding the shared-time enrollment for the school year, multiplied by the school district’s transportation cost per pupil differential for the budget year.

c. For purposes of this section:

(1) “*Statewide average transportation cost per pupil*” means the total transportation cost for all school districts in the state used to calculate each school district’s transportation cost per pupil under paragraph “d” divided by the total enrollment for all school districts used to calculate each school district’s transportation cost per pupil under paragraph “d”.

(2) “*Transportation cost per pupil differential*” means an amount equal to a school district’s transportation cost per pupil minus the statewide adjusted transportation cost per pupil for the same budget year.

d. A school district’s transportation cost per pupil shall be determined by dividing the school district’s actual transportation cost for all children transported in all school buses for a school year pursuant to section 285.1, subsection 12, less the amount received for transporting nonpublic school pupils under section 285.1, by the district’s actual enrollment for the school year, excluding the shared-time enrollment for the school year as defined in section 257.6.

3. a. A transportation equity fund is created as a separate and distinct fund in the state treasury under the control of the department of management. Moneys in the fund include revenues credited to the fund, appropriations made to the fund, and other moneys deposited in the fund. For each fiscal year beginning on or after July 1, 2018, there is appropriated all moneys in the fund to the department of management for purposes of making transportation equity aid payments under this section.

b. If the balance of the fund exceeds the amount necessary to make all transportation equity aid payments under subsection 2, moneys remaining in the fund shall be used for transportation base funding payments under subsection 4.

c. If the balance of the fund exceeds the amount necessary to make all transportation equity aid payments and all transportation base funding payments, moneys remaining in the fund at the end of a fiscal year, notwithstanding section 8.33, shall remain in the fund and shall be available for expenditure for the purposes of this section in subsequent fiscal years.

4. For budget years beginning on or after July 1, 2018, if funding is available as provided in subsection 3, paragraph "b", each school district in the state shall receive a transportation base funding payment in an amount equal to the school district's enrollment used under subsection 2, paragraph "d", multiplied by the lesser of the statewide average transportation cost per pupil or the school district's transportation cost per pupil for the budget year. If an amount appropriated for a budget year is insufficient to pay all transportation base funding payments, the department of management shall prorate such payment amounts.

5. a. The sum of the transportation equity aid payment and the transportation base funding payment paid to a school district for a budget year shall not exceed the school district's actual transportation cost used to calculate the school district's transportation cost per pupil under subsection 2, paragraph "d", for the budget year.

b. Transportation equity aid payments and transportation base funding payments shall be paid at the same time and in the same manner as foundation aid is paid under section 257.16, and may be included in the monthly payment of state aid under section 257.16, subsection 2.

6. Transportation equity aid payments and transportation base funding payments received under this section are miscellaneous income and shall be deposited in the general fund of the school district. However, the transportation equity aid amount and the transportation base funding amount shall not be included in district cost. Transportation equity aid under this section shall not affect the receipt or amount of a budget adjustment received under section 257.14 or transportation assistance aid under section 257.31, subsection 17.

Sec. 8. TRANSPORTATION EQUITY FUND — APPROPRIATION. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the transportation equity fund created pursuant to section 257.16C, subsection 3:

..... \$ 11,200,000

Sec. 9. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 8, 2018

CHAPTER 1008**ELECTRONIC DELIVERY OF ASSESSMENTS, NOTICES, OR OTHER INFORMATION
BY LOCAL ASSESSORS***S.F. 2059*

AN ACT authorizing the use of electronic means for certain notices and information provided by local assessors and including applicability provisions.

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

Section 1. **NEW SECTION. 441.28A Electronic delivery authorized.**

1. If the assessor is required or authorized by this title to send any assessment, notice, or any other information to persons by regular mail, the assessor may instead provide the assessment, notice, or other information by electronic means if the person entitled to receive the assessment, notice, or information has by electronic or other means, authorized the assessor to provide the assessment, notice, or other information in that manner. An authorization to receive assessments, notices, or other information by electronic means does not require the assessor to provide such items by electronic means and does not prohibit an assessor from providing such items by regular mail.

2. An authorization to receive assessments, notices, or other information by electronic means pursuant to this section shall continue until revoked in writing by the person. Such revocation may be provided to the assessor electronically in a manner approved by the assessor.

3. Electronic means includes delivery to an electronic mail address or by other electronic means reasonably calculated to apprise the person of the information that is being provided, as designated by the authorizing person.

4. Any assessment, notice, or other information provided by the assessor to a person pursuant to this section is deemed to have been mailed by the assessor and received by the person on the date that the assessor electronically sends the information to the person or electronically notifies the person that the information is available to be accessed by the person.

5. An authorization under this section also applies to information that is not expressly required by law to be sent by regular mail, but that is customarily sent by the assessor using regular mail, to persons entitled to receive the information.

6. Information compiled or possessed by the assessor for the purposes of complying with authorizations for delivery by electronic means under this title, including but not limited to taxpayer electronic mail addresses, waivers, waiver requests, waiver revocations, and passwords or other methods of protecting taxpayer information are not public records and are not subject to disclosure under chapter 22.

Sec. 2. **APPLICABILITY.** This Act applies to assessments, notices, or other information provided by assessors on or after July 1, 2018.

Approved March 15, 2018

CHAPTER 1009**MOTOR VEHICLE SAFETY BELT OR HARNESS VIOLATIONS — ASSESSMENT OF
COMPARATIVE FAULT***S.F. 2135*

AN ACT relating to the failure to wear a motor vehicle safety belt or safety harness.

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

Section 1. Section 321.445, subsection 4, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt or safety harness in violation of this section contributed to the plaintiff's claimed injury or injuries, and may reduce the amount of plaintiff's recovery by an amount not to exceed ~~five~~ twenty-five percent of the damages awarded after any reductions for comparative fault.

Approved March 15, 2018

CHAPTER 1010**FINAL-STAGE MOTOR VEHICLE MANUFACTURERS***S.F. 2262*

AN ACT relating to final-stage motor vehicle manufacturers.

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

Section 1. Section 321.1, subsection 37, Code 2018, is amended to read as follows:

37. "*Manufacturer*" means every person engaged in the business of fabricating or assembling vehicles of a type required to be registered. "*Manufacturer*" does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle. "*Manufacturer*" includes a person who uses a completed motor vehicle manufactured by another person to construct a class "B" motor home as defined in section 321.124. "*Manufacturer*" also includes a final-stage manufacturer as defined in section 322.2.

Sec. 2. Section 322.2, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 10A. "*Final-stage manufacturer*" means a person who performs such manufacturing operations on an incomplete motor vehicle that it becomes a completed motor vehicle.

NEW SUBSECTION. 11A. "*Incomplete motor vehicle*" means an assemblage consisting, at a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system to the extent that those systems are to be part of a completed motor vehicle, that requires further manufacturing operations, other than the addition of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed motor vehicle.

NEW SUBSECTION. 11B. "*Incomplete motor vehicle manufacturer*" means a person who manufactures an incomplete motor vehicle by assembling components none of which, taken separately, constitute a completed motor vehicle.

NEW SUBSECTION. 14A. "*Multi-stage manufactured vehicle*" means a motor vehicle built in two or more stages in which an incomplete motor vehicle, built by one manufacturer, is completed by another manufacturer who adds cargo carrying components or other components to the vehicle.

Sec. 3. Section 322.2, subsection 12, Code 2018, is amended to read as follows:

12. “*Manufacturer*” means any person engaged in the business of fabricating or assembling motor vehicles. “*Manufacturer*” does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle as defined in section 321.1. “*Manufacturer*” includes a person who uses a completed motor vehicle manufactured by another person to construct a class “B” motor home as defined in section 321.124 or a motorsports recreational vehicle as defined in section 321.1. “*Manufacturer*” also includes a final-stage manufacturer.

Sec. 4. Section 322.3, subsection 1, Code 2018, is amended to read as follows:

1. A person shall not engage in this state in the business of selling at retail new motor vehicles of any make or represent or advertise that the person is engaged or intends to engage in such business in this state unless the person is authorized to do so by a contract in writing with the manufacturer or distributor of such make of new motor vehicles and unless the department has licensed the person as a motor vehicle dealer in this state in motor vehicles of such make and has issued to the person a license in writing as provided in this chapter. Notwithstanding the prohibitions in this subsection, a final-stage manufacturer of multi-stage manufactured vehicles that holds a used motor vehicle dealer license issued pursuant to this chapter may assign an incomplete motor vehicle’s manufacturer’s statement of origin to a retail buyer for purposes of issuance of a certificate of title by a county treasurer as a new motor vehicle with the same make as the incomplete motor vehicle without holding a new motor vehicle dealer license and without paying any associated motor vehicle registration fees. A licensed dealer in new motor vehicles may also assign an incomplete motor vehicle’s manufacturer’s statement of origin in the same manner as provided in this subsection.

Sec. 5. Section 322.3, subsection 14, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A final-stage manufacturer of multi-stage manufactured vehicles from being licensed as a used motor vehicle dealer or from assigning an incomplete motor vehicle’s manufacturer’s statement of origin to a retail buyer for purposes of issuance of a certificate of title by a county treasurer as a new motor vehicle with the same make as the incomplete motor vehicle without holding a new motor vehicle dealer license and without paying any associated motor vehicle registration fees. This paragraph shall not be construed to authorize a manufacturer or incomplete motor vehicle manufacturer to directly sell at retail incomplete or completed motor vehicles to a retail buyer except as provided in this subsection.

Approved March 15, 2018

CHAPTER 1011

ILLEGAL USE OF SCANNING DEVICES OR ENCODING MACHINES

H.F. 2199

AN ACT relating to the criminal offenses of the illegal use of a scanning device or encoding machine and criminal mischief in the third degree, and providing penalties.

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

Section 1. Section 715A.10, Code 2018, is amended to read as follows:

715A.10 Illegal use of scanning device or reencoder encoding machine.

1. A person commits a class “D” felony if the person does any of the following:

a. Uses Directly or indirectly uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on ~~the magnetic strip or stripe of a~~

payment card without the permission of the authorized user of the payment card, ~~and with the intent to defraud the authorized user~~, the issuer of the authorized user's payment card, or a merchant.

~~b. Uses a reencoder~~ Directly or indirectly uses an encoding machine to place information encoded on ~~the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card~~ without the permission of the authorized user of the payment card from which the information is ~~being reencoded~~ was obtained, ~~and with the intent to defraud the authorized user~~, the issuer of the authorized user's payment card, or a merchant.

1A. A person commits an aggravated misdemeanor if the person possesses a scanning device with the intent to use such device to obtain information encoded on a payment card without the permission of the authorized user of the payment card, the issuer of the authorized user's payment card, or a merchant, or possesses a scanning device with knowledge that a person other than the authorized user, the issuer of the authorized user's payment card, or a merchant intends to use the scanning device to obtain information encoded on a payment card without the permission of the authorized user, the issuer of the authorized user's payment card, or a merchant.

2. A second or subsequent violation of this section is a class "C" felony.

3. As used in this section:

a. "Encoding machine" means an electronic device that is used to encode information onto a payment card.

~~a.~~ b. "Merchant" means an owner or operator of a retail mercantile establishment or an agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such owner or operator. A "merchant" also means includes an establishing financial institution referred to in section 527.5, a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything else of value from the person.

~~b.~~ c. "Payment card" means a credit card, charge card, debit card, access device as defined in section 527.2, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

~~e. "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.~~

d. "Scanning device" means a scanner, reader, wireless access device, radio frequency identification scanner, an electronic device that utilizes near field communications technology, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.

Sec. 2. Section 716.5, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The act is committed upon property that consists of a device that has the ability to process a payment card as defined in section 715A.10.

Approved March 15, 2018

CHAPTER 1012

INSURANCE — INSURERS AND INFORMATION EXCHANGE

H.F. 2237

AN ACT relating to matters involving insurance and the insurance division of the department of commerce to reflect current practices and resolve inconsistencies.

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

Section 1. Section 507B.4, subsection 1, Code 2018, is amended to read as follows:

1. For purposes of subsection 3, paragraph “p”, “insurer” means an entity providing a plan of health insurance, health care benefits, or health care services, or an entity subject to the jurisdiction of the commissioner performing utilization review, including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, a plan established pursuant to chapter 509A for public employees, or any other entity providing a plan of health insurance, health care benefits, or health care services. However, “insurer” does not include an entity that sells disability income or long-term care insurance.

Sec. 2. REPEAL. Section 505.32, Code 2018, is repealed.

Approved March 15, 2018

CHAPTER 1013

RESTRICTIONS ON LOCAL REGULATION OF REAL PROPERTY TRANSACTIONS

H.F. 2286

AN ACT prohibiting cities and counties from imposing time-of-sale requirements on transactions involving real property.

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

Section 1. Section 331.301, subsection 6, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* A county shall not adopt an ordinance, motion, resolution, or amendment, or use any other means, that restricts an owner of real property from refinancing existing debt on, selling, or otherwise transferring title to the property by requiring the owner to take or show compliance with any action with respect to the property or pay any fee before, during, or after refinancing existing debt on, selling, or otherwise transferring title to the property.

Sec. 2. Section 364.3, subsection 3, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* A city shall not adopt an ordinance, motion, resolution, or amendment, or use any other means, that restricts an owner of real property from refinancing existing debt on, selling, or otherwise transferring title to the property by requiring the owner to take or show compliance with any action with respect to the property or pay any fee before, during, or after refinancing existing debt on, selling, or transferring title to the property.

Approved March 15, 2018

CHAPTER 1014

PAYMENT METHODS FOR AMUSEMENT CONCESSIONS AT FAIRS

H.F. 2417

AN ACT relating to allowable forms for payment for amusement concessions at a fair.

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

Section 1. Section 99B.5, subsection 2, Code 2018, is amended to read as follows:

2. Except as provided by subsection 1, a participant in an activity authorized by this chapter may make payment by cash, personal check, money order, bank check, cashier's check, electronic check, or debit card. In addition, a participant in an amusement concession at a fair as authorized by this chapter may also make payment by credit card.

Approved March 20, 2018

CHAPTER 1015

PUBLIC CORPORATIONS — BOARDS OF DIRECTORS

S.F. 2378

AN ACT relating to the boards of directors of public corporations, and including effective date provisions.

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

Section 1. Section 490.803, subsections 2 and 3, Code 2018, are amended to read as follows:

2. *a.* The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the bylaws.

b. (1) Notwithstanding paragraph "a", the number of directors of a public corporation subject to section 490.806A, subsection 1, or section 490.806B, shall be increased or decreased only by the affirmative vote of a majority of its board of directors.

(2) This paragraph "b" is repealed on January 1, 2022.

3. *a.* Directors are elected at the first annual shareholders' meeting and at each annual meeting thereafter unless their terms are staggered under section 490.806 ~~or 490.806A~~.

b. (1) Notwithstanding paragraph "a", for a public corporation subject to section 490.806A, subsection 1, or section 490.806B, a director's term shall be staggered as provided in section 490.806A, subsection 1, or may be staggered as provided in section 490.806B.

(2) This subparagraph is repealed on January 1, 2022.

Sec. 2. Section 490.805, subsections 2 and 4, Code 2018, are amended to read as follows:

2. *a.* The terms of all other directors expire at the next annual shareholders' meeting following their election unless their terms are staggered under section 490.806 ~~or 490.806A~~.

b. (1) Notwithstanding paragraph "a", for a public corporation subject to section 490.806A, subsection 1, or section 490.806B, the terms of directors shall be staggered as provided in section 490.806A, subsection 1, or may be staggered as provided in section 490.806B.

(2) This paragraph "b" is repealed on January 1, 2022.

4. *a.* The term of a director elected to fill a vacancy expires at the next shareholders' meeting at which directors are elected, ~~except as provided in section 490.806A~~.

b. (1) Notwithstanding paragraph "a", for a public corporation subject to section 490.806A, subsection 1, or section 490.806B, the term of a director elected to fill a vacancy expires as provided in section 490.806A, subsection 1, or section 490.806B.

(2) This paragraph "b" is repealed on January 1, 2022.

Sec. 3. Section 490.806, Code 2018, is amended to read as follows:

490.806 Staggered terms for directors.

~~1. Except as otherwise provided in section 490.806A, a corporation's~~ The articles of incorporation may provide for staggering the terms of its directors by dividing the total number of directors into two or three groups, with each group containing one-half or one-third of the total, as near as may be. In that event, the terms of directors in the first group expire at the first annual shareholders' meeting after their election, the terms of the second group expire at the second annual shareholders' meeting after their election, and the terms of the third group, if any, expire at the third annual shareholders' meeting after their election. At each annual shareholders' meeting held thereafter, directors shall be chosen for a term of two years or three years, as the case may be, to succeed those whose terms expire.

2. a. Subsection 1 does not apply to a public corporation that is subject to section 490.806A, subsection 1, but may apply to a public corporation that is subject to section 490.806B.

b. This subsection is repealed on January 1, 2022.

Sec. 4. Section 490.806A, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This section is repealed on January 1, 2022.

Sec. 5. NEW SECTION. 490.806B Public corporations — nonstaggered terms.

1. Notwithstanding section 490.806A, the board of directors of any public corporation which, as of January 1, 2019, is subject to section 490.806A, subsection 1, shall adopt an amendment to its articles of incorporation that includes all of the following:

a. The staggered terms of the class I directors, class II directors, and class III directors elected or appointed prior to January 1, 2019, shall cease at the expiration of their then current terms as provided in section 490.806A, subsection 1.

b. The terms of directors elected or appointed on or after January 1, 2019, shall expire at the next annual shareholders' meeting following their election or appointment.

c. Any other changes that the directors determine are necessary to implement the provisions of this subsection.

2. Any amendment to the articles of incorporation as provided in subsection 1 shall be made without shareholder approval.

3. Notwithstanding subsection 1, the public corporation's articles of incorporation may provide for staggering the terms of its directors as provided in section 490.806.

4. Section 490.803, subsection 2, paragraph "b", and section 490.810, subsection 1A, shall continue to apply to a public corporation subject to subsection 1 of this section.

5. This section is repealed on January 1, 2022.

Sec. 6. Section 490.810, subsection 1A, Code 2018, is amended to read as follows:

1A. a. For a public corporation subject to section 490.806A, subsection 1, or section 490.806B, a vacancy on the board of directors, including but not limited to a vacancy resulting from an increase in the number of directors, shall be filled solely by the affirmative vote of a majority of the remaining directors, even though less than a quorum of the board.

b. This subsection is repealed on January 1, 2022.

Sec. 7. Section 490.1005A, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This section is repealed on January 1, 2022.

Sec. 8. CONTINUATION OF THE ARTICLES OF INCORPORATION.

Notwithstanding the repeals of section 490.806A, as amended by this Act and section 490.806B as enacted by this Act, any amendment to the articles of incorporation of a public corporation adopted in compliance with section 490.806A or section 490.806B as described in this section and in effect immediately prior to January 1, 2022, shall remain in effect until amended or repealed as provided in the relevant sections of chapter 490 as those sections exist on or after January 1, 2022.

Sec. 9. EFFECTIVE DATE. The following takes effect January 1, 2019:

The section of this Act enacting section 490.806B.

Approved March 21, 2018

CHAPTER 1016

NEGOTIABLE INSTRUMENTS — ELECTRONIC STOP-PAYMENT ORDERS

H.F. 2171

AN ACT relating to stopping payment on a negotiable instrument by using an electronic record in lieu of a writing.

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

Section 1. Section 554.4403, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. In addition to a stop-payment order made or renewed in writing as described in subsection 2, an equivalent stop-payment order may also be made or renewed as part of a record that is stored in an electronic medium, and submitted to the bank, which may include delivery via electronic transmission.

Approved March 21, 2018

CHAPTER 1017

OPERATION OF COMMERCIAL VEHICLES — TEXTING OR USE OF MOBILE TELEPHONE PROHIBITED

H.F. 2196

AN ACT relating to texting or using a mobile telephone while operating a commercial motor vehicle, providing penalties, and making penalties applicable.

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

Section 1. Section 321.482A, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.178, subsection 2, paragraph “a”, subparagraph (2), section 321.180B, subsection 6, section 321.194, subsection 2, paragraph “b”, subparagraph (2), section 321.256, 321.257, section 321.275, subsection 4, section 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section 321.309, subsection 2, or section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333, or section 321.372, subsection 3, or section 321.449B, causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law:

Sec. 2. **NEW SECTION. 321.449B Texting or using a mobile telephone while operating a commercial motor vehicle.**

1. *a.* A person subject to rules adopted by the department pursuant to section 321.449 shall not operate a commercial motor vehicle while engaged in texting as prohibited by 49 C.F.R. §392.80, except in an emergency or as otherwise permitted under 49 C.F.R. §392.80.

b. A person subject to rules adopted by the department pursuant to section 321.449 shall not operate a commercial motor vehicle while using a hand-held mobile telephone as prohibited by 49 C.F.R. §392.82, except in an emergency or as otherwise permitted under 49 C.F.R. §392.82.

2. *a.* A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph “b”.

b. A violation of this section shall be considered a moving violation for the purposes of this chapter and rules adopted pursuant to this chapter.

c. A conviction for a violation of this section shall be in lieu of a conviction for a violation of section 321.276 if the violations are based on the same facts and circumstances.

Sec. 3. Section 805.8A, subsection 13, paragraph b, Code 2018, is amended to read as follows:

b. For a violation under section 321.449, ~~or 321.449A~~, or 321.449B, the scheduled fine is fifty dollars.

Approved March 21, 2018

CHAPTER 1018

COMMISSIONER OF INSURANCE AS AGENT OR ATTORNEY FOR SERVICE OF PROCESS ON REGULATED INDIVIDUALS OR ENTITIES

H.F. 2236

AN ACT relating to service of process made on the commissioner of insurance as the agent or attorney for service of process for regulated individuals and entities and resolving inconsistencies.

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

Section 1. Section 502.611, Code 2018, is amended to read as follows:

502.611 Service of process.

1. *Signed consent to service of process.* A consent to service of process required by this chapter must be signed and filed in the form required by a rule or order under this chapter. A consent appointing the administrator ~~the~~ as a person’s agent for service of process in a noncriminal action or proceeding against the person, or the person’s successor or personal representative under this chapter or a rule adopted or order issued under this chapter after the consent is filed, has the same force and validity as if the service of process were made personally on the person filing the consent. A person that has filed a consent complying with this subsection in connection with a previous application for registration or notice filing need not file an additional consent.

2. *Conduct constituting appointment of agent for service of process.* If a person, including a nonresident of this state, engages in an act, practice, or course of business prohibited or made actionable by this chapter or a rule adopted or order issued under this chapter and the person has not filed a consent to service of process under subsection 1, the act, practice, or course of business constitutes the appointment of the administrator as the person’s agent for service of process in a noncriminal action or proceeding against the person or the person’s successor or personal representative.

3. *Procedure for service of process.* Service ~~If service of process is made on the administrator under subsection 1 or 2 may it shall be made by providing a copy of the~~

~~process to the office of the administrator as provided in section 505.30, but it is not effective unless all of the following apply:~~

~~a. The plaintiff, which may be the administrator, shall promptly send notice of the service of process and a copy of the service of process, return receipt requested, by certified mail to the defendant or respondent at the address set forth in the consent to service of process or, if a consent to service of process has not been filed, at to the defendant's or respondent's last known address, or takes other reasonable steps to give notice principal place of business.~~

~~b. The plaintiff shall file an affidavit of compliance with this subsection in the action or proceeding on or before the return day of the service of process, if any, or within the time that the court, or the administrator in a proceeding before the administrator, allows.~~

~~4. Service of process in an administrative proceedings proceeding or civil actions action by administrator. Service of process pursuant to subsection 3 may be used in a proceeding before the administrator or by the administrator in a civil action in which the administrator is the moving party.~~

~~5. Opportunity to defend. If process is served under subsection 3, the court, or the administrator in a proceeding before the administrator, shall order continuances as are necessary or appropriate to afford the defendant or respondent reasonable opportunity to defend.~~

Sec. 2. Section 505.30, Code 2018, is amended to read as follows:

505.30 Service of process — fee made on the commissioner as agent or attorney for service of process — rules and fee.

1. The commissioner of insurance, pursuant to ~~may adopt~~ rules adopted pursuant to chapter 17A, setting forth procedures related to service of process made on the commissioner as agent or attorney for service of process for an individual or entity within the jurisdiction of the commissioner. The rules shall apply when the individual or entity is required by law to appoint the commissioner to serve, is required by law to consent to have the commissioner serve, is deemed by law to have appointed or to have consented to have the commissioner serve, or elects to appoint or consents to have the commissioner serve as agent or attorney for service of process.

2. The commissioner may collect a reasonable fee each time service of process is served made on the commissioner as allowed by law set forth in subsection 1 or as otherwise allowed by law. Fees A fee collected by the commissioner under this section subsection shall be used and are is appropriated to the insurance division to offset the costs of receiving such service of process the commissioner acting as agent or attorney for service of process. The party to a proceeding causing requesting service of process is entitled to recover this the fee paid pursuant to this subsection and any rules adopted under this section as costs if the party prevails in the proceeding.

3. The commissioner shall maintain for ninety days a record of each service of process made on the commissioner pursuant to this section, including the date each service of process is made on the commissioner, the date each service of process is forwarded by mail by the commissioner to the defendant or respondent, and the date each certificate of service is submitted electronically to the court. The records may be maintained electronically.

Sec. 3. Section 507A.5, Code 2018, is amended to read as follows:

507A.5 Proscribed acts binding on insurer.

1. ~~No~~ A person or insurer shall not directly or indirectly perform any of the acts act of doing an insurance business as defined in this chapter except as provided by and in accordance with the specific authorization by statute. However, should any an unauthorized person or insurer perform any an act of doing an insurance business as set forth in this chapter, it shall be equivalent to and shall constitute an irrevocable appointment by such person or insurer, binding upon the person, the person's executor or administrator, or successor in interest if a corporation, of the commissioner of insurance or the commissioner's successor in office, to be the true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding in any court arising out of doing an insurance business in this state or instituted by or on behalf of an insured or beneficiary arising out of any such acts an act of doing an insurance business, except in an action, suit, or proceeding by the commissioner of

insurance or by the state. ~~Any~~ An act of doing an insurance business by ~~any~~ an unauthorized person or insurer shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such person or insurer.

2. Service of process made upon the commissioner as the attorney for service of process shall be made ~~by delivering to and leaving with the commissioner of insurance or some person in apparent charge of the commissioner's office two copies thereof and the payment to the commissioner of such fees as may be prescribed by law as provided in section 505.30. The commissioner of insurance shall forthwith forward by certified mail one of the copies of such process to the defendant at the last known principal place of business and shall keep a record of all process so served.~~ Such service of process shall be sufficient to provide notice if all of the following apply:

a. ~~A~~ The plaintiff or plaintiff's attorney sends a copy of the service of process is sent by certified mail within ten days thereafter by certified mail by plaintiff or plaintiff's attorney to the defendant at the defendant's last known principal place of business.

b. The defendant's receipt or a receipt issued by the post office showing the name of the sender of the ~~letter certified mail~~ and the name and address of the person to whom the ~~letter certified mail~~ is addressed and an affidavit by the plaintiff or plaintiff's attorney ~~showing a attesting to compliance herewith with this subsection~~ are filed with the clerk of the court in which ~~such~~ the action is pending on or before the date the defendant is required to appear or within such further time as the court may allow.

3. Service of process in any such action, suit, or proceeding shall in addition to the manner as provided in this chapter be valid if ~~served~~ made upon ~~any~~ a person within this state who, in this state on behalf of such insurer, is soliciting insurance, making, issuing, or delivering any contract of insurance, or collecting or receiving any premium, membership fee, assessment, or other consideration for insurance, and if all of the following apply:

a. ~~A~~ The plaintiff or plaintiff's attorney sends a copy of such service of process is sent by certified mail within ten days thereafter by certified mail by the plaintiff or plaintiff's attorney to the defendant at the defendant's last known principal place of business of the defendant.

b. The defendant's receipt, or ~~the~~ a receipt issued by the post office showing the name of the sender of the ~~letter certified mail~~ and the name and address of the person to whom the ~~letter certified mail~~ is addressed, and an affidavit ~~of~~ by the plaintiff or plaintiff's attorney ~~showing a attesting to compliance herewith with this subsection~~ are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear or within such further time as the court may allow.

4. ~~No~~ A plaintiff shall ~~not~~ be entitled to a judgment by default under this chapter until the expiration of thirty days from ~~the date of the filing of~~ on which the plaintiff or plaintiff's attorney files the affidavit of compliance.

5. Nothing in this section shall limit or abridge the right to serve any process, notice, or demand upon any insurer in any other manner now or hereafter permitted by law.

Sec. 4. Section 508E.3, subsection 7, Code 2018, is amended to read as follows:

7. The commissioner shall not issue a license to a nonresident applicant unless a written designation of an agent for service of process is filed and maintained with the commissioner or the applicant has filed with the commissioner the applicant's written irrevocable consent that any action against the applicant may be commenced against the applicant by service of process on the commissioner. If an applicant files such consent, service of process made on the commissioner as the agent for service of process shall be made as provided in section 505.30.

Sec. 5. Section 511.28, Code 2018, is amended to read as follows:

511.28 Service of process.

~~Any notice or process, with three copies of the notice or process, may be mailed to the commissioner at Des Moines, Iowa, in a certified mail letter addressed to the commissioner by the commissioner's official title. The commissioner shall acknowledge service on behalf of the defendant foreign insurance company by writing, giving the date of receipt of the notice or process, and shall return the notice or process in a certified mail letter to the clerk~~

~~of the court in which the suit is pending, addressed to the clerk by the clerk's official title, and shall also mail a copy, with a copy of the commissioner's acknowledgment of service written thereon, in a certified mail letter addressed to the person or corporation named or designated by such company in the written instrument. Notice or process received prior to 10 a.m. shall be forwarded the same working day. Notice or process received after 10 a.m. shall be forwarded the next working day. A fee of fifteen dollars must accompany the request for notice or process. Service of process made on the commissioner as the agent for service of process shall be made as provided in section 505.30.~~

Sec. 6. Section 512B.33, Code 2018, is amended to read as follows:

512B.33 Service of process.

1. A society authorized to do business in this state shall file in the office of the commissioner a power of attorney and an agreement in writing that service of process in any action or proceeding against the society may be served on the commissioner and shall be of the same legal force and validity as if served upon the society, and that the authority shall continue in force so long as any liability remains outstanding in this state. ~~Copies~~ A copy of the power of attorney, certified by the commissioner, shall be deemed sufficient evidence of the appointment and shall be admitted in evidence with the same force and effect as the original.

2. ~~Service of process shall only be made upon the commissioner, or if absent, upon the person in charge of the commissioner's office made on the commissioner as the agent for service of process shall be made as provided in section 505.30. Service shall be made in triplicate and shall constitute sufficient service upon the society. When legal process against a society is served upon the commissioner, the commissioner shall promptly forward one of the duplicate copies by registered mail, prepaid, directed to the secretary or corresponding officer of the society. A society shall not be required to file its answer, pleading, or defense in less than thirty days from the date of mailing the copy of the service to a society the commissioner sends a copy of the service of process to the society by certified mail as provided in section 505.30. Legal process shall not be served~~ made upon a society except in the manner provided in this section.

Sec. 7. Section 514.2A, Code 2018, is amended to read as follows:

514.2A Service of process.

A nonprofit health service corporation authorized to do business in this state shall file in the office of the commissioner a power of attorney and an agreement in writing that service of process in any action or proceeding against the corporation may be ~~served~~ made on the commissioner and shall be of the same legal force and validity as if ~~served~~ made upon the corporation, and that the authority shall continue in force so long as any liability remains outstanding in this state. ~~Copies~~ A copy of the power of attorney, certified by the commissioner, shall be deemed sufficient evidence of the appointment and shall be admitted in evidence with the same force and effect as the original. Service of process made on the commissioner as the attorney for service of process shall be made as provided in section 505.30.

Sec. 8. Section 515.77, Code 2018, is amended to read as follows:

515.77 Service of process.

~~Any notice or service of process, with three copies of the notice or process, may be mailed to the commissioner at Des Moines, Iowa, in a certified mail letter addressed to the commissioner by the commissioner's official title~~ made on the commissioner as agent for service of process shall be made as provided in section 505.30. The commissioner shall acknowledge service on behalf of the defendant foreign insurance company by writing, giving the date of receipt of the notice or process, and shall return the notice or process in a certified mail letter to the clerk of the court in which the suit is pending, addressed to the clerk by the clerk's official title, and shall also mail a copy, with a copy of the commissioner's acknowledgment of service written thereon, in a certified mail letter addressed to the person or corporation named or designated by such company in the written instrument. Notice or process received prior to 10:00 a.m. shall be forwarded the same working day. Notice or

~~process received after 10:00 a.m. shall be forwarded the next working day. A fee of fifteen dollars must accompany the request for notice or process.~~

Sec. 9. Section 515E.3, Code 2018, is amended to read as follows:

515E.3 Risk retention groups organized in this state.

To be organized as a risk retention group in this state, the group must be organized and licensed as a liability insurance company authorized by the insurance laws of this state. Except as provided elsewhere in this chapter, a risk retention group organized in this state must comply with all of the laws, rules, and requirements applicable to a liability ~~insurers~~ ~~insurer~~ organized in this state. Additionally, a risk retention group organized in this state must comply with section 515E.4. These requirements do not exempt ~~a~~ ~~risk retention groups~~ ~~group~~ from a duty imposed by any other law or rule of the state. Before it may offer insurance in any state, ~~each~~ ~~a~~ risk retention group shall also submit for approval to the commissioner of insurance of this state a plan of operation or a feasibility study, and revisions of the plan or study, within ten days of any change. The name under which a risk retention group may be chartered and licensed shall be a brief description of its membership followed by the phrase "risk retention group" and, unless its membership consists solely of insurers, shall not include the terms "insurance", "mutual", "reciprocal", or any similar term. ~~All~~ ~~A~~ risk retention ~~groups~~ ~~group~~ chartered in this state shall file with the division and the national association of insurance commissioners an annual statement blank prepared in accordance with instructions prescribed by the commissioner. All financial information reflected in the annual statement shall be kept and prepared in accordance with accounting practices and procedures prescribed by the commissioner. The commissioner may adopt by reference the annual statement handbook and the accounting practices and procedures manual of the national association of insurance commissioners.

A risk retention group organized in this state shall file in the office of the commissioner a power of attorney and an agreement in writing that service of process in any action or proceeding against the society may be ~~served~~ ~~made~~ on the commissioner and shall be of the same legal force and validity as if ~~served~~ ~~made~~ upon the society, and that the authority shall continue in force so long as any liability remains outstanding in this state. Copies of the power of attorney, certified by the commissioner, shall be deemed sufficient evidence of the appointment and shall be admitted in evidence with the same force and effect as the original. Service of process made on the commissioner as the attorney for service of process shall be made as provided in section 505.30.

Sec. 10. Section 516E.12, Code 2018, is amended to read as follows:

516E.12 Service of process.

The commissioner shall be the ~~agent~~ ~~attorney~~ for service of process upon a provider, ~~a~~ ~~service~~ ~~company~~, ~~or~~ ~~a~~ ~~third-party~~ ~~administrator~~ ~~and~~, ~~or~~ an issuer of a reimbursement insurance policy. Service of process made on the commissioner as the agent for service of process shall be made as provided in section 505.30.

Sec. 11. Section 520.6, Code 2018, is amended to read as follows:

520.6 Manner of service Service of process.

~~Three copies of such process shall be served and the commissioner of insurance shall file one copy, forward one copy to said attorney, and return one copy with the commissioner's admission of service.~~ Service of process made on the commissioner as the agent for service of process shall be made as provided in section 505.30.

Sec. 12. Section 521A.3, subsection 7, Code 2018, is amended to read as follows:

7. *Jurisdiction — consent to service of process.* The district court is hereby vested with jurisdiction over ~~every~~ ~~a~~ ~~person~~ ~~that~~ ~~is~~ ~~not~~ ~~a~~ ~~resident~~, ~~is~~ ~~not~~ ~~domiciled~~, or ~~is~~ ~~not~~ ~~authorized~~ to do business in this state ~~who~~ ~~that~~ files a statement with the commissioner under this section, and over all actions involving ~~such~~ the person arising out of violations of this section, and ~~each~~ ~~such~~ ~~the~~ person shall be deemed to have performed acts equivalent to and constituting an appointment by ~~such~~ ~~a~~ ~~the~~ person of the commissioner to be the person's true and lawful attorney upon whom may be ~~served~~ ~~made~~ all lawful process, notice, or demand in any action, suit, or proceeding arising out of ~~violations~~ a violation of this section. ~~Copies~~ A copy of all

such lawful process, notice, or demand shall be ~~erved~~ made on the commissioner as the attorney for service of process as provided in section 505.30 and transmitted by registered or certified mail by the commissioner to such person at the person's last known address.

Sec. 13. NEW SECTION. **521B.107 Service of process made on the commissioner as the agent for service of process.**

Service of process made on the commissioner as the agent for service of process shall be made as provided in section 505.30.

Sec. 14. NEW SECTION. **521C.13 Service of process made on the commissioner as the agent for service of process.**

Service of process made on the commissioner as the agent for service of process shall be made as provided in section 505.30.

Sec. 15. NEW SECTION. **523A.802A Service of process made on the commissioner as the agent for service of process.**

Service of process made on the commissioner as the agent for service of process shall be made as provided in section 505.30.

Sec. 16. Section 523C.20, Code 2018, is amended to read as follows:

523C.20 Consent to service of process.

If a person engages in conduct subject to regulation under this chapter, the conduct shall constitute the appointment of the commissioner of insurance as the person's attorney to receive service of ~~any lawful~~ process in a noncriminal proceeding against the person, a successor, or personal representative, which grows out of that conduct, with the same force and validity as if erved made personally. Service of process made on the commissioner as the attorney for service of process shall be made as provided in section 505.30.

Sec. 17. Section 523C.21, Code 2018, is amended to read as follows:

523C.21 Service of process.

The commissioner shall be the agent for service of process upon a service company. Service of process made on the commissioner as the agent for service of process shall be made as provided in section 505.30.

Sec. 18. Section 523I.102, subsection 1, Code 2018, is amended to read as follows:

1. "*Authorized to do business within this state*" means a person licensed, registered, or subject to regulation by an agency of the state of Iowa ~~or who has filed a consent to service of process with the commissioner for purposes of this chapter.~~

Approved March 21, 2018

CHAPTER 1019

CRIMINAL RESTITUTION AND PECUNIARY DAMAGES — INSURERS

H.F. 2238

AN ACT relating to the receipt of pecuniary damages by insurers as victims of insurance fraud for purposes of criminal restitution.

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

Section 1. Section 910.1, subsection 3, Code 2018, is amended to read as follows:

3. "*Pecuniary damages*" means all damages to the extent not paid by an insurer on an insurance claim by the victim, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages and damages for pain,

suffering, mental anguish, and loss of consortium. Without limitation, “*pecuniary damages*” includes damages for wrongful death and expenses incurred for psychiatric or psychological services or counseling or other counseling for the victim which became necessary as a direct result of the criminal activity.

Sec. 2. Section 910.1, subsection 5, Code 2018, is amended to read as follows:

5. “*Victim*” means a person who has suffered pecuniary damages as a result of the offender’s criminal activities. However, for purposes of this chapter, an insurer paying a victim’s insurance claim is not a victim and does not have a right of subrogation. An insurer may be a victim for purposes of this chapter if insurance fraud in violation of section 507E.3 or 507E.3A has been perpetrated against the insurer. The crime victim compensation program is not an insurer for purposes of this chapter, and the right of subrogation provided by section 915.92 does not prohibit restitution to the crime victim compensation program.

Approved March 21, 2018

CHAPTER 1020

CONTRABAND AT COMMUNITY-BASED CORRECTIONAL FACILITIES

H.F. 2255

AN ACT relating to the possession of contraband in or on the grounds of a community-based correctional facility, and providing penalties.

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

Section 1. Section 719.7, subsection 3, paragraphs a, b, and c, Code 2018, are amended to read as follows:

a. Knowingly introduces contraband into, or onto, the grounds of a secure facility for the detention or custody of juveniles, detention facility, jail, community-based correctional facility, correctional institution, or institution under the management of the department of corrections.

b. Knowingly conveys contraband to any person confined in a secure facility for the detention or custody of juveniles, detention facility, jail, community-based correctional facility, correctional institution, or institution under the management of the department of corrections.

c. Knowingly makes, obtains, or possesses contraband while confined in a secure facility for the detention or custody of juveniles, detention facility, jail, community-based correctional facility, correctional institution, or institution under the management of the department of corrections, or while being transported or moved incidental to confinement.

Sec. 2. Section 719.7, subsection 4, paragraph c, Code 2018, is amended to read as follows:

c. An aggravated misdemeanor for failing to report a known violation or attempted violation of this section to an official or officer at a secure facility for the detention or custody of juveniles, detention facility, jail, community-based correctional facility, correctional institution, or institution under the management of the department of corrections.

Sec. 3. Section 719.7, subsection 5, Code 2018, is amended to read as follows:

5. Nothing in this section is intended to limit the authority of the administrator of any secure facility for the detention or custody of juveniles, detention facility, jail, community-based correctional facility, correctional institution, or institution under the management of the department of corrections to prescribe or enforce rules concerning

the definition of contraband, and the transportation, making, or possession of substances, devices, instruments, materials, or other items.

Approved March 21, 2018

CHAPTER 1021

VALIDITY OF LICENSES ISSUED BY THE BOARD OF EDUCATIONAL EXAMINERS

H.F. 2283

AN ACT relating to the expiration date of a license issued by the board of educational examiners.

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

Section 1. Section 272.7, subsection 1, Code 2018, is amended to read as follows:

1. A license issued under board authority is valid for the period of time for which it is issued, unless the license is suspended or revoked. ~~A license issued by the board is valid until the last day of the practitioner's birth month in the year in which the license expires.~~ No permanent licenses shall be issued. A person employed as a practitioner shall hold a valid license with an endorsement for the type of service for which the person is employed. This section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts. A professional development program, except for a program offered by a practitioner preparation institution or area education agency and approved by the state board of education, must possess a valid license for the types of programs offered.

Approved March 21, 2018

CHAPTER 1022

OPERATION OF RESCUE VEHICLES IN EMERGENCIES

H.F. 2302

AN ACT relating to the operation of rescue vehicles when responding to an emergency, and making penalties applicable.

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

Section 1. Section 321.1, subsection 62, Code 2018, is amended to read as follows:

62. "*Rescue vehicle*" means a motor vehicle which is equipped with rescue, fire, or life support, hazardous material, or emergency management equipment used to assist and rescue persons in emergencies or support emergency personnel in the performance of their duties.

Sec. 2. Section 321.231, subsections 3 and 4, Code 2018, are amended to read as follows:

3. The driver of a fire department vehicle, police vehicle, rescue vehicle, or ambulance, or a peace officer riding a police bicycle in the line of duty, may do any of the following:

a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

4. The exemptions granted to an authorized emergency vehicle under subsection 2 and ~~for~~ to a fire department vehicle, police vehicle, rescue vehicle, or ambulance as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of section 321.433 or a visual signaling device, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection 3, paragraph “b”, ~~of this section~~ when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.

Approved March 21, 2018

CHAPTER 1023

NATURAL RESOURCES — DEPARTMENTAL DUTIES — PROGRAMS

H.F. 2303

AN ACT relating to the duties of and programs administered by the department of natural resources, and making penalties applicable.

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

Section 1. Section 455A.4, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. Provide overall supervision, direction, and coordination of functions to be administered by the administrators under chapters 321G, 321I, 455B, 455C, 456, 456A, 456B, 457A, 458A, 459, 459A, 459B, 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B, 483A, 484A, and 484B.

Sec. 2. Section 455B.105, subsection 5, Code 2018, is amended to read as follows:

5. Make a concise ~~annual~~ biennial report to the governor and the general assembly, which report shall contain information relating to the accomplishments and status of the programs administered by the department and include recommendations for legislative action which may be required to protect or enhance the environment or to modernize the operation of the department or any of the programs or services assigned to the department and recommendations for the transfer of powers and duties of the department as deemed advisable by the commission. The ~~annual~~ biennial report shall conform to the provisions of section 7A.3.

Sec. 3. Section 455B.174, subsection 5, paragraph a, Code 2018, is amended to read as follows:

a. ~~Conduct random inspections of work done~~ Periodically review permits and reports submitted by city and county public works departments in accordance with section 455B.183, subsection 3, to ensure such public works departments are complying with this part of this division. If a city or county public works department is not complying with section 455B.183 in reviewing plans and specifications or in granting permits or both, the department shall perform these functions in that jurisdiction until the city or county public works department is able to perform them. Performance of these functions in a jurisdiction by a local public works department shall not be suspended or revoked until after notice and opportunity for hearing as provided in chapter 17A.

Sec. 4. Section 455B.301, subsection 23, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Material that is legitimately recycled pursuant to section 455D.4A.

Sec. 5. Section 455D.1, subsection 5, Code 2018, is amended to read as follows:

5. “*Recycling*” means any process by which waste, or materials which ~~that~~ would otherwise become waste, are collected, separated, or processed and revised or returned to use in the form of raw materials or products pursuant to section 455D.4A. “*Recycling*” includes but is not limited to the composting of yard waste which has been previously separated from other waste, but does not include any form of energy recovery.

Sec. 6. Section 455D.1, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. “*Scrap metal*” means any ferrous or nonferrous metal suitable for reprocessing into a viable market commodity grade specification.

Sec. 7. **NEW SECTION. 455D.4A Recycling.**

1. For the purpose of this section, “*recycling facility*” means any facility, business, or operation that has the stated primary purpose of facilitating the recycling of materials that would otherwise be solid waste.

2. Recycling of materials for the purpose of being excluded from the solid waste provisions of chapter 455B, division IV, part 1, must be legitimate. A material that is not legitimately recycled is discarded material and is a solid waste. In determining if recycling is legitimate, recycling facilities must establish all of the following:

a. The material is potentially recyclable and has a feasible means of being recycled into a valuable product.

b. The material is being managed as a valuable commodity while under their control.

c. The material is not being accumulated speculatively pursuant to subsection 7.

3. If the department determines that a facility is not legitimately recycling material, the department may allow the facility owner or operator an opportunity to comply with the criteria in subsection 2, or may immediately deem the facility subject to the solid waste provisions of chapter 455B, division IV, part 1.

4. The criteria in subsection 2 are intended to mitigate the risk posed by facilities that accumulate materials speculatively prior to recycling by preventing materials that are not otherwise regulated under chapter 455B, division IV, part 1, from being stored indefinitely and potentially causing a public health nuisance or adverse environmental impact. In response to enforcement initiated by the department for alleged violations of this section, the burden of proof falls on the recycling facility owner or operator to establish that materials are being legitimately recycled.

5. To establish that a material is potentially recyclable and has a feasible means of being recycled into a valuable product, a recycling facility owner or operator shall maintain with an end user at least one purchase contract, a letter of understanding, or other formal agreement. Such documentation must be provided to the department upon request. In addition, if the material is going to be recycled in an unusual manner, the owner or operator may use technical specifications from the end user or other documentation to prove recycling the material in such manner will result in a valuable product.

6. To establish that a material is being managed as a valuable commodity while under their control, a recycling facility owner or operator shall ensure that stockpiled material is not speculatively accumulated by maintaining current inventory records and is managed in a manner consistent with comparable recyclable materials or products in an equally protective manner.

7. To establish that a material is not being accumulated speculatively, the recycling facility owner or operator must document that, during a given calendar year, the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five percent by weight or volume of the amount of material accumulated at the beginning of the period. Materials must be placed in a storage unit with a label indicating the first date that the material began to be accumulated. If placing a label on the storage unit is not practicable, the accumulation period must be documented through an inventory log or other appropriate method.

8. Failure to provide documentation upon request to the department relative to the requirements of this section is grounds for the department to immediately deem the facility not in compliance with this section.

9. Scrap metal as defined in section 455D.1 is not subject to the provisions of this section.

Sec. 8. Section 455D.16, subsection 7, paragraph c, Code 2018, is amended by striking the paragraph.

Sec. 9. Section 455D.22, Code 2018, is amended to read as follows:

455D.22 Civil penalty.

A person who violates section ~~455D.4A~~, 455D.6, subsection 4, section 455D.11, 455D.11A, 455D.11B, 455D.11I, or 455D.19, or any rule, permit, or order issued pursuant thereto shall be subject to a civil penalty which shall be established, assessed, and collected in the same manner as provided in section 455B.109. Any civil penalty collected shall be deposited in the general fund of the state.

Sec. 10. Section 455D.23, Code 2018, is amended to read as follows:

455D.23 Violations.

The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of this chapter or any rule adopted or permit or order issued pursuant to this chapter. Any order issued to enforce section 455D.4A may include a requirement to remove and properly dispose of materials being accumulated speculatively from a property and impose costs and penalties as determined by the department by rule. The person to whom such compliance order is issued may cause to be commenced a contested case within the meaning of chapter 17A, by filing within thirty days a notice of appeal to the commission. On appeal, the commission may affirm, modify, or vacate the order of the director.

Sec. 11. Section 455D.25, subsection 2, Code 2018, is amended to read as follows:

2. Any person who violates section ~~455D.4A~~, 455D.10A, 455D.11, 455D.11A, 455D.11B, 455D.11I, or 455D.19, or any order or permit issued or rule adopted pursuant to section 455D.6, subsection 4, section 455D.10A, 455D.11, 455D.11A, 455D.11B, 455D.11I, or 455D.19, shall be subject to a civil penalty, not to exceed ten thousand dollars for each day of such violation.

Sec. 12. Section 456.1, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

456.1 Geological survey created.

A geological survey of the state is created within the state university of Iowa, under the jurisdiction and authority of the state board of regents.

Sec. 13. Section 456.2, Code 2018, is amended to read as follows:

456.2 State geologist — qualifications.

~~The director~~ state board of regents shall appoint the state geologist. The state geologist must, at a minimum, have a master's degree in geology from an accredited college or university and must have at least five years of geological experience. The annual salary of the state geologist shall be determined by the ~~director~~ state board of regents.

Sec. 14. Section 456.4, Code 2018, is amended to read as follows:

456.4 Investigations — collection — ~~renting~~ space.

The state geologist shall investigate the characters of the various soils and their capacities for agricultural purposes, the streams, and other scientific and natural resource matters that may be of practical importance and interest. ~~For the purpose of preserving well drilling samples, rock cores, fossils, and other materials as may be necessary to carry on investigations, the state geologist shall have the authority to lease or rent sufficient space for storage of these materials with the approval of the director of the department of administrative services.~~ A complete cabinet collection may shall be made to illustrate the natural products of the state, and the state geologist may also furnish suites of materials, rocks, and fossils for colleges and public museums within the state, if it can be done without impairing the general state collection.

Sec. 15. Section 456.7, Code 2018, is amended to read as follows:

456.7 Annual report.

The state geologist shall, annually, at the time provided by law, make to the governor and the general assembly a full report of the work in the preceding year, which report shall be accompanied by such other reports and papers as may be considered desirable for publication.

Sec. 16. Section 456.10, Code 2018, is amended to read as follows:

456.10 Distribution and sale of reports.

All publications of the geological survey shall be ~~distributed by the state as are other published reports of state officers when no special provision is made. When such distribution has been made the state geologist shall retain a sufficient number of copies to supply probable future demands and any copies in excess of such number shall be sold to persons making application therefor at the cost price of publication, the money thus accruing to be turned into the treasury of the state~~ made available electronically via an internet site maintained for that purpose.

Sec. 17. REPEAL. Section 455C.17, Code 2018, is repealed.

Approved March 21, 2018

CHAPTER 1024

SALE OF CITY UTILITIES AND ACQUISITION OF PUBLIC UTILITIES

H.F. 2307

AN ACT relating to the sale or acquisition of certain utilities.

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

Section 1. NEW SECTION. **388.2A Procedure for disposal of city utility by sale.**

1. A proposal to discontinue a city utility and dispose of such utility by sale, whether upon the council's own motion or upon the receipt of a valid petition pursuant to section 388.2, subsection 1, paragraph "b", shall not be submitted to the voters of the city pursuant to section 388.2 at any election unless the governing body of the city utility meets the requirements of this section.

2. *a.* (1) The governing body of the city utility shall determine the fair market value of the utility system after obtaining two appraisals of the system's fair market value. One appraisal shall be obtained from an independent appraiser selected by the governing body, and the other appraisal shall be obtained from an independent appraiser approved by the Iowa utilities board. Both appraisals shall be conducted in conformance with the uniform standards of professional appraisal practice or substantially similar standards.

(2) Any appraisal obtained pursuant to this paragraph shall consider the depreciated value of the capital assets to be sold, the loss of future revenues to the city utility, including the right to generate surpluses, and the cost of any capital improvements reasonably necessary to provide adequate service and facilities to the city utility's customers.

b. After considering the appraisals obtained pursuant to paragraph "a", the governing body shall establish the city utility's fair market value. The fair market value shall be the greater of any of the following:

(1) The average of the two appraisals obtained pursuant to paragraph "a".

(2) The depreciated value of the capital assets to be sold.

(3) The amount necessary to retire all of the city's outstanding revenue and general obligations issued for purposes of the city utility.

c. The governing body's determination of a city utility's fair market value pursuant to this subsection shall not be dispositive of the city utility's system price, which shall be subject to negotiation by the governing body.

d. The governing body shall prepare an inventory of the city utility's real and personal property, and a statement of net position or balance sheet of the city utility, including all assets, liabilities, outstanding revenue and general obligations used to finance the city utility system.

e. The governing body shall prepare a financial information statement of the city utility that includes current and projected rate schedules for the next five fiscal years, as well as the five most recent fiscal year revenue statements, if such statements exist, and a projection of the city utility's revenue statements for the next five fiscal years.

f. The governing body shall consider alternatives to disposing of the city utility system by sale, including entering into an agreement pursuant to chapter 28E, or into a finance agreement, purchase agreement, or lease agreement with another entity described in section 476.1, subsection 5.

g. (1) The governing body shall make available on its internet site, at least sixty days prior to submitting a proposal for election pursuant to section 388.2, a copy of each item listed in paragraphs "a" through "f" of this subsection.

(2) If, at the time of posting information pursuant to subparagraph (1), the governing body has received any offers or appraisals of fair market value from any prospective purchasers of the city utility system in connection with a proposal to discontinue the city utility and dispose of such utility by sale, then the governing body shall make available on its internet site each offer and appraisal then in existence. Proprietary information of a rate-regulated public utility under chapter 476 that is exempt from disclosure pursuant to section 22.7 may be withheld from disclosure on the governing body's internet site. The governing body may continue to receive new or revised offers or appraisals thereafter.

(3) The governing body shall make a good-faith effort to provide, by regular mail to each property owner of the city and each ratepayer of the city utility, a notice of the proposal to dispose of the city utility by sale, a summary of the proposal, a summary of the information described in subparagraphs (1) and (2), and instructions for locating the information described in subparagraphs (1) and (2) on the governing body's internet site.

3. Upon the governing body meeting the requirements of subsection 2, a city council may submit a proposal to discontinue and dispose of a city utility pursuant to section 388.2.

4. If a proposal to discontinue and dispose of a city utility is to be submitted to voters following the receipt of a valid petition pursuant to section 388.2, subsection 1, paragraph "b", the council shall submit the proposal at the next general election, regular city election, or a special election called for that purpose, within one hundred twenty days after the governing body of the city utility meets the requirements of subsection 2.

5. A proposal to discontinue and dispose of a city utility by sale that is approved by the voters pursuant to section 388.2, subsection 2, paragraph "a", shall not require the governing body or any purchasing entity to finalize a sale of the city utility.

6. No action may be brought which questions the legality of the election or the city and governing body's compliance with this section, except as provided in section 57.1, within twenty days of the canvass of votes for the election by the county board of supervisors.

Sec. 2. Section 476.72, subsection 4, Code 2018, is amended to read as follows:

4. "Public utility" means a ~~gas or electric~~ rate-regulated public utility providing electric, gas, water, sanitary sewage, or storm water drainage service, or any combination thereof.

Sec. 3. NEW SECTION. 476.84 Water, sanitary sewer, and storm water utilities — acquisitions — advance ratemaking.

1. This section applies to the acquisition of water, sanitary sewer, and storm water utilities by rate-regulated public utilities. This section does not apply to the acquisition of such utilities by non-rate-regulated entities described in section 476.1, subsection 5.

2. a. A public utility shall not acquire, in whole or in part, a water, sanitary sewer, or storm water utility with a fair market value of five hundred thousand dollars or more from a non-rate-regulated entity described in section 476.1, subsection 5, unless the board first

approves the acquisition. In addition, if the utility to be acquired is a city utility, then the public utility shall not acquire the city utility until the city has first met the requirements of section 388.2A.

b. If a water, sanitary sewer, or storm water utility that is the subject of an acquisition meets the requirements of paragraph “a”, then the acquiring public utility may apply to the board, prior to the completion of the acquisition, for advance approval of a proposed initial tariff for providing service to customers of the acquired utility.

c. As part of its review of the proposed acquisition, the board shall specify in advance, by order issued after a contested case proceeding, the ratemaking principles that will apply when the costs of the acquired utility are included in regulated rates. The lesser of the sale price or the fair market value of the acquired utility as established pursuant to section 388.2A, subsection 2, shall be used in determining the applicable ratemaking principles. In determining the applicable ratemaking principles, the board shall not be limited to traditional ratemaking principles or traditional cost recovery mechanisms. Among the principles and mechanisms the board may consider, the board has the authority to approve ratemaking principles that provide for reasonable restrictions upon the ability of the public utility to seek an increase in specified regulated rates for a period of time after the acquisition takes place.

d. In determining the applicable ratemaking principles, the board shall find that the proposed acquisition will result in just and reasonable rates to all customers of the public utility, including but not limited to existing customers of the public utility. In making this finding, the board may consider any factor it reasonably concludes may affect future rates, including but not limited to the price paid for the acquired utility and the projected cost of reasonable and prudent changes to the acquired utility in order to provide adequate services and facilities to customers. The board shall consider whether there are ratemaking principles that will result in just and reasonable rates to all customers in determining whether to approve or disapprove a proposed acquisition.

e. Upon the approval of a proposal for acquisition by board order, the parties subject to the acquisition shall have the option of either proceeding with such acquisition or not, subject to any termination provisions contained in the acquisition agreement.

f. Notwithstanding any provision of this chapter to the contrary, the ratemaking principles established by the board pursuant to this section shall be binding with regard to the acquired utility in any subsequent rate proceeding.

Approved March 21, 2018

CHAPTER 1025

SALE OF EGGS BY GROCERY STORES PARTICIPATING IN A FEDERAL FOOD PROGRAM

H.F. 2408

AN ACT regulating the sale of eggs by grocery stores participating in a federal program.

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

Section 1. NEW SECTION. **135.16A Vendors participating in federal programs — egg sales.**

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

a. “*Conventional eggs*” means eggs others¹ than specialty eggs.

b. “*Eggs*” means shell eggs that are graded as “AA”, “A”, or “B” pursuant to 7 C.F.R. pt. 56, subpt. A, and that are sold at retail in commercial markets.

¹ See chapter 1172, §19 herein

c. “Federal food program” means the special supplemental food program for women, infants, and children as provided in 42 U.S.C. §1786, et seq.

d. “Grocery store” means a food establishment as defined in section 137F.1 licensed by the department of inspections and appeals pursuant to section 137F.4, to sell food or food products to customers intended for preparation or consumption off premises.

e. “Specialty eggs” means eggs produced by domesticated chickens, and sold at retail in commercial markets if the chickens producing such eggs are advertised as being housed in any of the following environments:

- (1) Cage-free.
- (2) Free-range.
- (3) Enriched colony cage.

2. a. The department of inspections and appeals shall assist the Iowa department of public health in adopting rules necessary to implement and administer this section.

b. If necessary to implement, administer, and enforce this section, the Iowa department of public health, in cooperation with the department of agriculture and land stewardship, shall submit a request to the United States department of agriculture for a waiver or other exception from regulations as deemed feasible by the Iowa department of public health. The Iowa department of public health shall regularly report the status of such request to the legislative services agency.

3. A grocery store that is a vendor participating in a federal food program and offering specialty eggs for retail sale shall maintain an inventory of conventional eggs for retail sale sufficient to meet federal and state requirements for participation in the federal food program.

4. This section does not require a grocery store to do any of the following:

a. Stock or sell specialty eggs.

b. Stock or sell eggs, if the grocery store elects not to stock or sell conventional eggs for retail sale as part of its normal business.

c. Comply with the provisions of this section, if the grocery store’s inventory of eggs for retail sale was limited to specialty eggs prior to January 1, 2018.

5. A violation of subsection 3 by a grocery store shall not be construed to disqualify a grocery store from participating in a federal food program unless otherwise authorized by the United States department of agriculture.

Approved March 21, 2018

CHAPTER 1026

SUBSTANTIVE CODE CORRECTIONS

H.F. 2457

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including retroactive applicability provisions.

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

Section 1. Section 1.8, Code 2018, is amended to read as follows:

1.8 Applicability of statute.

Section 1.4 shall apply to all lands acquired under sections 1.5 ~~to~~ through 1.7.

Sec. 2. Section 1.13, Code 2018, is amended to read as follows:

1.13 Existing trusts not affected.

Nothing in ~~sections section~~ section 1.12 ~~to, this section, or section~~ 1.14 or 1.15 shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights,

belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

Sec. 3. Section 1.14, Code 2018, is amended to read as follows:

1.14 Tribal ordinances or customs enforced.

Any tribal ordinance or custom heretofore or hereafter adopted by the governing council of the Sac and Fox Indian settlement in Tama county in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the state, be given full force and effect in the determination of civil causes of action pursuant to sections 1.12 to, 1.13, this section, and 1.15.

Sec. 4. Section 6A.22, subsection 2, paragraph a, subparagraph (2), Code 2018, is amended to read as follows:

(2) The acquisition of any interest in property necessary to the function of a public or private utility to the extent such purpose does not include construction of aboveground merchant lines, or necessary to the function of a common carrier, or airport or airport system.

Sec. 5. Section 8B.21, subsection 6, Code 2018, is amended to read as follows:

6. *Annual report.* On an annual basis, the office shall prepare a report to the governor, the department of management, and the general assembly regarding the total spending on technology for the previous fiscal year, the total amount appropriated for the current fiscal year, and an estimate of the amount to be requested for the succeeding fiscal year for all agencies. The report shall include a five-year projection of technology cost savings, an accounting of the level of technology cost savings for the current fiscal year, and a comparison of the level of technology cost savings for the current fiscal year with that of the previous fiscal year. The report shall be filed as soon as possible after the close of a fiscal year, and by no later than the second Monday of January of each year.

Sec. 6. Section 8C.7A, subsection 3, paragraph a, subparagraph (2), subparagraph division (b), Code 2018, is amended to read as follows:

(b) An authority that has adopted a municipal or county code on or before July 1, 2017, which requires an application or permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility may continue the application or permit requirement subsequent to July 1, 2017.

Sec. 7. Section 12C.5, Code 2018, is amended to read as follows:

12C.5 Refusal of deposits — procedure.

If the approved depositories will not accept the deposits under the conditions prescribed or authorized in this chapter, the funds may be deposited, on the same or better terms as were offered to the depositories, in one or more approved depositories conveniently located within the state.

~~The treasurer of state may invest in any of the investments authorized for the Iowa public employees' retirement system in section 97B.7A except that investment in common stocks shall not be permitted.~~

Sec. 8. Section 15.293B, subsection 1, paragraph i, Code 2018, is amended to read as follows:

i. An applicant that is unsuccessful in receiving a tax credit award during an annual application period may make additional applications during subsequent annual application periods. Such applicants shall be required to submit a new application and, which shall be competitively reviewed and scored in the same manner as other applicants applications in that annual application period.

Sec. 9. Section 16.161, Code 2018, is amended to read as follows:

16.161 Authority to issue ~~E911~~ 911 program bonds and notes.

1. The authority shall assist the program manager, appointed pursuant to section 34A.2A, as provided in chapter 34A, subchapter II, and the authority shall have all of the powers delegated to it by a joint ~~E911~~ 911 service board or the department of public defense in a chapter 28E agreement with respect to the issuance and securing of bonds or notes and the carrying out of the purposes of chapter 34A.

2. The authority shall provide a mechanism for the pooling of funds of two or more joint ~~E911~~ 911 service boards to be used for the joint purchasing of necessary equipment and reimbursement of land-line and wireless service providers' costs for upgrades necessary to provide ~~E911~~ 911 service. When two or more joint ~~E911~~ 911 service boards have agreed to pool funds for the purpose of purchasing necessary equipment to be used in providing ~~E911~~ 911 service, the authority shall issue bonds and notes as provided in sections 34A.20 through 34A.22.

Sec. 10. Section 20.3, subsections 3 and 8, Code 2018, are amended to read as follows:

3. a. "Confidential employee" means any public employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in negotiating or who works in a close continuing working relationship with public officers or representatives associated with negotiating on behalf of the public employer.

b. "Confidential employee" also includes the personal secretary of any of the following:

- (1) Any elected official or person appointed to fill a vacancy in an elective office, ~~member,~~
- (2) A member of any board or commission, ~~the.~~
- (3) The administrative officer, director, or chief executive officer of a public employer or major division thereof, ~~or the.~~

(4) The deputy or first assistant of any of the foregoing persons described in subparagraphs (1) through (3).

8. "Professional employee" means any one of the following:

a. Any employee engaged in work to which all of the following apply:

(1) ~~Predominantly~~ The work is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

(2) ~~Involving~~ The work involves the consistent exercise of discretion and judgment in its performance;

(3) ~~Of~~ The work is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; ~~and.~~

(4) ~~Requiring~~ The work requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes.

b. Any employee ~~who~~ to whom all of the following apply:

(1) ~~Has~~ The employee has completed the courses of specialized intellectual instruction and study described in paragraph "a", subparagraph 4, ~~of this subsection, and (4).~~

(2) ~~Is~~ The employee is performing related work under the supervision of a professional person to qualify the employee to become a professional employee as defined in paragraph "a" ~~of this subsection.~~

Sec. 11. Section 22.15, Code 2018, is amended to read as follows:

22.15 Personnel records — discipline — employee notification.

A government body that takes disciplinary action against an employee that may result in information described in section 22.7, subsection 11, paragraph "a", subparagraph (5), being placed in the employee's personnel record, prior to taking such disciplinary action, shall notify the employee in writing that the information placed in the employee's personnel ~~file~~ record as a result of the disciplinary action may become a public record.

Sec. 12. Section 29A.27, subsection 5, Code 2018, is amended to read as follows:

5. The provisions ~~herein provided~~ of this section shall apply to all individuals receiving benefits under this section or who subsequently may become entitled to such benefits.

Sec. 13. Section 30.3, subsections 1 and 2, Code 2018, are amended to read as follows:

1. Material safety data sheets or a list of chemicals required to be submitted to the department under section 311 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021, shall be submitted to the department of natural resources. Submission to ~~that the department of natural resources~~ constitutes compliance with the requirement for notification to the department.

2. Emergency and hazardous chemical inventory forms required to be submitted to the department under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, shall be submitted to the department of natural resources. Submission to ~~that the department of natural resources~~ constitutes compliance with the requirement for notification to the department.

Sec. 14. Section 30.4, subsection 1, Code 2018, is amended to read as follows:

1. Emergency notifications of releases required to be submitted to the department under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004, shall be submitted to the department of natural resources. Submission to ~~that the~~ department of natural resources constitutes compliance with the requirement for notification to the department.

Sec. 15. Section 34A.3, subsection 1, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) The program manager may order the inclusion of a specific territory not serviced by surrounding 911 service plan areas in an adjoining 911 service plan area to avoid the creation by exclusion of a territory smaller than a single county not serviced by surrounding 911 service plan areas upon request of the joint 911 service board representing the territory to avoid the creation by exclusion of a territory smaller than a single county.

Sec. 16. Section 34A.8, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. The director, program manager, joint 911 service board, local emergency management commission established pursuant to section 29C.9, the designated 911 service provider, and the public safety answering point, and their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing 911 emergency telephone service or providing related mass notification and emergency messaging services as described in section 29C.17A utilizing only the subscriber's information, and it local exchange service information shall otherwise be kept confidential. A person who violates this section is guilty of a simple misdemeanor.

Sec. 17. Section 35C.5, Code 2018, is amended to read as follows:

35C.5 Appeals.

1. In addition to the remedy provided in section 35C.4, an appeal may be taken by any person belonging to any of the classes of persons to whom a preference is ~~hereby granted under this chapter~~, from any refusal to allow ~~said the~~ preference, as provided in this chapter, to the district court of the county in which ~~such the~~ refusal occurs.

2. The appeal shall be made by serving upon the appointing board within twenty days after the date of the refusal of ~~said the~~ appointing officer, board, or persons to allow ~~said the~~ preference, a written notice of ~~such~~ appeal stating the grounds of the appeal; and a demand in writing for a certified transcript of the record, and all papers on file in the office affecting or relating to ~~said the~~ appointment. ~~Thereupon~~ Upon receipt of the notice and demand, said the appointing officer, board, or person shall, within ten days, make, certify, and deliver to the appellant ~~such a the~~ transcript; ~~and the~~. The appellant shall, within five days thereafter, file the same transcript and a copy of the notice of appeal with the clerk of ~~said court, and said~~.

3. The notice of appeal shall stand as the appellant's complaint and ~~thereupon said the~~ cause shall be accorded such preference in its assignment for trial as to assure its prompt

disposition. The court shall receive and consider any pertinent evidence, whether oral or documentary, concerning ~~said the~~ the appointment from which the appeal is taken, ~~and if. If~~ the court shall find finds that the ~~said~~ applicant is qualified as defined in section 35C.1, to hold the position for which the applicant has applied, ~~said the~~ court shall, by its mandate, specifically direct the ~~said~~ appointing officer, board, or persons as to their further action in the matter.

4. An appeal may be taken from the judgment of the ~~said~~ district court ~~on any such appeal~~ on the same terms as an appeal is taken in civil actions. ~~At their election parties~~ Parties entitled to appeal under this section may elect, in the alternative, to maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to ~~their~~ the case.

Sec. 18. Section 37.6, Code 2018, is amended to read as follows:

37.6 Bonds.

Bonds issued by a county for the purposes of this chapter shall be issued under sections 331.441 ~~to through~~ 331.449 relating to general county purpose bonds. Bonds issued by a city shall be issued ~~in accordance with provisions of law~~ under sections 384.24 through 384.36 relating to general corporate purpose bonds of a city.

Sec. 19. Section 43.5, Code 2018, is amended to read as follows:

43.5 Applicable statutes.

The provisions of chapters 39, 39A, 47, 48A, 49, 50, 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far as applicable, to all primary elections, except as ~~hereinafter~~ otherwise provided in this chapter.

Sec. 20. Section 43.20, subsection 2, Code 2018, is amended to read as follows:

2. In each of the ~~above~~ cases described in subsection 1, the vote to be taken for the purpose of computing the percentage shall be the vote cast for president of the United States or for governor, as the case may be.

Sec. 21. Section 43.78, subsection 5, paragraphs b and d, Code 2018, are amended to read as follows:

b. In the office of the ~~proper~~ appropriate commissioner, at least sixty-four days before the date of the election.

d. In the office of the ~~proper~~ appropriate commissioner or the state commissioner, as applicable, in case of a special election to fill vacancies, at least twenty-five days before the day of election.

Sec. 22. Section 44.9, subsections 2, 5, and 6, Code 2018, are amended to read as follows:

2. In the office of the ~~proper~~ appropriate commissioner, at least sixty-four days before the date of the election, except as otherwise provided in subsection 6.

5. In the office of the ~~proper~~ appropriate commissioner or school board secretary in case of a special election to fill vacancies, at least twenty-five days before the day of election.

6. In the office of the ~~proper~~ appropriate commissioner, at least forty-two days before the regularly scheduled or special city election. However, for those cities that may be required to hold a primary election, at least sixty-three days before a regularly scheduled or special city election.

Sec. 23. Section 49.11, subsection 3, paragraph d, unnumbered paragraph 1, Code 2018, is amended to read as follows:

~~The commissioner may also consolidate~~ Consolidate precincts for any election under any of the following circumstances:

Sec. 24. Section 59.6, Code 2018, is amended to read as follows:

59.6 Power of general assembly.

Nothing ~~herein~~ contained in this chapter shall be construed to abridge the right of either branch of the general assembly to grant commissions to take depositions, or to send for and examine any witness it may desire to hear on such trial.

Sec. 25. Section 68A.101, Code 2018, is amended to read as follows:

68A.101 Citation and administration.

This chapter may be cited as the “*Campaign Disclosure –~~Income Tax Checkoff~~ Act*”. The Iowa ethics and campaign disclosure board shall administer this chapter as provided in sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

Sec. 26. Section 68A.102, subsection 21, Code 2018, is amended by striking the subsection.

Sec. 27. Section 70A.26, Code 2018, is amended to read as follows:

70A.26 Disaster service volunteer leave.

1. An employee of an appointing authority who is a certified disaster service volunteer of the American red cross may be granted leave with pay from work for not more than fifteen working days in any twelve-month period to participate in disaster relief services for the American red cross at the request of the American red cross for the services of that employee and upon the approval of the employee’s appointing authority without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The appointing authority shall compensate an employee granted leave under this section at the employee’s regular rate of pay for those regular work hours during which the employee is absent from work.

2. An employee ~~deemed to be on~~ granted leave under this section shall not be deemed to be an employee of the state for purposes of workers’ compensation. An employee ~~deemed to be on~~ granted leave under this section shall not be deemed to be an employee of the state for purposes of the Iowa tort claims Act, chapter 669.

3. Leave under this section shall be granted only for services relating to a disaster in the state of Iowa.

Sec. 28. Section 73.2, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. All requests hereafter made for bids and proposals for materials, products, supplies, provisions, and other needed articles to be purchased at public expense, shall be made in general terms and by general specifications and not by brand, trade name, or other individual mark.

Sec. 29. Section 84A.5, subsection 4, Code 2018, is amended to read as follows:

4. The division of labor services is responsible for the administration of the laws of this state under chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, and 94A, and ~~section sections~~ 73A.21 and 85.68. The executive head of the division is the labor commissioner, appointed pursuant to section 91.2.

Sec. 30. Section 85.47, Code 2018, is amended to read as follows:

85.47 Basis of commutation.

When the commutation is ordered, the workers’ compensation commissioner shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments capitalized at their present value and upon the basis of interest at the rate provided in section 535.3 for court judgments and decrees. Upon the payment of such amount, the employer shall be discharged from all further liability on account of the injury or death, and be entitled to a duly executed release, ~~upon~~ Upon the filing which of the release, the liability of the employer under any agreement, award, finding, or judgment shall be discharged of record.

Sec. 31. Section 85.53, Code 2018, is amended to read as follows:

85.53 Notice to consular officer.

If such consular officer, or the officer’s duly appointed representative, shall file with the workers’ compensation commissioner evidence of the officer’s or representative’s authority, the workers’ compensation commissioner shall notify such consular officer or representative of the death of all employees leaving an alien dependent, or dependents, residing in the

country of said consular officer ~~so far as same~~ that shall come to the commissioner's knowledge.

Sec. 32. Section 86.9, Code 2018, is amended to read as follows:

86.9 Reports.

1. The director of the department of workforce development, in consultation with the commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of workers' compensation for the preceding year, the number of claims processed by the division and the disposition of the claims, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 85, 85A, 85B, and 87, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

2. The commissioner, after consultation with the director of the department of workforce development, may compile an annual report setting forth the final decisions, rulings, and orders of the division for the preceding year and setting forth other matters or information which the commissioner considers desirable for publication.

3. These annual reports may be distributed by the state on request to public officials as set forth in chapter 7A. Members of the public may obtain ~~the~~ an annual report upon payment of its cost as set by the commissioner.

Sec. 33. Section 88.1, subsection 3, Code 2018, is amended to read as follows:

3. Authorizing the labor commissioner to set mandatory occupational safety and health standards applicable to businesses, and by ~~creating an~~ providing for an adjudicatory process through the employment appeal board within the department of inspections and appeals for carrying out adjudicatory functions under the chapter.

Sec. 34. Section 92.2, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A person over ten and under sixteen years of age cannot be employed, with or without compensation, in street occupations or migratory labor as ~~defined~~ provided in section 92.1, unless the person holds a work permit issued pursuant to this chapter.

Sec. 35. Section 96.3, subsection 1, Code 2018, is amended to read as follows:

1. *Payment.* Twenty-four months after the date when contributions first accrue under this chapter, benefits shall become payable from the fund; provided, that wages earned for services defined in section 96.19, subsection 18, paragraph "g", subparagraph (3), irrespective of when performed, shall not be included for purposes of determining eligibility, under section 96.4 or full-time weekly wages, under subsection 4 of this section, for the purposes of any benefit year ~~commencing on or after July 1, 1939~~, nor shall any benefits with respect to unemployment ~~occurring on and after July 1, 1939~~, be payable under subsection 5 of this section on the basis of such wages. All benefits shall be paid through employment offices in accordance with such regulations as the department of workforce development may prescribe.

Sec. 36. Section 99F.4, subsection 22, Code 2018, is amended to read as follows:

22. To require licensees to establish a process to allow a person to be voluntarily excluded from the gaming floor of an excursion gambling boat, ~~and~~ from the wagering area, as defined in section 99D.2, and from the gaming floor of all other licensed facilities under this chapter and chapter 99D as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options and shall also require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99D. The state and any licensee under this chapter or chapter 99D shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided

by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall not be paid to the person but shall be credited to the general fund of the state.

Sec. 37. Section 105.22, subsection 4, Code 2018, is amended to read as follows:

4. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice within the profession. A copy of the record ~~or~~ of conviction or plea of guilty shall be conclusive evidence of such conviction.

Sec. 38. Section 123.22, subsection 2, Code 2018, is amended to read as follows:

2. ~~a. No~~ A person, acting individually or through another acting for the person, shall not directly or indirectly, or upon any pretense, or by any device, ~~manufacture~~ do any of the following:

(1) ~~Manufacture~~, sell, exchange, barter, dispense, give in consideration of the purchase of any property or of any services or in evasion of this chapter, or keep for sale, or have possession of any intoxicating liquor, except as provided in this chapter; ~~or own.~~

(2) ~~Own~~, keep, or be in any way concerned, engaged, or employed in owning or keeping, any intoxicating liquor with intent to violate any provision of this chapter, or authorize or permit the same to be done; ~~or manufacture.~~

(3) ~~Manufacture~~, own, sell, or have possession of any manufactured or compounded article, mixture or substance, not in a liquid form, and containing alcohol which may be converted into a beverage by a process of pressing or straining the alcohol therefrom, or any instrument intended for use and capable of being used in the manufacture of intoxicating liquor; ~~or own.~~

(4) ~~Own~~ or have possession of any material used exclusively in the manufacture of intoxicating liquor; ~~or use.~~

(5) Use or have possession of any material with intent to use it in the manufacture of intoxicating liquors; ~~however.~~

~~b. However~~, alcohol may be manufactured for industrial and nonbeverage purposes by persons who have qualified for that purpose as provided by the laws of the United States and the laws of this state. Such alcohol, so manufactured, may be denatured, transported, used, possessed, sold, and bartered and dispensed, subject to the limitations, prohibitions and restrictions imposed by the laws of the United States and this state.

~~c.~~ Any person may manufacture, sell, or transport ingredients and devices other than alcohol for the making of homemade wine or beer.

Sec. 39. Section 124.401, subsection 5, Code 2018, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A person may knowingly or intentionally recommend, possess, use, dispense, deliver, transport, or administer cannabidiol if the recommendation, possession, use, dispensing, delivery, transporting, or administering is in accordance with the provisions of chapter 124E. For purposes of this paragraph, "cannabidiol" means the same as defined in section 124E.2.

Sec. 40. Section 125.34, subsections 3 and 6, Code 2018, are amended to read as follows:

3. A person who arrives at a facility and voluntarily submits to examination shall be examined by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional as soon as possible after the person arrives at the facility. The person may then be admitted as a patient or referred to another health facility. The referring facility shall arrange for transportation.

6. If the physician and surgeon or osteopathic physician and surgeon in charge of the facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 41. Section 125.75, subsection 2, paragraph c, subparagraph (1), Code 2018, is amended to read as follows:

(1) A written statement of a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional in support of the application.

Sec. 42. Section 125.78, subsection 3, paragraph b, Code 2018, is amended to read as follows:

b. Requiring an examination of the respondent, prior to the hearing, by one or more licensed ~~physicians~~ physician and surgeons or osteopathic ~~physician and surgeons~~ or mental health professionals who shall submit a written report of the examination to the court as required by section 125.80.

Sec. 43. Section 125.80, Code 2018, is amended to read as follows:

125.80 Physician's or mental health professional's examination — report — scheduling of hearing.

1. a. An examination of the respondent shall be conducted within a reasonable time and prior to the commitment hearing by one or more licensed ~~physicians~~ physician and surgeons or osteopathic ~~physician and surgeons~~ or mental health professionals as required by the court's order. If the respondent is taken into custody under section 125.81, the examination shall be conducted within twenty-four hours after the respondent is taken into custody. If the respondent desires, the respondent may have a separate examination by a licensed ~~physician and surgeon~~ physician and surgeon or osteopathic ~~physician and surgeon~~ or mental health professional of the respondent's own choice. The court shall notify the respondent of the right to choose a licensed ~~physician and surgeon~~ physician and surgeon or mental health professional for a separate examination. The reasonable cost of the examinations shall be paid from county funds upon order of the court if the respondent lacks sufficient funds to pay the cost.

b. A licensed ~~physician and surgeon~~ physician and surgeon or osteopathic ~~physician and surgeon~~ or mental health professional conducting an examination pursuant to this section may consult with or request the participation in the examination of facility personnel, and may include with or attach to the written report of the examination any findings or observations by facility personnel who have been consulted or have participated in the examination.

c. If the respondent is not taken into custody under section 125.81, but the court is subsequently informed that the respondent has declined to be examined by a licensed ~~physician and surgeon~~ physician and surgeon or osteopathic ~~physician and surgeon~~ or mental health professional pursuant to the court order, the court may order limited detention of the respondent as necessary to facilitate the examination of the respondent by the licensed ~~physician and surgeon~~ physician and surgeon or osteopathic ~~physician and surgeon~~ or mental health professional.

2. A written report of the examination by a court-designated licensed ~~physician and surgeon~~ physician and surgeon or osteopathic ~~physician and surgeon~~ or mental health professional shall be filed with the clerk prior to the hearing date. A written report of an examination by a licensed ~~physician and surgeon~~ physician and surgeon or osteopathic ~~physician and surgeon~~ or mental health professional chosen by the respondent may be similarly filed. The clerk shall immediately:

a. Cause a report to be shown to the judge who issued the order.

b. Cause the respondent's attorney to receive a copy of the report of a court-designated licensed ~~physician and surgeon~~ physician and surgeon or osteopathic ~~physician and surgeon~~ or mental health professional.

3. If the report of a court-designated licensed ~~physician and surgeon~~ physician and surgeon or osteopathic ~~physician and surgeon~~ or mental health professional is to the effect that the respondent is not a person with a substance-related disorder, the court, without taking further action, may terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of a court-designated licensed ~~physician and surgeon~~ physician and surgeon or osteopathic ~~physician and surgeon~~ or mental health professional is to the effect that the respondent is a person with a substance-related disorder, the court shall schedule a commitment hearing as soon as possible. The hearing shall be held not more than forty-eight hours after the report is filed, excluding Saturdays, Sundays, and holidays, unless an extension for good cause is

requested by the respondent, or as soon thereafter as possible if the court considers that sufficient grounds exist for delaying the hearing.

Sec. 44. Section 125.82, subsection 3, Code 2018, is amended to read as follows:

3. The person who filed the application and a licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor certified by the nongovernmental Iowa board of substance abuse certification who has examined the respondent in connection with the commitment hearing shall be present at the hearing, unless the court for good cause finds that their presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence or telephonic appearance of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor who examined the respondent and agree to submit as evidence the written report of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor. The respondent's attorney shall inform the court if the respondent's attorney reasonably believes that the respondent, due to diminished capacity, cannot make an adequately considered waiver decision. "Good cause" for finding that the testimony of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor who examined the respondent is not necessary may include, but is not limited to, such a waiver. If the court determines that the testimony of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor is necessary, the court may allow the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor to testify by telephone. The respondent shall be present at the hearing unless prior to the hearing the respondent's attorney stipulates in writing that the attorney has conversed with the respondent, and that in the attorney's judgment the respondent cannot make a meaningful contribution to the hearing, or that the respondent has waived the right to be present, and the basis for the attorney's conclusions. A stipulation to the respondent's absence shall be reviewed by the court before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by the respondent's absence.

Sec. 45. Section 125.91, subsections 2 and 3, Code 2018, are amended to read as follows:

2. a. A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2, paragraph "b" or "c". Such a person with a substance-related disorder due to intoxication or substance-induced incapacitation who also demonstrates a significant degree of distress or dysfunction may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the attending physician and surgeon or osteopathic physician and surgeon may order treatment of the person, but only to the extent necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the attending physician and surgeon or osteopathic physician and surgeon. If the person is a peace officer, the peace officer may do so either in person or by written report. If the attending physician and surgeon or osteopathic physician and surgeon has reasonable grounds to believe that the circumstances in subsection 1 are applicable, the attending physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the attending physician and surgeon or osteopathic physician and surgeon, give the attending physician and surgeon or osteopathic physician and surgeon oral instructions either directing that the person be released forthwith, or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 125.75. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility and the grounds supporting the finding of probable cause to believe that the person is a person with a substance-related disorder likely to result in physical injury to the person or others if not detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the attending physician and surgeon or osteopathic physician and surgeon at the facility to which the person was originally taken, any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

3. The attending physician and surgeon or osteopathic physician and surgeon shall examine and may detain the person pursuant to the magistrate's order for a period not to exceed forty-eight hours from the time the order is dated, excluding Saturdays, Sundays, and holidays, unless the order is dismissed by a magistrate. The facility may provide treatment which is necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue or is otherwise deemed medically necessary by the attending physician and surgeon or osteopathic physician and surgeon or mental health professional, but shall not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility and released from detention no later than the expiration of the forty-eight-hour period, unless an application for involuntary commitment is filed with the clerk pursuant to section 125.75. The detention of a person by the procedure in this section, and not in excess of the period of time prescribed by this section, shall not render the peace officer, attending physician and surgeon or osteopathic physician and surgeon, or facility detaining the person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, attending physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility had reasonable grounds to believe that the circumstances described in subsection 1 were applicable.

Sec. 46. Section 125.92, subsection 4, Code 2018, is amended to read as follows:

4. Enjoy all legal, medical, religious, social, political, personal, and working rights and privileges, which the person would enjoy if not detained, taken into immediate custody, or committed, consistent with the effective treatment of the person and of the other persons in the facility. If the person's rights are restricted, the ~~physician's~~ physician and surgeon's or osteopathic physician and surgeon's or mental health professional's direction to that effect shall be noted in the person's record. The person or the person's next of kin or guardian shall be advised of the person's rights and be provided a written copy upon the person's admission to or arrival at the facility.

Sec. 47. Section 135B.20, unnumbered paragraph 1, Code 2018, is amended to read as follows:

~~Definitions as~~ As used in this subchapter, unless the context otherwise requires:

Sec. 48. Section 135B.32, Code 2018, is amended to read as follows:

135B.32 Construction.

Nothing ~~herein~~ in this subchapter shall deprive any hospital of its tax exempt or nonprofit status.

Sec. 49. Section 135H.6, Code 2018, is amended to read as follows:

135H.6 Inspection — conditions for issuance.

1. The department shall issue a license to an applicant under this chapter if all the following conditions exist:

1. a. The department has ascertained that the applicant's medical facilities and staff are adequate to provide the care and services required of a psychiatric institution.

2. b. The proposed psychiatric institution is accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the council on accreditation of services for families and children, or by any other recognized accrediting organization with comparable standards acceptable under federal regulation.

3. c. The applicant complies with applicable state rules and standards for a psychiatric institution adopted by the department in accordance with federal requirements under 42 C.F.R. §441.150 – 441.156.

4. d. The applicant has been awarded a certificate of need pursuant to chapter 135, unless exempt as provided in this section.

5. e. The department of human services has submitted written approval of the application based on the department of human services' determination of need. The department of human services shall identify the location and number of children in the state who require the services of a psychiatric medical institution for children. Approval of an application shall be based upon the location of the proposed psychiatric institution relative to the need for services identified by the department of human services and an analysis of the applicant's ability to provide services and support consistent with requirements under chapter 232, particularly regarding community-based treatment. If the proposed psychiatric institution is not freestanding from a facility licensed under chapter 135B or 135C, approval under this subsection paragraph shall not be given unless the department of human services certifies that the proposed psychiatric institution is capable of providing a resident with a living environment similar to the living environment provided by a licensee which is freestanding from a facility licensed under chapter 135B or 135C.

6. ~~The department of human services shall not give approval to an application which would cause the total number of beds licensed under this chapter for services reimbursed by the medical assistance program under chapter 249A to exceed four hundred thirty beds.~~

7. ~~In addition to the beds authorized under subsection 6, the department of human services may establish not more than thirty beds licensed under this chapter at the state mental health institute at Independence. The beds shall be exempt from the certificate of need requirement under subsection 4.~~

8. ~~The department of human services may give approval to conversion of beds approved under subsection 6, to beds which are specialized to provide substance abuse treatment. However, the total number of beds approved under subsection 6 and this subsection shall not exceed four hundred thirty. Conversion of beds under this subsection shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion. Beds for children who do not reside in this state and whose service costs are not paid by public funds in this state are not subject to the limitations on the number of beds and certificate of need requirements otherwise applicable under this section.~~

9. f. The proposed psychiatric institution is under the direction of an agency which has operated a facility licensed under section 237.3, subsection 2, paragraph "a", as a comprehensive residential facility for children for three years or of an agency which has operated a facility for three years providing psychiatric services exclusively to children or adolescents and the facility meets or exceeds requirements for licensure under section 237.3, subsection 2, paragraph "a", as a comprehensive residential facility for children.

g. If a child has an emotional, behavioral, or mental health disorder, the psychiatric institution does not require court proceedings to be initiated or that a child's parent, guardian, or custodian must terminate parental rights over or transfer legal custody of the child for the purpose of obtaining treatment from the psychiatric institution for the child. Relinquishment of a child's custody shall not be a condition of the child receiving services.

2. The department of human services shall not give approval to an application which would cause the total number of beds licensed under this chapter for services reimbursed by the medical assistance program under chapter 249A to exceed four hundred thirty beds.

3. In addition to the beds authorized under subsection 2, the department of human services may establish not more than thirty beds licensed under this chapter at the state mental health institute at Independence. The beds shall be exempt from the certificate of need requirement under subsection 1, paragraph "d".

4. The department of human services may give approval to conversion of beds approved under subsection 2, to beds which are specialized to provide substance abuse treatment. However, the total number of beds approved under subsection 2 and this subsection shall not exceed four hundred thirty. Conversion of beds under this subsection shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion. Beds for children who do not reside in this state and whose service costs are not paid by public funds in this state are not subject to the limitations on the number of beds and certificate of need requirements otherwise applicable under this section.

~~10. 5. A psychiatric institution licensed prior to July 1, 1999, may exceed the number of beds authorized under subsection 6 2 if the excess beds are used to provide services funded from a source other than the medical assistance program under chapter 249A. Notwithstanding subsections 4, 5 subsection 1, paragraphs "d" and "e", and 6 subsection 2, the provision of services using those excess beds does not require a certificate of need or a review by the department of human services.~~

~~11. If a child has an emotional, behavioral, or mental health disorder, the psychiatric institution does not require court proceedings to be initiated or that a child's parent, guardian, or custodian must terminate parental rights over or transfer legal custody of the child for the purpose of obtaining treatment from the psychiatric institution for the child. Relinquishment of a child's custody shall not be a condition of the child receiving services.~~

Sec. 50. Section 136.2, Code 2018, is amended to read as follows:

136.2 Appointment.

1. All members of the state board of health shall be appointed by the governor to three-year staggered terms which shall expire on June 30.

2. The Each year, the governor shall appoint annually successors to the three board members whose terms expire that year. A vacancy occurring on the board shall be filled by the governor for the unexpired term of the vacancy.

Sec. 51. Section 136A.5B, subsection 2, Code 2018, is amended to read as follows:

2. An attending health care provider shall provide to a pregnant woman during the first trimester of the pregnancy the informational materials published under this subsection section. The center for congenital and inherited disorders shall make the informational materials available to attending health care providers upon request.

Sec. 52. Section 151.9, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A entry license or certificate to practice as a chiropractor may be revoked or suspended when the licensee or certificate holder is guilty of the following acts or offenses:

Sec. 53. Section 152.11, Code 2018, is amended to read as follows:

152.11 Investigators for nurses.

The board of nursing may appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provisions of law related to those licensed to practice nursing. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV. Investigators authorized by the board of nursing have the powers and status of peace officers when enforcing this chapter and chapters 147, 152E, and 272C.

Sec. 54. Section 154B.1, subsection 2, Code 2018, is amended to read as follows:

2. "Collaborative practice agreement" means a written agreement between a prescribing psychologist and a licensed physician that establishes clinical protocols, practice guidelines, and care plans relevant to the scope of the collaborative practice. The practice guidelines may include limitations on the prescribing of psychotropic medications by psychologists and protocols for prescribing to special populations, including patients who are less than seventeen years of age or over sixty-five years of age, patients who are pregnant, and patients with serious medical conditions including but not limited to heart disease, cancer, stroke, or seizures, and patients with developmental disabilities and intellectual disabilities.

Sec. 55. Section 155A.6A, subsection 2, Code 2018, is amended to read as follows:

2. A person who is or desires to be a pharmacy technician in this state shall apply to the board for registration. The application shall be submitted on a form prescribed by the board. A pharmacy technician must be registered pursuant to rules adopted by the board. Except as provided in subsection 3, ~~beginning July 1, 2010~~, all applicants for a new pharmacy technician registration or for a pharmacy technician renewal shall provide proof of current certification by a national technician certification authority approved by the board. Notwithstanding section 272C.2, subsection 1, a pharmacy technician registration shall not require continuing education for renewal.

Sec. 56. Section 155A.6A, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who is in the process of acquiring national certification as a pharmacy technician and who is in training to become a pharmacy technician shall register with the board as a pharmacy technician. The registration shall be issued for a period not to exceed one year and shall not be renewable.

Sec. 57. Section 155A.13C, subsection 5, paragraph d, Code 2018, is amended to read as follows:

d. Any violation of this chapter or chapter 124, ~~124A~~, 124B, 126, or 205, or rule of the board.

Sec. 58. Section 161A.38, Code 2018, is amended to read as follows:

161A.38 New classification.

1. After a subdistrict has been established and the improvements thereof constructed and put in operation, if the governing body shall find that the original assessments are not equitable as a basis for the expenses of any enlargement or extension thereof which may have become necessary, ~~they the governing body~~ shall order a new classification of all lands in said subdistrict by resolution, and appoint three appraisers, which shall meet the same requirements as set forth in section 161A.23.

2. Upon the completion of the reclassification, those affected by such reclassification shall have the right to appeal as ~~hereinabove~~ set forth in this subchapter.

Sec. 59. Section 161A.42, subsection 2, Code 2018, is amended to read as follows:

2. “*Conservation agreement*” means a commitment by the owner or operator of a farm unit to implement a farm unit soil conservation plan or, with the approval of the commissioners of the soil and water conservation district within which the farm unit is located, a portion of a farm unit soil conservation plan. The commitment shall be conditioned on the furnishing by the soil and water conservation district of technical or planning assistance in the establishment of, and ~~cost-sharing~~ cost-sharing or other financial assistance for establishment and maintenance of the soil and water conservation practices necessary to implement the plan, or a portion of the plan.

Sec. 60. Section 161A.43, Code 2018, is amended to read as follows:

161A.43 Duty of property owners — liability.

1. To conserve the fertility, general usefulness, and value of the soil and soil resources of this state, and to prevent the injurious effects of soil erosion, it is hereby made the duty of the owners of real property in this state to establish and maintain soil and water conservation practices or erosion control practices, as required by the regulations of the commissioners of the respective soil and water conservation districts. As used in this section, “*owners of real property in this state*” includes each state government agency, each political subdivision of the state, and each agency of such a political subdivision which has under its control publicly owned land, including but not limited to agricultural land, forests, parks, the grounds of state educational, penal and human service institutions, public highways, roads and streets, and other public rights-of-way.

2. A landowner shall not be liable for a claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent installation, construction, or reconstruction of a soil and water conservation practice or an erosion control practice that was installed, constructed, or reconstructed in accordance

with generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A soil and water conservation practice or an erosion control practice installed, constructed, or reconstructed in compliance with rules adopted by the division and currently in effect shall be deemed to be installed, constructed, or reconstructed according to generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A claim shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing soil and water conservation practice or erosion control practice to a new, changed, or altered design standard. This ~~paragraph~~ subsection does not apply to a claim based on a failure of a landowner to upgrade, improve, or alter a soil and water conservation practice or erosion control practice in violation of law. This ~~paragraph~~ subsection does not apply to claims based upon gross negligence.

Sec. 61. Section 166A.2, subsection 2, Code 2018, is amended to read as follows:

2. For good and sufficient grounds the department may refuse to grant a license to any applicant, ~~and it.~~ The department may also revoke a license obtained by a dealer for a violation of any provision of this chapter, or for the refusal or failure of a dealer to obey the lawful directions of the department.

Sec. 62. Section 166D.7, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. Before being added to the herd, new swine, including swine returning to the herd after contact with nonherd swine, shall be isolated until the new swine react negatively to a test conducted thirty days or more after the swine has been placed in isolation. Swine from a herd of unknown status must react negatively to a test not more than thirty days prior to movement from the herd of unknown status and retested in isolation at least thirty days after movement onto the premises where the qualified negative herd is located.

Sec. 63. Section 194.2, Code 2018, is amended to read as follows:

194.2 Enforcement — rules.

1. The secretary of agriculture shall enforce the provisions ~~hereof of this chapter~~, and to this end may adopt such rules and regulations pursuant to chapter 17A as may appear necessary, but not inconsistent ~~herewith with this chapter~~.

2. The secretary may adopt by rule requirements recommended by the United States Department of Agriculture for the production and processing of milk for manufacturing purposes, including, but not limited to, requirements for the inspection and certification of grade “B” dairy farms and grade “B” dairy plants.

Sec. 64. Section 194.4, subsection 2, Code 2018, is amended to read as follows:

2. Any raw milk ~~that~~ which shows an abnormal condition including, but not limited to, curdled, ropy, clotted, and bloody, ~~or that; which~~ contains extraneous matter ~~or; which~~ shows significant bacterial deterioration, ~~or; which~~ contains matter evidencing production from a mastitic cow; or which contains chemicals, medicines, or radioactive agents deleterious to health is unlawful milk and shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products for human consumption.

Sec. 65. Section 208.7, Code 2018, is amended to read as follows:

208.7 Mining license — fees and expiration.

An operator shall not engage in mining as defined by section 208.2 without first obtaining a license from the division. A license shall be issued and renewed upon approval by the division following the submission of a completed application by the operator. An application shall be submitted on a form provided by the division and shall be accompanied by a license fee of fifty dollars. Each applicant shall be required to furnish on the form information necessary to identify the applicant. The initial license shall expire on December 31 of the year of issue. An initial license shall be renewed by the division as required by the division. The renewed license shall expire the last day of the second December following the date of issue. The division shall renew a license upon approving an application submitted within thirty days prior to the expiration date. The application for a renewed license must be accompanied by a

fee of twenty dollars. ~~However, a~~ A political subdivision shall not be required to pay a license fee.

Sec. 66. Section 212.3, Code 2018, is amended to read as follows:

212.3 Disposition of delivery tickets.

One duplicate delivery ticket described in section ~~212.3~~ 212.2 shall be delivered to the vendee and the other duplicative delivery ticket shall be returned to the vendor or retained electronically by the vendor if approval from the department has previously been granted. Upon demand of the department the person in charge of the load shall surrender one of the duplicate delivery tickets to the person making such demand. If the duplicative delivery ticket is retained, an official weight slip shall be delivered by the department to the vendee or the vendee's agent.

Sec. 67. Section 216.6, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or ~~discriminating~~ discriminatory practices prohibited by this subsection.

Sec. 68. Section 216.6, subsection 1, paragraph c, subparagraph (1), Code 2018, is amended to read as follows:

(1) If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or ~~discriminating~~ discriminatory practices prohibited by this subsection.

Sec. 69. Section 216.13, subsection 1, Code 2018, is amended to read as follows:

1. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. This ~~paragraph~~ subsection does not prohibit the following:

~~a. The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policymaking position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Pub. L. No. 95-256, section 3.~~

~~b. The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.~~

Sec. 70. Section 225.30, Code 2018, is amended to read as follows:

225.30 Blanks — audit.

The medical faculty of the university of Iowa college of medicine shall prepare blanks containing such questions and requiring such information as may be necessary and proper to be obtained by the physician or mental health professional who examines a person or respondent whose referral to the state psychiatric hospital is contemplated. A judge may request that a physician or mental health professional who examines a respondent as required by section 229.10 complete such blanks in duplicate in the course of the examination. A physician who proposes to file information under section 225.10 shall obtain and complete such blanks in duplicate and file them with the information. The blanks shall be printed by the state and a supply of the blanks shall be made available to counties. The director of the

department of administrative services shall audit, allow, and pay the cost of the blanks as other bills for public printing are allowed and paid.

Sec. 71. Section 235B.3A, subsection 3, Code 2018, is amended to read as follows:

3. Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains ~~a copy of~~ the following written statement of rights; requesting the dependent adult to read the ~~card~~ document; and asking the dependent adult whether the dependent adult understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

[a] Keeping the alleged perpetrator away from you, your home, and your place of work.

[b] The right to stay at your home without interference from the alleged perpetrator.

[c] Professional counseling for you, your family, or household members, and the alleged perpetrator of the dependent adult abuse.

[2] If you are in need of medical treatment, you have the right to request that the peace officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[3] If you believe that police protection is needed for your physical safety, you have the right to request that the peace officer present remain at the scene until you and other affected parties can leave or safety is otherwise ensured.

Sec. 72. Section 235E.3, subsection 3, Code 2018, is amended to read as follows:

3. Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains ~~a copy of~~ the following written statement of rights; requesting the dependent adult to read the ~~card~~ document; and asking the dependent adult whether the dependent adult understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

[a] Keeping the alleged perpetrator away from you, your home, your facility, and your place of work.

[b] The right to stay at your home or facility without interference from the alleged perpetrator.

[c] Professional counseling for you, your family, or household members, and the alleged perpetrator of the dependent adult abuse.

[2] If you are in need of medical treatment, you have the right to request that the peace officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[3] If you believe that police protection is needed for your physical safety, you have the right to request that the peace officer present remain at the scene until you and other affected parties can leave or safety is otherwise ensured.

Sec. 73. Section 236.12, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains ~~a copy of~~ the following statement of rights written in English and Spanish; asking the person to read the ~~card~~ document; and asking whether the person understands the rights:

[1] You have the right to ask the court for the following help on

a temporary basis:

[a] Keeping your attacker away from you, your home and your place of work.

[b] The right to stay at your home without interference from your attacker.

[c] Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.

[d] Professional counseling for you, the children who are members of the household, and the defendant.

[2] You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

[3] You have the right to file criminal charges for threats, assaults, or other related crimes.

[4] You have the right to seek restitution against your attacker for harm to yourself or your property.

[5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.

Sec. 74. Section 236A.13, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a ~~copy of~~ the following statement of rights written in English and Spanish; asking the person to read the ~~card~~ document; and asking whether the person understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

~~[1]~~ [a] Keeping your attacker away from you, your home, and your place of work.

~~[2]~~ [b] The right to stay at your home without interference from your attacker.

[2] You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

[3] You have the right to file criminal complaints for threats, assaults, or other related crimes.

[4] You have the right to seek restitution against your attacker for harm to yourself or your property.

[5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected persons can leave or until safety is otherwise ensured.

Sec. 75. Section 256I.7, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. The early childhood Iowa initiative functions for an area shall be performed under the authority of an early childhood Iowa area board. The members of an area board shall be elected officials or members of the public who are not employed by a provider of services to or for the area board. In addition, the membership of an area board shall include representation from education, health, human services, business, and faith interests, and at least one parent, grandparent, or guardian of a child from zero through age five. However, not more than one member shall represent the same entity or interest.

Sec. 76. Section 256I.8, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. Administer early childhood Iowa grant moneys available from the state to the area board as provided by law and other federal, state, local, and private moneys made available to the area board. Eligibility for receipt of early childhood Iowa grant moneys shall be limited to those early childhood Iowa area boards that have developed an approved community plan in accordance with this chapter. An early childhood Iowa area board may apply to the state board for any private moneys received by the early childhood Iowa initiative outside of a state appropriation.

Sec. 77. Section 256I.8, subsection 1, paragraph d, Code 2018, is amended to read as follows:

d. Submit an annual report on the effectiveness of the community plan in addressing school readiness and children's health and safety needs to the state board and to the local government bodies in the area. The annual report shall indicate the effectiveness of the area board in addressing state and locally determined goals and the progress on each of the community-wide indicators identified by the area board under paragraph "c", subparagraph (5). The report shall include an annual budget developed for the following fiscal year for the area's comprehensive school ready children grant for providing services for children from ~~birth zero through age five years of age~~, and provide other information specified by the state board, including budget amendments, as needed. In addition, each area board must comply with reporting provisions and other requirements adopted by the state board in implementing section 256I.9.

Sec. 78. Section 256I.12, subsection 1, Code 2018, is amended to read as follows:

1. *Alliance created.* An early childhood stakeholders alliance is created to support the state board in addressing the early care, health, and education systems that affect children ages zero through age five in Iowa.

Sec. 79. Section 260C.22, subsection 1, paragraph e, Code 2018, is amended to read as follows:

e. This law subsection shall be construed as supplemental and in addition to existing statutory authority and as providing an independent method of financing the cost of acquiring school facilities for which a tax has been voted under this section and for the borrowing of money and execution of loan agreements in connection therewith and shall not be construed as subject to the provisions of any other law. The fact that a merged area may have previously borrowed money and entered into loan agreements under authority herein contained shall not prevent such merged area from borrowing additional money and entering into further loan agreements provided that the aggregate of the amount payable under all of such loan agreements does not exceed the proceeds of the voted tax. All acts and proceedings heretofore taken by the board of directors or by any official of any merged area for the exercise of any of the powers granted by this section are hereby legalized and validated in all respects.

Sec. 80. Section 261.9, unnumbered paragraph 1, Code 2018, is amended to read as follows:

When used in this ~~part~~ subchapter, unless the context otherwise requires:

Sec. 81. Section 262.21, Code 2018, is amended to read as follows:

262.21 Annuity contracts.

1. As used in this section, unless the context otherwise requires, “annuity contract” includes any custodial account which meets the requirements of section 403(b)(7) of the Internal Revenue Code, as defined in section 422.3.

2. At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its employees, which annuity contracts are issued by a nonprofit corporation issuing retirement annuities exclusively for educational institutions and their employees or are purchased from any company the employee chooses that is authorized to do business in this state or through an Iowa-licensed salesperson that the employee selects, on a group or individual basis, for retirement or other purposes, and may make payroll deductions in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits under section 403(b) of the Internal Revenue Code, as defined in section 422.3. The employee’s rights under the annuity contract are nonforfeitable except for the failure to pay premiums. ~~As used in this section, unless the context otherwise requires, “annuity contract” includes any custodial account which meets the requirements of section 403(b)(7) of the Internal Revenue Code, as defined in section 422.3.~~

3. Whenever an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall submit a letter of intent to the company being replaced, to the commissioner of insurance, and to the agent’s or representative’s own company at least thirty days prior to any action. Each required letter of intent shall be sent by registered mail. This letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

Sec. 82. Section 262.56, Code 2018, is amended to read as follows:

262.56 Authorization — contracts — title.

Subject to and in accordance with the provisions of this subchapter the state board of regents is hereby authorized to undertake and carry out any project as ~~hereinbefore~~ defined in section 262.55 at the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa and to operate, control, maintain and manage student residence halls and dormitories, including dining and other incidental facilities, and additions to such buildings at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this subchapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa. The board is authorized to rent the rooms in such residence halls and dormitories to the students, officers, guests and employees of said institutions at such rates, fees or rentals as will provide a reasonable return upon the investment, but which will in any event produce net rents, profits and income sufficient to insure the payment of the principal of and interest on all bonds or notes issued to pay any part of the cost of any project and refunding bonds or notes issued pursuant to the provisions of this subchapter.

Sec. 83. Section 263.2, Code 2018, is amended to read as follows:

263.2 Degrees.

1. ~~No one~~ A person shall not be admitted to courses of instruction in the university ~~who~~ if the person has not completed the elementary instruction in such branches as are taught in the ~~common~~ public or accredited nonpublic schools throughout the state.

2. Graduates of the university shall receive degrees or diplomas, or other evidences of distinction such as are usually conferred and granted by universities and are authorized by the state board of regents.

Sec. 84. Section 263.10, Code 2018, is amended to read as follows:

263.10 Persons admitted.

Every resident of the state who is not more than twenty-one years of age, who has such severe disabilities as to be unable to acquire an education in the ~~common public or accredited nonpublic~~ schools, and every such person who is twenty-one and under thirty-five years of age who has the consent of the state board of regents, shall be entitled to receive an education, care, and training in the university of Iowa hospitals and clinics center for disabilities and development, and nonresidents similarly situated may be entitled to an education and care at the center upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be not less than the average expense of resident pupils and shall be paid in advance. Residents and persons under the care and control of a director of a division of the department of human services who have severe disabilities may be transferred to the center upon such terms as may be agreed upon by the state board of regents and the director.

Sec. 85. Section 270.6, Code 2018, is amended to read as follows:

270.6 Certification Certificate to auditor — collection.

The superintendent shall, at the time of sending ~~the~~ certificate to the director of the department of administrative services, send a duplicate copy to the auditor of the county of the pupil's residence, who shall, when ordered by the board of supervisors, proceed to collect the ~~same~~ amounts due by action if necessary, in the name of the county, and when so collected, shall pay the ~~same~~ amounts into the county treasury.

Sec. 86. Section 270.7, subsection 2, Code 2018, is amended to read as follows:

2. If a county fails to pay these bills within sixty days from the date of ~~the~~ certificate from the superintendent, the director of the department of administrative services shall charge the delinquent county a penalty of three-fourths of one percent per month on and after sixty days from the date of ~~the~~ certificate until paid. The penalties shall be credited to the general fund of the state.

Sec. 87. Section 272.2, subsection 20, Code 2018, is amended to read as follows:

20. ~~Establish by rule~~ Adopt rules pursuant to chapter 17A establishing endorsements and authorizations for computer science instruction, including traditional and nontraditional pathways for obtaining such endorsements or authorizations.

Sec. 88. Section 274.2, Code 2018, is amended to read as follows:

274.2 General applicability.

The provisions of law relative to ~~common public or accredited nonpublic~~ schools shall apply alike to all districts, except when otherwise clearly stated, and the powers given to one form of corporation, or to a board in one kind of corporation, shall be exercised by the other in the same manner, as nearly as practicable. But school boards shall not incur original indebtedness by the issuance of bonds until authorized by the voters of the school corporation.

Sec. 89. Section 274.39, Code 2018, is amended to read as follows:

274.39 Sale of land to government.

Whenever the federal government, or any agency or department thereof ~~shall have heretofore located or shall hereafter locate~~ of the federal government, locates in any county an ordnance plant or other project which may be deemed desirable for the development of the national defense or for the purpose of flood control, and for the purpose of so locating such plant or project ~~shall have heretofore determined, or shall hereafter determine, determines~~ that real property and improvements ~~thereon~~ on the property owned by school districts is are required, the board of directors of such school districts by resolution is hereby authorized to sell and convey ~~such~~ the property at a price and upon terms as may be agreed upon, ~~any such~~. The instruments of conveyance ~~to~~ shall be executed on behalf of ~~such~~ the school districts by the president of ~~such~~ each district.

Sec. 90. Section 275.4, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. In developing studies and surveys the area education agency board shall consult with the officials of school districts in the area and other citizens, ~~and~~ shall from time to time hold

public hearings, and may employ such research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans of reorganization.

Sec. 91. Section 275.9, subsection 1, Code 2018, is amended to read as follows:

1. When any school district is enlarged, reorganized, or changes its boundaries pursuant to the plans ~~hereinabove~~ provided for under sections 275.2 through 275.8, such enlargement, reorganization, or boundary change shall be accomplished by the method ~~hereinafter~~ provided in this subchapter.

Sec. 92. Section 275.13, Code 2018, is amended to read as follows:

275.13 Affidavit — presumption.

Such petition shall be accompanied by an affidavit showing the number of registered voters living in each affected district or portion thereof described in the petition and signed by a registered voter residing in the territory, and if parts of the territory described in the petition are situated in different area education agencies, the affidavit shall show separately as to each agency, the number of registered voters in the part of the agency included in the territory described. The affidavit shall be taken as true unless objections to it are filed on or before the time fixed for filing objections as provided in section 275.14 ~~hereof~~.

Sec. 93. Section 275.27, Code 2018, is amended to read as follows:

275.27 Community school districts — part of area education agency.

School districts created or enlarged under this chapter are community school districts and are part of the area education agency in which the greatest number of registered voters of the district reside at the time of the special election called for in section 275.18, and sections of the Code applicable to ~~the common public or accredited nonpublic~~ schools generally are applicable to these districts in addition to the powers and privileges conferred by this chapter. If a school district, created or enlarged under this chapter and assigned to an area education agency under this section, can demonstrate that students in the district were utilizing a service or program prior to the formation of the new or enlarged district that is unavailable from the area education agency to which the new or enlarged district is assigned, the district may be reassigned to the area education agency which formerly provided the service or program, upon an affirmative majority vote of the boards of the affected area education agencies to permit the change.

Sec. 94. Section 275.33, subsection 1, Code 2018, is amended to read as follows:

1. The terms of employment of superintendents, principals, and teachers, for the school year following the effective date of the formation of the new district shall not be affected by the formation of the new district, except in accordance with the provisions of sections 279.15 ~~to through 279.18 and 279.24~~ and the authority and responsibility to offer new contracts or to continue, modify, or terminate existing contracts pursuant to sections 279.12, 279.13, 279.15 ~~to through 279.21, 279.23, and 279.24~~ for the school year beginning with the effective date of the reorganization shall be transferred from the boards of the existing districts to the board of the new district on the third Tuesday of January prior to the school year the reorganization is effective.

Sec. 95. Section 277.32, Code 2018, is amended to read as follows:

277.32 Penalties.

Any school officer willfully violating any law relative to ~~common public or accredited nonpublic~~ schools, or willfully failing or refusing to perform any duty imposed by law, shall forfeit and pay into the treasury of the particular school corporation in which the violation occurs the sum of twenty-five dollars, action to recover which shall be brought in the name of the proper school corporation, and be applied to the use of the schools therein.

Sec. 96. Section 279.16, subsection 3, Code 2018, is amended to read as follows:

3. The board shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but it shall hold the hearing in such manner as is best

sued to ascertain and conserve the substantial rights of the parties. Process and procedure under sections 279.13 to ~~through~~ 279.19 shall be as summary as reasonably may be.

Sec. 97. Section 279.36, Code 2018, is amended to read as follows:

279.36 Publication procedures and fee.

1. The requirements of section 279.35 are satisfied by publication in at least one newspaper published in the district or, if there is none, in at least one newspaper having general circulation within the district.

~~2. For the fiscal year beginning July 1, 1987, the fee for publications required under section 279.35 shall not exceed three-fifths of the legal publication fee provided by statute for the publication of legal notices. For the fiscal year beginning July 1, 1988, the fee for the publications shall not exceed three-fourths of that legal publication fee. For the fiscal year beginning July 1, 1989, and each fiscal year thereafter, the fee for the publications shall be the legal publication fee provided by statute.~~

Sec. 98. Section 280.2, Code 2018, is amended to read as follows:

280.2 Definitions.

~~The term "public school" means any school directly supported in whole or in part by taxation. The term "nonpublic~~

As used in this chapter, unless the context otherwise requires:

1. "Nonpublic school" means any other school, other than a public school, which is accredited pursuant to section 256.11.

2. "Public school" means any school directly supported in whole or in part by taxation.

Sec. 99. Section 282.18, subsection 11, Code 2018, is amended to read as follows:

11. a. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the ~~district except that the~~ district. However, a pupil may participate immediately in a varsity interscholastic sport if under any of the following circumstances:

(1) If the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade, if.

(2) If the district of residence and the other school district jointly participate in the sport, if.

(3) If the sport in which the pupil wishes to participate is not offered in the district of residence, if.

(4) If the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12, if.

(5) If the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade, if.

(6) If the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services, or if.

(7) If the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in section 280.28 while attending school in the district of residence.

b. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended.

c. For purposes of this subsection, "school days of enrollment" does not include enrollment in summer school. For purposes of this subsection, "varsity" means the same as defined in section 256.46.

Sec. 100. Section 284.1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A student achievement and teacher quality program is established to promote high student achievement. The program shall consist of the following ~~four~~ major elements:

Sec. 101. Section 284.3A, subsection 3, Code 2018, is amended to read as follows:

3. A school district or area education agency shall not be required to maintain a separate account within its budget based on source of funds for payments received and expenditures made pursuant to this section. The school district or area education agency shall annually certify to the department of education that funding received pursuant to sections 257.10 and 257.37A was expended on salaries for qualified teachers.

Sec. 102. Section 284.6, subsection 9, Code 2018, is amended to read as follows:

9. Moneys received pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, shall be maintained as a separate listing within a school district's or area education agency's budget for funds received and expenditures made pursuant to this subsection. The department shall not require a school district or area education agency to allocate a specific amount or percentage of moneys received pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, for professional development related to implementation of the core curriculum under section 256.7, subsection 26. A school district shall certify to the department of education how the school district allocated the funds and that moneys received under this subsection were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available. For budget years beginning on or after July 1, 2017, all or a portion of the moneys received pursuant to section 257.10, subsection 10, that remain unexpended and unobligated at the end of a fiscal year may, pursuant to section 257.10, subsection 10, paragraph "d", be transferred for deposit in the school district's flexibility account established under section 298A.2, subsection 2.

Sec. 103. Section 284.13, subsection 1, paragraph d, subparagraph (1), unnumbered paragraph 1, Code 2018, is amended to read as follows:

For the following years, to the department of education, for purposes of teacher leadership supplemental aid payments to school districts for implementing the career paths, leadership roles, and compensation framework or comparable system approved in accordance with section 284.15, subsection 6, the following amounts:

Sec. 104. Section 284.13, subsection 1, paragraph g, Code 2018, is amended to read as follows:

g. For the fiscal year beginning July 1, 2018, and for each subsequent fiscal year, to the department of education, ten million dollars for purposes of implementing the supplemental assistance for high-need schools provisions of section 284.11. Annually, of the moneys allocated to the department for purposes of this paragraph, up to one hundred thousand dollars may be used by the department for administrative purposes and for not more than one full-time equivalent position.

Sec. 105. Section 294.1, Code 2018, is amended to read as follows:

294.1 Qualifications — compensation prohibited.

1. ~~No~~ A person shall not be employed as a teacher in a ~~common~~ public or accredited nonpublic school without having a certificate issued by some officer duly authorized by law.

2. ~~No compensation~~ Compensation shall not be recovered by a teacher for services rendered while without such certificate.

Sec. 106. Section 303.8, Code 2018, is amended to read as follows:

303.8 Powers and duties of board and division department.

1. The state historical society board of trustees shall:

a. Recommend to the state historical society a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

- b. Make recommendations to the division administrator on historically related matters.
 - c. Review and recommend to the director or the director's designee policy decisions regarding the division.
 - d. Recommend to the state historic preservation officer for approval the state preservation plan.
 - e. Perform other functions prescribed by law to further historically related matters in the state.
2. The department shall:
 - a. Have authority to acquire by fee simple title historic properties by gift, purchase, devise, or bequest; preserve, restore, transfer, and administer historic properties; and charge reasonable admission to historic properties.
 - b. Maintain research centers in Des Moines and Iowa City.

Sec. 107. Section 303.18, subsection 1, Code 2018, is amended to read as follows:

1. The state historic preservation officer shall only recommend that a rural electric cooperative or a municipal utility constructing electric distribution and transmission facilities for which it is receiving federal funding conduct an archeological site survey of its proposed route when, based upon a review of existing information on historic properties within the area of potential effects of the construction, the state historic preservation officer has determined that a historic property, as defined by the federal National Historic Preservation Act of 1966, Pub. L. No. 89-665, as amended and codified at 16 U.S.C. §470 et seq., is likely to exist within the proposed route.

Sec. 108. Section 314.21, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. The living roadway trust fund is created in the office of the treasurer of state. The moneys in this fund shall be used exclusively for the development and implementation of integrated roadside vegetation plans. Except as provided in subsections 2 and 3, the moneys shall only be expended for areas on or adjacent to road, street, and highway right-of-ways. The state department of transportation in consultation with the department of natural resources shall establish standards relating to the type of projects available for assistance. ~~For the fiscal period beginning July 1, 1988, and ending March 31, 1990, the moneys in the fund shall be expended as follows:—fifty-six percent on state department of transportation projects; thirty percent on county projects; and fourteen percent on city projects.~~

Sec. 109. Section 321.105, subsection 5, Code 2018, is amended to read as follows:

5. Seriously disabled veterans who have been provided with an automobile or other vehicle by the United States government under the provisions of ~~§1901—1903, Tit. 38 of the United States Code, 38 U.S.C. §1901 et seq. (1970) §3901 – 3904~~, shall be exempt from payment of the registration fee provided in this chapter for that vehicle, and shall be provided, without fee, with one set of regular registration plates or one set of any type of special registration plates associated with service in the United States armed forces for which the disabled veteran qualifies under section 321.34. The disabled veteran, to be able to claim the benefit, must be a resident of the state of Iowa. In lieu of the set of regular or special military registration plates available without fee, the disabled veteran may obtain a set of nonmilitary special registration plates or personalized plates issued under section 321.34 by paying the additional fees associated with those plates.

Sec. 110. Section 321.145, subsection 2, paragraph a, subparagraph (3), Code 2018, is amended to read as follows:

(3) The amounts required to be transferred pursuant to section 321.34 from revenues available under this subsection shall be transferred and credited as provided in section 321.34, ~~subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C, 21, 22, 23, 24, 25, and 26~~ for the various purposes specified in those subsections that section.

Sec. 111. Section 321.237, Code 2018, is amended to read as follows:

321.237 Signs — requirement — notice.

1. A traffic ordinance or regulation enacted under section 321.236, subsection 4, 5, 6, 8, 12, or 13, shall not be effective until signs, giving notice of such local traffic regulations as specified in the department manual on uniform traffic-control devices, are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate and shall be erected at the expense of the local authority.

2. When a city has adopted an ordinance as authorized in section 321.236, subsection 12, or an ordinance which prohibits standing or parking of vehicles upon a street or streets during any time when snow-removal operations are in progress and before such operations have resulted in the removal or clearance of snow from such street or streets, signs as specified in the ~~above~~ department manual on uniform traffic-control devices, posted as ~~hereinabove~~ provided in subsection 1, shall be deemed sufficient notice of the existence of such restrictions.

Sec. 112. Section 321.278, Code 2018, is amended to read as follows:

321.278 Drag racing prohibited.

1. ~~a. No~~ A person shall engage not do any of the following:

(1) Engage in any motor vehicle speed contest or exhibition of speed on any street or highway of this state and no person shall aid.

(2) Aid or abet any motor vehicle speed contest or speed exhibition of speed on any street or highway of this state, except that a.

b. A passenger shall not be considered as aiding and abetting. Motor vehicle speed contest

c. As used in this section, "motor vehicle speed contest" or exhibition of speed are defined as "exhibition of speed" means one or more persons competing in speed in excess of the applicable speed limit in vehicles on the public streets or highways.

2. Any person who violates the provisions of this section shall be guilty of a simple misdemeanor.

Sec. 113. Section 321.290, Code 2018, is amended to read as follows:

321.290 Special restrictions.

1. Whenever the department shall determine upon the basis of an engineering and traffic investigation that any speed limit ~~hereinbefore~~ set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the primary road system or upon any part of a primary road extension, ~~said~~ the department shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice ~~thereof~~ of the speed limit are erected at such intersection or other place or part of the highway.

2. Whenever the council in any city shall determine upon the basis of an engineering and traffic investigation that any speed limit ~~hereinbefore~~ set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the city street system, except primary road extensions, ~~said~~ council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe thereat. Such speed limit shall be effective when proper and appropriate signs giving notice ~~thereof~~ of the speed limit are erected at such intersections or other place or part of the street.

Sec. 114. Section 321E.12, subsection 3, Code 2018, is amended to read as follows:

3. Vehicles, while being used for the transportation of buildings other than mobile homes and factory-built structures, may be registered for the combined gross weight of the vehicle and load on a single-trip basis. The fee is five cents per ton exceeding the weight registered under section 321.122 per mile of travel. Fees shall not be prorated for fractions of miles. ~~This provision~~ subsection does not exempt these vehicles from any other provision of this chapter.

Sec. 115. Section 321G.13, subsection 2, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) If a A person may operate or ride on a snowmobile with a loaded pistol or revolver, whether concealed or not, if the person is operating or riding a the snowmobile on land that is not owned or possessed by the person, the person may operate or ride the snowmobile with

~~a loaded pistol or revolver, whether concealed or not, and the person's conduct is otherwise lawful.~~¹

Sec. 116. Section 321I.14, subsection 2, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) ~~If a~~ A person may operate or ride on an all-terrain vehicle with a loaded pistol or revolver, whether concealed or not, if the person is operating or riding on the all-terrain vehicle on land that is not owned or possessed by the person, ~~the person may operate or ride the all-terrain vehicle with a loaded pistol or revolver, whether concealed or not, and the person's conduct is otherwise lawful.~~²

Sec. 117. Section 321J.20, subsection 3, Code 2018, is amended to read as follows:

3. ~~If a~~ In addition to other penalties provided by law, a person's temporary restricted license shall be revoked if the person is required to install an ignition interlock device or participate in a program established pursuant to chapter 901D operates and the person does any of the following:

- a. Operates a motor vehicle which does not have an approved ignition interlock device or.
- b. Operates a motor vehicle while not in compliance with the program, ~~or if the person tampers.~~
- c. Tampers with or circumvents an ignition interlock device, ~~in addition to other penalties provided, the person's temporary restricted license shall be revoked.~~

Sec. 118. Section 321L.2, subsection 5, Code 2018, is amended to read as follows:

5. A seriously disabled veteran who has been provided with an automobile or other vehicle by the United States government under the provisions of 38 U.S.C. §1901 ~~et seq. (1970)~~ §3901 – 3904 is not required to apply for a persons with disabilities parking permit under this section unless the veteran has been issued special registration plates or personalized plates for the vehicle. The regular registration plates issued for the disabled veteran's vehicle without fee pursuant to section 321.105 entitle the disabled veteran to all of the rights and privileges associated with persons with disabilities parking permits under this chapter.

Sec. 119. Section 327G.79, subsection 1, Code 2018, is amended to read as follows:

1. The department of inspections and appeals' determination and order shall be just and equitable and, in the case of the determination of the fair market value of the property, shall be based in part upon at least three independent appraisals prepared by certified appraisers. Each party shall select one appraiser and each appraisal shall be paid for by the party for whom the appraisal is prepared. The two appraisers shall select a third appraiser and the costs of this appraisal shall be divided equally between the parties. If the appraisers selected by the parties cannot agree on selection of a third appraiser, the state department of transportation shall appoint a third appraiser and the costs of this appraisal shall be divided equally between the parties.

Sec. 120. Section 350.10, Code 2018, is amended to read as follows:

350.10 Statutes applicable.

Sections 461A.35 through 461A.57 apply to all lands and waters under the control of a county conservation board, in the same manner as if the lands and waters were state parks, lands, or waters. As used in sections 461A.35 through 461A.57, "*natural resource commission*" includes a county conservation board, and "*director*" includes a county conservation board or its director, with respect to lands or waters under the control of a county conservation board. However, sections 461A.35 through 461A.57 may be modified or superseded by rules regulations adopted as provided in section 350.5.

Sec. 121. Section 351.36, Code 2018, is amended to read as follows:

351.36 Enforcement.

¹ See chapter 1172, §40 herein

² See chapter 1172, §40 herein

Local health and law enforcement officials shall enforce the provisions of sections 351.33 ~~to~~, 351.35, this section, and sections 351.37 through 351.43 relating to vaccination and impoundment of dogs. Such public officials shall not be responsible for any accident or disease of a dog resulting from the enforcement of the provisions of said sections.

Sec. 122. Section 351.42, Code 2018, is amended to read as follows:

351.42 Exempt dogs.

Dogs that are under the control of the owner or handlers and which are in transit, or are to be exhibited shall be exempt from the vaccination provisions of these sections if they are within the state for less than thirty days. Dogs assigned to a research institution or a like facility shall be exempt from the provisions of sections 351.33 ~~to~~ and 351.35, sections 351.36 through 351.41, this section, and section 351.43.

Sec. 123. Section 351.43, Code 2018, is amended to read as follows:

351.43 Penalty.

Any person refusing to comply with the provisions of sections section 351.33 to, or sections 351.35 through 351.42 or violating any of their provisions, shall be deemed guilty of a simple misdemeanor.

Sec. 124. Section 358.11, Code 2018, is amended to read as follows:

358.11 Sanitary district to be a body corporate.

1. Each sanitary district organized under this chapter shall be a body corporate and politic, with the name and style under which it was organized, and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the same at pleasure, and exercise all the powers conferred in this chapter.

2. All courts of this state shall take judicial notice of the existence of sanitary districts organized ~~hereunder~~ under this chapter.

Sec. 125. Section 400.21, Code 2018, is amended to read as follows:

400.21 Notice of appeal.

If the appeal be taken by the person removed, discharged, demoted, or suspended, notice ~~thereof of the appeal~~, signed by the appellant and specifying the ruling appealed from, shall be filed with the clerk of the commission; ~~if~~. If the appeal is taken by the person making such removal, discharge, demotion, or suspension, such notice shall also be served upon the person removed, discharged, demoted, or suspended.

Sec. 126. Section 400.27, subsection 4, Code 2018, is amended to read as follows:

4. The appeal to the district court shall be perfected by filing a notice of appeal with the clerk of the district court within the time prescribed in this section and by serving notice of appeal on the clerk of the civil service commission, from whose ruling or decision the appeal is taken.

Sec. 127. Section 411.6C, subsection 3, paragraph b, Code 2018, is amended to read as follows:

b. The eligible member's selection of a plan termination date. The plan termination date shall be either three, four, or five years after the date the eligible member commences membership in the plan. However, for the two-year period beginning ~~with the first of the month following the implementation date of this section~~ April 1, 2007, an eligible member between sixty-two and sixty-four years of age may also select a plan termination date that is one or two years after the date the eligible member commences membership in the plan.

Sec. 128. Section 420.207, Code 2018, is amended to read as follows:

420.207 Taxation in general.

Sections 426A.11 through 426A.15, 427.1, 427.8 ~~to~~ through 427.11, 428.4, 428.20, 428.22, 428.23, 437.1, 437.3, 441.21, 443.1 ~~to~~ through 443.3, 444.2 through 444.4, and 447.9 ~~to~~ through 447.13, so far as applicable, apply to cities acting under special charters.

Sec. 129. Section 422.7, subsection 2, paragraph i, Code 2018, is amended to read as follows:

i. Iowa finance authority ~~E911~~ 911 program bonds pursuant to section 34A.20, subsection 6.

Sec. 130. Section 422.32, subsection 2, Code 2018, is amended to read as follows:

2. The words, terms, and phrases defined in section 422.4, subsections 4 ~~to~~ through 6, 8, 9, 13, and 15 ~~to~~ through 17, when used in this division, shall have the meanings ascribed to them in said section except where the context clearly indicates a different meaning.

Sec. 131. Section 422D.3, Code 2018, is amended to read as follows:

422D.3 Administration.

1. A local income surtax shall be imposed January 1 of the fiscal year in which the favorable election was held for tax years beginning on or after January 1, and is repealed as provided in section 422D.1, subsection 4, as of December 31 for tax years beginning after December 31.

2. The director of revenue shall administer the local income surtax as nearly as possible in conjunction with the administration of state income tax laws. The director shall provide on the regular state tax forms for reporting local income surtax.

3. An ordinance imposing a local income surtax shall adopt by reference the applicable provisions of the appropriate sections of chapter 422, division II. All powers and requirements of the director in administering the state income tax law apply to the administration of a local income surtax, including but not limited to, the provisions of sections 422.4, 422.20 ~~to~~ through 422.31, 422.68, 422.70, and 422.72 ~~to~~ through 422.75. Local officials shall confer with the director of revenue for assistance in drafting the ordinance imposing a local income surtax. A certified copy of the ordinance shall be filed with the director as soon as possible after passage.

4. The director, in consultation with local officials, shall collect and account for a local income surtax and any interest and penalties. The director shall credit local income surtax receipts and any interest and penalties collected from returns filed on or before November 1 of the calendar year following the tax year for which the local income surtax is imposed to a ~~“local local income surtax fund”~~ fund established in the department of revenue. All local income surtax receipts and any interest and penalties received or refunded from returns filed after November 1 of the calendar year following the tax year for which the local income surtax is imposed shall be deposited in or withdrawn from the state general fund and shall be considered part of the cost of administering the local income surtax.

Sec. 132. Section 423.3, subsection 47A, Code 2018, is amended to read as follows:

47A. ~~a. Subject to paragraph “b”, the~~ The sales price from the sale or rental of central office equipment or transmission equipment primarily used by local exchange carriers and competitive local exchange service providers as defined in section 476.96; by franchised cable television operators, mutual companies, municipal utilities, cooperatives, and companies furnishing communications services that are not subject to rate regulation as provided in chapter 476; by long distance companies as defined in section 477.10; or for a commercial mobile radio service as defined in 47 C.F.R. §20.3 in the furnishing of telecommunications services on a commercial basis. For the purposes of this subsection, “central office equipment” means equipment utilized in the initiating, processing, amplifying, switching, or monitoring of telecommunications services. “Transmission equipment” means equipment utilized in the process of sending information from one location to another location. “Central office equipment” and “transmission equipment” also include ancillary equipment and apparatus which support, regulate, control, repair, test, or enable such equipment to accomplish its function.

~~b. The exemption in this subsection shall be phased in by means of tax refunds as follows:~~

~~(1) If the sale or rental occurs on or after July 1, 2006, through June 30, 2007, one-seventh of the state tax on the sales price shall be refunded.~~

~~(2) If the sale or rental occurs on or after July 1, 2007, through June 30, 2008, two-sevenths of the state tax on the sales price shall be refunded.~~

~~(3) If the sale or rental occurs on or after July 1, 2008, through June 30, 2009, three-sevenths of the state tax on the sales price shall be refunded.~~

~~(4) If the sale or rental occurs on or after July 1, 2009, through June 30, 2010, four-sevenths of the state tax on the sales price shall be refunded.~~

~~(5) If the sale or rental occurs on or after July 1, 2010, through June 30, 2011, five-sevenths of the state tax on the sales price shall be refunded.~~

~~(6) If the sale or rental occurs on or after July 1, 2011, through June 30, 2012, six-sevenths of the state tax on the sales price shall be refunded.~~

~~(7) If the sale or rental occurs on or after July 1, 2012, the sales price is exempt and no payment of tax and subsequent refund are required.~~

~~e. For sales or rentals occurring on or after July 1, 2006, through June 30, 2012, a refund of the tax paid as provided in paragraph "b", subparagraph (1), (2), (3), (4), (5), or (6), must be applied for, not later than six months after the month in which the sale or rental occurred, in the manner and on the forms provided by the department. Refunds shall only be of the state tax collected. Refunds authorized shall accrue interest at the rate in effect under section 421.7 from the first day of the second calendar month following the date the refund claim is received by the department.~~

Sec. 133. Section 423.3, subsection 69A, Code 2018, is amended to read as follows:

69A. The sales price from surcharges paid for ~~E911~~ 911 service and wireless ~~E911~~ 911 service pursuant to chapter 34A.

Sec. 134. Section 423.8, Code 2018, is amended to read as follows:

423.8 Legislative finding and intent.

1. The general assembly finds that Iowa should enter into an agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce.

2. It is the intent of the general assembly that entering into this agreement will lead to simplification and modernization of the sales and use tax law and not to the imposition of new taxes or an increase or decrease in the existing number of exemptions, unless such a result is unavoidable under the terms of the agreement. Entering into this agreement should not cause businesses to sustain additional administrative burden.

3. It is the intent of the general assembly to provide Iowa sellers impacted by the agreement with the assistance necessary to alleviate administrative burdens that result in participation in the agreement. ~~The director and the Iowa streamlined sales tax advisory council shall provide recommendations to address the new administrative burden identified in the Iowa streamlined sales tax advisory council 2005 report submitted to the Iowa general assembly. The recommendations must be submitted to the general assembly by January 1, 2007, and shall include the expenses associated and all relevant data including but not limited to the number of intrastate sellers impacted by the agreement.~~

Sec. 135. Section 425.9, Code 2018, is amended to read as follows:

425.9 Credits in excess of tax — appeals — refunds.

1. If the amount of credit apportioned to any homestead under the provisions of this chapter in any year shall exceed the total tax, exclusive of any special assessments levied against said homestead, then such excess shall be remitted by the county treasurer to the department of revenue to be redeposited in the homestead credit fund and be reallocated the following year by the department as provided ~~hereunder~~ in this chapter.

2. If any claim for credit made hereunder has been denied by the board of supervisors, and such action is subsequently reversed on appeal, the credit shall be allowed on the homestead involved in said appeal, and the director of revenue, the county auditor, and the county treasurer shall make such credit and change their books and records accordingly.

3. In the event the appealing taxpayer has paid one or both of the installments of the tax payable in the year or years in question on such homestead valuation, remittance shall be made to such taxpayer of the amount of such credit.

4. The amount of such credit shall be allocated and paid from the surplus redeposited in the homestead credit fund provided for in ~~the first paragraph of this section~~ subsection 1.

Sec. 136. Section 425.10, Code 2018, is amended to read as follows:

425.10 Reversal of allowed claim.

In the event any claim is allowed, and subsequently reversed on appeal, any credit made thereunder shall be void, and the amount of such credit shall be charged against the property in question, and the director of revenue, the county auditor, and the county treasurer are authorized and directed to correct their books and records accordingly. The amount of such erroneous credit, when collected, shall be returned by the county treasurer to the homestead credit fund to be reallocated the following year as provided ~~herein~~ in this chapter.

Sec. 137. Section 426A.13, subsection 1, Code 2018, is amended to read as follows:

1. A person named in section 426A.11, who is a resident of and domiciled in the state of Iowa, shall receive a reduction equal to the exemption, to be made from any property owned by the person or owned by a family farm corporation of which the person is a shareholder and occupant of the property and so designated by proceeding as provided in ~~the~~ this section. To be eligible to receive the exemption, the person claiming it shall have recorded in the office of the county recorder of the county in which is located the property designated for the exemption, evidence of property ownership by that person or the family farm corporation of which the person is a shareholder and the military certificate of satisfactory service, order transferring to inactive status, reserve, retirement, order of separation from service, honorable discharge or a copy of any of these documents of the person claiming or through whom is claimed the exemption. In the case of a person claiming the exemption as a veteran described in section 35.1, subsection 2, paragraph "b", subparagraph (6) or (7), the person shall file the statement required by section 35.2.

Sec. 138. Section 427.1, subsection 21A, Code 2018, is amended to read as follows:

21A. ~~Dwelling unit property owned by community housing development organization.~~ Dwelling unit property owned and managed by a community housing development organization, as recognized by the state of Iowa and the federal government pursuant to criteria for community housing development organization designation contained in the HOME program of the federal National Affordable Housing Act of 1990, if the organization is also a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code and owns and manages more than one hundred fifty dwelling units that are located in a city with a population of more than one hundred ten thousand. ~~For the 2005 and 2006 assessment years, an application is not required to be filed to receive the exemption.~~ For the 2007 and subsequent assessment years, an application for exemption must be filed with the assessing authority not later than February 1 of the assessment year for which the exemption is sought. Upon the filing and allowance of the claim, the claim shall be allowed on the property for successive years without further filing as long as the property continues to qualify for the exemption.

Sec. 139. Section 427B.17, subsections 5 and 8, Code 2018, are amended to read as follows:

5. Property assessed pursuant to this section shall not be eligible to receive a partial exemption under sections 427B.1 ~~to 427B.6~~ through 427B.5.

8. a. This section shall not apply to property assessed by the department of revenue pursuant to sections 428.24 ~~to~~ through 428.29, or chapters 433, 434, 437, 437A, 437B, and 438, and such property shall not receive the benefits of this section.

b. Any electric power generating plant which operated during the preceding assessment year at a net capacity factor of more than twenty percent, shall not receive the benefits of this section or of section 15.332.

Sec. 140. Section 453A.47A, subsection 6, Code 2018, is amended to read as follows:

6. *Issuance.* Cities may issue retail permits to retailers located within their respective limits. County boards of supervisors may issue retail permits to retailers located in their respective counties, outside of the corporate limits of cities. The city or county shall submit a duplicate of any application for a retail permit to the alcoholic beverages division of the department of commerce within thirty days of issuance of a permit. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits

issued to the Iowa department of public health by the last day of each quarter of a state fiscal year.

Sec. 141. Section 455A.9, Code 2018, is amended to read as follows:

455A.9 Fees — publications.

1. The department may establish a schedule of fees for subscriptions to publications produced by the department, including periodicals. However, this ~~subsection~~ section does not apply to application forms and materials intended for general distribution which explain departmental programs or duties.

2. Fees shall be based on the amount required to recover the reasonable costs of producing a publication, including costs relating to preparing, printing, publishing, and distributing the publication.

Sec. 142. Section 455G.31, subsection 3, Code 2018, is amended to read as follows:

3. a. A retail dealer may use a dispenser that does not satisfy the requirement in subsection 2 to dispense ethanol blended gasoline classified as higher than E-10 if ~~any of the following applies:~~

~~a. Reserved.~~

~~b. (1) The~~ the dispenser's manufacturer has submitted the dispenser to an independent testing laboratory to be listed as compatible for use with E-85 gasoline. In addition, the retail dealer must install an under-dispenser containment system with electronic monitoring. The under-dispenser containment system shall comply with applicable rules adopted by the department of natural resources and the state fire marshal.

~~(2) b.~~ If within ten years from the date that a dispenser described in ~~subparagraph (1) paragraph "a"~~ paragraph "a" is installed, the same model of dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory, the dispenser shall be deemed as compatible for use with ethanol blended gasoline classified as E-9 or higher up to and including E-85 by the department of natural resources and the state fire marshal. However, if after that time, the same model of dispenser is not listed as compatible for use with E-85 gasoline by an independent testing laboratory, ~~subparagraph (1) paragraph "a"~~ paragraph "a" no longer applies, and the retail dealer must ~~do any of the following:~~

~~(a) Upgrade~~ upgrade or replace the dispenser as necessary to be listed as compatible for use with E-85 gasoline.

~~(b) Comply with the requirements in paragraph "a".~~

Sec. 143. Section 465C.3, Code 2018, is amended to read as follows:

465C.3 Membership.

1. The board shall be composed of seven members, six of which shall be appointed by the governor. The commission, the conservation committee of the Iowa academy of science, and the state historical society shall submit to the governor a list of possible appointments. Members shall be selected from persons with a demonstrated interest in the preservation of natural lands and waters, and historic sites. The director shall serve as one member of the board. Any vacancies on the board shall be filled, for the remainder of the term vacated, by appointment by the governor provided by this chapter.

~~2. The first members appointed after the effective date of this chapter shall serve as follows: Two members to serve until July 1, 1968; two members to serve until July 1, 1969; two members to serve until July 1, 1970, and the director shall serve as long as the director is director. Members shall serve until their successors are appointed and qualified. The director shall serve as long as the director is director. As terms of members so appointed expire, their successors shall be appointed for terms to expire three years thereafter. Any member who has served two consecutive full terms will not be eligible for reappointment for a period of one year following the expiration of the member's second term.~~

Sec. 144. Section 466B.31, subsection 3, paragraph c, Code 2018, is amended to read as follows:

c. Facilitating the implementation of total maximum daily loads, urban storm water control programs, and nonpoint source management practices required or authorized under the federal Water Pollution Control Act. This paragraph shall not be construed to obviate

the requirement to develop a total maximum daily load for waters that do not meet water quality standards as required by section 303(d) of the federal Water Pollution Control Act or to delay implementation of a total maximum daily load that has been approved by the department of natural resources and the director.

Sec. 145. Section 476.44, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. An electric utility subject to this subchapter, except a utility that elects rate regulation pursuant to section 476.1A, shall not be required to own or purchase, at any one time, more than its share of one hundred five megawatts of power from ~~alternative~~ alternate energy production facilities or small hydro facilities at the rates established pursuant to section 476.43. The board shall allocate the one hundred five megawatts based upon each utility's percentage of the total Iowa retail peak demand, for the year beginning January 1, 1990, of all utilities subject to this section. If a utility undergoes reorganization as defined in section 476.76, the board shall combine the allocated purchases of power for each utility involved in the reorganization.

Sec. 146. Section 476.46, subsection 2, paragraph d, subparagraph (1), Code 2018, is amended to read as follows:

(1) A gas or electric utility that is not required to be rate-regulated shall not be eligible for a loan under this section. However, gas and electric utilities not required to be rate-regulated shall be eligible for loans from moneys remitted to the fund ~~except as provided in subsection 3~~. Such loans shall be limited to a maximum of five hundred thousand dollars per applicant and shall be limited to one loan every two years.

Sec. 147. Section 478.19, Code 2018, is amended to read as follows:

478.19 Manner of construction.

1. ~~Such~~ Transmission lines shall be built of strong and proper wires attached to strong and sufficient supports properly insulated at all points of attachment; all wires, poles, and other devices which by ordinary wear or other causes are no longer safe shall be removed and replaced by new wires, poles, or other devices, as the case may be, and all abandoned wires, poles, or other devices shall be at once removed. Where wires carrying current are carried across, either above or below wires used for other service, the said transmission line shall be constructed in such manner as to eliminate, so far as practicable, damages to persons or property by reason of said crossing. There shall also be installed sufficient devices to automatically shut off electric current through said transmission line whenever connection is made whereby current is transmitted from the wires of said transmission line to the ground, and there shall also be provided a safe and modern improved device for the protection of said line against lightning. The utilities board shall have power to make and enforce such further and additional rules relating to location, construction, operation and maintenance of said transmission ~~line~~ lines as may be reasonable.

2. All transmission lines, wires or cables outside of cities for the transmission, distribution or sale of electric current at any voltage shall be constructed and maintained in accordance with standards adopted by rule by the utilities board.

Sec. 148. Section 479.7, Code 2018, is amended to read as follows:

479.7 Hearing — notice.

1. Upon the filing of ~~said~~ the petition, the board shall fix a date for hearing ~~thereon~~ on the petition and shall cause notice ~~thereof~~ of hearing to be published in some newspaper of general circulation in each county through which ~~said~~ the proposed line or lines or gas storage facilities will extend; ~~said~~. The notice to shall be published for two consecutive weeks.

2. Where a petition seeks the use of the right of eminent domain over specific parcels of real property, the board shall prescribe the notice to be served upon the owners of record and parties in possession of the property over which the use of the right of eminent domain is sought. The notice shall include the statement of individual rights required pursuant to section 6B.2A.

Sec. 149. Section 480.4, subsection 1, paragraph c, subparagraph (8), Code 2018, is amended to read as follows:

(8) If known, the quarter section, ~~E911~~ 911 address and global positioning system coordinate, name of property owner, name of housing development with street address or block and lot numbers, or both.

Sec. 150. Section 481A.32, Code 2018, is amended to read as follows:

481A.32 Violations — penalties.

~~1. Whoever shall take, catch, kill, injure, destroy, have~~ A person who does any of the following is guilty of a simple misdemeanor and shall be assessed a minimum fine of twenty dollars for each offense for which no other punishment is provided:

~~a. Takes, catches, kills, injures, destroys, has in possession, buy, sell, ship, or transport~~ buys, sells, ships, or transports any frogs, fish, mussels, birds, their nests, eggs, or plumage, fowls, game, or animals or their fur or raw pelt in violation of the provisions of this chapter or of administrative rules of the commission ~~or whoever shall use.~~

~~b. Uses any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means, the use of which is prohibited by this chapter, or use the same.~~

~~c. Uses any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means at a time, place, or in a manner or for a purpose prohibited, or do.~~

~~d. Does any other act in violation of the provisions of this chapter or of administrative rules of the commission for which no other punishment is provided, is guilty of a simple misdemeanor and shall be assessed a minimum fine of twenty dollars for each offense.~~

~~2. Each fish, fowl, bird, bird's nest, egg, or plumage, and animal unlawfully caught, taken, killed, injured, destroyed, possessed, bought, sold, or shipped shall be a separate offense.~~

~~3. A person convicted of taking a deer, antelope, moose, buffalo, or elk with a prohibited weapon as defined by rules of the department, is subject to a fine of one hundred dollars for each offense committed while taking the animal with the prohibited weapon.~~

Sec. 151. Section 481A.47, Code 2018, is amended to read as follows:

481A.47 Importing fish and game — permits.

~~1. It shall be unlawful except as otherwise provided for any~~ Unless application is first made in writing to the commission for a permit and a permit is granted, a person, firm, or corporation, ~~to shall not, except as otherwise provided,~~ bring into the state of Iowa for the purpose of propagating or introducing, or ~~to~~ place or introduce into any of the inland or boundary waters of the state, any fish or spawn thereof that are not native to such waters, or introduce or stock any bird or animal ~~unless application is first made in writing to the commission for a permit therefor and such permit granted.~~

~~2. Such~~ A permit shall be granted only after the commission has made such investigation or inspection of the fish, birds, or animals as ~~it~~ the commission may deem necessary to determine whether or not such fish, birds, or animals are free from disease and whether or not such introduction will be beneficial or detrimental to the native wildlife and the people of the state, and may or may not approve such planting, releasing, or introduction according to its findings.

~~3. Nothing in the above this section shall prohibit licensed game breeders from securing native or exotic birds or animals from outside the state and bringing them into the state and they a game breeder shall not be required to have a permit as provided above in this section when such birds or animals are not released to the wild but are held on the game breeder's premises as breeding stock.~~

Sec. 152. Section 481A.59, Code 2018, is amended to read as follows:

481A.59 Pigeons — interference prohibited.

~~1. It shall be unlawful for any person or persons, except the owner or the owner's representatives, to shoot, kill, maim, injure, steal, capture, detain, or to interfere with any homing pigeon, commonly called "carrier pigeon", which shall at the time, have the name, initials, or other identification of its owner, stamped, marked, or attached thereon; or to remove any mark, band, or other means of identification from such pigeon which has the name, initials, or emblem of the owner stamped or marked upon it.~~

~~2. Whoever shall violate~~ A person who violates the provisions of this section shall be punished as is provided in section 481A.32.

Sec. 153. Section 488.1205, Code 2018, is amended to read as follows:

488.1205 Savings clause.

This chapter does not affect an action commenced, proceeding brought, or right accrued before ~~this chapter takes effect~~ January 1, 2005.

Sec. 154. Section 496C.10, Code 2018, is amended to read as follows:

496C.10 Issuance of shares.

1. Shares of a professional corporation may be issued, and treasury shares may be disposed of, only to individuals who are licensed to practice in this state, or in any other state or territory of the United States or in the District of Columbia, a profession which the corporation is authorized to practice.

2. Unless otherwise provided in the articles of incorporation or bylaws, the affirmative vote or consent in writing of all of the outstanding shareholders entitled to vote, or such lesser proportion as may be provided in the articles or bylaws, is necessary in order to authorize the issuance of any shares or the disposal of any treasury shares, and to fix the consideration for shares or treasury shares.

3. No shares of a professional corporation shall at any time be issued in, transferred into, or held in joint tenancy, tenancy in common, or any other form of joint ownership or co-ownership.

4. The Iowa securities law, chapter 502, shall not be applicable to nor govern any transaction relating to any shares of a professional corporation.

Sec. 155. Section 496C.20, Code 2018, is amended to read as follows:

496C.20 Foreign professional corporation.

1. A foreign professional corporation may practice a profession in this state if it complies with the provisions of the Iowa business corporation Act, chapter 490, on foreign corporations. The secretary of state may prescribe forms for such purpose.

2. A foreign professional corporation may practice a profession in this state only through shareholders, directors, officers, employees, and agents who are licensed to practice the profession in this state. The provisions of this chapter with respect to the practice of a profession by a professional corporation apply to a foreign professional corporation.

3. The certificate of authority of a foreign professional corporation may be revoked by the secretary of state as provided in the Iowa business corporation Act, chapter 490, if the foreign professional corporation fails to comply with any provision of this chapter.

4. This chapter shall not be construed to prohibit the practice of a profession in this state by an individual who is a shareholder, director, officer, employee, or agent of a foreign professional corporation if the individual could lawfully practice the profession in this state in the absence of any relationship to a foreign professional corporation. ~~The preceding sentence~~ This subsection shall apply regardless of whether or not the foreign professional corporation is authorized to practice a profession in this state.

Sec. 156. Section 508.29, Code 2018, is amended to read as follows:

508.29 Authority to write other insurance.

1. Any life insurance company organized on the stock or mutual plan and authorized by its charter or articles of incorporation so to do, may in addition to such life insurance, insure, either individually or on the group plan, the health of persons and against personal injuries, disablement or death, resulting from traveling or general accidents by land or water, and insure employers against loss in consequence of accidents or casualties of any kind to employees or other persons, or to property resulting from any act of the employee or any accident or casualty to persons or property, or both, occurring in or connected with the transaction of their business, or from the operation of any machinery connected therewith, but nothing ~~herein~~ contained in this section shall be construed to authorize any life insurance company to insure against loss or injury to person, or property, or both, growing out of explosion or rupture of steam boilers. An insurer may contract with health

care service providers and offer different levels of benefits to policyholders based upon the provider contracts.

2. A company insuring risks authorized by this section shall invest or hold in cash, funds equal to seventy-five percent of the aggregate reserves and policy and contract claims for such risks. Investments required by this ~~paragraph~~ subsection shall only be made in securities enumerated in section 511.8, and are subject to the same limitations as provided for the investment of legal reserve, and are subject to section 511.8, subsections 16, 17, and 21.

Sec. 157. Section 514C.14, subsections 1 and 3, Code 2018, are amended to read as follows:

1. Except as provided under subsection 2 or 3, a carrier, as defined in section 513B.2, or a plan established pursuant to chapter 509A for public employees, ~~which that~~ terminates its contract with a participating health care provider, shall continue to provide coverage under the contract to a covered person in the second or third trimester of pregnancy for continued care from such health care provider. Such persons may continue to receive such treatment or care through postpartum care related to the child birth and delivery. Payment for covered benefits and benefit levels shall be according to the terms and conditions of the contract.

3. A carrier or a plan established under chapter 509A, ~~which that~~ terminates the contract of a participating health care provider for cause shall not be liable to pay for health care services provided by the health care provider to a covered person following the date of termination.

Sec. 158. Section 543B.16, subsection 1, Code 2018, is amended to read as follows:

1. Every applicant for a ~~real estate~~ license shall apply in writing upon blanks prepared or furnished by the real estate commission. The real estate commission shall not require that a recent photograph of the applicant be attached to the application. The real estate commission shall only require an applicant to disclose on the application criminal convictions for crimes classified as indictable offenses.

Sec. 159. Section 543B.43, Code 2018, is amended to read as follows:

543B.43 Penalties.

Any person found guilty of violating a provision of sections 543B.1 ~~to~~ through 543B.24 and sections 543B.27 through 543B.41 in a first offense shall be guilty of a simple misdemeanor.

Sec. 160. Section 543B.46, subsection 4, Code 2018, is amended to read as follows:

4. Each broker required to maintain a trust account pursuant to this section shall only deposit trust funds as directed by the principal of a transaction constituting dealing in real estate as ~~defined~~ described in section 543B.6 in the common trust account and shall not commingle the broker's personal funds or other funds in the trust account with the exception that a broker may deposit and keep a sum not to exceed one thousand dollars in the account from the broker's personal funds, which sum shall be specifically identified and deposited to cover bank service charges relating to the trust account.

Sec. 161. Section 544A.5, Code 2018, is amended to read as follows:

544A.5 Duties.

The architectural examining board shall enforce this chapter, shall ~~make adopt~~ rules pursuant to chapter 17A for the examination of applicants for the license provided by this chapter, and shall, after due public notice, hold meetings each year for the purpose of examining applicants for licensure and the transaction of business pertaining to the affairs of the board. Examinations shall be given as often as deemed necessary, but not less than annually. Action at a meeting shall not be taken without the affirmative votes of a majority of the members of the board. The administrator of the professional licensing and regulation bureau of the banking division of the department of commerce shall hire and provide staff to assist the board with implementing this chapter.

Sec. 162. Section 544A.16, subsection 11, Code 2018, is amended to read as follows:

11. "*Professional consultant*" means a person who is required by the laws of this state to hold a current and valid certificate of registration or license in the field of the person's professional practice, and who is employed by the architect to perform, or who offers to

perform professional services as a consultant to the architect, in connection with the design, preparation of construction documents or other technical submissions, or construction of one or more buildings or structures, and the space within and surrounding the buildings or structures.

Sec. 163. Section 556F.18, Code 2018, is amended to read as follows:

556F.18 Failure to comply.

If any person shall take up any boat or vessel, or any logs or lumber, or shall find any goods, money, bank notes, or other things, and shall fail to comply with the requirements of this chapter, the person shall forfeit and pay the sum of twenty dollars, to be recovered in an action by any person who will sue for the same, one half for the use of the person suing and the other half to be deposited in the county treasury for the use of the ~~common schools~~ school districts; but nothing herein contained shall prevent the owner from having and maintaining an action for the recovery of any damage the owner may sustain.

Sec. 164. Section 559.1, Code 2018, is amended to read as follows:

559.1 Release by donee of power.

1. A power to appoint which is exercisable by deed, by will, by deed or will, or otherwise, in whole or to any extent in favor of the donee of the power, the donee's estate, the donee's creditors, the creditors of the donee's estate, or others, is releasable, either with or without consideration, by written instrument executed by the donee. If such instrument shall be executed and acknowledged in the manner provided for the execution and acknowledgment of instruments affecting real estate and recorded with the county recorder in the county in which the donee of the power resides or the county of last residence of the donor of the power of the county in which any real estate which may be subject to the power is located, such recording shall be deemed a sufficient delivery of such release.

2. A power to appoint described ~~herein~~ in this section is releasable with respect to the whole or any part of the property subject to such power and is also releasable in such manner as to reduce or limit the persons or objects, or classes of persons or objects in whose favor such power would otherwise be exercisable.

3. It is hereby declared that such releases are in accordance with the public policy of this state and are valid and effectual ~~whether heretofore or hereafter~~ when made.

Sec. 165. Section 587.12, subsection 1, Code 2018, is amended to read as follows:

1. In all actions or in proceedings in probate where an order, judgment, or decree has been entered prior to July 1, 1970, based upon service of notice by publication as provided by rule 60 of the Iowa rules of civil procedure, ~~Iowa court rules, third edition Code 1966~~, or any statute authorizing publication of notice or upon service of notice by publication or posting pursuant to authorization or direction of any court of competent jurisdiction in the state of Iowa, all such orders, judgments, or decrees are hereby declared valid and of full force and effect, unless an action shall be commenced within the time provided in subsection 2 ~~hereof~~ to question such order, judgment, or decree, or any right or status created, confirmed, or existing thereunder.

Sec. 166. Section 602.1610, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. The mandatory retirement age is seventy-two years for all district associate judges, associate juvenile judges, associate probate judges, and judicial magistrates. ~~However, the mandatory retirement age does not apply to an associate juvenile judge or associate probate judge who is seventy-two years of age or older on July 1, 1996.~~

Sec. 167. Section 602.6404, subsection 3, Code 2018, is amended to read as follows:

3. A magistrate shall be an attorney licensed to practice law in this state. ~~However, a magistrate not admitted to the practice of law in this state and who is holding office on April 1, 2009, shall be eligible to be reappointed as a magistrate in the same county for a term commencing August 1, 2009, and subsequent successive terms.~~

Sec. 168. Section 607A.35, Code 2018, is amended to read as follows:

607A.35 Notice to report.

After the ~~list or lists~~ jurors have been drawn identified in the manner provided in section 607A.33, and immediately upon the request of the court, the clerk shall issue a notice to report, by regular mail, to the persons identified to appear at the courthouse at times as the court prescribes, for service as petit or grand jurors.

Sec. 169. Section 607A.41, Code 2018, is amended to read as follows:

607A.41 Method of subsequent drawing.

The names of the new or additional jurors shall be drawn from the jurors identified under sections 607A.39 and 607A.40 ~~shall be drawn~~ by the electronic data processing system that was used to draw the original jury pool or panel.

Sec. 170. Section 704.2A, subsection 1, paragraph a, subparagraph (1), Code 2018, is amended to read as follows:

(1) Unlawfully entering by force or stealth the dwelling, place of business or employment, or occupied vehicle of the person using force ~~by force or stealth~~, or has unlawfully entered by force or stealth and remains within the dwelling, place of business or employment, or occupied vehicle of the person using force.

Sec. 171. Section 707.11, subsection 5, paragraph b, Code 2018, is amended to read as follows:

b. For purposes of determining the category of sentence under section 903A.2, the fact finder shall determine whether the attempt to commit murder was committed against a peace officer, with the knowledge that the person against whom the attempt to commit murder was committed was a peace officer acting in the officer's official capacity.

Sec. 172. Section 709.22, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. Providing a victim with immediate and adequate notice of the victim's rights. The notice shall consist of handing the victim a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains ~~a copy of the following statement of rights~~ written in English and Spanish; asking the victim to read the ~~statement~~ document; and asking whether the victim understands the rights:

[1] You have the right to ask the court for help with any of the following on a temporary basis:

[a] Keeping your attacker away from you, your home, and your place of work.

[b] The right to stay at your home without interference from your attacker.

[c] The right to seek a no-contact order under section 664A.3 or 915.22, if your attacker is arrested for sexual assault.

[2] You have the right to register as a victim with the county attorney under section 915.12.

[3] You have the right to file a complaint for threats, assaults, or other related crimes.

[4] You have the right to seek restitution against your attacker for harm to you or your property.

[5] You have the right to apply for victim compensation.

[6] You have the right to contact the county attorney or local law enforcement to determine the status of your case.

[7] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[8] You have the right to a sexual assault examination performed at state expense.

[9] You have the right to request the presence of a victim counselor, as defined in section 915.20A, at any proceeding related

to an assault including a medical examination.

[10] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.

Sec. 173. Section 714.19, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The provisions of sections 714.17 ~~to~~ and 714.18, this section, and sections 714.20 and 714.21 shall not apply to the following:

Sec. 174. Section 716.7, subsection 2, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 2018, is amended to read as follows:

Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property. A person has ~~received notice~~ been notified to abstain from entering or remaining upon or in property within the meaning of this subparagraph (2) if any of the following is applicable:

Sec. 175. Section 716.8, subsection 7, Code 2018, is amended to read as follows:

7. Any person who ~~intentionally trespasses~~ commits a trespass as defined in section 716.7, subsection 2, paragraph “a”, subparagraph (7), commits a serious misdemeanor.

Sec. 176. Section 724.3, Code 2018, is amended to read as follows:

724.3 Unauthorized possession of offensive weapons.

Any person, other than a person authorized ~~herein~~ in this chapter, who knowingly possesses an offensive weapon commits a class “D” felony.

Sec. 177. Section 724.5, subsection 2, Code 2018, is amended to read as follows:

2. A person charged with a violation of subsection 1 who produces to the clerk of the district court prior to the date of the person’s court appearance proof that the person possesses a valid permit to carry weapons which was valid at the time of the alleged offense, shall not be convicted of a violation of subsection 1 and the charge shall be dismissed by the court. Upon dismissal, the court shall assess the costs of the action against the person named on the ~~indictment or information~~ complaint.

Sec. 178. Section 730.5, subsection 11, paragraph f, Code 2018, is amended to read as follows:

f. Testing or taking action against an ~~individual~~ employee or prospective employee with a confirmed positive test result due to the ~~individual’s~~ employee’s or prospective employee’s use of medical cannabidiol as authorized under chapter 124E.

Sec. 179. Section 805.8A, subsection 5, paragraph b, Code 2018, is amended to read as follows:

b. Excessive speed in ~~whatever amount~~ by a school bus is ~~not a scheduled violation under any section listed in this~~ punishable as provided in subsection 10.

Sec. 180. REPEAL. Sections 15.106E, 96.7A, 105.31, and 105.32, Code 2018, are repealed.

Sec. 181. 2017 Iowa Acts, chapter 136, is amended by adding the following new section:
NEW SECTION. SEC. 15A. Section 34A.15, subsection 4, Code 2017, is amended to read as follows:

4. The council may provide grants, subject to available moneys in the ~~E911~~ 911 emergency communications fund, to public safety answering points agreeing to consolidate pursuant to section 34A.7A, subsection 2, paragraph “h”.

Sec. 182. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2017:

1. The section of this Act amending section 124.401.
2. The sections of this Act amending section 155A.6A.
3. The section of this Act amending 2017 Iowa Acts, chapter 136.

Approved March 21, 2018

CHAPTER 1027

PROBATE PROCEDURES

S.F. 2098

AN ACT relating to probate, by amending the probate powers of the clerk and conforming the probate procedures to electronic data management systems standards.

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

Section 1. Section 633.22, Code 2018, is amended to read as follows:

633.22 Probate powers of clerk.

The clerk shall have and may exercise within the county all the powers and jurisdiction of the court and of the judge thereof, in the following matters:

~~1. The appointment of personal representatives who are residents of the state, guardians and conservators for minors, the fixing and determining of the amount of the bond, or waiving the same when permitted by law or by will, and the approval of any and all bonds given by fiduciaries in the discharge of their duties.~~

2. 1. The examination and approval of all intermediate and interlocutory accounts and reports of fiduciaries under this chapter and converting and closing small estates under chapter 635.

~~3. The admission of wills of decedents to probate, when not contested, and the making of necessary orders in relation thereto, including orders for the issuance of commissions to take depositions. Proof may be made before the clerk in the same manner as is made in open court.~~

~~4. The making of all necessary orders in relation to the personal effects of a deceased person, where no objection is filed, and perform all other acts within the clerk's jurisdiction, as provided in this probate code.~~

~~5. The approval, when notice has been waived by all persons interested, of petitions and reports, or joint petitions and reports, in respect to the sale, mortgage, pledge, lease or exchange of property pursuant to sections 633.386 to 633.400.~~

~~6. 2. The entering of routine scheduling orders in probate matters as established by the chief judge in each judicial district.~~

Sec. 2. Section 633.27, Code 2018, is amended to read as follows:

633.27 Probate docket.

The clerk shall keep a ~~book~~ an electronic record to be known as the "Probate Docket", which shall show:

1. The name of every deceased person whose estate is administered or whose will is admitted to probate, and the date of the person's death.

2. The name of each person as to whom application for conservatorship or guardianship is made.

3. The names of all the heirs in intestate estates and the surviving spouse of such deceased intestate, and their ages whether each person is an adult or a minor and places each person's place of residence, so far as they can be ascertained.

4. The title of each trust described in section 633.10 that has not been released by the court from continuous court supervision.

5. A note of every sale of real estate made under the order of the court, ~~with a reference to the volume and page of the record where a complete record thereof may be found.~~

Sec. 3. Section 633.42, Code 2018, is amended to read as follows:

633.42 Requests for notice.

1. At any time after the issuance of letters of appointment, any interested person in the proceeding may file with the clerk a written request for notice of the time and place of all hearings in such proceeding for which notice is required by law, by rule of court, or by an order in such proceeding. The request for notice shall state the name, ~~electronic mail address, and post office address~~ of the requester, ~~and the name of the requester's attorney, if any,~~ and the reason the requester is an interested person in the proceeding. The request for notice shall provide the requester's post office address, and if available, the requester's electronic mail address and telephone number. The request for notice shall also provide the requester's attorney's post office address, electronic mail address, and telephone number. The clerk shall docket the request. Thereafter, unless otherwise ordered by the court, the fiduciary shall serve by ordinary or electronic mail a notice of each hearing upon such requester and the requester's attorney, if any.¹

2. A person does not gain standing by filing a request for notice under this section.

Sec. 4. Section 633.82, Code 2018, is amended to read as follows:

633.82 Designation of attorney.

The designation of the attorney employed by the fiduciary to assist in the administration of the estate shall be filed in the estate proceedings. The designation shall state the attorney's name, post office address, electronic mail address, and telephone number. The designation shall clearly state the name of the attorney who is in charge of the case and the attorney's name shall not be listed by firm name only.

Sec. 5. Section 633.306, Code 2018, is amended to read as follows:

633.306 Record in foreign county.

Whenever it shall appear that the testator died seized of real estate located in a county of this state other than that in which probate is granted, a complete transcript, properly authenticated, of the record entry of the order of court admitting the will to probate, and, if a copy of such will is not contained therein, a certified copy of such will shall be attached thereto, and the same shall be filed by the clerk in the office of the clerk of the district court in such other county, who shall cause the same to be entered in the probate docket, and said transcript shall be recorded in full in the ~~book~~ electronic record kept for the recording of wills in such county. When so recorded, such record may be read in evidence in all courts without further proof.

Sec. 6. Section 633.418, Code 2018, is amended to read as follows:

633.418 Form and verification of claims — general requirements.

No claim shall be allowed against an estate on application of the claimant unless it shall be in writing, filed ~~in duplicate~~ with the clerk, stating the claimant's name, ~~and address,~~ and if available, telephone number and electronic mail address, describing the nature and the amount thereof, if ascertainable, and accompanied by the affidavit of the claimant, or someone for the claimant, that the amount is justly due, or if not yet due, when it will or may become due, that no payments have been made thereon which are not credited, and that there are no offsets to the same, to the knowledge of the affiant, except as therein stated. If the claim is contingent, the nature of the contingency shall also be stated. ~~The duplicate of said claim shall be mailed by the clerk to the personal representative or the personal representative's attorney of record.~~²

Sec. 7. REPEAL. Section 633.72, Code 2018, is repealed.

¹ See chapter 1172, §32 herein

² See chapter 1172, §33 herein

Sec. 8. APPLICABILITY. The following apply July 1, 2018, to actions of the clerk of the probate court completed on or after that date:

1. The section of this Act amending section 633.22.
2. The section of this Act amending section 633.27.
3. The section of this Act amending section 633.306.

Sec. 9. APPLICABILITY. The following applies July 1, 2018, to notices served on or after that date:

The section of this Act repealing section 633.72.

Sec. 10. APPLICABILITY. The following apply July 1, 2018, to probate filings made on or after that date:

1. The section of this Act amending section 633.42.
2. The section of this Act amending section 633.82.
3. The section of this Act amending section 633.418.

Approved March 28, 2018

CHAPTER 1028

APPROPRIATION REDUCTIONS, TRANSFERS, AND SUPPLEMENTALS

S.F. 2117

AN ACT relating to public funding and regulatory matters and making, reducing, transferring, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2017, and including effective date provisions.

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

**DIVISION I
APPROPRIATION REDUCTIONS**

Section 1. EXECUTIVE BRANCH APPROPRIATION REDUCTIONS.

1. For the period beginning on the effective date of this section and ending on June 30, 2018, the following departments and agencies and the judicial branch are subject to a reduction in expenditures made from appropriations from the general fund in the following amounts:

a. Department of administrative services	\$	62,560
.....		
b. Auditor of state	\$	8,062
.....		
c. Department of commerce	\$	12,433
.....		
d. Executive council	\$	777
.....		
e. Governor’s office	\$	20,888
.....		
f. Governor’s office of drug control policy	\$	2,058
.....		
g. Department of human rights	\$	21,228
.....		
h. Department of inspections and appeals	\$	102,374
.....		

In identifying and implementing the reduction pursuant to this paragraph, the director of the department shall be authorized to make allocations between department divisions in the

manner and to the extent as the director determines appropriate, in consultation with the department of management.

i. State public defender	\$	236,041
j. Department of management	\$	22,629
k. Department of revenue	\$	528,271
l. Secretary of state	\$	31,525
m. Treasurer of state	\$	9,256
n. Department of agriculture and land stewardship	\$	188,688
o. Department of natural resources	\$	123,373
p. Department of economic development	\$	157,960
q. Iowa workforce development	\$	166,960
r. Department for the blind	\$	19,720
s. College aid commission ¹	\$	94,172
t. Department of education	\$	784,830

In identifying and implementing the reduction pursuant to this paragraph, the department shall not reduce the standing appropriation under section 285.2, subsection 1, paragraph "b", for purposes of nonpublic school transportation.

u. Community colleges	\$	500,000
v. Vocational rehabilitation	\$	54,472
w. Iowa public television	\$	68,421
x. Board of regents	\$	10,933,070

In identifying and implementing the reduction pursuant to this paragraph, the board shall not reduce expenditures made from appropriations for the university of northern Iowa, the state school for the deaf, and the Iowa braille and sight saving school.

y. Department on aging	\$	110,012
z. Department of public health	\$	662,871
aa. Department of human services	\$	4,316,042

In identifying and implementing the reduction pursuant to this paragraph, the department shall not reduce benefits available under the Medicaid state plan and approved waivers.

ab. Department of veterans affairs	\$	36,877
ac. Iowa veterans home	\$	65,164
ad. Department of justice	\$	378,471

¹ See chapter 1172, §37 herein

In identifying and implementing the reduction pursuant to this paragraph, the department shall not reduce expenditures made from appropriations for victim assistance grants.

ae. Iowa civil rights commission	\$ 10,431
af. Department of corrections	\$ 3,405,688
ag. Law enforcement academy	\$ 8,607
ah. Department of public defense	\$ 59,193
ai. Department of homeland security and emergency management	\$ 19,130
aj. Department of public safety	\$ 200,000

The department shall not apply any reduction to expenditures made from appropriations to the division of the state patrol.

ak. Judicial branch	\$ 1,611,815
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2. The department of management, in consultation with the departments and agencies and the judicial branch listed in subsection 1, shall identify and implement the reductions in subsection 1 with respect to the appropriate general fund appropriations. Within fifteen days of the effective date of this section, the department of management shall transmit a report to the general assembly and legislative services agency listing the appropriation reductions applied.

3. In order to implement the reductions in subsection 1, the departments and agencies and the judicial branch may adjust allocations made from appropriations that are being reduced.

4. In order to implement the reductions in subsection 1, the department of management may reduce a standing appropriation to a department or agency required to reduce expenditures pursuant to subsection 1.

Sec. 2. TRANSFER — IOWA SKILLED WORKER AND JOB CREATION FUND. There is transferred from the Iowa skilled worker and job creation fund created in section 8.75 to the general fund of the state for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount:

	\$ 10,000,000
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Sec. 3. 2017 Iowa Acts, chapter 169, section 17, subsection 1, paragraph a, subparagraph (1), is amended to read as follows:

(1) For the purposes of providing assistance under the high quality jobs program as described in section 15.335B:

	\$ 15,900,000
	<u>5,900,000</u>

Sec. 4. 2017 Iowa Acts, chapter 170, section 5, subsection 1, is amended to read as follows:

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2017, and ending June 30, 2018, are reduced by the following amount:

	\$ 400,000
	<u>687,318</u>

Sec. 5. 2017 Iowa Acts, chapter 174, section 31, subsection 1, paragraph c, subparagraph (3), is amended to read as follows:

(3) (a) For the fiscal year beginning July 1, 2017, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2017, ~~except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.~~

(b) Effective May 1, 2018, a hospital that is located in Iowa, is classified as state government-owned or nonstate government-owned, and qualifies for graduate medical education or disproportionate share hospital payments shall transfer to the medical assistance program an amount equal to provide the nonfederal share for a graduate medical education and disproportionate share hospital payment. Distribution of the payments shall be made on a monthly basis. A hospital that meets the specified conditions shall receive and retain one hundred percent of the total graduate medical education and disproportionate share hospital payments.

Sec. 6. REPEAL. 2017 Iowa Acts, chapter 170, section 18, is repealed.

DIVISION II
SUPPLEMENTAL APPROPRIATIONS

Sec. 7. INDIGENT DEFENSE. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary to supplement appropriations made for the following designated purpose:

For payments on behalf of eligible adults and juveniles from the indigent defense fund in accordance with section 815.11:

	\$	1,700,000
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Sec. 8. UTILITY COSTS. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary to supplement appropriations made for the following designated purpose:

For payment of utility costs:

	\$	451,871
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Sec. 9. 2017 Iowa Acts, chapter 174, section 36, is amended to read as follows:

SEC. 36. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for medical contracts under the medical assistance program for the fiscal year beginning July 1, 2017, and ending June 30, 2018:

	\$	800,000
		<u>864,257</u>

DIVISION III
IOWA ECONOMIC EMERGENCY FUND

Sec. 10. Section 8.55, subsection 3, paragraph c, Code 2018, is amended by striking the paragraph and inserting in lieu thereof the following:

c. There is appropriated from the Iowa economic emergency fund to the general fund of the state for the fiscal year in which moneys in the fund were used for cash flow purposes, for the purposes of reducing or preventing any overdraft on or deficit in the general fund of the state, the amount from the Iowa economic emergency fund that was used for cash flow purposes pursuant to paragraph “b” and that was not returned to the Iowa economic emergency fund by June 30 of the fiscal year. The appropriation in this paragraph shall not exceed one percent of the adjusted revenue estimate for the fiscal year for which the appropriation is made and is contingent upon all of the following having occurred:

(1) Prior to an appropriation being made pursuant to this paragraph, the balance of the general fund of the state at the end of the fiscal year for which the appropriation is made is negative.

(2) The governor issues an official proclamation and notifies the legislative fiscal committee and the legislative services agency that the balance of the general fund is negative and that an appropriation made pursuant to this paragraph brings the general fund of the state into balance.

Sec. 11. APPROPRIATION IN LIEU OF STANDING APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the general fund of the state for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount: ²

..... \$ 13,000,000

2. The appropriation made pursuant to this section is in lieu of the standing appropriation implemented under section 8.55 by the department of management pursuant to the official proclamation issued by the governor on September 28, 2017.

Sec. 12. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to September 28, 2017: ³

The section of this division of this Act appropriating moneys from the Iowa economic emergency fund to the general fund in lieu of a prior standing appropriation.

DIVISION IV
EFFECTIVE DATE

Sec. 13. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 28, 2018

CHAPTER 1029

IOWA LEARNING ONLINE INITIATIVE — STUDENTS RECEIVING PRIVATE INSTRUCTION — ONLINE LEARNING WORKING GROUP

S.F. 2131

AN ACT expanding the Iowa learning online initiative to include students receiving independent private instruction, competent private instruction, or private instruction and providing for related fees, directing the area education agencies to convene an online learning working group, and including effective date provisions.

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

Section 1. Section 256.42, subsections 1, 5, and 8, Code 2018, are amended to read as follows:

1. An Iowa learning online initiative is established within the department to partner with school districts and accredited nonpublic schools to provide distance education to high school students statewide. The initiative may also provide distance education to a student receiving independent private instruction as defined in section 299A.1, subsection 2, paragraph "b", competent private instruction under section 299A.2, or private instruction by a nonlicensed person under section 299A.3. The department shall utilize a variety of content repositories, including those maintained by the area education agencies and the public broadcasting division, in administering the initiative.

5. Under the initiative, students a student must be enrolled in a participating school district or accredited nonpublic school, ~~which~~ or be receiving private instruction under chapter

² See chapter 1172, §10 herein

³ See chapter 1172, §11 herein

299A as described in subsection 1. For a student enrolled in a participating school district or accredited nonpublic school, the school district or school is responsible for recording grades received for initiative coursework in a student's permanent record, awarding high school credit for initiative coursework, and issuing high school diplomas to students a student enrolled in the district or school who participate participates and complete completes coursework under the initiative. Each participating school shall identify a site coordinator to serve as a student advocate and as a liaison between the initiative staff and teachers and the school district or accredited nonpublic school. The individual providing instruction to a student under chapter 299A as described in subsection 1 shall receive the student's score for completed initiative coursework.¹

8. The department shall establish fees payable by school districts, ~~and accredited nonpublic schools participating in, and individuals providing instruction to students under chapter 299A as described in subsection 1, for coursework offered under the initiative.~~ Fees collected pursuant to this subsection are appropriated to the department to be used only for the purpose of administering this section and shall be established so as not to exceed the budgeted cost of administering this section ~~to the extent not covered by the moneys appropriated in subsection 9.~~ Providing professional development necessary to prepare teachers to participate in the initiative shall be considered a cost of administering this section. Notwithstanding section 8.33, fees collected by the department that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose of expanding coursework offered under the initiative in subsequent fiscal years.

Sec. 2. Section 256.42, subsection 9, Code 2018, is amended by striking the subsection.

Sec. 3. AREA EDUCATION AGENCIES — ONLINE LEARNING WORKING GROUP.

1. The area education agencies, in collaboration with the community colleges and the department of education, shall convene a working group to identify effective means by which students may access educational instruction and content online and shall identify partnerships between existing providers of rigorous and high-quality online coursework.

2. The working group shall submit its findings to the general assembly by October 15, 2018.

Sec. 4. EFFECTIVE DATE. The section of this Act providing for an online learning working group, being deemed of immediate importance, takes effect upon enactment.

Approved March 28, 2018

CHAPTER 1030

POWERS OF ATTORNEY AND REAL PROPERTY RIGHTS

S.F. 2139

AN ACT relating to the powers of an agent under a power of attorney with respect to real property and including effective date provisions.

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

Section 1. Section 633B.204, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Relinquish any and all of the principal's rights of dower, homestead, and elective share.

¹ See chapter 1172, §23 herein

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 28, 2018

CHAPTER 1031

NATIONAL GUARD — MORALE, WELFARE, AND RECREATION ACTIVITY — CIVILIAN CRIMINAL OFFENSES BY GUARD MEMBERS

S.F. 2201

AN ACT relating to the national guard, by authorizing a morale, welfare, and recreation activity and establishing procedures concerning notification of civilian authorities regarding certain criminal offenses committed by members of the national guard.

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

Section 1. NEW SECTION. **29A.12A Morale, welfare, and recreation activity.**

1. The adjutant general may establish a morale, welfare, and recreation activity in the department of public defense, for the purposes of supporting the readiness and resilience of members of the national guard. The adjutant general shall prescribe regulations governing the operation of the morale, welfare, and recreation activity.

2. An obligation created under this section shall not be a charge against the state of Iowa and all obligations of the activity shall be paid from the operations of the activity.

3. There is no liability to the state of Iowa under this section. Members of the governing body of the activity shall not be held to any personal or individual liability for any action taken by them under this chapter.

Sec. 2. Section 29B.116A, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. A commander, who is made aware of an allegation that an offense under subsection 1, paragraph “a” or “b”, has been committed by a member of the state military forces against another member of the state military forces while both are subject to this code, shall notify ~~local, without delay, the civilian law enforcement authorities without delay~~ agency having primary jurisdiction over the alleged offense. Upon notification, the agency shall promptly assign a case number to the allegation and shall share with the national guard the results of any investigation or inform the national guard of the reasons for not conducting an investigation.

Approved March 28, 2018

CHAPTER 1032

AUDITS OR EXAMINATIONS OF STATE OR LOCAL GOVERNMENT ENTITIES — REQUESTS — PAYMENT FOR SERVICES

S.F. 2255

AN ACT relating to the auditor of state concerning legislative requests for auditor reviews, applications for certain city or township audits, and retention of certain repayments for auditor services.

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

Section 1. NEW SECTION. **11.5C Legislative request for auditor review — reimbursement.**

1. The auditor of state, at the request of a member of the general assembly, may review the records covering the receipt and expenditure of state or federal funds by a state department to determine if the receipt and expenditure of those funds by the department is consistent with the laws, rules, regulations, and contractual agreements governing those funds.

2. If the state department that is the subject of the review is listed in section 11.5B, the state department shall reimburse the auditor of state for the cost of the review and any subsequent assistance provided by the auditor of state.

Sec. 2. Section 11.6, subsection 3, Code 2018, is amended to read as follows:

3. A township or city for which audits are not required under subsection 1 may contract with or employ the auditor of state or certified public accountants for an audit or examination of its financial transactions and condition of its funds. An audit is mandatory on Upon receipt of an application requesting an audit by one hundred or more taxpayers, or if there are fewer than six hundred sixty-seven taxpayers in the township or city, then by fifteen percent of the taxpayers, the township or city shall forward a copy of the application to the auditor of state for a determination of whether the auditor of state will require an audit or examination. If the auditor of state determines that an examination may be conducted instead of an audit, the auditor of state shall determine the scope of the examination. Payment for the audit or examination shall be made from the proper public funds of the township or city.

Sec. 3. Section 11.21, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Payments made by a political subdivision to the auditor of state under this section as a result of services performed by the auditor of state may be retained by the auditor of state in the fiscal year in which the payment is received and shall remain available for use in that fiscal year for the purposes of the auditor of state.

Approved March 28, 2018

CHAPTER 1033

COUNTY AND CITY HOSPITAL BOARDS OF TRUSTEES

S.F. 2290

AN ACT relating to boards of trustees for county and city hospitals.

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

Section 1. NEW SECTION. **66.31 County and city hospital trustees.**

A county or city hospital board of trustees may include in their bylaws a process for removal of a trustee for which there is cause that would be grounds for an equitable action for removal

in the district court. The process shall provide for a hearing on written charges filed with the board of trustees.

Sec. 2. Section 347.9, Code 2018, is amended to read as follows:

347.9 Trustees — appointment — terms of office.

1. When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint five or seven trustees chosen from among the resident citizens of the county with reference to their fitness for office, ~~and not more than four of the trustees shall be residents of the city at which the hospital is located.~~ The appointed trustees shall hold office until the following general election, at which time their successors shall be elected, ~~two three~~ for a term of ~~two four~~ years, ~~two for four years, and three for six~~ and the remainder for a term of two years, and they shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of ~~six~~ four years each.

2. Upon approval of a majority of the current board of trustees, the board may reduce an existing seven-member board to a five-member board. The board shall establish how to reduce the number of trustees on the board and shall provide for a staggered election cycle for election to the five-member board, which election shall be for a term of four years. However, the manner of reducing the number of trustees shall ensure that the current trustees on the seven-member board may continue to hold office through the end of their respective terms.

Sec. 3. Section 347.10, Code 2018, is amended to read as follows:

347.10 Vacancies.

Vacancies on the board of trustees may, until the next general election, be filled by appointment by the remaining members of the board of trustees or, if fewer than ~~four~~ a majority of the trustees remain on the board, by the board of supervisors for the period until the vacancies are filled by election. An appointment made under this section shall be for the unexpired balance of the term of the preceding trustee. If a board member is absent for four consecutive regular board meetings, without prior excuse, or fails to comply with more stringent attendance requirements for regular board meetings included in the bylaws governing the board, the member's position shall be declared vacant and filled as set out in this section.

Sec. 4. Section 347.11, Code 2018, is amended to read as follows:

347.11 Organization — meetings — quorum.

Hospital trustees shall qualify by taking the usual oath of office as provided in chapter 63 and organize by the election of a chairperson, a secretary, and a treasurer. The secretary shall report to the county auditor and county treasurer the names of the chairperson, secretary, and treasurer of the board of hospital trustees as soon as practicable after the qualification of each. A board of hospital trustees shall meet as necessary to adequately oversee the operation of the hospital. ~~Four~~ A majority of the board of trustees shall constitute a quorum necessary for actions by the board of hospital trustees. The secretary shall maintain a complete record of board meetings, proceedings, and actions.

Sec. 5. Section 347.13, subsection 3, Code 2018, is amended to read as follows:

3. Adopt bylaws and rules for its own guidance and for the government of the hospital. The bylaws may contain limits on the number of terms a trustee may serve on the board.

Sec. 6. Section 347A.1, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. The trustees shall hold office until the next succeeding election, at which time their successors shall be elected, two for a term of two years, ~~two and three~~ for a term of four years, ~~and one for a term of six years,~~ and thereafter their successors shall be elected for regular terms of ~~six~~ four years each. Vacancies on the board of trustees may be filled in the same manner as original appointments, to hold office until the vacancies are filled pursuant to section 69.12. If a board member is absent for four consecutive regular board meetings, without prior excuse, or fails to comply with more stringent attendance requirements for regular board meetings included in the bylaws governing the board, the member's position shall be declared vacant and filled as set out in this paragraph.

Sec. 7. Section 392.6, subsection 3, paragraph b, Code 2018, is amended to read as follows:

b. Vacancies on the board of trustees may, until the next general or regular city election, be filled in the same manner as provided in section 347.10. An appointment made under this paragraph shall be for the unexpired balance of the term of the preceding trustee. If a board member is absent for four consecutive regular board meetings, without prior excuse, or fails to comply with more stringent attendance requirements for regular board meetings included in the bylaws governing the board, the member's position shall be declared vacant and filled as set out in this paragraph.

Approved March 28, 2018

CHAPTER 1034

SECURITY INTERESTS IN MOTOR VEHICLES — NOTATION OF DISCHARGE

S.F. 2325

AN ACT relating to the notation of discharges of motor vehicle security interests.

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

Section 1. Section 321.50, subsection 5, paragraph a, Code 2018, is amended to read as follows:

a. When a security interest is discharged, the holder shall note a cancellation of the security interest on the face of the certificate of title over the holder's signature and or may note the cancellation of the security interest on a separate, notarized release form or letter. The holder shall deliver the certificate of title and the form or letter, if applicable, to the county treasurer where the title was issued. In the case of a security interest that has been delivered by electronic means, the holder shall notify the department or the county treasurer, in a manner prescribed by the department, of the release of the security interest. The county treasurer shall immediately note the cancellation of the security interest on the face of the certificate of title, if applicable, and in the county records system. The county treasurer shall on the same day deliver the certificate of title, if applicable, and the separate, notarized release form or letter, if applicable, to the then first secured party or, if there is no such person, to the person as directed by the owner, in writing, on a form prescribed by the department or, if there is no person designated, then to the owner. The cancellation of the security interest shall be noted on the certificate of title by the county treasurer without charge. The holder of a security interest discharged by payment who fails to release the security interest within fifteen days after being requested in writing to do so shall forfeit to the person making the payment the sum of twenty-five dollars.

Approved March 28, 2018

CHAPTER 1035

PROBATE — DISTRIBUTION OF PROPERTY BY AFFIDAVIT

H.F. 2125

AN ACT relating to probate by the distribution of decedent's property by affidavit, requiring certain affirmations in the affidavit, and including an applicability provision.

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

Section 1. Section 633.356, subsections 1, 3, and 10, Code 2018, are amended to read as follows:

1. When the gross value of the decedent's personal property that would otherwise be distributed by will or intestate succession is or has been, at any time since the decedent's death, ~~twenty-five~~ fifty thousand dollars or less and there is no real property or the real property passes to persons exempt from inheritance tax as joint tenants with full rights of survivorship, and if forty days have elapsed since the death of the decedent, a successor as defined in subsection 2 may, by furnishing an affidavit prepared pursuant to subsection 3 or 8, and without procuring letters of appointment, do any of the following with respect to one or more items of such personal property:

a. Receive any item of tangible personal property of the decedent.

b. Have any evidence of a debt, obligation, interest, right, security, or chose in action belonging to the decedent transferred.

c. Collect the proceeds from any life insurance policy or any other item of property for which a beneficiary has not been designated.

3. a. To collect money, receive tangible personal property, or have evidences of intangible personal property transferred under this section, a successor shall furnish to the holder of the decedent's property an affidavit under penalty of perjury stating all of the following:

(1) The decedent's name, social security number, and date and place of death.

(2) That at least forty days have elapsed since the death of the decedent, as shown by an attached certified copy of the death certificate of the decedent.

(3) That the gross value of the decedent's personal property that would otherwise be distributed by will or intestate succession is, or has been at any time since the decedent's death, ~~twenty-five~~ fifty thousand dollars or less and there is no real property or the real property passes to persons exempt from inheritance tax as joint tenants with full rights of survivorship.

(4) A general description of the property of the decedent that is to be paid, transferred, or delivered to or for the benefit of each successor.

(5) The name, address, tax identification number and relationship to the decedent of each successor, and whether any successor is under a legal disability.

(6) If applicable pursuant to subsection 2, paragraph "a", that the attached copy of the decedent's will is the last will of the decedent and has been delivered to the office of a clerk of the district court in accordance with Iowa law.

(7) That no persons other than the successors listed in the affidavit have a right to the interest of the decedent in the described property.

(8) That the affiant requests that the described property be paid, delivered, or transferred to or for the benefit of each successor.

(9) That no debt is owed to the department of human services for reimbursement of Medicaid benefits; or if debt is owed, that the debt will be paid to the extent of funds received pursuant to the affidavit.

(10) That no inheritance or other taxes are owed to the department of revenue, or if taxes are owed, that the taxes will be paid to the extent of funds received pursuant to the affidavit.

(11) That creditors, if any, will be paid to the extent of funds received pursuant to the affidavit.

(9) (12) That the affiant affirms under penalty of perjury that the affidavit is true and correct.

b. If there are two or more successors, any of the successors may execute an affidavit under this subsection.

10. Upon receipt of an affidavit under subsection 3 and reasonable proof under subsection 5 of the identity of each successor seeking distribution by virtue of the affidavit, the holder of the property shall disclose to the affiant whether the value of the property held by the holder is, or has been at any time since the decedent's death, ~~twenty-five~~ fifty thousand dollars or less. An affidavit furnished for the purpose of determining whether the value of the property is, or has been at any time since the decedent's death, ~~twenty-five~~ fifty thousand dollars or less need not contain the language required under subsection 3, paragraph "a", subparagraph (3), but shall state that the affiant reasonably believes that the gross value of the decedent's personal property that would otherwise be distributed by will or intestate succession is, or has been at any time since the decedent's death, ~~twenty-five~~ fifty thousand dollars or less and there is no real property or the real property passes to persons exempt from inheritance tax as joint tenants with full rights of survivorship.

Sec. 2. APPLICABILITY. This Act applies to estates of decedents dying on or after July 1, 2018.

Approved March 28, 2018

CHAPTER 1036
MORTGAGE RELEASES
H.F. 2232

AN ACT relating to mortgage releases.

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

Section 1. Section 535B.11, subsection 5, Code 2018, is amended by striking the subsection.

Sec. 2. Section 655.1, Code 2018, is amended to read as follows:

655.1 Written instrument acknowledging satisfaction.

When the amount due on a mortgage is paid off, the mortgagee, the mortgagee's personal representative or assignee, or those legally acting for the mortgagee, and in case of payment of a school fund mortgage the county auditor, ~~must within thirty days of payment in full, shall~~ acknowledge satisfaction thereof by execution of an instrument of satisfaction which is in writing, ~~referring refers~~ to the mortgage, and is duly acknowledged and recorded. Notwithstanding the foregoing, if the mortgage secures a revolving line of credit, future advances, or other future obligations, the mortgagee is not required to file a satisfaction upon payment in full unless the mortgagor makes a written request to the mortgagee that the mortgage be released and, if such written request is made, the mortgagee shall file the release within thirty days after payment in full or such written request is made whichever occurs later.

Sec. 3. Section 655.3, Code 2018, is amended to read as follows:

655.3 Penalty for failure to discharge.

If a mortgagee, or a mortgagee's personal representative or assignee, upon full performance of the conditions of the mortgage, fails to discharge such mortgage ~~within thirty days after a request for discharge as set forth in section 655.1~~, the mortgagee is liable to the mortgagor and the mortgagor's heirs or assigns, for all actual damages caused by such failure and a penalty of five hundred dollars, ~~including plus~~ reasonable attorney fees. A claim for such damages may be asserted in an action for discharge of the mortgage. ~~If the defendant is not a resident of this state, such action may be maintained upon the expiration~~

~~of thirty days after the conditions of the mortgage have been performed, without such previous request or tender.~~

Sec. 4. Section 655.5, Code 2018, is amended to read as follows:

655.5 Instrument of satisfaction.

When the judgment is paid in full, the mortgagee shall file with the clerk a satisfaction of judgment which shall release the mortgage underlying the action. A mortgagee who fails to file a satisfaction within thirty days of receiving a written request shall be subject to reasonable damages and a penalty of ~~one~~ five hundred dollars plus reasonable attorney fees incurred by the aggrieved party, to be recovered in an action for the satisfaction by the party aggrieved.

Sec. 5. NEW SECTION. **655.6 Limitation of liability.**

A mortgagee is not liable under section 655.3 if all of the following apply:

1. The mortgagee established reasonable procedures to achieve compliance with its obligations under ¹ 655.3.
2. The mortgagee complied with that procedure in good faith.
3. The mortgagee was unable to comply with its obligations because of circumstances beyond its control.

Approved March 28, 2018

CHAPTER 1037

STUDENT ACADEMIC ACHIEVEMENT ASSESSMENTS

H.F. 2235

AN ACT relating to statewide assessments of student progress for purposes of core academic indicators, and including effective date provisions.

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

Section 1. Section 256.7, subsection 21, paragraph b, subparagraphs (1) and (2), Code 2018, are amended to read as follows:

(1) Rules adopted pursuant to this subsection shall specify that the ~~approved district-wide statewide summative~~ assessment of student progress administered by school districts for purposes of the core academic indicators shall be the ~~assessment utilized by school districts statewide in the school year beginning July 1, 2011, or a successor assessment approved by the state board for school years beginning on or after July 1, 2018~~ summative assessment developed by the Iowa testing program within the university of Iowa college of education and administered by the Iowa testing program's designee.

(2) ~~The~~ For the school year beginning July 1, 2018, and each succeeding school year, the rules shall also require that all of the following:

(a) That all students enrolled in school districts in grades three through eleven be administered an assessment in mathematics and English language arts, including reading and writing, during the last quarter of the school year and all students enrolled in school districts in grades five, eight, and ten be administered an assessment in science during the last quarter of the school year.

(b) That the assessment, at a minimum, assess the core academic indicators identified in this paragraph "b"; be aligned with the Iowa common core standards in both content and rigor; accurately describe student achievement and growth for purposes of the school, the school district, and state accountability systems; provide valid, reliable, and fair measures

¹ See chapter 1172, §35 herein

of student progress toward college or career readiness; and meet the summative assessment requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95.

(c) That the assessment be available for administration in both paper-and-pencil and computer-based formats and include assessments in mathematics, science, and English language arts, including reading and writing.

(d) That the assessment be peer-reviewed by an independent, third-party evaluator to determine that the assessment is aligned with the Iowa core academic standards, provides a measurement of student growth and student proficiency, and meets the summative assessment requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95. The assessment developed by the Iowa testing service within the university of Iowa college of education shall make any necessary adjustments as determined by the peer review to meet the requirements of this subparagraph (2).¹

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 28, 2018

CHAPTER 1038

PAYMENTS FOR HOSPICE SERVICES IN NURSING FACILITIES — DUALY ELIGIBLE MEDICARE AND MEDICAID BENEFICIARIES

H.F. 2309

AN ACT relating to reimbursement for dually eligible Medicare and Medicaid beneficiaries receiving the Medicare hospice benefit in a nursing facility.

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

Section 1. DUALY ELIGIBLE MEDICARE AND MEDICAID BENEFICIARIES RECEIVING HOSPICE BENEFIT IN A NURSING FACILITY — OPTIONS FOR ELIMINATION OF PASS-THROUGH PAYMENT. The department of human services, after consulting with affected providers and stakeholders, shall pursue options for the payment of the nursing facility room and board expenses for a dually eligible Medicare and Medicaid member receiving the Medicare hospice benefit, to allow Medicaid managed care organizations and the department's fee-for-service Medicaid payment system to reimburse the nursing facility directly for the room and board expenses rather than indirectly as a pass-through payment from the hospice services provider. The department of human services shall report all options identified to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before October 1, 2018.

Approved March 28, 2018

¹ See chapter 1172, §22 herein

CHAPTER 1039**REDEMPTION OF PROPERTY SOLD AT TAX SALES — PERSONS WITH LEGAL DISABILITIES***H.F. 2318*

AN ACT relating to redemption by certain persons of parcels sold at tax sale.

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

Section 1. Section 445.1, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. “*Legal representative*” means a parent, guardian, or conservator of a person with a legal disability, a person appointed by a court to act on behalf of a person with a legal disability, or a person acting on behalf of a person with a legal disability pursuant to a power of attorney.

NEW SUBSECTION. 4A. “*Person with a legal disability*” means a minor or a person of unsound mind.

Sec. 2. Section 447.7, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

447.7 Redemption by minors and persons of unsound mind.

1. If a parcel of a person with a legal disability is sold at tax sale and the county treasurer has not delivered the treasurer’s deed, a legal representative of the person with the legal disability may redeem the parcel under sections 447.1 and 447.3.

2. *a.* If a parcel of a person with a legal disability is sold at tax sale and the county treasurer has delivered the treasurer’s deed, the person with the legal disability or the person’s legal representative may redeem the parcel at any time prior to one year after the legal disability is removed by bringing an equitable action for redemption in the district court of the county where the parcel is located, unless the action is required to be brought sooner in time by operation of subsection 3 or 4.

b. To establish the right to redeem, the person maintaining the action shall prove to the court that the owner of the parcel is a person with a legal disability entitled to redeem prior to the delivery of the treasurer’s deed. If the legal disability has been removed, the person maintaining the action shall establish the date the disability was removed and explain the manner by which the legal disability was removed.

c. The person maintaining the action shall name as defendants all persons claiming an interest in the parcel derived from the tax sale, as shown by the record.

d. If the court determines that the person maintaining the action or the person’s legal representative is entitled to redeem by virtue of legal disability or prior legal disability, the court shall so order. The order shall determine the rights, claims, and interests of all parties, including liens for taxes and claims for improvements made on or to the parcel by the person claiming under the tax title. The order shall establish the amount necessary to effect redemption. The redemption amount shall include the amount for redemption computed in accordance with section 447.1 or 447.3, whichever is applicable, including interest computed up to and including the date of payment of the total redemption amount to the clerk of court and the amount of all costs added to the redemption amount in accordance with section 447.13. In addition, if the person claiming under the tax title is determined by the court to have made improvements on or to the parcel after the treasurer’s deed was issued, the court shall enter judgment in favor of the person claiming under the tax title for an amount equal to the value of all such improvements, and such judgment shall be a lien on the parcel until paid. The order shall direct that the person maintaining the action shall pay to the clerk of court, within thirty days after the date of the order, the total redemption amount the order sets forth.

e. Upon timely receipt of the payment, the court shall enter judgment declaring the treasurer’s deed to be void and determining the resulting rights, claims, and interests of all parties to the action. In its judgment, the court shall direct the clerk of court to deliver the entire amount of the redemption payment to the person claiming title under the treasurer’s deed.

f. If the person maintaining the action fails to timely deliver payment of the total redemption amount to the clerk of court, the court shall enter judgment holding that all rights of redemption of the person with a legal disability who brought the action, or on whose behalf the action was brought, are terminated and that the validity of the tax title or purported tax title is conclusively established as a matter of law against the claims of such person with a legal disability.

3. If a person with a legal disability remains in possession of the parcel after the recording of the treasurer's deed, and if the person claiming under the tax title properly commences an action to remove the person from possession, the person with a legal disability shall forfeit any rights of redemption that the person may have under this section, unless either of the following actions is timely filed by or on behalf of the person:

a. A counterclaim in the removal action asserting the redemption rights under subsection 2 of the person with a legal disability.

b. A separate action under subsection 2. Such action shall be filed within thirty days after the person with a legal disability and the person's legal representative were served with original notice in the removal action. If an action under subsection 2 is filed by or on behalf of the person with a legal disability within the thirty-day period, the court may order the action consolidated with the removal action.

4. If a person with a legal disability is not in possession of the parcel at the time of the recording of the treasurer's deed, the person or the person's legal representative is forever barred and estopped from commencing an action under this section if either of the following occurs:

a. An affidavit is filed pursuant to section 448.15 and claims adverse to the tax title are barred by section 448.16.

b. An action under subsection 2 is not brought within three years after the recording of the treasurer's deed.

Sec. 3. Section 447.8, subsection 1, Code 2018, is amended to read as follows:

1. a. After the delivery of the treasurer's deed, a person entitled to redeem a parcel sold at tax sale shall do so only by an equitable action in the district court of the county where the parcel is located. The action to redeem may be maintained only by a person who was entitled to redeem the parcel during the ninety-day redemption period in section 447.12, except that such a person may assign the person's right of redemption or right to maintain the action to another person, or by a person entitled to redeem under section 447.7.

b. In order to establish the right to redeem, the person maintaining the action shall be required to prove to the court either that the person maintaining the action or a predecessor in interest was not properly served with notice in accordance with the requirements of sections 447.9 through 447.12, or that the person maintaining the action or a predecessor in interest acquired an interest in or possession of the parcel during the ninety-day redemption period in section 447.12. A person shall not be entitled to maintain such action by claiming that a different person was not properly served with notice of expiration of right of redemption, if the person seeking to maintain the action, or the person's predecessor in interest, if applicable, was properly served with the notice. ~~A~~ After the execution and delivery of the treasurer's deed, a person is not allowed to may only redeem a parcel sold for delinquent taxes ~~in any other manner after the execution and delivery of the treasurer's deed under this section or section 447.7.~~

Sec. 4. Section 448.6, subsection 1, Code 2018, is amended to read as follows:

1. A deed executed by the county treasurer in conformity with the requirements of sections 448.2 and 448.3 shall be presumed to effect a valid title conveyance, and the treasurer's deed may be challenged only by an equitable action in the district court in the county in which the parcel is located. If the action seeks an order of the court to allow redemption after delivery of the treasurer's deed because the person seeking to redeem is a person with a legal disability who was entitled to redeem prior to the delivery of the treasurer's deed, the action shall be brought in accordance with section 447.7. If the action seeks an order of the court to allow redemption after delivery of the treasurer's deed based on improper service of notice of expiration of right of redemption, the action shall be brought in accordance with section

447.8. If the action is not brought ~~on that basis~~ under section 447.7 or 447.8, the action shall be controlled by the provisions of this section.

Sec. 5. Section 448.16, subsection 3, Code 2018, is amended to read as follows:

3. An action to enforce a claim filed under subsection 1 shall be commenced within sixty days after the date of filing the claim. The action may be commenced by the claimant, or a person under whom the claimant claims title, under ~~either~~ section 447.7, 447.8, or 448.6. If an action by the claimant, or such other person, is not filed within sixty days after the filing of the claim, the claim thereafter shall be forfeited and canceled without any further notice or action, and the claimant, or the person under whom the claimant claims title, thereafter shall be forever barred and estopped from having or claiming any right, title, or interest in the parcel adverse to the tax title or purported tax title.

Approved March 28, 2018

CHAPTER 1040

STATE AGENCY REGULATION — IMPLEMENTATION OR ENFORCEMENT — STATUTORY AUTHORIZATION

H.F. 2343

AN ACT prohibiting state agencies from implementing or enforcing any standard, requirement, or threshold without clear authorization.

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

Section 1. Section 17A.23, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An agency shall not implement or enforce any standard, requirement, or threshold, including any term or condition of a permit or license issued by the agency, unless that standard, requirement, or threshold is clearly required or clearly permitted by a state statute, rule adopted pursuant to this chapter, or a federal statute or regulation, or is required by a court ruling, a state or federal executive order, a state or federal directive that would result in the gain or loss of specific funding, or a federal waiver.

Approved March 28, 2018

CHAPTER 1041

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2348

AN ACT relating to nonsubstantive Code corrections.

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

DIVISION I MISCELLANEOUS CHANGES

Section 1. Section 7A.14, Code 2018, is amended to read as follows:

7A.14 Number of copies — style.

1. The annual and biennial reports shall be published, printed, and bound in such number as the director of the department of administrative services may order. The officials and heads of departments shall furnish the director with information necessary to determine the number of copies to be printed.

2. ~~They~~ The reports shall be printed on good paper, in legible type with pages substantially six inches by nine inches in size. ~~They~~ The reports may be divided for binding where one portion should receive larger distribution than another, or be issued in parts or sections for greater convenience.

Sec. 2. Section 12.1, Code 2018, is amended to read as follows:

12.1 Office — accounts — reports.

1. The treasurer shall keep the treasurer's office at the seat of government, and shall keep an accurate account of the receipts and disbursements at the treasury in books kept for that purpose, in which the treasurer shall specify the names of the persons from whom money is received, and on what account, and the time thereof of receipt.

2. The treasurer is responsible for reporting on the bonding activities of all political subdivisions, instrumentalities, and agencies of the state and shall make recommendations to the general assembly and the governor on modification in the bonding authority. The treasurer shall notify each political subdivision, instrumentality, and agency of the state to report to the treasurer the amount of bonds outstanding and each new bond issue. The treasurer shall adopt rules and establish forms for carrying out this provision section. Each political subdivision, instrumentality, and agency of the state shall provide all the information required by the treasurer under this provision section.

Sec. 3. Section 15.333, Code 2018, is amended to read as follows:

15.333 Investment tax credit.

1. For purposes of this section, "*new investment*" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. "*New investment*" also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the eligible business.

1. 2. An eligible business may claim a tax credit equal to a percentage of the new investment directly related to new jobs created or retained by the project. The tax credit shall be amortized equally over five calendar years. The tax credit shall be allowed against taxes imposed under chapter 422, division II, III, or V, and against the moneys and credits tax imposed in section 533.329. If the business is a partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust. The percentage shall be determined as provided in section 15.335A. Any tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs first.

2. 3. For purposes of this section, "*new investment*" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. "*New investment*" also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the

~~base rent payments for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the eligible business. The eligible business shall enter into a lease agreement with the third-party developer for a minimum of five years. If, however, within five years of purchase, the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other existing structures for which tax credit was claimed under this section, the tax liability of the eligible business for the year in which all or part of the property is sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:~~

~~a. One hundred percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within one full year after being placed in service.~~

~~b. Eighty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within two full years after being placed in service.~~

~~c. Sixty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within three full years after being placed in service.~~

~~d. Forty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within four full years after being placed in service.~~

~~e. Twenty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within five full years after being placed in service.~~

Sec. 4. Section 15.333A, Code 2018, is amended to read as follows:

15.333A Insurance premium tax credits.

~~1. For purposes of this section, "new investment" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. "New investment" also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the eligible business.~~

~~1. 2. An eligible business may claim an insurance premium tax credit equal to a percentage of the new investment directly related to new jobs created by the project. The tax credit shall be amortized equally over a five-year period. The tax credit shall be allowed against taxes imposed in chapter 432. A tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs first. The percentage shall be determined as provided in section 15.335A.~~

~~2. 3. For purposes of this section, "new investment" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. "New investment" also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the eligible business. The eligible business shall enter into a lease agreement with the third-party developer for a minimum of five years. If, however, within five years of purchase, the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other existing structures for which tax credit was claimed under this section, the tax liability of the eligible business for the year in which all or part of the property is sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:~~

~~a. One hundred percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within one full year after being placed in service.~~

~~b. Eighty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within two full years after being placed in service.~~

c. Sixty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within three full years after being placed in service.

d. Forty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within four full years after being placed in service.

e. Twenty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within five full years after being placed in service.

Sec. 5. Section 15A.4, Code 2018, is amended to read as follows:

15A.4 Competitive programs — good neighbor agreement — additional consideration.

1. A good neighbor agreement is an enforceable contract between a business and a community group or coalition of community groups which requires the business to adhere to negotiated environmental, economic, labor, or other social and community standards.

2. For any program providing financial assistance for economic development in which the assistance is provided on a competitive basis, a business which enters into a good neighbor agreement shall receive extra consideration of at least ten points or the equivalent. ~~A good neighbor agreement is an enforceable contract between the business and a community group or coalition of community groups which requires the business to adhere to negotiated environmental, economic, labor, or other social and community standards. A business which fails to abide by the good neighbor agreement shall repay all financial assistance received under the program.~~

~~A business which fails to abide by the good neighbor agreement shall repay all financial assistance received under the program.~~

Sec. 6. Section 17A.2, subsection 11, paragraph f, Code 2018, is amended to read as follows:

f. Those portions of staff manuals, instructions, or other statements issued by an agency which set forth criteria or guidelines to be used by its staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases, when the disclosure of such statements would do any of the following:

(1) ~~enable~~ Enable law violators to avoid detection; ~~or,~~

(2) ~~facilitate~~ Facilitate disregard of requirements imposed by law; ~~or,~~

(3) ~~give~~ Give a clearly improper advantage to persons who are in an adverse position to the state.

Sec. 7. Section 17A.5, subsection 2, paragraph b, subparagraph (1), Code 2018, is amended to read as follows:

(1) Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the administrative rules coordinator, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing, and publication, if the agency finds any of the following:

(a) That a statute so provides; ~~or,~~

(b) That the rule confers a benefit or removes a restriction on the public or some segment thereof; ~~or,~~

(c) That this effective date is necessary because of imminent peril to the public health, safety, or welfare.

Sec. 8. Section 22.9, Code 2018, is amended to read as follows:

22.9 Denial of federal funds — rules.

1. If it is determined that any provision of this chapter would cause the denial of funds, services or essential information from the United States government which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information.

2. An agency within the meaning of section 17A.2, subsection 1, shall adopt as a rule, in each situation where this section is believed applicable, its the agency's determination

identifying those particular provisions of this chapter that must be waived in the circumstances to prevent the denial of federal funds, services, or information.

Sec. 9. Section 26.2, subsection 3, Code 2018, is amended to read as follows:

3. “*Public improvement*” means a building or construction work which is constructed under the control of a governmental entity and is paid for in whole or in part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding ~~urban~~ all of the following:

~~a. Urban~~ renewal demolition and low-rent housing projects, industrial,

~~b. Industrial~~ aid projects authorized under chapter 419, emergency,

~~c. Emergency~~ work or repair or maintenance work performed by employees of a governmental entity, and excluding a.

~~d. A highway, bridge, or culvert project, and excluding construction.~~

~~e. Construction~~ or repair or maintenance work performed for a city utility under chapter 388 by its employees or performed for a rural water district under chapter 357A by its employees.¹

Sec. 10. Section 43.2, Code 2018, is amended to read as follows:

43.2 Definitions.

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

~~1. a.~~ “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

~~2. a. b.~~ “Political party” shall mean a party which, at the last preceding general election, cast for its candidate for president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at that election. It shall be the responsibility of the state commissioner to determine whether any organization claiming to be a political party qualifies as such under the foregoing definition.

~~b. 2.~~ A political organization which is not a “political party” within the meaning of this subsection 1, paragraph “b”, may nominate candidates and have the names of such candidates placed upon the official ballot by proceeding under chapters 44 and 45.

Sec. 11. Section 43.115, subsection 2, Code 2018, is amended to read as follows:

2. ~~A Notwithstanding any statute to the contrary, a candidate for precinct committee member may also file as a candidate for one additional office, any statute to the contrary notwithstanding.~~

Sec. 12. Section 49.5, Code 2018, is amended to read as follows:

49.5 City precincts.

1. As used in this section:

~~a. “The convenience of the voters” refers to but is not necessarily limited to the use of precinct boundaries which can be readily described to and identified by voters and for which there is ease of access by voters to their respective precinct polling places by reasonably direct routes of travel.~~

~~b. “Promoting electoral efficiency” means reducing the cost of staffing election precincts by requiring cities to avoid creating more precincts than is reasonably necessary to provide voters access to voting.~~

~~2. The council of a city where establishment of more than one precinct is necessary or deemed advisable shall, at the time required by law, divide the city into the number of election precincts as will best serve the convenience of the voters while promoting electoral efficiency. As used in this section, the term “the convenience of the voters” refers to, but is not necessarily limited to, the use of precinct boundaries which can be readily described to and identified by voters and for which there is ease of access by voters to their respective precinct polling places by reasonably direct routes of travel. As used in this section, the term “promoting electoral efficiency” means reducing the cost of staffing election precincts by requiring cities~~

¹ See chapter 1172, §39 herein

~~to avoid creating more precincts than is reasonably necessary to provide voters access to voting.~~

3. The precinct boundaries shall conform to section 49.3 and shall be described in an ordinance adopted by the council within the time required by section 49.7. Before final adoption of any change in election precinct boundaries pursuant to this section or section 49.6, the council shall permit the commissioner not less than seven and not more than ten days' time to offer written comments to the council on the proposed reprecincting. If the commissioner recommends changes in the proposed reprecincting which the commissioner concludes could better serve the convenience of the voters or could promote electoral efficiency, including lowering election costs, the council shall, if no changes to the reprecincting are made, include reasons in the ordinance for not adopting the proposed changes of the commissioner. A public hearing shall be held before final adoption of the ordinance. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21.

Sec. 13. Section 53.26, Code 2018, is amended to read as follows:

53.26 Rejected ballots — how handled.

Every ballot not counted shall be endorsed on the back thereof "Rejected because (giving reason therefor)". All rejected ballots shall be enclosed and securely sealed in an envelope on which the precinct election officials shall endorse "Defective ballots", with a statement of the precinct in which and the date of the election at which they were cast, and be signed by the precinct election officials and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election.

Sec. 14. Section 59.1, subsection 1, Code 2018, is amended to read as follows:

1. The contestant for a seat in either branch of the general assembly shall, prior to twenty days before the first day of the next session, serve on the incumbent in the manner provided by the rules of civil procedure for service of an original notice a statement of notice of contest which shall allege a fact or facts, believed true by the contestant which, if true, would alter the outcome of the election.

Sec. 15. Section 59.3, Code 2018, is amended to read as follows:

59.3 Depositions.

Depositions may be taken in such cases in the same manner and under the same rules as in an action at law in the district court, but no cause for taking the ~~same depositions~~ need be shown.

Sec. 16. Section 62.11, Code 2018, is amended to read as follows:

62.11 Subpoenas.

Subpoenas for witnesses may be issued at any time after the notice of trial is served, either by the county treasurer or by the county auditor, and shall command the witnesses to ~~appear~~ "appear at, on, to testify in relation to a contested election, wherein (Insert contestant's name) is contestant and (Insert incumbent's name) is ~~incumbent~~ incumbent".

Sec. 17. Section 63A.2, subsection 1, Code 2018, is amended to read as follows:

1. Governor, secretary of state, secretary of agriculture, auditor of state, treasurer of state, and attorney general.

Sec. 18. Section 68B.39, Code 2018, is amended to read as follows:

68B.39 Supreme court rules.

1. The supreme court of this state shall prescribe rules establishing a code of ethics for officials and employees of the judicial branch of this state, and the immediate family members of the officials and employees. Rules prescribed under this ~~paragraph~~ subsection shall include provisions relating to the receipt or acceptance of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure which are substantially similar to the requirements of this chapter.

2. The supreme court of this state shall also prescribe rules which relate to activities by officials and employees of the judicial branch which constitute conflicts of interest.

Sec. 19. Section 69.16, Code 2018, is amended to read as follows:

69.16 Appointive boards — political affiliation.

1. All appointive boards, commissions, and councils of the state established by the Code if not otherwise provided by law shall be bipartisan in their composition. No person shall be appointed or reappointed to any board, commission, or council established by the Code if the effect of that appointment or reappointment would cause the number of members of the board, commission, or council belonging to one political party to be greater than one-half the membership of the board, commission, or council plus one.

2. In the case where the appointment of members of the general assembly is allowed, and the law does not otherwise provide, if an even number of legislators are appointed they shall be equally divided by political party affiliation; if an odd number of members of the general assembly are appointed, the number representing a certain political party shall not exceed by more than one the legislative members of the other political party who may be appointed.

3. If there are multiple appointing authorities for a board, commission or council, the appointing authorities shall consult to avoid a violation of this section.

4. This section shall not apply to any board, commission, or council established by the Code for which other restrictions regarding the political affiliations of members are provided by law.

Sec. 20. Section 70A.20, Code 2018, is amended to read as follows:

70A.20 Employees disability program.

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

a. “Adult” means a person who is eighteen years of age or older.

b. “Primary and family social security” shall not include social security benefits awarded to an adult child with a disability of the state employee with a disability who does not reside with the state employee with a disability if the social security benefits were awarded to the adult child with a disability prior to the approval of the state employee’s benefits under this section, regardless of whether the United States social security administration records the benefits to the social security number of the adult child with a disability, the state employee with a disability, or any other family member, and such social security benefits shall not reduce the benefits payable pursuant to this section.

2. A state employees disability insurance program is created, which shall be administered by the director of the department of administrative services and which shall provide disability benefits in an amount and for the employees as provided in this section. The monthly disability benefits shall, at a minimum, provide twenty percent of monthly earnings if employed less than one year, forty percent of monthly earnings if employed one year or more but less than two years, and sixty percent of monthly earnings thereafter, reduced by primary and family social security determined at the time social security disability payments commence, railroad retirement disability income, workers’ compensation if applicable, and any other state-sponsored sickness or disability benefits payable. However, the amount of benefits payable under the Iowa public employees’ retirement system pursuant to chapter 97B shall not reduce the benefits payable pursuant to this section. Subsequent social security or railroad retirement increases shall not be used to further reduce the insurance benefits payable. ~~As used in this section, “primary and family social security” shall not include social security benefits awarded to an adult child with a disability of the state employee with a disability who does not reside with the state employee with a disability if the social security benefits were awarded to the adult child with a disability prior to the approval of the state employee’s benefits under this section, regardless of whether the United States social security administration records the benefits to the social security number of the adult child with a disability, the state employee with a disability, or any other family member, and such social security benefits shall not reduce the benefits payable pursuant to this section.~~ As used in this section, unless the context otherwise requires, “adult” means a person who is eighteen years of age or older. State employees shall receive credit for the time they were continuously employed prior to and on July 1, 1974.

3. The following provisions apply to the employees disability insurance program:
1. a. Waiting period of no more than ninety working days of continuous sickness or accident disability or the expiration of accrued sick leave, whichever is greater.
 2. b. Maximum period benefits paid for both accident or sickness disability:
 - a. (1) If the disability occurs prior to the time the employee attains the age of sixty-one years, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of sixty-five years, whichever is later.
 - b. (2) If the disability occurs on or after the time the employee attains the age of sixty-one years but prior to the age of sixty-nine years, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of seventy years, whichever is earlier.
 - e. (3) If the disability occurs on or after the time the employee attains the age of sixty-nine years, the maximum benefit period shall end twelve months after continuous benefit payments begin.
 3. a. c. (1) Minimum and maximum benefits of not less than fifty dollars per month and not exceeding three thousand dollars per month.
 - b. (2) In no event shall benefits exceed one hundred percent of the claimant's predisability covered monthly compensation.
 4. d. All probationary and permanent full-time state employees shall be covered under the employees disability insurance program, except board members and members of commissions who are not full-time state employees, and state employees who on July 1, 1974, are under another disability program financed in whole or in part by the state, and state employees who have agreed to participation in another disability program through a collective bargaining agreement. For purposes of this section, members of the general assembly serving on or after January 1, 1989, are eligible for the plan during their tenure in office, on the basis of enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20.

Sec. 21. Section 80.18, Code 2018, is amended to read as follows:

80.18 Expenses and supplies — reimbursement.

1. The commissioner shall provide peace officers of the department when on duty, with suitable uniforms, subsistence, arms, equipment, quarters, and other necessary supplies, and also the expense and means of travel and boarding, according to rules adopted by the commissioner, and as may be provided by appropriation.
2. The department may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's peace officers or employees damaged or destroyed during a peace officer's or employee's course of employment. However, the reimbursement shall not exceed the greater of one hundred fifty dollars or the amount agreed to under the collective bargaining agreement for each item. The department shall adopt rules in accordance with chapter 17A to administer this paragraph subsection.

Sec. 22. Section 80A.13, subsection 1, Code 2018, is amended to read as follows:

1. File with the sheriff of the county in which the campus is located evidence that the individual has successfully completed an approved firearm safety training under section 724.9. This requirement does not apply to armored car personnel.

Sec. 23. Section 84A.4, subsection 1, Code 2018, is amended to read as follows:

1. A local workforce development board shall be established in each service delivery area as defined in section 84B.3. The voting members of each board shall be appointed by the governor, consistent with the requirements of federal law and in consultation with chief elected officials within the local workforce development area. Chief elected officials responsible for recommendations for each board's voting membership shall include but are not limited to county elected officials, municipal elected officials, and community college directors. The voting membership of each board shall provide for equal representation of business and labor and shall include a county elected official, a city official, a representative

of a school district, and a representative of a community college. A local workforce development board may appoint ex officio, nonvoting members.

Sec. 24. Section 84A.7, subsections 2 and 3, Code 2018, are amended to read as follows:

2. *Iowa conservation corps established.* The Iowa conservation corps is established in this state to provide meaningful and productive public service jobs for youth, unemployed persons, persons with disabilities, disadvantaged persons, and elderly persons, and to provide participants with an opportunity to explore careers, gain work experience, and contribute to the general welfare of their communities and the state. The corps shall provide opportunities in the areas of natural resource and wildlife conservation, park maintenance and restoration, land management, energy savings, community improvement projects, tourism, economic development, and work benefiting human services programs. The department of workforce development shall administer the corps and shall adopt rules pursuant to chapter 17A governing its operation, eligibility for participation, cash contributions, and implementation of an incentive program.

3. *Funding.* Corps projects shall be funded by appropriations to the Iowa conservation corps account and by cash, services, and material contributions made by other state agencies or local public and private agencies. Public and private entities who benefit from a corps project shall contribute at least thirty-five percent of the total project budget. The contributions may be in the form of cash, materials, or services. Materials and services shall be intended for the project and acceptable to the department of workforce development. Minimum levels of contributions shall be prescribed in rules adopted by the department of workforce development pursuant to chapter 17A.

Sec. 25. Section 84A.8, Code 2018, is amended to read as follows:

84A.8 Workforce investment program.

A workforce investment program is established to enable more Iowans to enter or reenter the workforce. The workforce investment program shall provide training and support services to population groups that have historically faced barriers to employment. The department of workforce development shall administer the workforce investment program and shall adopt rules pursuant to chapter 17A governing its operation and eligibility guidelines for participation.

Sec. 26. Section 85.22, unnumbered paragraph 1, Code 2018, is amended to read as follows:

When an employee receives an injury or incurs an occupational disease or an occupational hearing loss for which compensation is payable under this chapter, chapter 85A, or chapter 85B, and which injury or occupational disease or occupational hearing loss is caused under circumstances creating a legal liability against some person, other than the employee's employer or any employee of such employer as provided in section 85.20 to pay damages, the employee, or the employee's dependent, or the trustee of such dependent, may take proceedings against the employer for compensation, and the employee or, in case of death, the employee's legal representative may also maintain an action against such third party for damages. When an injured employee or the employee's legal representative brings an action against such third party, a copy of the original notice shall be served upon the employer by the plaintiff, not less than ten days before the trial of the case, but a failure to give such notice shall not prejudice the rights of the employer, and the following rights and duties shall ensue:

Sec. 27. Section 85.27, subsections 1 and 5, Code 2018, are amended to read as follows:

1. The employer, for all injuries compensable under this chapter or chapter 85A, shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies therefor and shall allow reasonably necessary transportation expenses incurred for such services. The employer shall also furnish reasonable and necessary crutches, artificial members and appliances but shall not be required to furnish more than one set of permanent prosthetic devices.

5. When an artificial member or orthopedic appliance, whether or not previously furnished by the employer, is damaged or made unusable by circumstances arising out of and in the

course of employment other than through ordinary wear and tear, the employer shall repair or replace it. When any crutch, artificial member or appliance, whether or not previously furnished by the employer, either is damaged or made unusable in conjunction with a personal injury entitling the employee to disability benefits, or services as provided by this section, or is damaged in connection with employee actions taken which avoid such personal injury, the employer shall repair or replace it.

Sec. 28. Section 85.33, subsection 3, paragraph a, Code 2018, is amended to read as follows:

a. If an employee is temporarily, partially disabled and the employer for whom the employee was working at the time of injury offers to the employee suitable work consistent with the employee's disability the employee shall accept the suitable work, and be compensated with temporary partial benefits. If the employer offers the employee suitable work and the employee refuses to accept the suitable work offered by the employer, the employee shall not be compensated with temporary partial, temporary total, or healing period benefits during the period of the refusal. Work offered at the employer's principal place of business or established place of operation where the employee has previously worked is presumed to be geographically suitable for an employee whose duties involve travel away from the employer's principal place of business or established place of operation more than fifty percent of the time. If suitable work is not offered by the employer for whom the employee was working at the time of the injury and the employee who is temporarily, partially disabled elects to perform work with a different employer, the employee shall be compensated with temporary partial benefits.

Sec. 29. Section 85.43, subsections 1 and 3, Code 2018, are amended to read as follows:

1. If the deceased employee leaves a surviving spouse qualified under the provisions of section 85.42, the full compensation shall be paid to the surviving spouse, as provided in section 85.31; provided that where a deceased employee ~~leave~~ leaves a surviving spouse and a dependent child or children the workers' compensation commissioner may make an order of record for an equitable apportionment of the compensation payments.

3. If the deceased ~~leaves a~~ dependent child or children who was or were such at the time of the injury, and the surviving spouse remarries, then and in such case, the payments shall be paid to the proper compensation trustee for the use and benefit of such dependent child or children for the period provided in section 85.31.

Sec. 30. Section 85.49, Code 2018, is amended to read as follows:

85.49 Trustees for minors and dependents.

1. When a minor or a dependent who is mentally incompetent is entitled to weekly benefits under this chapter, or chapter 85A or 85B, payment shall be made to the parent, guardian, or conservator, who shall act as trustee, and the money coming into the trustee's hands shall be expended for the use and benefit of the person entitled to it under the direction and orders of a district judge. The trustee shall qualify and give bond in an amount as the district judge directs, which may be increased or diminished from time to time.

2. If the domicile or residence of the minor or dependent who is mentally incompetent is outside the state of Iowa, the workers' compensation commissioner may order and direct that benefits to the ~~minors minor or dependents dependent~~ dependent be paid to a guardian, conservator, or legal representative duly qualified under the laws of the jurisdiction wherein the ~~minors minor or dependents dependent~~ dependent shall be domiciled or reside. Proof of the identity and qualification of the guardian, conservator, or other legal representative shall be furnished to the workers' compensation commissioner.

Sec. 31. Section 85.61, subsection 3, Code 2018, is amended to read as follows:

3. "*Gross earnings*" means recurring payments by the employer to the employee for employment, before any authorized or lawfully required deduction or withholding of funds by the employer, excluding irregular bonuses, retroactive pay, overtime, penalty pay, reimbursement of expenses, expense allowances, and the employer's contribution for welfare benefits.

Sec. 32. Section 85.70, subsection 2, paragraphs c, d, and f, Code 2018, are amended to read as follows:

c. The employee shall be entitled to financial support from the employer or the employer's insurer for participation in the new career vocational ~~and education~~ training and education program in a total amount not to exceed fifteen thousand dollars to be used for the payment of tuition and fees and the purchase of required supplies. The community college in which an employee is enrolled pursuant to the program shall bill the employer or the employer's insurer for the employee's tuition and fees each semester, or the equivalent, that the employee is enrolled in the program. The employer or the employer's insurer shall also pay for the purchase of supplies required by the employee to participate in the program, upon receipt of documentation from the employee detailing the cost of the supplies and the necessity for purchasing the supplies. Such documentation may include written course requirements or other documentation from the community college or the course instructor regarding the necessity for the purchase of certain supplies.

d. The employer or the employer's insurer may request a periodic status report each semester from the community college documenting the employee's attendance and participation in and completion of the ~~education and career vocational training and education~~ program. If an employee does not meet the attendance requirements of the community college at which the employee is enrolled or does not maintain a passing grade in each course in which the employee is enrolled each semester, or the equivalent, the employee's eligibility for continued participation in the program is terminated.

f. Beginning on or before December 1, 2018, the department of workforce development, in cooperation with the department of education, the insurance division of the department of commerce, and all community colleges that are participating in the new career ~~and vocational~~ training and education program, shall prepare an annual report for submission to the general assembly that provides information about the status of the program including but not limited to the utilization of and participants in the program, program completion rates, employment rates after completion of the program and the types of employment obtained by the program participants, and the effects of the program on workers' compensation premium rates.

Sec. 33. Section 88.7, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. If, upon inspection or investigation, the commissioner or the commissioner's authorized representative believes that an employee, under the employee's own volition, has violated the requirements of section 88.4, of any standard, rule or rules promulgated pursuant to section 88.5, or of any regulations prescribed pursuant to this chapter, the commissioner shall with reasonable promptness issue a citation to the employee. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the chapter, standard, rules, regulations or order alleged to have been violated. The commissioner shall prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety and health.

Sec. 34. Section 88A.3, subsection 1, Code 2018, is amended to read as follows:

1. The commissioner shall adopt rules pursuant to chapter 17A for the safe installation, repair, maintenance, use, operation, and inspection of amusement devices, amusement rides, concession booths, and related electrical equipment at carnivals and fairs to the extent necessary for the protection of the public. The rules shall be based on generally accepted engineering standards and shall be concerned with, but not necessarily limited to, engineering force stresses, safety devices, and preventive maintenance. If standards are available in suitable form, the standards may be incorporated by reference. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement devices or rides, concession booths, or related electrical equipment.

Sec. 35. Section 92.4, subsection 1, Code 2018, is amended to read as follows:

1. Those persons legally out of school, ~~and if~~ such status is verified by the submission of written proof to the labor commissioner.

Sec. 36. Section 92.21, Code 2018, is amended to read as follows:

92.21 Rules and orders of labor commissioner.

1. The labor commissioner may adopt rules pursuant to chapter 17A to more specifically define the occupations and equipment permitted or prohibited in this chapter, to determine occupations for which work permits are required, and to issue general and special orders prohibiting or allowing the employment of persons under eighteen years of age in any place of employment defined in this chapter as hazardous to the health, safety, and welfare of the persons.

2. The labor commissioner shall adopt rules pursuant to chapter 17A specifically defining the civil penalty amount to be assessed for violations of this chapter.

Sec. 37. Section 100.19, subsection 4, paragraph d, Code 2018, is amended by striking the paragraph.

Sec. 38. Section 100.19, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 4A. A retailer or community group shall not transfer consumer fireworks, as described in APA 87-1, chapter 3, to a person who is under eighteen years of age.

Sec. 39. Section 123.38, subsection 2, Code 2018, is amended to read as follows:

2. a. Any licensee or permittee, or the licensee's or permittee's executor or administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the division. When a license or permit is surrendered the division shall notify the local authority, and the division or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the division or the local authority for the license or permit as follows: if

(1) If a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee; if.

(2) If surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee; if.

(3) If surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee.

(4) No refund shall be made, ~~however,~~ for any special permit, liquor control license, wine permit, or beer permit surrendered more than nine months after issuance.

b. For purposes of this subsection, any portion of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraph "a", subparagraphs (1) and (2), and in section 331.424A, shall not be deemed received either by the division or by a local authority.

c. No refund shall be made to any licensee or permittee upon the surrender of the license or permit if there is at the time of surrender a complaint filed with the division or local authority charging the licensee or permittee with a violation of this chapter.

d. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in this section. However, if the license or permit is revoked or suspended upon hearing, the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

Sec. 40. Section 124.206, subsection 2, paragraph d, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives, and any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical to any of such substances, except that the substances shall not include:

Sec. 41. Section 124.510, Code 2018, is amended to read as follows:

124.510 Reports of arrests and analyses to department.

Any peace officer who arrests for any crime, any known unlawful user of the drugs described in schedule I, II, III, or IV, or who arrests any person for a violation of this chapter,

or charges any person with a violation of this chapter subsequent to the person's arrest, shall within five days after the arrest or the filing of the charge, whichever is later, report the arrest and the charge filed to the department. The peace officer or any other peace officer or law enforcement agency which makes or obtains any quantitative or qualitative analysis of any substance seized in connection with the arrest of the person charged, shall report to the department the results of the analysis at the time the arrest is reported or at such later time as the results of the analysis become available. This information is for the exclusive use of the division of narcotics enforcement in the department of public safety, and shall not be a matter of public record.

~~This information is for the exclusive use of the division of narcotics enforcement in the department of public safety, and shall not be a matter of public record.~~

Sec. 42. Section 126.14, subsection 1, Code 2018, is amended to read as follows:

1. a. It bears or contains a poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in its labeling or under customary or usual conditions of use. However, this does not apply to coal-tar hair dye if the label of the dye bears the following legend conspicuously displayed and the label bears adequate directions for the preliminary testing:

~~“Caution Caution — This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness”; and the label bears adequate directions for the preliminary testing blindness.~~

b. For the purposes of this subsection and subsection 5, “hair dye” does not include eyelash dyes or eyebrow dyes.

Sec. 43. Section 135B.21, Code 2018, is amended to read as follows:

135B.21 Functions of hospital.

~~The ownership, and maintenance, and operation of the laboratory and X-ray facilities and the operation of same under this subchapter are proper functions of a hospital.~~

Sec. 44. Section 137C.1, Code 2018, is amended to read as follows:

137C.1 Title.

This chapter shall be known as the ~~Iowa hotel sanitation code~~ “Iowa Hotel Sanitation Code”.

Sec. 45. Section 137C.35, Code 2018, is amended to read as follows:

137C.35 Bed and breakfast homes and inns.

1. This chapter does not apply to bed and breakfast homes as defined in section 137F.1. However, a bed and breakfast home shall have a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor. A bed and breakfast home which does not receive its drinking water from a public water supply shall have its drinking water tested at least annually by the state hygienic laboratory or the local board of health. ~~A violation of this section is punishable as provided in section 137C.28.~~

2. A bed and breakfast inn is subject to regulation, licensing, and inspection under this chapter, but separate toilet and lavatory facilities shall not be required for each guest room. Additionally, a bed and breakfast inn is exempt from fire safety rules adopted pursuant to section 100.35 and applicable to hotels, but is subject to fire safety rules which the state fire marshal shall specifically adopt for bed and breakfast inns.

3. A violation of this section is punishable as provided in section 137C.28.

Sec. 46. Section 147.136A, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. “Health care provider” means a hospital as defined in section 135B.1, a health care facility as defined in section 135C.1, a health facility as defined in section 135P.1, a physician or an osteopathic physician licensed under chapter 148, a chiropractor licensed under chapter 151, a podiatrist licensed under chapter 149, a physician assistant licensed and practicing under a supervising physician under chapter 148C, a podiatrist licensed under chapter 149, a chiropractor licensed under chapter 151, a licensed practical nurse, a

registered nurse, or an advanced registered nurse practitioner licensed under chapter 152 or 152E, a dentist licensed under chapter 153, an optometrist licensed under chapter 154, a pharmacist licensed under chapter 155A, ~~a hospital as defined in section 135B.1, a health care facility as defined in section 135C.1, a health facility as defined in section 135P.1,~~ a professional corporation under chapter 496C that is owned by persons licensed to practice a profession listed in this paragraph, or any other person or entity who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

Sec. 47. Section 148D.2, Code 2018, is amended to read as follows:

148D.2 Establishment.

1. A statewide medical education system is established for the purpose of training resident physicians in family practice. The dean of the college of medicine is responsible for implementing the development and expansion of residency programs in cooperation with the medical profession, hospitals, and clinics located throughout the state. The head of the department of family practice in the college of medicine shall determine where affiliated residency programs shall be established, giving consideration to communities in the state where the population, hospital facilities, number of physicians and interest in medical education indicate the potential success of the residency programs. The medical education systems shall provide financial support for residents in training in accredited affiliated residency programs and shall establish positions for a director, assistant director, and other faculty in the programs.

2. To assure continued growth, development, and academic essentials in ongoing programs, nonaffiliated residency programs which are accredited by a recognized national accrediting organization, shall be funded under this chapter at a level commensurate with the support of the affiliated residency programs having a comparable number of residents in training or, if there are no affiliated residency programs having a comparable number of residents in training, then a nonaffiliated program shall be funded in an amount determined on a pro rata capitation basis for each resident in training, equivalent to the per capita funding for each resident in training in an affiliated program having the nearest number of residents in training. ~~As used in the preceding sentence this subsection, "support" means both cash grants and the value of service directly provided to affiliated residency programs by the college of medicine.~~

Sec. 48. Section 161A.24, Code 2018, is amended to read as follows:

161A.24 Assessment for improvements.

1. At the time of appointing ~~said the~~ appraisers, the governing body shall fix the time within which said assessment, classification, and apportionment shall be made, which may be extended for good cause shown. Within twenty days after their appointment, ~~they the appraisers~~ shall begin to inspect and classify all the lands within ~~said the~~ district, or any change, extension, enlargement, or relocation thereof in tracts of forty acres or less according to the legal or recognized subdivisions, in a graduated scale of benefits to be numbered according to the benefit to be received by each of such tracts from such improvement, and pursue ~~said the~~ work continuously until completed ~~and, when~~. ~~When the work is completed, the appraisers shall make a full, accurate, and detailed report thereof and file the same report with the governing body.~~ The lands receiving the greatest benefit shall be marked on a scale of one hundred, and those benefited in a less degree with such percentage of one hundred as the benefits received bear in proportion thereto.

2. The amount of benefit appraised to each forty acres of land within the subdistrict shall be determined by the improvements within said subdistrict based upon the work plan as agreed upon by the subdistrict.

Sec. 49. Section 164.3, Code 2018, is amended to read as follows:

164.3 Female animals vaccinated.

Native female bovine animals of any breed between the ages of four months and twelve months may be officially vaccinated for brucellosis according to procedures approved by the United States department of agriculture. Native female designated animals other than bovine

animals may be vaccinated as provided by rules adopted by the department of agriculture and land stewardship. The expense of the vaccination shall be borne in the same manner as provided in section 164.6.

Sec. 50. Section 179.8, Code 2018, is amended to read as follows:

179.8 Payment of expenses — limitation.

1. No part of the expense incurred by the commission shall be paid out of moneys in the state treasury except moneys transferred to the commission from the dairy industry fund. Moneys transferred from the fund to the commission, as provided in section 179.5, shall be used for the payment of all salaries, and other expenses necessary, to carry out the provisions of this chapter. However, in no event shall the total expenses exceed the total taxes collected and transferred from the fund to the commission.

2. No more than five percent of the excise tax collected and received by the commission pursuant to section 179.5 shall be utilized for administrative expenses of the commission.

Sec. 51. Section 185.25, Code 2018, is amended to read as follows:

185.25 Special referendum — producer petition.

1. Upon receipt of a petition not less than one hundred fifty nor more than two hundred forty days from a four-year anniversary of the effective date of an initial promotional order signed within that same period by a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture, requesting a referendum to determine whether to extend the promotional order, the secretary shall call a referendum to be conducted not earlier than thirty days before the four-year anniversary date. If the secretary determines that extension of the promotional order is not favored by a majority of the producers voting in the referendum, the promotional order shall be terminated as provided in section 185.24. If the promotional order is terminated, another referendum shall not be held within one hundred eighty days. A succeeding referendum shall be called by the secretary upon the petition of a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture requesting a referendum, who shall guarantee the costs of the referendum.

2. If no valid petition is received by the secretary within the time period described ~~above~~ in subsection 1, or if a petition is received but the referendum to extend the promotional order passes, the promotional order shall continue in effect for four additional years from the anniversary of its effective date.

Sec. 52. Section 192.103, subsections 1 and 2, Code 2018, are amended to read as follows:

1. Only grade “A” pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; ~~except.~~ However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case, such products shall be labeled “ungraded”.

2. No person shall within the state produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated or misbranded; ~~except.~~ However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case such products shall be labeled “ungraded”.

Sec. 53. Section 200.17, Code 2018, is amended to read as follows:

200.17 Seizure, condemnation, and sale.

Any lot of commercial fertilizer or soil conditioner not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the secretary to a court of competent jurisdiction in the county or adjoining county in which ~~said~~ the commercial fertilizer or soil conditioner is located. In the event the court finds the ~~said~~ the commercial fertilizer or soil conditioner to be in violation of this chapter and orders the condemnation of ~~said~~ the commercial fertilizer or soil conditioner, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer or soil conditioner and the laws of the state:—~~Except state.~~ However, in no instance shall the disposition of ~~said~~ the commercial fertilizer or soil conditioner be ordered by the court without first giving the claimant an opportunity to apply

to the court for release of ~~said~~ the commercial fertilizer or soil conditioner or for permission to reprocess or relabel ~~said~~ the commercial fertilizer or soil conditioner to bring it into compliance with this chapter.

Sec. 54. Section 206.2, subsection 18, paragraph b, subparagraph (8), Code 2018, is amended to read as follows:

(8) If in the case of a plant growth regulator, defoliant, or desiccant when used as directed it shall be injurious to living ~~man~~ humans or other vertebrate animals, or vegetation to which it is applied, or to the person applying such pesticide; provided, that physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant growth regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

Sec. 55. Section 206.2, subsection 31, Code 2018, is amended to read as follows:

31. "*Unreasonable adverse effects on the environment*" means any unreasonable risk to ~~man~~ humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

Sec. 56. Section 217.5, Code 2018, is amended to read as follows:

217.5 Director of human services.

The chief administrative officer for the department of human services is the director of human services. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The governor shall fill a vacancy in this office in the same manner as the original appointment was made. The director shall be selected primarily for administrative ability. The director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.

~~The director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.~~

Sec. 57. Section 218.4, subsection 2, Code 2018, is amended to read as follows:

2. Rules adopted by the council pursuant to chapter 17A shall be uniform and shall apply to all institutions under the particular administrator and to all other institutions under the administrator's jurisdiction, ~~and the~~. The primary rules for use in institutions where persons with mental illness are served shall, unless otherwise indicated, uniformly apply to county or private hospitals in which persons with mental illness are served, but the rules shall not interfere with proper medical treatment administered to patients by competent physicians. Annually, signed copies of the rules shall be sent to the superintendent of each institution or hospital under the control or supervision of a particular administrator and copies. Copies shall also be sent to the clerk of each district court, the chairperson of the board of supervisors of each county and, as appropriate, to the officer in charge of institutions or hospitals caring for persons with mental illness in each county who shall be responsible for seeing that the rules are posted in each institution or hospital in a prominent place. The rules shall be kept current to meet the public need and shall be revised and published annually.

Sec. 58. Section 218.9, Code 2018, is amended to read as follows:

218.9 Appointment of superintendents.

1. The administrator in charge of an institution, subject to the approval of the director of human services, shall appoint the superintendent of the institution. The tenure of office shall be at the pleasure of the appointing authority. The appointing authority may transfer a superintendent or warden from one institution to another.

2. The superintendent or warden shall have immediate custody and control, subject to the orders and policies of the division administrator in charge of the institution, of all property used in connection with the institution except as provided in this chapter. ~~The tenure of office shall be at the pleasure of the appointing authority. The appointing authority may transfer a superintendent or warden from one institution to another.~~

Sec. 59. Section 218.21, Code 2018, is amended to read as follows:

218.21 Record of residents.

The administrator of the department of human services in control of a state institution shall, as to every person committed to any of said the institutions, keep the following record:

1. Name, residence, sex, age, nativity, occupation, civil.
2. Residence.
3. Sex.
4. Age.
5. Nativity.
6. Occupation.
7. Civil condition, date.
8. Date of entrance or commitment, date.
9. Date of discharge, whether.
10. Whether a discharge was final, condition.
11. Condition of the person when discharged, the.
12. The name of the institutions from which and to which such person has been transferred, and, if.
13. If dead, the date, and cause of the person's death.

Sec. 60. Section 222.85, Code 2018, is amended to read as follows:

222.85 Deposit of moneys — exception to guardians.

1. Any funds coming into the possession of the superintendent or any employee of a resource center or special unit belonging to any patient in that institution shall be deposited in the name of the patient in the patients' personal deposit fund, except that if a guardian of the property has been appointed for the person, the guardian shall have the right to demand and receive such funds. Funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals, desires, and comforts for the patient.

2. Money paid to a resource center from any source other than state appropriated funds and intended to pay all or a portion of the cost of care of a patient, which cost would otherwise be paid from state or county funds or from the patient's own funds, shall not be deemed money "funds belonging to the patient a patient" for the purposes of this section.

Sec. 61. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (viii), Code 2018, is amended to read as follows:

(viii) Section 724.4 ~~or~~ 724.4B.

Sec. 62. Section 232.72, subsection 2, Code 2018, is amended to read as follows:

2. ~~However, if~~ If the person making a report of child abuse pursuant to this chapter does not know where the child's home is located, or if the child's home is not located in the service area where the health practitioner examines, attends, or treats the child, the report may be made to the department or to the local office serving the county where the person making the report resides or the county where the health practitioner examines, attends, or treats the child. These agencies shall promptly proceed as provided in section 232.71B, unless the matter is transferred as provided in this section.

Sec. 63. Section 232.158A, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Notwithstanding any provision of the interstate compact on the placement of children under section 232.158 to the contrary, the department of human services shall permit the legal risk placement of a child under the interstate compact on the placement of children if the prospective adoptive parent provides a legal risk statement, in writing, acknowledging all of the following:

Sec. 64. Section 249A.47, subsection 4, Code 2018, is amended to read as follows:

4. Of any amount recovered arising out of a claim under Tit. XIX or XXI of the federal Social Security Act, the department shall receive the amount bearing the same proportion paid by the department for such claims, including any federal share that must be returned to the centers for Medicare and Medicaid services of the United States department of health and

human services. The remainder of any amount recovered shall be deposited in the general fund of the state.

Sec. 65. Section 251.1, Code 2018, is amended to read as follows:

251.1 Definitions.

As used in this chapter:

1. “Administrator” means the administrator of the division of adult, children, and family services of the department of human services.

2. “Division” or “state division” means the division of child adult, children, and family services of the department of human services; “administrator” means the administrator of the division of child and family services of the department of human services.

Sec. 66. Section 260C.35, Code 2018, is amended to read as follows:

260C.35 Limitation on land.

1. A merged area shall not purchase land which will increase the aggregate of land owned by the merged area, excluding land acquired by donation or gift, to more than three hundred twenty acres without the approval of the director of the department of education. The limitation does not apply to a merged area owning more than three hundred twenty acres, excluding land acquired by donation or gift, prior to January 1, 1969.

2. With the approval of the director of the department of education, the board of directors of a merged area at any time may sell any land in excess of one hundred sixty acres owned by the merged area, and an election is not necessary in connection with the sale. The proceeds of the sale may be used for any of the purposes stated in section 260C.22. This paragraph subsection is in addition to any authority under other provisions of law.

Sec. 67. Section 260F.2, subsection 11, Code 2018, is amended to read as follows:

11. “Project” means a training arrangement which is the subject of an agreement entered into between the community college and a business to provide program services. “Project” also means an authority-sponsored a training arrangement which is sponsored by the authority and administered under sections 260F.6A and 260F.6B.

Sec. 68. Section 261.1, subsection 2, paragraph d, subparagraph (2), Code 2018, is amended to read as follows:

(2) One member shall be selected to represent Iowa’s community colleges. When appointing this member, the governor shall give careful consideration to any person ~~or~~ persons nominated or recommended by any organization or association of Iowa community colleges.

Sec. 69. Section 261.2, subsection 10, paragraph b, Code 2018, is amended to read as follows:

b. The institutions are eligible to participate in a federal student aid program authorized under Tit. IV of the federal Higher Education Act of 1965, Pub. L. No. 89-329, as amended.

Sec. 70. Section 262.75, Code 2018, is amended to read as follows:

262.75 Incentives for cooperating teachers.

1. A cooperating teacher incentive program is established to encourage experienced teachers to serve as cooperating teachers for student teachers enrolled in the institutions of higher education under the control of the board.

2. An individual who submits evidence to an institution that the individual has satisfactorily served as a cooperating teacher for a student teacher from any of the institutions of higher education under the control of the board for the duration of the student teaching experience shall receive from the institution either a monetary recompense or a reduction in tuition for graduate hours of coursework equivalent to the value of the monetary recompense, rounded to the nearest whole credit hour.

a. If, because of a policy adopted by the board of directors employing the teacher, the amount of the monetary recompense is not made available to the teacher for the teacher’s own personal use or the salary paid to the cooperating teacher by the employing board

is correspondingly reduced, the institution shall grant the teacher the reduction in tuition pursuant to this section in lieu of the monetary recompense.

b. In lieu of the payment of monetary recompense to a cooperating teacher, the cooperating teacher may direct that the monetary recompense be paid by the institution directly into a scholarship fund which has been established jointly by the board of directors of the school district that employs the teacher and the local teachers' association. In such cases, the cooperating teacher shall receive neither monetary recompense nor any reduction in tuition at the institution.

Sec. 71. Section 263.17, subsection 2, Code 2018, is amended to read as follows:

2. a. The center shall be a cooperative effort of representatives of the following organizations:

(1) The state university of Iowa department of ~~preventive medicine~~ occupational and environmental health.

(2) The department of pediatrics of the university of Iowa college of medicine.

(3) The state hygienic laboratory.

(4) The institute of ~~agricultural medicine~~ rural and environmental health.

(5) The university of Iowa Holden comprehensive cancer center.

(6) The department of civil and environmental engineering.

(7) Appropriate clinical and basic science departments.

(8) The college of law.

(9) The college of liberal arts and sciences.

(10) The Iowa department of public health.

(11) The department of natural resources.

(12) The department of agriculture and land stewardship.

b. The active participation of the national cancer institute, the agency for toxic substances and disease ~~registries~~ registry, the national ~~center~~ centers for disease control and prevention, the United States environmental protection agency, and the United States geological survey, shall also be sought and encouraged.

Sec. 72. Section 273.25, Code 2018, is amended to read as follows:

273.25 Dissolution commission meetings.

1. The commission shall hold an organizational meeting not more than fifteen days after its appointment and shall elect a chairperson and vice chairperson from its membership. Thereafter the commission may meet as often as deemed necessary upon the call of the chairperson or a majority of the commission members.

2. The commission shall request statements from contiguous area education agencies outlining each agency's willingness to accept attachments of the affected area education agency to the contiguous agencies and what conditions, if any, the contiguous agency recommends. The commission shall meet with boards of contiguous area education agencies and with boards of directors of the affected school districts to the extent possible in drawing up the dissolution proposal.

3. The commission may seek assistance from the department of education.

Sec. 73. Section 274.37, Code 2018, is amended to read as follows:

274.37 Boundaries changed by action of boards — buildings constructed.

1. The boundary lines of contiguous school corporations may be changed by the concurrent action of the respective boards of directors at their regular meetings in July, or at special meetings called for that purpose. Such concurrent action shall be subject to the approval of the area education agency board but such concurrent action shall stand approved if the ~~said~~ board does not disapprove such concurrent action within thirty days following receipt of notice thereof. The corporation from which territory is detached shall, after the change, contain not less than four government sections of land.

2. The boards in the respective districts, the boundaries of which have been changed under this section, complete in all respects except for the passage of time prior to the effective date of the change, and when the right of appeal of the change has expired, may enter into joint contracts for the construction of buildings for the benefit of the corporations

whose boundaries have been changed, using funds accumulated under the physical plant and equipment levy in section 298.2. The district in which the building is to be located may use any funds authorized in accordance with chapter 75.

3. This section does not permit the changed districts to expend any funds jointly which they are not entitled to expend acting individually.

Sec. 74. Section 275.2, Code 2018, is amended to read as follows:

275.2 Scope of surveys.

1. The scope of the studies and surveys shall include all of the following matters in the various districts in the area education agency and all districts adjacent to the area education agency: ~~the~~

a. The adequacy of the educational program,~~pupil.~~

b. Pupil enrollment,~~property.~~

c. Property valuations,~~existing.~~

d. Existing buildings and equipment,~~natural.~~

e. Natural community areas,~~road.~~

f. Road conditions,~~transportation, economic.~~

g. Transportation.

h. Economic factors,~~individual.~~

i. Individual attention given to the needs of students,~~the.~~

j. The opportunity of students to participate in a wide variety of activities related to the total development of the student,~~and other.~~

k. Other matters that may bear on educational programs meeting minimum standards required by law.

2. The plans shall also include suggested alternate plans that incorporate the school districts in the area education agency into reorganized districts that meet the enrollment standards specified in section 275.3 and may include alternate plans proposed by school districts for sharing programs under section 28E.9, 256.13, 280.15, 282.7, or 282.10 as an alternative to school reorganization.

Sec. 75. Section 275.52, Code 2018, is amended to read as follows:

275.52 Meetings.

1. The commission shall hold an organizational meeting not more than fifteen days after its appointment and shall elect a chairperson and vice chairperson from its membership. Thereafter the commission may meet as often as deemed necessary upon the call of the chairperson or a majority of the commission members.

2. The commission shall request statements from contiguous school districts outlining each district's willingness to accept attachments of the affected school district to the contiguous districts and what conditions, if any, the contiguous school district recommends. The commission shall meet with boards of contiguous school districts and with residents of the affected school district to the extent possible in drawing up the dissolution proposal.

3. The commission may seek assistance from the area education agency and the department of education.

Sec. 76. Section 306.41, Code 2018, is amended to read as follows:

306.41 Temporary closing for construction.

1. The agency having jurisdiction and control over any highway in the state, or the chief engineer of said the agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance or natural disaster and shall cause to be erected "road closed" signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed for over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of this section, or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any

vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor.

2. Nothing ~~herein in this section~~ shall be construed to prohibit or deny any person from gaining lawful access to the person's property or residence, nor shall it change or limit liability to such persons.

Sec. 77. Section 306A.5, Code 2018, is amended to read as follows:

306A.5 Acquisition of property and property rights.

1. For the purposes of this chapter, cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, may acquire private or public property rights for controlled-access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as such units are authorized by law to acquire such property or property rights in connection with highways and streets within their respective jurisdictions. All property rights acquired under this chapter shall be in fee simple. In connection with the acquisition of property or property rights for a controlled-access facility or portion of, or service road in connection with a controlled-access facility, the cities and highway authorities, in their discretion, may acquire an entire lot, block, or tract of land, if by so doing the interests of the public will be best served, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper.

2. ~~No access~~ Access rights to any highway shall not be acquired by any authority having jurisdiction and control over the highways of this state by adverse possession or prescriptive right. ~~No action heretofore or hereafter~~ Action taken by any such authority shall not form the basis for any claim of adverse possession of, or prescriptive right to any access rights by any such authority.

Sec. 78. Section 308.1, Code 2018, is amended to read as follows:

308.1 Planning commission.

1. The Mississippi parkway planning commission shall be composed of ten members appointed by the governor, five members to be appointed for two-year terms beginning July 1, 1959, and five members to be appointed for four-year terms beginning July 1, 1959. In addition to the above members there shall be seven advisory ex officio members who shall be as follows:

- a. One member from the state transportation commission, ~~one.~~
- b. One member from the natural resource commission, ~~one.~~
- c. One member from the state soil conservation and water quality committee, ~~one.~~
- d. One member from the state historical society of Iowa, ~~one.~~
- e. One member from the faculty of the landscape architectural division of the Iowa state university of science and technology, ~~one.~~
- f. One member from the economic development authority, ~~and one.~~
- g. One member from the environmental protection commission.

2. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for that purpose.

Sec. 79. Section 308A.3, Code 2018, is amended to read as follows:

308A.3 Certain elevated structures prohibited — exception.

Bikeways and walkways approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as an independent bikeway or walkway construction project constructed pursuant to the Highway Act of 1973, 23 U.S.C. §217, shall not be constructed as elevated structures joining private buildings or so constructed to provide elevated access or egress facilities to private buildings unless the following condition is met:

That the portion of project funds that is necessary to obtain federal funds is provided by private parties benefited by the facilities.

Sec. 80. Section 317.3, Code 2018, is amended to read as follows:

317.3 Weed commissioner — standards for noxious weed control.

1. The board of supervisors of each county may annually appoint a county weed commissioner who may be a person otherwise employed by the county and who passes minimum standards established by the department of agriculture and land stewardship for noxious weed identification and the recognized methods for noxious weed control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and shall continue for a term at the discretion of the board of supervisors unless the commissioner is removed from office as provided for by law. ~~The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship.~~ The name and address of the person appointed as county weed commissioner shall be certified to the county auditor and to the secretary of agriculture within ten days of the appointment.

2. The board of supervisors shall fix the compensation of the county weed commissioner and deputies. Compensation shall be for the period of actual work only, although a weed commissioner assigned other duties not related to weed eradication may receive an annual salary. The board of supervisors shall likewise determine whether employment shall be by hour, day, or month and the rate of pay for the employment time. In addition to compensation, the commissioner and deputies shall be paid their necessary travel expenses.

3. At the discretion of the board of supervisors, the weed commissioner shall attend a seminar or school conducted or approved by the department of agriculture and land stewardship relating to the identification, control, and elimination of noxious weeds. The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship.

4. The board of supervisors shall prescribe the time of year the weed commissioner shall perform the powers and duties of county weed commissioner under this chapter which may be during that time of year when noxious weeds can effectively be killed. ~~Compensation shall be for the period of actual work only although a weed commissioner assigned other duties not related to weed eradication may receive an annual salary. The board of supervisors shall likewise determine whether employment shall be by hour, day or month and the rate of pay for the employment time.~~

Sec. 81. Section 317.13, Code 2018, is amended to read as follows:

317.13 Program of control.

1. The board of supervisors of each county may each year, upon recommendation of the county weed commissioner by resolution prescribe and order a program of weed control for purposes of complying with all sections of this chapter. The county board of supervisors of each county may also by adopting an integrated roadside vegetation management plan prescribe and order a program of weed control for purposes of complying with all sections of this chapter. The program for weed control ordered or adopted by the county board of supervisors shall provide that spraying for control of weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.

2. The program of weed control shall include a program of permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. ~~This paragraph subsection~~ applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan.

Sec. 82. Section 321.285, subsection 7, Code 2018, is amended to read as follows:

7. A person who violates this section for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5. A person who operates a school bus at a speed which exceeds a limit established under this section by ten miles ~~an~~ per hour or less commits a simple

misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10. A person who violates any other provision of this section commits a simple misdemeanor.

Sec. 83. Section 350.2, Code 2018, is amended to read as follows:

350.2 Petition — board membership.

1. Upon a petition to the board of supervisors which meets the requirements of section 331.306, the board of supervisors shall submit to the voters at the next general election the question of whether a county conservation board shall be created as provided for in this chapter. If at the election the majority of votes favors the creation of a county conservation board, the board of supervisors within sixty days after the election shall create a county conservation board to consist of five bona fide residents of the county.

2. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When a member of the county conservation board, during the term of office, ceases to be a bona fide resident of the county, the member is disqualified as a member and the office becomes vacant.

3. Members of the county conservation board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties.

4. Members of the county conservation board may be removed for cause by the board of supervisors as provided in section 331.321, subsection 3, if the cause is malfeasance, nonfeasance, disability, or failure to participate in board activities as set forth by the rules of the county conservation board.

Sec. 84. Section 350.3, Code 2018, is amended to read as follows:

350.3 Meetings — records — annual report.

1. Within thirty days after the appointment of members of the county conservation board, the board shall organize by selecting from its members a president and secretary and such other officers as are deemed necessary, who shall hold office for the calendar year in which elected and until their successors are selected and qualify. ~~Three members of the board shall constitute a quorum for the transaction of business.~~

2. The board shall hold regular monthly meetings. Special meetings may be called by the president, and shall be called on the request of a majority of members, as the necessity may require. Three members of the board shall constitute a quorum for the transaction of business. The county conservation board shall have power to adopt bylaws, to adopt and use a common seal, and to enter into contracts.

3. The county board of supervisors shall provide suitable offices for the meetings of the county conservation board and for the safekeeping of its records. Such records shall be subject to public inspection at all reasonable hours and under such regulations as the county conservation board may prescribe.

4. The county conservation board shall annually make a full and complete report to the county board of supervisors of ~~its~~ the county conservation board's transactions and operations for the preceding year. Such report shall contain a full statement of ~~its~~ the board's receipts, disbursements, and the program of work for the period covered, and may include such recommendations as may be deemed advisable.

Sec. 85. Section 350.5, Code 2018, is amended to read as follows:

350.5 Regulations — penalty — officers.

1. The county conservation board may make, alter, amend or repeal regulations for the protection, regulation, and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state.

2. The regulations shall not take effect until ten days after their adoption by the board and after their publication as provided in section 331.305 and after a copy of the regulations has been posted near each gate or principal entrance to the public ground to which they apply.

3. After the publication and posting, a person violating a provision of the regulations which are then in effect is guilty of a simple misdemeanor.

4. The board may designate the director and those employees as the director may designate as police officers who shall have all the powers conferred by law on police officers, peace officers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators upon all property under its control within and without the county. The board may grant the director and those employees of the board designated as police officers the authority to enforce the provisions of chapters 321G, 321I, 461A, 462A, 481A, and 483A on land not under the control of the board within the county.

Sec. 86. Section 355.8, subsection 17, Code 2018, is amended to read as follows:

17. Interior excepted parcels shall be clearly indicated and labeled, ~~“not as follows:~~ Not a part of this survey (or subdivision)” subdivision.

Sec. 87. Section 357E.5, Code 2018, is amended to read as follows:

357E.5 Hearing of petition — action by board.

At the public hearing required in section 357E.3, the board of supervisors may consider the boundaries of a proposed district, whether the boundaries shall be as described in the petition or otherwise, and for that purpose may amend the petition and change the boundaries of the proposed district as stated in the petition. The supervisors may adjust the boundaries of a proposed district as needed to exclude land that has no reasonable likelihood of benefit from inclusion in the proposed district. However, the boundaries of a proposed district shall not be changed to incorporate property which is not included in the original petition. Within ten days after the hearing, the board of supervisors shall establish the district by resolution or disallow the petition.

~~After, and within ten days of, the hearing, the board of supervisors shall establish the district by resolution or disallow the petition.~~

Sec. 88. Section 358.5, Code 2018, is amended to read as follows:

358.5 Hearing of petition and order.

1. The board of supervisors to whom the petition is addressed shall preside at the hearing provided for in section 358.4 and shall continue the hearing in session, with adjournments from day to day, if necessary, until completed, without being required to give any further notice of the hearing. Proof of the residences and qualifications of the petitioners as eligible electors shall be made by affidavit or otherwise as the board may direct. The board may consider the boundaries of a proposed sanitary district, whether they shall be as described in the petition or otherwise, and for that purpose may alter and amend the petition and limit or change the boundaries of the proposed district as stated in the petition. The board shall adjust the boundaries of a proposed district as needed to exclude land that has no reasonable likelihood of benefit from inclusion in the proposed district. The boundaries of a proposed district shall not be changed to incorporate property not included in the original petition and published notice until the owner of the property is given notice of inclusion as on the original hearing. All persons in the proposed district shall have an opportunity to be heard regarding the location and boundaries of the proposed district and to make suggestions regarding the location and boundaries. The board of supervisors, after hearing the statements, evidence and suggestions made and offered at the hearing, shall enter an order fixing and determining the limits and boundaries of the proposed district and directing that an election be held for the purpose of submitting to the registered voters residing within the boundaries of the proposed district the question of organization and establishment of the proposed sanitary district as determined by the board of supervisors. The order shall fix a date for the election not more than sixty days after the date of the order.

2. ~~However,~~ A majority of the landowners, owning in the aggregate more than seventy percent of the total land in the proposed district, may file a written remonstrance against the proposed district at or before the time fixed for the hearing on the proposed district with the

county auditor. If the remonstrance is filed, the board of supervisors shall discontinue all further proceedings on the proposed district and charge the costs incurred to date relating to the establishment of the proposed district.

Sec. 89. Section 414.28, Code 2018, is amended to read as follows:

414.28 Manufactured home.

1. As used in this section, “manufactured home” means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

2. A city shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A city shall not require more than one permanent foundation system for a manufactured home. For purposes of this section, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a manufactured home community or mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures. ~~As used in this section, “manufactured home” means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. This section shall not be construed as abrogating a recorded restrictive covenant.~~

3. A city shall not adopt or enforce construction, building, or design ordinances, regulations, requirements, or restrictions which would mandate width standards greater than twenty-four feet, roof pitch, or other design standards for manufactured housing if the housing otherwise complies with 42 U.S.C. §5403. However, ~~this paragraph~~ subsection shall not prohibit a city from adopting and enforcing zoning regulations related to transportation, water, sewerage, or other land development.

4. This section shall not be construed as abrogating a recorded restrictive covenant.

Sec. 90. Section 414.28A, Code 2018, is amended to read as follows:

414.28A Land-leased communities.

1. “Land-leased community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term “land-leased community” shall not be construed to include homes, buildings, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

2. A city shall not adopt or enforce zoning or subdivision regulations or other ordinances which disallow or make infeasible the plans and specifications of land-leased communities because the housing within the land-leased community will be manufactured housing.

3. ~~“Land-leased community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term “land-leased community” shall not be construed to include homes, buildings, or other~~

~~structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. A manufactured home located in a land-leased community shall be taxed under section 435.22 as if the manufactured home were located in a mobile home park.~~

Sec. 91. Section 422.30, Code 2018, is amended to read as follows:

422.30 Jeopardy assessments — posting of bond.

1. If the director believes that the assessment or collection of taxes will be jeopardized by delay, the director may immediately make an assessment of the estimated amount of tax due, together with all interest, additional amounts, or penalties, as provided by law. The director shall serve the taxpayer by regular mail at the taxpayer's last known address or in person, with a written notice of the amount of tax, interest, and penalty due, which notice may include a demand for immediate payment. Service of the notice by regular mail is complete upon mailing. A distress warrant may be issued or a lien filed against the taxpayer immediately.

2. The director shall be permitted to accept a bond from the taxpayer to satisfy collection until the amount of tax legally due shall be determined. Such bond to be in an amount deemed necessary, but not more than double the amount of the tax involved, and with securities satisfactory to the director.

Sec. 92. Section 425.20, Code 2018, is amended to read as follows:

425.20 Filing dates — affidavit — extension.

1. A claim for reimbursement for rent constituting property taxes paid shall not be paid or allowed, unless the claim is filed with and in the possession of the department of revenue on or before June 1 of the year following the base year.

2. A claim for credit for property taxes due shall not be paid or allowed unless the claim is filed with the county treasurer between January 1 and June 1, both dates inclusive, immediately preceding the fiscal year during which the property taxes are due. However, in case of sickness, absence, or other disability of the claimant, or if in the judgment of the county treasurer good cause exists, the county treasurer may extend the time for filing a claim for credit through September 30 of the same calendar year. The county treasurer shall certify to the director of revenue on or before May 1 of each year the total amount of dollars due for claims allowed.

3. In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue, good cause exists and the claimant requests an extension, the director may extend the time for filing a claim for reimbursement or credit. However, any further time granted shall not extend beyond December 31 of the year following the year in which the claim was required to be filed. Claims filed as a result of this ~~paragraph~~ subsection shall be filed with the director who shall provide for the reimbursement of the claim to the claimant.

Sec. 93. Section 428A.1, Code 2018, is amended to read as follows:

428A.1 Amount of tax on transfers — declaration of value.

1. *a.* There is imposed on each deed, instrument, or writing by which any lands, tenements, or other realty in this state are granted, assigned, transferred, or otherwise conveyed, a tax determined in the following manner:

(1) When there is no consideration or when the deed, instrument, or writing is executed and tendered for recording as an instrument corrective of title, and so states, there is no tax.

(2) When there is consideration and the actual market value of the real property transferred is in excess of five hundred dollars, the tax is eighty cents for each five hundred dollars or fractional part of five hundred dollars in excess of five hundred dollars.

b. The term "*consideration*", as used in this chapter, means the full amount of the actual sale price of the real property involved, paid or to be paid, including the amount of an encumbrance or lien on the property, if assumed by the grantee.

c. It is presumed that the sale price so stated includes the value of all personal property transferred as part of the sale unless the dollar value of personal property is stated on the instrument of conveyance. When the dollar value of the personal property included in the sale is so stated, it shall be deducted from the consideration shown on the instrument for the purpose of determining the tax.

2. When each deed, instrument, or writing by which any real property in this state is granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. However, if the deed, instrument, or writing contains multiple parcels some of which are located in more than one county, separate declarations of value shall be submitted on the parcels located in each county and submitted to the county recorder of that county when paying the tax as provided in section 428A.5. A declaration of value is not required for those instruments described in section 428A.2, subsections 2 to 5, 7 to 13, and 16 to 21, or described in section 428A.2, subsection 6, except in the case of a federal agency or instrumentality, or if a transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain.

3. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 9H.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, the declaration of value shall include the name and address of the buyer, the name and address of the seller, a legal description of the agricultural land, and identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien. The county recorder shall not record the declaration of value, but shall enter on the declaration of value information the director of revenue requires for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall enter on the declaration of value the information the director of revenue requires for the production of the sales/assessment ratio study and transmit one copy of each declaration of value to the director of revenue, at times as directed by the director of revenue. The assessor shall retain one copy of each declaration of value for three years from December 31 of the year in which the transfer of realty for which the declaration was filed took place. The director of revenue shall, upon receipt of the information required to be filed under this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value which identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section 9H.1.

Sec. 94. Section 441.29, Code 2018, is amended to read as follows:

441.29 Plat book — index system.

1. The county auditor shall furnish to each assessor a plat book on which shall be platted the lands and lots in the assessor's assessment district, showing on each subdivision or part thereof, written in ink or pencil, the name of the owner, the number of acres, or the boundary lines and distances in each, and showing as to each tract the number of acres to be deducted for railway right-of-way and for roads and for rights-of-way for public levees and open public drainage improvements.

2. The auditor, or the auditor's designee, of any county shall establish a permanent real estate index number system with related tax maps for all real estate tax administration purposes, including the assessment, levy, and collection of such taxes. Wherever in real property tax administration the legal description of tax parcels is required, such permanent number system shall be adopted in addition thereto. The permanent real estate index numbers shall begin with the two-digit county number and be a unique identifying number for each parcel within the county. These numbers shall follow the property, not the owner, and can be an alphanumeric system. In the event of a division of an existing parcel, the original permanent parcel index number shall be retired and new numbers assigned. The auditor shall prepare and maintain permanent real estate index number tax maps, which shall carry such numbers. The auditor shall prepare and maintain cross indexes of the numbers assigned under this system, with legal descriptions of the real estate to which such numbers relate. Indexes and tax maps established as provided ~~herein~~ in this section shall be open to public inspection.

Sec. 95. Section 455B.311, subsection 3, Code 2018, is amended to read as follows:

3. Grants shall be awarded only for an amount determined by the department to be reasonable and necessary to conduct the work as set forth in the grant application. Grants

for less than a ~~county-wide~~ countywide planning area shall be limited to twenty-five percent state funds, for a single-county planning area the state funds shall be limited to fifty percent, and for a two-county planning area the state funds shall be limited to seventy-five percent. For each additional county above a two-county planning area, the maximum allowable state funds shall be increased by an additional five percent, up to a maximum of ninety percent state funds.

Sec. 96. Section 455B.337, Code 2018, is amended to read as follows:

455B.337 Emergency action.

1. Whenever the director finds that an emergency exists requiring immediate action to protect the public health and safety, the director may, without notice or hearing, issue an emergency order reciting that an emergency exists and requiring that such action be taken as the director deems necessary to meet the emergency. The order may be issued orally to the person whose operation constitutes the emergency by the director and confirmed by a copy of such order to be sent by certified mail within twenty-four hours after the issuance of the oral order. The emergency order shall be effective immediately. Any person receiving an emergency order may request a hearing before the commission within thirty days following the receipt of the order. The commission shall schedule a hearing within fourteen days after receipt of the request for a hearing and give written notice to the alleged violator by certified mail. The commission may also schedule a hearing in the absence of a request by the alleged violator. On the basis of the findings, the commission shall issue a final order which shall be forwarded to the alleged violator by certified mail.

2. The director may, if an emergency exists, impound or order the impounding of any radioactive material in the possession of any person who is not equipped to observe, or fails to observe, the provisions of this part 2 of division IV or any rules adopted under ~~said~~ this part.

Sec. 97. Section 465C.11, Code 2018, is amended to read as follows:

465C.11 Area held in trust.

1. An area designated as a preserve within the system is hereby declared put to its highest, best, and most important use for public benefit. It shall be held in trust and shall not be alienated except to another public use upon a finding by the board of imperative and unavoidable public necessity and with the approval of the commission, the general assembly by concurrent resolution, and the governor. The board's interest or interests in any area designated as a preserve shall not be taken under the condemnation statutes of this state without such a finding of imperative and unavoidable public necessity by the board, and with the consent of the commission, the general assembly by concurrent resolution, and the governor.

2. The board, with the approval of the governor, may enter into amendments to any articles of dedication upon its finding that such amendment will not permit an impairment, disturbance, or development of the area inconsistent with the purposes of this chapter.

3. Before the board shall make a finding of imperative and unavoidable public necessity, or shall enter into any amendment to articles of dedication, ~~if~~ the board shall provide notice of such proposal and opportunity for any person to be heard. Such notice shall be published at least once in a newspaper with a general circulation in the county or counties wherein the area directly affected is situated, and mailed within ten days of such published notice to all persons who have requested notice of all such proposed actions. Each notice shall set forth the substance of the proposed action and describe, with or without legal description, the area affected, and shall set forth a place and time not less than sixty days thence for all persons desiring to be heard to have reasonable opportunity to be heard prior to the finding of the board.

Sec. 98. Section 468.68, Code 2018, is amended to read as follows:

468.68 Drainage warrants received for assessments.

Warrants drawn upon the construction or maintenance funds of any district for which an assessment has been or must be levied, shall be transferable by endorsement, and may be acquired by any taxpayer of such district and applied at their accrued face value upon the assessment levied to create the fund against which the warrant was drawn; when the

amount of the warrant exceeds the amount of the assessment, the treasurer shall cancel the said warrant, and give the holder thereof a certificate for the amount of such excess, which certificate shall be filed with the auditor, who shall issue a warrant for the amount of such excess, and charge the treasurer therewith. Such certificate is transferable by endorsement, and will entitle the holder to the new warrant, made payable to the holder's order, and bearing the original number, preceded by the words, following words:

“Issued ~~Issued~~ as unpaid balance due on warrant ~~number~~” number

Sec. 99. Section 476.52, Code 2018, is amended to read as follows:

476.52 Management efficiency.

1. It is the policy of this state that a public utility shall operate in an efficient manner.

2. If the board determines in the course of a proceeding conducted under section 476.3 or 476.6 that a utility is operating in an inefficient manner, or is not exercising ordinary, prudent management, or in comparison with other utilities in the state the board determines that the utility is performing in a less beneficial manner than other utilities, the board may reduce the level of profit or adjust the revenue requirement for the utility to the extent the board believes appropriate to provide incentives to the utility to correct its inefficient operation.

3. If the board determines in the course of a proceeding conducted under section 476.3 or 476.6 that a utility is operating in such an extraordinarily efficient manner that tangible financial benefits result to the ratepayer, the board may increase the level of profit or adjust the revenue requirement for the utility.

4. In making its determination under this section, the board may also consider a public utility's pursuit of energy efficiency programs. The board shall adopt rules for determining the level of profit or the revenue requirement adjustment that would be appropriate. The board shall also adopt rules establishing a methodology for an analysis of a utility's management efficiency.

~~The board shall also adopt rules establishing a methodology for an analysis of a utility's management efficiency.~~

Sec. 100. Section 476.86, subsection 2, Code 2018, is amended to read as follows:

2. a. “*Competitive natural gas provider*” means a person who takes title to natural gas and sells it for consumption by a retail end user in the state of Iowa. “*Competitive natural gas provider*” includes an affiliate of an Iowa gas utility.

b. “*Competitive natural gas provider*” does not include the following:

a. (1) A public utility which is subject to rate regulation under this chapter.

b. (2) A municipally owned utility which provides natural gas service within its incorporated area or within the municipal natural gas competitive service area, as defined in section 437A.3, subsection 22, paragraph “a”, subparagraph (1), in which the municipally owned utility is located.

Sec. 101. Section 479.4, Code 2018, is amended to read as follows:

479.4 Dangerous construction — inspection.

1. The board is vested with power and authority and it shall be ~~its~~ the board's duty to supervise all pipelines and underground storage and pipeline companies and shall from time to time inspect and examine the construction, maintenance, and the condition of ~~said the pipelines and underground storage facilities and whenever said facilities.~~ Whenever the board shall determine that any pipeline and underground storage facilities or any apparatus, device, or equipment used in connection therewith is unsafe and dangerous ~~it,~~ the board shall immediately in writing notify ~~said the~~ pipeline company, which is constructing or operating ~~said the~~ pipeline and underground storage facilities, device, apparatus, or other equipment to repair or replace any defective or unsafe part or portion of ~~said the~~ pipeline and underground storage facilities, device, apparatus, or equipment.

2. All faulty construction, as determined by the inspector, shall be repaired immediately by the contractor operating for the pipeline company and the cost of such repairs shall be paid by ~~said the~~ contractor. If such repairs are not made by the contractor, the board shall proceed to collect under the provisions of section 479.26.

Sec. 102. Section 514A.8, Code 2018, is amended to read as follows:

514A.8 Nonapplication to certain policies.

Nothing in this chapter shall apply to or affect ~~(1)~~ any of the following:

1. Any policy of workers' compensation insurance or any policy of liability insurance with or without supplementary expense coverage therein; ~~or (2) any.~~
2. Any policy or contract of reinsurance; ~~or (3) any.~~
3. Any blanket or group policy of insurance; ~~or (4) life.~~
4. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to accident and sickness insurance as ~~(a)~~ provide additional benefits in case of death or dismemberment or loss of sight by accident, or as ~~(b)~~ operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or supplemental contract.

Sec. 103. Section 514C.15, subsection 1, Code 2018, is amended to read as follows:

1. Discussing treatment options with a covered individual, notwithstanding the carrier's, or plan's position on such treatment option.

Sec. 104. Section 515F.2, subsection 3, Code 2018, is amended to read as follows:

3. "Developed losses" means losses ~~(including, including loss adjustment expenses)~~ expenses, adjusted, using standard actuarial techniques, to eliminate the effect of differences between current payment or reserve estimates and those needed to provide actual ultimate loss ~~(including, including loss adjustment expense)~~ expense, payments.

Sec. 105. Section 519A.4, subsection 2, Code 2018, is amended to read as follows:

2. The plan of operation shall provide for economic, fair and nondiscriminatory administration, and for the prompt and efficient provision of medical malpractice insurance. The plan shall contain other provisions, including but not limited to preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers or other servicing arrangements, and procedures for determining amounts of insurance to be provided by the association.

Sec. 106. Section 543B.8, Code 2018, is amended to read as follows:

543B.8 Real estate commission created — staff.

1. A real estate commission is created within the professional licensing and regulation bureau of the banking division of the department of commerce. The commission consists of five members licensed under this chapter and two members not licensed under this chapter and who shall represent the general public. Commission members shall be appointed by the governor subject to confirmation by the senate.
2. No more than one member shall be appointed from a county. A commission member shall not hold any other elective or appointive state or federal office. At least one of the licensed members shall be a licensed real estate salesperson, except that if the licensed real estate salesperson becomes a licensed real estate broker during a term of office, that person may complete the term, but is not eligible for reappointment on the commission as a licensed real estate salesperson. A licensed member shall be actively engaged in the real estate business and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Professional associations or societies of real estate brokers or real estate salespersons may recommend the names of potential commission members to the governor. However, the governor is not bound by their recommendations. A commission member shall not be required to be a member of any professional association or society composed of real estate brokers or salespersons. ~~Commission members shall be appointed by the governor subject to confirmation by the senate.~~
3. Appointments shall be for three-year terms and shall commence and end as provided in section 69.19. A member shall serve no more than three terms or nine years, whichever is less. ~~No more than one member shall be appointed from a county. A commission member shall~~

~~not hold any other elective or appointive state or federal office.~~ Vacancies shall be filled for the unexpired term by appointment of the governor and are subject to senate confirmation.

~~4. A majority of the commission members constitutes a quorum.~~

~~5. The administrator of the professional licensing and regulation bureau of the banking division shall hire and provide staff to assist the commission with implementing this chapter. The administrator of the professional licensing and regulation bureau of the banking division of the department of commerce shall hire a real estate education director to assist the commission in administering education programs for the commission.~~

~~The administrator of the professional licensing and regulation bureau of the banking division of the department of commerce shall hire a real estate education director to assist the commission in administering education programs for the commission.~~

Sec. 107. Section 544A.17, subsection 2, Code 2018, is amended to read as follows:

2. Persons acting under the instruction, control, or supervision of, and those executing the plans of, a licensed architect or a professional engineer licensed under chapter 542B, provided that such unlicensed persons shall not be placed in responsible charge of architectural or professional engineering work.

Sec. 108. Section 554.1201, subsection 1, Code 2018, is amended to read as follows:

1. Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other Articles of this chapter that apply to particular Articles or ~~Parts~~ parts thereof, have the meanings stated.

Sec. 109. Section 554.1201, subsection 2, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Subject to definitions contained in other Articles of this chapter that apply to particular Articles or ~~Parts~~ parts thereof:

Sec. 110. Section 569.4, Code 2018, is amended to read as follows:

569.4 Costs and expenses.

1. In all cases in which the state becomes the purchaser of real estate under the provisions of this chapter, the costs and expenses attending such purchases shall be audited and allowed by the director of the department of administrative services, and paid out of any ~~money moneys~~ in the state treasury not otherwise appropriated, upon the director's warrant, and charged to the fund to which the indebtedness belonged upon which such real estate was taken.

2. If the real estate is purchased by a county, the costs and expenses shall be audited by the board of supervisors and paid out of the county treasury, upon a warrant drawn by the auditor on the treasurer, from the fund to which the debt belonged upon which said real estate was purchased.

3. If the real estate is purchased by any other municipal corporation, then the costs shall be audited and paid by ~~it~~ the municipal corporation in the same manner as other claims against ~~it~~ the municipal corporation are audited and paid.

Sec. 111. Section 642.21, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The disposable earnings of an individual are exempt from garnishment to the extent provided by the federal Consumer Credit Protection Act, Tit. III, 15 U.S.C. §1671 – 1677 (1982). The maximum amount of an employee's earnings which may be garnished during any one calendar year is two hundred fifty dollars for each judgment creditor, except as provided in chapter 252D and sections 598.22, 598.23, and 627.12, or when those earnings are reasonably expected to be in excess of twelve thousand dollars for that calendar year as determined from the answers taken by the sheriff or by the court pursuant to section 642.5, subsection 1, question number four. When the employee's earnings are reasonably expected to be more than twelve thousand dollars, the maximum amount of those earnings which may be garnished during a calendar year for each creditor is as follows:

Sec. 112. Section 657.9, Code 2018, is amended to read as follows:

657.9 Shooting ranges.

1. Before a person improves property acquired to establish, use, and maintain a shooting range by the erection of buildings, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall obtain approval of the county zoning commission or the city zoning commission, whichever is appropriate. The appropriate commission shall comply with section 335.8 or 414.6. In the event a county or city does not have a zoning commission, the county board of supervisors or the city council shall comply with section 335.6 or 414.5 before granting the approval.

2. A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range where there has not been a substantial change in the nature of the use of the range.

3. This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

Sec. 113. Section 674.6, Code 2018, is amended to read as follows:

674.6 Notice — consent.

1. If the petitioner is married, the petitioner must give legal notice to the spouse, in the manner of an original notice, of the filing of the petition.

2. If the petition includes or is filed on behalf of a minor child fourteen years of age or older, the child's written consent to the change of name of that child is required.

3. If the petition includes or is filed on behalf of a minor child under fourteen, both parents as stated on the birth certificate of the minor child shall file their written consent to the name change. If one of the parents does not consent to the name change, a hearing shall be set on the petition on twenty days' notice to the nonconsenting parent pursuant to the rules of civil procedure. At the hearing the court may waive the requirement of consent as to one of the parents if it finds any of the following:

1. a. That the parent has abandoned the child;

2. b. That the parent has been ordered to contribute to the support of the child or to financially aid in the child's birth and has failed to do so without good cause; ~~or~~.

3. c. That the parent does not object to the name change after having been given due and proper notice.

Sec. 114. Section 692.8, Code 2018, is amended to read as follows:

692.8 Intelligence data.

1. Intelligence data contained in the files of the department of public safety or a criminal or juvenile justice agency may be placed within a computer data storage system, provided that access to the computer data storage system is restricted to authorized employees of the department or criminal or juvenile justice agency. The department shall adopt rules to implement this ~~paragraph~~ subsection.

2. Intelligence data in the files of the department may be disseminated only to a peace officer, criminal or juvenile justice agency, or state or federal regulatory agency, and only if the department is satisfied that the need to know and the intended use are reasonable. However, intelligence data may also be disseminated to an agency, organization, or person when disseminated for an official purpose, and in order to protect a person or property from a threat of imminent serious harm. Whenever intelligence data relating to a defendant or juvenile who is the subject of a petition under section 232.35 for the purpose of sentencing or adjudication has been provided a court, the court shall inform the defendant or juvenile or the defendant's or juvenile's attorney that it the court is in possession of such data and shall, upon request of the defendant or juvenile or the defendant's or juvenile's attorney, permit examination of such data.

3. If the defendant or juvenile disputes the accuracy of the intelligence data, the defendant or juvenile shall do so by filing an affidavit stating the substance of the disputed data and wherein it is inaccurate. If the court finds reasonable doubt as to the accuracy of such information, it the court may require a hearing and the examination of witnesses relating thereto on or before the time set for sentencing or adjudication.

Sec. 115. Section 708.2B, Code 2018, is amended to read as follows:

708.2B Treatment of domestic abuse offenders.

1. As used in this section, “*district department*” means a judicial district department of correctional services, established pursuant to section 905.2.

2. A person convicted of, or receiving a deferred judgment for, domestic abuse assault as defined in section 708.2A, shall report to the district department in order to participate in a batterers’ treatment program for domestic abuse offenders. In addition, a person convicted of, or receiving a deferred judgment for, an assault, as defined in section 708.1, which is domestic abuse, as defined in section 236.2, subsection 2, paragraph “e”, may be ordered by the court to participate in a batterers’ treatment program. Participation in the batterers’ treatment program shall not require a person to be placed on probation, but a person on probation may participate in the program.

3. The district departments may contract for services in completing the duties relating to the batterers’ treatment programs. The district departments shall assess the fees for participation in the program, and shall either collect or contract for the collection of the fees to recoup the costs of treatment, but may waive the fee or collect a lesser amount upon a showing of cause. The fees shall be used by each of the district departments or contract service providers for the establishment, administration, coordination, and provision of direct services of the batterers’ treatment programs.

4. District departments or contract service providers shall receive upon request peace officers’ investigative reports regarding persons participating in programs under this section. The receipt of reports under this section shall not waive the confidentiality of the reports under section 22.7.

Sec. 116. Section 805.8B, subsection 3, paragraph h, Code 2018, is amended to read as follows:

h. For violations of section 481A.48 relating to restrictions on game birds and animals, the scheduled fines are as follows:

- (1) ~~Out-of-season~~ For out-of-season, the scheduled fine is one hundred dollars.
- (2) ~~Over~~ For over limit, the scheduled fine is one hundred dollars.
- (3) ~~Attempt~~ For attempt to take, the scheduled fine is fifty dollars.
- (4) ~~General~~ For general waterfowl restrictions, the scheduled fine is fifty dollars.
- (a) ~~No~~ For no federal stamp, the scheduled fine is fifty dollars.
- (b) ~~Unplugged~~ For unplugged shotgun, the scheduled fine is ten dollars.
- (c) ~~Possession~~ For possession of other than steel shot, the scheduled fine is twenty-five dollars.
- (d) ~~Early~~ For early or late shooting, the scheduled fine is twenty-five dollars.
- (5) ~~Possession~~ For possession of a prohibited pistol or revolver while hunting deer, the scheduled fine is one hundred dollars.
- (6) ~~Possession~~ For possession of a prohibited rifle while hunting deer, the scheduled fine is two hundred fifty dollars.

Sec. 117. Section 904.319, Code 2018, is amended to read as follows:

904.319 Temporary quarters in emergency.

If the buildings at any institution under the management of the director are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the inmates cannot be confined and cared for at the institution, the director shall make temporary provision for the confinement and care of the inmates at some other place in the state. Like provision may be made in case of an epidemic among the inmates. The reasonable cost of the change including the cost of transfer of inmates, shall be paid from any ~~money~~ moneys in the state treasury not otherwise appropriated.

Sec. 118. Section 906.1, Code 2018, is amended to read as follows:

906.1 Definition Definitions of parole and work release — temporary assignment to director.

1. a. Parole “*Parole*” is the release of a person who has been committed to the custody of the director of the Iowa department of corrections by reason of the person’s commission of a

public offense, which release occurs prior to the expiration of the person's term, is subject to supervision by the district department of correctional services, and is on conditions imposed by the district department.

b. Work release "Work release" is the release of a person, who has been committed to the custody of the director of the Iowa department of corrections, pursuant to sections 904.901 through 904.909.

2. A person who has been released on parole or work release may be temporarily assigned to the supervision of the director of the department of corrections as a result of placement in a violator facility established pursuant to section 904.207.

DIVISION II CORRESPONDING CHANGES

Sec. 119. Section 22.7, subsection 10, Code 2018, is amended to read as follows:

10. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment from the indigent defense fund established in section 815.11, as provided in section ~~13B.4B~~ 13B.4A.

Sec. 120. Section 232.68, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The definitions in section 235A.13 are applicable to this part 2 of division III. As used in sections 232.67 through 232.77 and ~~235A.12 through 235A.24~~ chapter 235A, subchapter II, unless the context otherwise requires:

Sec. 121. Section 232.151, Code 2018, is amended to read as follows:

232.151 Criminal penalties.

Any person who knowingly discloses, receives, or makes use or permits the use of information derived directly or indirectly from the records concerning a child referred to in sections 232.147 through 232.150, except as provided by those sections or section ~~13B.4B~~ 13B.4A, subsection 2, paragraph "c", shall be guilty of a serious misdemeanor.

Sec. 122. Section 235A.13, unnumbered paragraph 1, Code 2018, is amended to read as follows:

As used in chapter 232, division III, part 2, and ~~sections 235A.13 to 235A.24~~ this subchapter, unless the context otherwise requires:

Sec. 123. Section 331.486, Code 2018, is amended to read as follows:

331.486 Assessment of costs of public improvements.

A county may assess to property within a county special assessment district the cost of construction and repair of public improvements benefiting the district and may assess to property within a joint special assessment district the cost of construction and repair of public improvements benefiting the district. A county may construct and assess the cost of public improvements within a district in the same manner as a city may proceed under chapter 384, ~~division subchapter IV~~, and chapter 384, ~~division subchapter IV~~, applies to counties with respect to public improvements, the assessment of their costs, and the issuance of bonds for the public improvements. A county may contract for a public improvement benefiting a district under this part pursuant to ~~chapter 331, division subchapter III, part 3, of this chapter~~.

Sec. 124. Section 355.16, Code 2018, is amended to read as follows:

355.16 Iowa plane coordinate system defined.

As used in this section, and ~~sections 355.17 through 355.19~~ subchapter, unless the context otherwise requires, "Iowa plane coordinate system" or "coordinate system" means the system of plane coordinates established by the United States national ocean survey, or the United States national geodetic survey, or a successor agency, for defining and stating the geographic positions or locations of points on the surface of the earth within the state of Iowa.

Sec. 125. Section 452A.76, Code 2018, is amended to read as follows:

452A.76 Enforcement authority.

1. Authority to enforce ~~division subchapter~~ III is given to the state department of transportation. Employees of the state department of transportation designated enforcement employees have the power of peace officers in the performance of their duties; however, they shall not be considered members of the state patrol. The state department of transportation shall furnish enforcement employees with necessary equipment and supplies in the same manner as provided in section 80.18, including uniforms which are distinguishable in color and design from those of the state patrol. Enforcement employees shall be furnished and shall conspicuously display badges of authority.

2. Authority is given to the department of revenue, the state department of transportation, the department of public safety, and any peace officer as requested by such departments to enforce the provisions of ~~division subchapter~~ I and this ~~division subchapter~~ of this chapter. The department of revenue shall adopt rules providing for enforcement under ~~division subchapter~~ I and this ~~division subchapter~~ of this chapter regarding the use of motor fuel or special fuel in implements of husbandry. Enforcement personnel or requested peace officers are authorized to stop a conveyance suspected to be illegally transporting motor fuel or special fuel on the highways, to investigate the cargo, and also have the authority to inspect or test the fuel in the supply tank of a conveyance to determine if legal fuel is being used to power the conveyance. The operator of any vehicle transporting motor fuel or special fuel shall, upon request, produce and offer for inspection the manifest or loading and delivery invoices pertaining to the load and trip in question and shall permit the authority to inspect and measure the contents of the vehicle. If the vehicle operator fails to produce the evidence or if, when produced, the evidence fails to contain the required information and it appears that there is an attempt to evade payment of the fuel tax, the vehicle operator will be subject to the penalty provisions contained in section 452A.74A.

3. For purposes of this section, “*vehicle*” means as defined in section 321.1.

Sec. 126. Section 453A.13, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. The department shall issue state permits to distributors, wholesalers, and cigarette vendors, and retailers that make delivery sales of alternative nicotine products and vapor products, subject to the conditions provided in this ~~division subchapter~~. If an out-of-state retailer makes delivery sales of alternative nicotine products or vapor products, an application shall be filed with the department and a permit shall be issued for the out-of-state retailer’s principal place of business. Cities may issue retail permits to retailers with a place of business located within their respective limits. County boards of supervisors may issue retail permits to retailers with a place of business in their respective counties, outside of the corporate limits of cities.

DIVISION III CODE EDITOR DIRECTIVES

Sec. 127. CODE EDITOR DIRECTIVES.

1. Section 508E.8, subsection 1, paragraph “f”, Code 2018, is amended by striking the word “recision” and inserting in lieu thereof the word “rescission”.

2. Sections 100B.21 and 135.11, Code 2018, are amended by striking the word “firefighters” and inserting in lieu thereof the words “fire fighters”.

3. Sections 92.5, subsection 7; 160.5, subsection 2; and 298.3, subsection 1, paragraph “m”, Code 2018, are amended by striking the word “clean-up” and inserting in lieu thereof the word “cleanup”.

4. Sections 537.2202, 537.2308, and 537.2508, Code 2018, are amended by striking the words “open end” and inserting in lieu thereof the word “open-end”.

5. Sections 537.1201, subsections 1 and 2; 537.2201, subsection 1; 537.2504, unnumbered paragraph 1; 537.2506, subsection 2; 537.2601, subsection 2; 537.3203, unnumbered paragraph 1; 537.3206, subsection 3; 537.3212, subsections 1 and 3; 537.3303, subsections 1 and 2; 537.3308, subsection 2, paragraph “b”; 537.3403, subsection 5; 537.3404, subsection 3, paragraphs “a” and “b”; and 537.3405, subsection 3, paragraphs “a” and “b”, Code 2018, are amended by striking the words “open end” and inserting in lieu thereof the word “open-end”.

6. Sections 28M.3, 145A.20, 331.486, 331.487, 347A.3, 364.13, 384.11, 384.23, 384.31, 384.34, 384.35, 384.44, 384.67, 384.76, 384.79, 384.88, 384.90, 384.93, 392.1, 392.3, 425.16, 425.18, 425.19, 425.21, 425.22, 425.24, 425.27, 425.29, 425.30, 425.31, 425.32, 425.35, 425.36, 425.37, 425.39, 452A.1, 452A.9, 452A.50, 452A.51, 452A.55, 452A.76, 453A.9, 453A.11, 453A.12, 453A.18, 453A.28, 453A.37, 453A.47, 453A.49, 453A.50, 468.240, 468.586, 468.587, 633.246A, 633.352, 633.402, 633.700, 633.722, and 633.751, Code 2018, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

7. Sections 97B.1A, subsection 8, paragraph “b”, subparagraph (2); 231E.4, subsection 6, paragraph “e”; 231E.5, subsection 2, paragraph “h”, subparagraphs (1) and (3); 231E.8, subsection 4; 249A.3, subsection 11, paragraph “d”; 331.231, subsection 1; 331.233, subsection 1, unnumbered paragraph 1; 331.238, subsection 2, paragraph “a”, subparagraph (2); 331.382, subsection 8, paragraph “b”; 331.384, subsection 3; 331.424A, subsection 1, unnumbered paragraph 1; 331.447, subsection 1, paragraph “a”; 331.552, subsection 21; 350.6, subsection 4; 357A.11, subsection 9; 358.16, subsection 3; 384.13, subsection 1; 384.24, unnumbered paragraph 1; 384.25, subsection 1; 384.26, subsection 1; 384.37, unnumbered paragraph 1; 384.37, subsection 10; 384.49, subsection 3, paragraph “a”; 384.58, subsection 1, unnumbered paragraph 1; 384.66, subsection 4; 384.68, subsection 2; 384.68, subsection 6, paragraph “a”; 384.74, unnumbered paragraph 2; 384.75, unnumbered paragraph 2; 384.80, unnumbered paragraph 1; 384.83, subsection 5; 384.84, subsection 1; 386.7, subsection 6; 386.12 subsection 3; 403.12, subsection 5; 420.41, subsection 3; 423A.7, subsection 4, paragraph “d”, subparagraph (1); 425.17, unnumbered paragraph 1; 425.17, subsection 2, paragraph “a”, subparagraphs (1) and (2); 425.17, subsections 4, 7, 8, 9, and 10; 425.23, unnumbered paragraph 1; 425.33, subsection 1; 425.33, subsection 2, unnumbered paragraph 1; 425.40, subsection 2; 452A.2, unnumbered paragraph 1; 452A.2, subsection 27; 452A.3, subsection 1, unnumbered paragraph 1; 452A.3, subsection 2; 452A.3, subsection 6, paragraph “a”, subparagraph (1); 452A.3, subsection 6, paragraph “a”, subparagraph (2), unnumbered paragraph 1; 452A.3, subsection 10, paragraph “b”; 452A.3, subsection 11; 452A.4, subsection 3, paragraph “a”; 452A.6, subsection 1, paragraph “a”; 452A.8, subsection 1, paragraph “c”; 452A.15, subsection 1, paragraph c; 452A.15, subsection 4; 452A.17, subsection 1, unnumbered paragraph 1; 452A.21, subsection 1; 452A.31, unnumbered paragraph 1; 452A.52, subsection 1; 452A.54, subsections 1, 3, and 4; 452A.57, subsections 1 and 5; 452A.58, subsections 1 and 3; 452A.65, subsection 2; 453A.6, subsection 6; 453A.8, subsection 4; 453A.13, subsection 2, paragraph “a”; 453A.13, subsection 3, paragraph “a”; 453A.13, subsection 10; 453A.14, subsection 1, unnumbered paragraph 1; 453A.14, subsection 2; 453A.15, subsections 1 and 7; 453A.17, subsection 2; 453A.22, subsections 1 and 8; 453A.23, subsections 1 and 2; 453A.24, subsection 2; 453A.31, subsection 1, unnumbered paragraph 1; 453A.32, subsections 1 and 6; 453A.36, subsections 1 and 6; 453A.42, unnumbered paragraph 1; 453A.42, subsection 12; 453A.43, subsection 1, paragraph “d”; 453A.43, subsection 5; 453A.44, subsections 2, 3, 4, 5, 7, 10, 11, and 12; 453A.45, subsection 1, paragraph “b”; 453A.46, subsection 5; 453A.47A, subsection 4; 453A.47A, subsection 7, paragraph “a”, unnumbered paragraph 1; 453A.47A, subsection 11; 453A.48, subsections 1 and 2; 633.3, unnumbered paragraph 1; 633.701, subsection 1; 633.703, subsection 1; 633.713, subsection 4; and 633.720, subsection 2, Code 2018, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

8. The Code editor may change chapter division designations to subchapter designations and correct internal references as necessary in and to the following chapters:

- a. 331.
- b. 384.
- c. 425.
- d. 452A.
- e. 453A.
- f. 633.

9. The Code editor may designate unnumbered chapter headings as numbered subchapters and correct internal references as necessary within and to the following chapters:

- a. 137C.
- b. 235A.
- c. 235B.

- d. 309.
- e. 313.
- f. 321A.
- g. 327D.
- h. 355.
- i. 481A.
- j. 515.
- k. 614.
- l. 622.
- m. 636.
- n. 654.

10. The Code editor may add or delete subchapters in the following chapters:

- a. 235B: After section 235B.15, add a new subchapter entitled “Miscellaneous Provisions”.
- b. 515: After section 515.119, delete header entitled “Surplus Lines Insurance”.

11. The Code editor is directed to make the following transfer:

- a. Section 13B.4B to section 13B.4A.

b. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the transfer of this section.

12. The Code editor may number unnumbered paragraphs within sections 28M.3, 43.42, 49.58, 85.32, 85.37, 135.11A, 135.69, 135.71, 161E.6, 215A.9, 249A.20, 252.22, 257.27, 257.33, 257.36, 257.48, 306.8, 313.36, 321I.23, 321J.2A, 321J.11, 327D.67, 327G.17, 347A.3, 384.74, 384.75, 421B.11, 422.30, 427B.4, 427B.21, 435.25, 441.42, 441.46, 445.16, 445.56, 446.31, 452A.55, 452A.56, 452A.61, 452A.63, 452A.67, 452A.75, 452A.77, 453A.12, 453A.28, 453B.2, 453B.3, 453B.9, 453B.11, 455B.117, 455B.276, 455B.277, 455B.281, 455B.303, 455B.362, 455E.6, 462A.20, 465C.9, 465C.13, 468.159, 478.6, 479.24, 479.41, 479.42, 479B.6, 479B.11, 479B.16, 479B.25, 479B.26, 481A.36, 483A.21, 491.13, 491.28, 491.55, 491.107, 496C.9, 496C.11, 496C.22, 499.42, 499.54, 499.65, 499A.3A, 499A.3C, 499A.19, 506.10, 507B.8, 507B.12, 508.4, 508.32, 508.32A, 508B.2, 508B.5, 508B.9, 508B.14, 514A.13, 514B.13, 514B.24, 514B.26, 514B.30, 515.71, 515B.4, 515G.5, 522B.16, 524.222, 524.535, 524.608, 524.610, 524.611, 524.703, 524.1004, 524.1006, 533D.13, 535.16, 536A.11, 542.17, 542B.20, 543B.45, 548.106, 554.10101, 554.10105, 594A.6, 594A.8, 595.4, 600.1, 600.14, 600.18, 600A.1, 600A.3, 690.5, 692.14, 692.22, 708.6, 708A.3, 709.2, 709.14, 710.2, 710.3, 710.4, 710.6, 714.12, 714.13, 718A.6, 729A.5, 804.10, 804.23, 808.6, 820.5, 820.12, 820.25, 822.6, 904.311, 904.514, 906.14, 906.15, 907.2, 908.10, 908.10A, 909.6, 909.7, and 910.9, Code 2018, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

13. The Code editor may number unnumbered paragraphs within section 96.7, subsection 2, paragraphs “e” and “f”, Code 2018, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

Approved March 28, 2018

CHAPTER 1042

STUDENT ONLINE PERSONAL INFORMATION PROTECTION

H.F. 2354

AN ACT relating to student personal information protection.

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

Section 1. NEW SECTION. **279.70 Student online personal information protection.**

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

a. “Attendance center” means a school district building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students.

b. “Covered information” means personally identifiable information or material, or information that is linked to personally identifiable information or material, in any media or format that is not publicly available and is any of the following:

(1) Created by or provided to an operator by a student, or the student’s parent or legal guardian, in the course of the student’s, parent’s, or legal guardian’s use of the operator’s site, service, or application for kindergarten through grade twelve school purposes.

(2) Created by or provided to an operator by an employee or agent of a school district or attendance center for kindergarten through grade twelve school purposes.

(3) Gathered by an operator through the operation of its site, service, or application for kindergarten through grade twelve school purposes and personally identifies a student, including but not limited to information in the student’s educational record or electronic mail, first and last name, home address, telephone number, electronic mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

c. “Interactive computer service” means that term as defined in 47 U.S.C. §230.

d. “Kindergarten through grade twelve school purposes” means purposes that are directed by or that customarily take place at the direction of a kindergarten through grade twelve attendance center, school district, or a practitioner employed by a school district, in the administration of school activities, including but not limited to instruction in the classroom or at home, administrative activities, and collaboration between students, school district or attendance center personnel, or parents, or are otherwise for the use and benefit of the school district or attendance center.

e. “Operator” means, to the extent that it is operating in this capacity, the operator of an internet site, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for kindergarten through grade twelve school purposes and was designed and marketed for such purposes.

f. “School district” means a public school district described in chapter 274.

g. “Targeted advertising” means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred over time from that student’s online behavior, usage of applications, or covered information. “Targeted advertising” does not include advertising to a student at an online location based upon that student’s current visit to that location, or in response to that student’s request for information or feedback, without the retention of that student’s online activities or requests over time for the purpose of targeting subsequent ads.

2. a. An operator shall not knowingly do any of the following:

(1) Engage in targeted advertising on the operator’s internet site, service, or application, or target advertising on any other internet site, service, or application if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator’s internet site, service, or application for kindergarten through grade twelve school purposes.

(2) Use information, including persistent unique identifiers, created or gathered by the operator’s internet site, service, or application, to amass a profile about a student except in furtherance of kindergarten through grade twelve school purposes. “Amass a profile” does not include the collection and retention of account information that remains under the control of the student, the student’s parent or guardian, or kindergarten through grade twelve school.

(3) Sell or rent a student’s information, including covered information. This subparagraph does not apply to the purchase, merger, or other type of acquisition of an operator by another entity, if the operator or successor entity complies with this section regarding previously acquired student information, or to national assessment providers if the provider secures the express written consent of the parent or student, given in response to clear and conspicuous

notice, solely to provide access to employment, educational scholarships or financial aid, or postsecondary educational opportunities.

(4) Except as otherwise provided in subsection 4, disclose covered information unless the disclosure is made for the following purposes:

(a) In furtherance of the kindergarten through grade twelve school purpose of the internet site, service, or application, if the recipient of the covered information disclosed under this subparagraph division does not further disclose the information unless done to allow or improve operability and functionality of the operator's internet site, service, or application.

(b) To ensure legal and regulatory compliance or protect against liability.

(c) To respond to or participate in the judicial process.

(d) To protect the safety or integrity of users of the internet site or others or the security of the internet site, service, or application.

(e) For a kindergarten through grade twelve school, educational, or employment purpose requested by the student or the student's parent or guardian, provided that the information is not used or further disclosed for any other purpose.

(f) To a third party, if the operator contractually prohibits the third party from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator and requires the third party to protect student information to the same extent that the operator is required to do pursuant to this section, prohibits the third party from disclosing any covered information provided by the operator with subsequent third parties, and requires the third party to implement and maintain security procedures and practices consistent with current industry standards and all applicable state and federal laws, rules, and regulations.

b. Nothing in paragraph "a" shall prohibit the operator's use of information for maintaining, developing, supporting, improving, or diagnosing the operator's internet site, service, or application.

3. An operator shall do all of the following:

a. Implement and maintain security procedures and practices consistent with current industry standards and all applicable state and federal laws, rules, and regulations appropriate to the nature of the covered information designed to protect that covered information from unauthorized access, destruction, use, modification, or disclosure.

b. Delete as soon as reasonably practicable, a student's covered information if the school district or attendance center requests deletion of covered information under the control of the school district or attendance center, unless a student or parent or guardian consents to the maintenance of the covered information.

4. An operator may use or disclose covered information of a student under all of the following circumstances:

a. If other provisions of federal or state law require the operator to disclose the information, and the operator complies with the requirements of federal and state law in protecting and disclosing that information.

b. If no covered information is used for advertising or to amass a profile on the student for purposes other than elementary, middle school, or high school purposes; for legitimate research purposes, as required by state or federal law and subject to the restrictions under applicable state and federal law; or as allowed by state or federal law and in furtherance of kindergarten through grade twelve school purposes or postsecondary educational purposes.

c. To a state or local educational agency, including kindergarten through grade twelve attendance centers and school districts, for kindergarten through grade twelve school purposes, as permitted by state or federal law.

5. This section does not prohibit an operator from doing any of the following:

a. Using covered information to improve educational products if that information is not associated with an identified student within the operator's internet site, service, or application or other internet sites, services, or applications owned by the operator.

b. Using covered information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including in the operator's marketing.

c. Sharing covered information that is not associated with an identified student for the development and improvement of educational internet sites, services, or applications.

- d. Using recommendation engines to recommend to a student either of the following:
- (1) Additional content relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.
 - (2) Additional services relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.
- e. Responding to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.
6. This section does not do any of the following:
- a. Limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or under a court order.
 - b. Limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes.
 - c. Apply to general audience internet sites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator's internet site, service, or application may be used to access those general audience internet sites, services, or applications.
 - d. Limit service providers from providing internet connectivity to attendance centers or students and students' families.
 - e. Prohibit an operator of an internet site, online service, online application, or mobile application from marketing educational products directly to parents if the marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this section.
 - f. Impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on those applications or software.
 - g. Impose a duty on a provider of an interactive computer service to review or enforce compliance with this section by third-party content providers.
 - h. Prohibit students from downloading, exporting, transferring, saving, or maintaining the students' own student data or documents.

Approved March 28, 2018

CHAPTER 1043

DIRECT PRIMARY CARE AGREEMENTS

H.F. 2356

AN ACT relating to agreements between individuals and health care professionals for the provision of certain primary care health services for a service charge that covers an agreed upon period of time.

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

Section 1. NEW SECTION. **135N.1 Direct primary care agreements.**

1. *Definitions.* For the purpose of this section:
 - a. "Direct patient" means an individual, or an individual and the individual's immediate family, that is party to a direct primary care agreement.
 - b. "Direct patient's representative" means a parent, guardian, or an individual holding a durable power of attorney for health care for a direct patient.

c. “*Direct primary care agreement*” means an agreement between a direct provider and a direct patient, or the direct patient’s representative, in which the direct provider agrees to provide primary care health services for a specified period of time to the direct patient for a direct service charge.

d. “*Direct provider*” means a health care professional licensed, accredited, registered, or certified to perform specified primary care health services consistent with the law of this state. “*Direct provider*” includes an individual health care professional or other legal health care entity alone or with other health care professionals professionally associated with the individual health care professional or other legal health care entity.

e. “*Direct service charge*” means a charge for primary care health services provided by a direct provider to a direct patient covered by a direct primary care agreement. “*Direct service charge*” may include a periodic retainer, a membership fee, a subscription fee, or a charge in any other form paid by a direct patient to a direct provider under a direct primary care agreement.

f. “*Durable power of attorney for health care*” means the same as defined in section 144B.1.

g. “*Primary care health services*” means general health care services of the type provided at the time a patient seeks preventive care or first seeks health care services for a specific health concern. “*Primary care health services*” include all of the following:

- (1) Care which promotes and maintains mental and physical health and wellness.
- (2) Care which prevents disease.
- (3) Screening, diagnosing, and treatment of acute or chronic conditions caused by disease, injury, or illness.
- (4) Patient counseling and education.
- (5) Provision of a broad spectrum of preventive and curative health care over a period of time.
- (6) Coordination of care.

2. *Requirements for a valid direct primary care agreement.*

a. In order to be a valid agreement, a direct primary care agreement must meet all of the following requirements:

- (1) Be in writing.
- (2) Be signed by the direct provider, or an agent of the direct provider, and the direct patient or the direct patient’s representative.
- (3) Describe the scope of the primary care health services covered by the direct primary care agreement.
- (4) State each of the direct provider’s locations where a direct patient may obtain primary care health services and specify any out-of-office primary care health services that are covered under the direct primary care agreement.
- (5) Specify the direct service charge and the frequency at which the direct service charge must be paid by the direct patient. A direct patient shall not be required to pay more than twelve months of a direct service charge in advance.
- (6) Specify any additional costs for primary care health services not covered by the direct service charge for which the direct patient will be responsible.
- (7) Specify the duration of the direct primary care agreement, whether renewal is automatic, and if required the procedure for renewal of the direct primary care agreement.
- (8) Specify the terms and conditions under which the direct primary care agreement may be terminated by the direct provider. A termination of the direct primary care agreement by the direct provider shall include a minimum of a thirty-calendar-day advance, written notice to the direct patient or to the direct patient’s representative.
- (9) Specify that the direct primary care agreement may be terminated at any time by the direct patient upon written notice to the direct provider.
- (10) State that if the direct primary care agreement is terminated by either the direct patient or the direct provider all of the following apply:
 - (a) Within thirty calendar days of the date of the notice of termination from either party, the direct provider shall refund all unearned direct service charges to the direct patient.
 - (b) Within thirty calendar days of the date of the notice of termination from either party, the direct patient shall pay all outstanding earned direct service charges to the direct provider.
 - (11) Include a notice in bold, twelve-point font that states substantially as follows:

NOTICE. This direct primary care agreement is not health insurance and is not a plan that provides health coverage for purposes of any federal mandates. This direct primary care agreement only covers the primary care health services described in this agreement. It is recommended that you obtain health insurance to cover health care services not covered under this direct primary care agreement. You are personally responsible for the payment of any additional health care expenses you may incur.

b. The direct provider shall provide the direct patient, or the direct patient's representative, with a fully executed copy of the direct primary care agreement at the time the direct primary care agreement is executed.

3. *Application for a direct primary care agreement.* If a direct provider requires a prospective direct patient to complete an application for a direct primary care agreement, the direct provider shall provide a written disclaimer on each application that informs the prospective direct patient of the direct patient's financial rights and responsibilities and that states that the direct provider will not bill a health insurance carrier for primary care health services covered under the direct primary care agreement. The disclaimer shall also include the identical notice required by subsection 2, paragraph "a", subparagraph (11).

4. *Notice required for changes to the terms or conditions of a direct primary care agreement.*

a. A direct provider shall provide at least a sixty-calendar-day advance, written notice to a direct patient of any of the following changes to a direct primary care agreement:

(1) Any change in the scope of the primary care health services covered under the agreement.

(2) Any change in the direct provider's locations where the direct patient may access primary care health services.

(3) Any change in the out-of-office services that are covered under the direct primary care service agreement.

(4) Any change in the direct service charge.

(5) Any change in the additional costs for primary care health services not covered by the direct service charge.

(6) Any change in the renewal terms.

(7) Any change in the terms to terminate the agreement.

b. A direct provider shall provide the notice by mailing a letter to the address of the direct patient that the direct provider has on file. The postmark date on the letter shall be the first day of the required sixty-calendar-day notice period.

5. *Discrimination based on an individual's health status.* A direct provider shall not refuse to accept a new direct patient or discontinue care of an existing direct patient based solely on the new direct patient's or the existing direct patient's health status.

6. *A direct primary care agreement is not insurance.*

a. A direct primary care agreement is not insurance and shall not be subject to the authority of the commissioner of insurance. Neither a direct care provider, nor an agent of a direct care provider, shall be required to be licensed by the commissioner to transact the business of insurance in this state or to obtain a certificate issued by the commissioner to market or offer a direct primary care agreement.

b. A direct provider shall not bill an insurer for a service provided under a direct primary care agreement. A direct patient may submit a request for reimbursement to an insurer if permitted under the direct patient's policy of insurance. This paragraph does not prohibit a direct provider from billing a direct patient's insurance for a service provided to the direct patient by the direct provider that is not provided under the direct primary care agreement.

7. *Third-party payment of a direct service charge.* A direct provider may accept payment of a direct service charge for a direct patient either directly or indirectly from a third party. A direct provider may accept all or part of a direct service charge paid by an employer on behalf of an employee who is a direct patient of the direct provider. A direct provider shall not enter directly into an agreement with an employer relating to a direct primary care agreement between the direct provider and employees of the employer, other than an agreement to establish the timing and method of the payment of a direct service charge paid by the employer on behalf of the employee.

8. *Sale or transfer of a direct primary care agreement.* A direct primary care agreement shall not be sold or transferred by a direct care provider without the prior written consent of the direct patient who is a party to the direct primary care agreement. A direct patient shall not sell or transfer a direct primary care agreement to which the direct patient is a party.

Approved March 28, 2018

CHAPTER 1044

NATURAL RESOURCES — AUTHORITY OF DEPARTMENT — MISSISSIPPI RIVER PARTNERSHIP COUNCIL REPEALED

H.F. 2365

AN ACT relating to conservation and recreation policies and programs within the department of natural resources.

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

Section 1. Section 455A.4, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department is, except as otherwise provided by law, empowered to make and execute agreements, contracts, grants, and other instruments necessary to carry out the department's obligations. The department's obligations shall not be expanded or enlarged by this authority beyond the powers specifically delegated to or conferred upon the department.

Sec. 2. REPEAL. Chapter 28N, Code 2018, is repealed.

Sec. 3. REPEAL. Sections 455A.8 and 455A.8A, Code 2018, are repealed.

Approved March 28, 2018

CHAPTER 1045

ADOPTIONS — POSTADOPTION INFORMATION

H.F. 2370

AN ACT relating to the provision of information regarding postadoption services to all adoptive families.

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

Section 1. NEW SECTION. **600.7B Postadoption information.**

The department shall develop and furnish to the state registrar of vital statistics a document listing all postadoption services available to adoptive families in the state, to be delivered along with a copy of the new birth certificate to the parents named in the adoption decree pursuant to section 600.13.

Sec. 2. Section 600.13, subsection 5, Code 2018, is amended to read as follows:

5. a. An interlocutory or a final adoption decree shall be entered with the clerk of court. Such decree shall set forth any facts of the adoption petition which have been proven to the

satisfaction of the juvenile court or court and any other facts considered to be relevant by the juvenile court or court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree.

b. The clerk of the court shall, within thirty days of issuance, deliver one certified copy of any adoption decree to the petitioner, one copy of any adoption decree to the department and any adoption service provider who placed a minor person for adoption, and one certification of adoption as prescribed in section 144.19 to the state registrar of vital statistics at no charge.

c. Upon receipt of the certification, the state registrar shall prepare a new birth certificate pursuant to section 144.23 and ~~deliver~~ shall do one of the following, as applicable:

(1) Deliver to the parents named in the decree and any adult person adopted by the decree a copy of the new birth certificate along with a document, developed and furnished by the department, listing all postadoption services available to adoptive families in the state.

(2) Deliver to any adult person adopted by the decree a copy of the new birth certificate.

d. The parents shall pay the fee prescribed in section 144.46.

e. If the person adopted was born outside this state but in the United States, the state registrar shall forward the certification of adoption to the appropriate agency in the state of birth.

f. A copy of any interlocutory adoption decree vacation shall be delivered and another birth certificate shall be prepared in the same manner as a certification of adoption is delivered and the birth certificate was originally prepared.

Approved March 28, 2018

CHAPTER 1046

PRIVATE EMPLOYER ALCOHOL TESTING POLICIES — STANDARD FOR ALCOHOL CONCENTRATION

H.F. 2383

AN ACT relating to private employer alcohol testing policies.

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

Section 1. Section 730.5, subsection 9, paragraph e, Code 2018, is amended to read as follows:

e. If the written policy provides for alcohol testing, the employer shall establish in the written policy a standard for alcohol concentration which shall be deemed to violate the policy. The standard for alcohol concentration shall not be less than .04 .02, expressed in terms of grams of alcohol per two hundred ten liters of breath, or its equivalent.

Approved March 28, 2018

CHAPTER 1047
MANAGEMENT OF WEEDS
H.F. 2422

AN ACT providing for the management of weeds, including noxious weeds, and making penalties applicable.

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

Section 1. Section 317.1, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 3. “Department” means the department of agriculture and land stewardship.

Sec. 2. Section 317.1A, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 3. A plant is also declared to be a noxious weed as provided in rules adopted by the department pursuant to chapter 17A. The department’s determination shall be based on a finding that the plant is competitive, persistent, or pernicious, and may directly or indirectly injure or cause damage to crops, other useful plants, livestock, or poultry; irrigation, land, public roads, fish or wildlife resources; or the public health.

Sec. 3. **NEW SECTION. 317.1B State weed commissioner.**

The secretary of agriculture may appoint a state weed commissioner to aid in the administration of this chapter and carry out other duties as assigned by the secretary of agriculture relating to the control or eradication of weeds.

Sec. 4. **NEW SECTION. 317.1C Department — powers and duties.**

1. The department shall assist commissioners, boards of supervisors, and cities in the interpretation of this chapter and the administration and enforcement of this chapter.

2. *a.* The department may adopt administrative rules, pursuant to chapter 17A, providing a list of plants that it determines is noxious in the manner provided in section 317.1A.

b. The department may establish priorities from the list of noxious weeds described in section 317.1A for control or eradication. The priorities may be published annually and made available to the state department of transportation, counties, commissioners, and to the public on the internet site controlled by the department of agriculture and land stewardship. The state department of transportation, boards of supervisors, and weed commissioners shall consider the priorities when establishing programs of weed control or eradication pursuant to section 317.13.

3. The department may adopt rules, pursuant to chapter 17A, providing a list of recommended methods for control or eradication of noxious weeds.

Sec. 5. Section 317.11, subsection 1, Code 2018, is amended to read as follows:

1. The county boards of supervisors and the state department of transportation shall control or eradicate noxious weeds growing on the roads under their jurisdiction. ~~Spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the noxious weeds.~~

Sec. 6. Section 317.13, Code 2018, is amended to read as follows:

317.13 Program of control or eradication.

1. The board of supervisors of each county may each year, upon recommendation of the county weed commissioner by resolution prescribe and order a program of weed control or eradication for purposes of complying with all sections of this chapter. The county board of supervisors of each county may also ~~by adopting~~ adopt an integrated roadside vegetation management plan ~~prescribe and order as part of a program of weed control or eradication~~ for purposes of complying with all sections of this chapter. ~~The program for weed control ordered or adopted by the county board of supervisors shall provide that spraying for control of weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.~~

2. The program of weed control or eradication shall include a program of issuing permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This paragraph subsection applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan.

Sec. 7. Section 317.18, Code 2018, is amended to read as follows:

317.18 Order for weed control on roads.

The A county board of supervisors and the state department of transportation shall control or eradicate noxious weeds growing on the roads under their jurisdiction. A board of supervisors may order all noxious weeds, within the right-of-way of all roads under county jurisdiction to be cut, burned, or otherwise controlled to prevent seed production or eradicated, either upon its own motion or upon receipt of written notice requesting the action from any residents of the township in which the roads are located, or any person regularly using the roads. The order shall be consistent with the county integrated roadside vegetation management plan, if the county has adopted such a plan, and the The order shall define the roads along which noxious weeds are required to be cut, burned, or otherwise controlled or eradicated and shall require the weeds to be cut, burned, or otherwise controlled or eradicated within fifteen days after the publication of the order in the official newspapers of the county or as prescribed in the county's integrated roadside vegetation management plan. ~~The order shall provide that spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.~~

Sec. 8. Section 317.19, subsection 1, Code 2018, is amended to read as follows:

1. The board of supervisors may appropriate moneys to be used for the purposes of ~~cutting, burning, or otherwise controlling or eradicating~~ weeds or brush within the right-of-way of roads under county jurisdiction in a manner consistent with the county's ~~roadside vegetation management plan, if the county has adopted such a plan, or in time to prevent reseeding~~ program of weed control or eradication pursuant to section 317.13, except as provided in section 314.17. ~~The moneys appropriated shall not be spent on spraying for control of weeds except in those circumstances when it is not practical to mow or otherwise control the weeds.~~

Sec. 9. REPEALS. Sections 317.2, 317.5, 317.8, and 317.17, Code 2018, are repealed.

Approved March 28, 2018

CHAPTER 1048

SUBSTITUTE DECISION MAKERS OR PAYEES

H.F. 2449

AN ACT relating to the substitute decision maker Act.

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

Section 1. Section 22.7, subsection 61, Code 2018, is amended to read as follows:

61. Records of the department on aging pertaining to clients served by the state office or a local office of substitute decision maker public guardian as defined in section 231E.3.

Sec. 2. Section 231E.1, Code 2018, is amended to read as follows:

231E.1 Title.

This chapter shall be known and may be cited as the "Iowa Substitute Decision Maker Public Guardian Act".

Sec. 3. Section 231E.2, Code 2018, is amended to read as follows:

231E.2 Office of ~~substitute decision maker~~ public guardian — findings and intent.

1. *a.* The general assembly finds that many adults in this state are unable to meet essential requirements to maintain their physical health or to manage essential aspects of their financial resources and are in need of ~~substitute decision-making guardianship, conservatorship, or representative payee services~~. However, a willing and responsible person may not be available to serve as a private ~~substitute decision maker guardian, conservator, or representative payee~~ or the adult may not have adequate income or resources to compensate a private ~~substitute decision maker guardian, conservator, or representative payee~~.

b. The general assembly further finds that a process should exist to assist individuals in finding alternatives to ~~substitute decision-making guardianship, conservatorship, or representative payee services~~ and less intrusive means of assistance before an individual's independence or rights are limited.

c. ~~The general assembly further finds that a substitute decision maker may be necessary to finalize a person's affairs after death when there is no willing and appropriate person available to serve as the person's personal representative.~~

2. *a.* It is, therefore, the intent of the general assembly to establish a state office of ~~substitute decision maker~~ public guardian and authorize the establishment of local offices of ~~substitute decision maker~~ public guardian to provide ~~substitute decision-making public guardianship services to adults and their estates after their deaths~~, when no private ~~substitute decision maker guardian, conservator, or representative payee~~ is available.

b. It is also the intent of the general assembly that the state office of ~~substitute decision maker~~ public guardian provide assistance to both public and private ~~substitute decision makers guardians, conservators, and representative payees~~ throughout the state in securing necessary services for their wards, ~~principals, and~~ clients, and ~~decedents~~ and to assist ~~substitute decision makers guardians, conservators, representative payees, wards, principals, clients, courts, and attorneys in the orderly and expeditious handling of substitute decision-making guardianship, conservatorship, and representative payee proceedings.~~

Sec. 4. Section 231E.3, Code 2018, is amended to read as follows:

231E.3 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Client*" means an individual for whom a representative payee is appointed.
2. "*Commission*" means the commission on aging.
3. "*Conservator*" means conservator as defined in section 633.3.
4. "*Court*" means court as defined in section 633.3.
5. "*Decedent*" means ~~the individual for whom an estate is administered or executed.~~
6. "*Department*" means the department on aging established in section 231.21.
7. ~~6.~~ "*Director*" means the director of the department on aging.
8. "*Estate*" means ~~estate as defined in section 633.3.~~
9. ~~7.~~ "*Guardian*" means guardian as defined in section 633.3.
10. ~~8.~~ "*Incompetent*" means incompetent as defined in section 633.3.
11. ~~9.~~ "*Local office*" means a local office of ~~substitute decision maker~~ public guardian.
12. ~~10.~~ "*Local substitute decision maker*" public guardian means an individual under contract with the department to act as a ~~substitute decision maker guardian, conservator, or representative payee.~~
13. "*Personal representative*" means personal representative as defined in section 633.3.
14. "*Planning and service area*" means a geographic area of the state designated by the commission for the purpose of planning, developing, delivering, and administering services for elders.
15. "*Power of attorney*" means a durable power of attorney for health care as defined in section 144B.1 or a power of attorney executed pursuant to chapter 633B.
16. "*Principal*" means an individual for whom a power of attorney is established.
11. "*Public guardian*" means the state public guardian or a local public guardian.
12. "*Public guardianship services*" means guardianship, conservatorship, or representative payee services provided by the state public guardian or a local public guardian.

17. ~~13.~~ *“Representative payee”* means an individual appointed by a government entity to receive funds on behalf of a client pursuant to federal regulation.

18. ~~14.~~ *“State agency”* means any executive department, commission, board, institution, division, bureau, office, agency, or other executive entity of state government.

19. ~~15.~~ *“State office”* means the state office of ~~substitute decision maker~~ public guardian.

20. ~~16.~~ *“State ~~substitute decision maker~~ public guardian”* means the administrator of the state office of ~~substitute decision maker~~ public guardian.

21. *“~~Substitute decision maker~~”* means a guardian, conservator, representative payee, attorney in fact under a power of attorney, or personal representative.

22. *“~~Substitute decision making~~”* or *“~~substitute decision making services~~”* means the provision of services of a guardian, conservator, representative payee, attorney in fact under a power of attorney, or personal representative.

23. ~~17.~~ *“Ward”* means the individual for whom a guardianship or conservatorship is established.

Sec. 5. Section 231E.4, Code 2018, is amended to read as follows:

231E.4 State office of substitute decision maker public guardian — established — duties — department rules.

1. A state office of ~~substitute decision maker~~ public guardian is established within the department to create and administer a statewide network of ~~substitute decision makers~~ guardians, conservators, and representative payees who provide ~~substitute decision making guardianship, conservatorship, or representative payee services~~ if other ~~substitute decision makers~~ guardians, conservators, or representative payees are not available to provide the services.

2. The director shall appoint an administrator of the state office who shall serve as the state ~~substitute decision maker~~ public guardian. The state ~~substitute decision maker~~ public guardian shall be qualified for the position by training and expertise in ~~substitute decision making guardianship, conservatorship, and representative payee~~ law and shall be licensed to practice law in Iowa. The state ~~substitute decision maker~~ public guardian shall also have knowledge of social services available to meet the needs of persons adjudicated incompetent or in need of ~~substitute decision making guardianship, conservatorship, or representative payee services~~.

3. The state office shall do all of the following:

a. Select persons through a request for proposals process to establish local offices of ~~substitute decision maker in each of the planning and service areas~~ public guardian. Local offices shall be established statewide on or before July 1, 2018 contingent upon the appropriation of necessary funds to the department as determined by the director.

b. Monitor and terminate contracts with local offices based on criteria established by rule of the department.

c. Retain oversight responsibilities for all local ~~substitute decision makers~~ public guardians.

d. Act as ~~substitute decision maker~~ a guardian, conservator, or representative payee if a local ~~office~~ public guardian is not available to so act.

e. Work with the department of human services, the Iowa department of public health, the Iowa developmental disabilities council, and other agencies to establish a referral system for the provision of ~~substitute decision making guardianship, conservatorship, and representative payee services~~.

f. Develop and maintain a current listing of public and private services and programs available to assist wards, ~~principals, and clients, personal representatives, and their families,~~ and establish and maintain relationships with public and private entities to assure the availability of effective ~~substitute decision making guardianship, conservatorship, and representative payee services~~ for wards, ~~principals, and clients, and estates~~.

g. Provide information and referrals to the public regarding ~~substitute decision making guardianship, conservatorship, and representative payee services~~.

h. Provide ~~personal representatives for estates where a person is not available for that purpose~~.

~~i. h.~~ Maintain statistical data on the local offices including various methods of funding, the types of services provided, and the demographics of the wards, ~~principals, and~~ clients, and ~~decedents~~ and report to the general assembly on or before November 1, annually, regarding the local offices and recommend any appropriate legislative action.

~~j. i.~~ Develop, in cooperation with the judicial council as established in section 602.1202, a ~~substitute decision-maker~~ guardianship, conservatorship, and representative payee education and training program. The program may be offered to both public and private ~~substitute decision-makers~~ guardians, conservators, and representative payees. The state office shall establish a curriculum committee, which includes but is not limited to probate judges, to develop the education and training program. The state office shall be the sole authority for certifying additional curriculum trainers.

4. The state office may do any of the following:

a. Accept and receive gifts, grants, or donations from any public or private entity in support of the state office. Such gifts, grants, or donations shall be appropriated pursuant to section 231E.9. Notwithstanding section 8.33, moneys retained by the department pursuant to this section shall not be subject to reversion to the general fund of the state.

b. Accept the services of individual volunteers and volunteer organizations. Volunteers and volunteer organizations utilized by the state office shall not provide direct ~~substitute decision-making~~ guardianship, conservatorship, or representative payee services.

c. Employ staff necessary to administer the state office and enter into contracts as necessary.

5. The department shall provide administrative support to the state office.

6. The department shall adopt rules in accordance with chapter 17A necessary to create and administer the state office and local offices, relating to but not limited to all of the following:

a. An application and intake process and standards for receipt of ~~substitute decision-making~~ guardianship, conservatorship, or representative payee services from the state office or a local office.

b. A process for the removal or termination of the state public guardian or a local ~~substitute decision-maker~~ public guardian.

c. An ideal range of staff-to-client ratios for the state public guardian and local ~~substitute decision-makers~~ public guardians.

d. Minimum training and experience requirements for professional staff and volunteers.

e. A fee schedule. The department may establish by rule a schedule of reasonable fees for the costs of ~~substitute decision-making~~ public guardianship services provided under this chapter. The fee schedule established may be based upon the ability of the ward, ~~principal, or~~ client, ~~or estate~~ to pay for the services but shall not exceed the actual cost of providing the services. The state office or a local office may waive collection of a fee upon a finding that collection is not economically feasible. The rules may provide that the state office or a local office may investigate the financial status of a ward, ~~principal, or~~ client, ~~or estate~~ that requests ~~substitute decision-making~~ guardianship, conservatorship, or representative payee services or for whom ~~or which~~ the state public guardian or a local ~~substitute decision-maker~~ public guardian has been appointed for the purpose of determining the fee to be charged by requiring the ward, ~~principal, or~~ client, ~~or estate~~ to provide any written authorizations necessary to provide access to records of public or private sources, otherwise confidential, needed to evaluate the individual's ~~or estate's~~ financial eligibility. The rules may also provide that the state public guardian or a local ~~substitute decision-maker~~ public guardian may, upon request and without payment of fees otherwise required by law, obtain information necessary to evaluate the individual's ~~or estate's~~ financial eligibility from any office of the state or of a political subdivision or agency of the state that possesses public records. ~~In estate proceedings, the state or local decision maker shall be compensated pursuant to chapter 633, division III, part 8.~~

f. Standards and performance measures for evaluation of local offices.

g. Recordkeeping and accounting procedures to ensure that the state office and local offices maintain confidential, accurate, and up-to-date financial, case, and statistical records. The rules shall require each local office to file with the state office, on an annual basis, an account of all public and private funds received and a report regarding the operations of the local office for the preceding fiscal year.

h. Procedures for the sharing of records held by the court or a state agency with the state office, which are necessary to evaluate the state office or local offices, to assess the need for additional ~~substitute decision makers~~ guardians, conservators, or representative payees, or to develop required reports.

Sec. 6. Section 231E.5, Code 2018, is amended to read as follows:

231E.5 Local office of ~~substitute decision maker~~ public guardian — requirements for state and local ~~substitute decision makers~~ public guardians.

1. The state ~~substitute decision maker~~ public guardian shall select persons to provide local ~~substitute decision-making~~ public guardianship services in each of the planning and service areas, based upon a request for proposals process developed by the department.

2. The A local office shall comply with all requirements established for the local office by the department and shall do all of the following:

a. Maintain a staff of professionally qualified individuals to carry out the ~~substitute decision-making~~ guardian, conservator, and representative payee functions.

b. Identify client needs and local resources to provide necessary support services to recipients of ~~substitute decision-making~~ guardianship, conservatorship, and representative payee services.

c. Collect program data as required by the state office.

d. Meet standards established for the local office.

e. Comply with minimum staffing requirements and caseload restrictions.

f. Conduct background checks on employees and volunteers.

g. With regard to a proposed ward, the local office shall do all of the following:

(1) Determine the most appropriate form of ~~substitute decision-making~~ guardianship or conservatorship services needed, if any, giving preference to the least restrictive alternative.

(2) Determine whether the needs of the proposed ward require the appointment of a guardian or conservator.

(3) Assess the financial resources of the proposed ward based on the information supplied to the local office at the time of the determination.

(4) Inquire and, if appropriate, search to determine whether any other person may be willing and able to serve as the proposed ward's guardian or conservator.

(5) Determine the form of guardianship or conservatorship to request of a court, if any, giving preference to the least restrictive form.

(6) If determined necessary, file a petition for the appointment of a guardian or conservator pursuant to chapter 633.

~~h. With regard to an estate, the local office may appoint a personal representative to file a petition to open an estate who shall do all of the following:~~

~~(1) Retain legal counsel as described in section 231E.11 to be compensated from the proceeds of the estate pursuant to chapter 633, division III, part 8.~~

~~(2) Liquidate all assets of the estate.~~

~~(3) Distribute the assets of the estate pursuant to chapter 633, division VII, parts 7 and 8, and other applicable provisions of law.~~

3. A local office may do any of the following:

a. Contract for or arrange for provision of services necessary to carry out the duties of a local ~~substitute decision maker~~ public guardian.

b. Accept the services of volunteers or consultants and reimburse them for necessary expenses.

c. Employ staff and delegate to members of the staff the powers and duties of the local ~~substitute decision maker~~ public guardian. However, the local office shall retain responsibility for the proper performance of the delegated powers and duties. All delegations shall be to persons who meet the eligibility requirements of the specific type of ~~substitute decision maker~~ public guardian.

4. An individual acting as the state public guardian or a local ~~substitute decision maker~~ public guardian shall comply with applicable requirements for guardians, and conservators, or personal representatives pursuant to chapter 633, attorneys in fact under a power of attorney pursuant to chapter 633 or a durable power of attorney for health care pursuant to chapter 144B, or representative payees pursuant to federal law and regulations.

5. Notwithstanding any provision to the contrary, an individual acting as the state public guardian or a local substitute decision maker public guardian shall not be subject to the posting of a bond pursuant to chapter 633. An individual acting as the state public guardian or a local substitute decision maker public guardian shall complete at least eight hours of training annually as certified by the department.

Sec. 7. Section 231E.6, Code 2018, is amended to read as follows:

231E.6 Court-initiated or petition-initiated appointment of state or local substitute decision maker public guardian — guardianship or conservatorship — discharge.

1. The court may appoint on its own motion or upon petition of any person, the state office or a local office of substitute decision maker, to serve as guardian or conservator for any proposed ward in cases in which the court determines that the proceeding will establish the least restrictive form of substitute decision making guardianship or conservatorship services suitable for the proposed ward and if the proposed ward meets all of the following criteria:

a. Is a resident of the planning and service area in which the local office is located from which services would be provided or is a resident of the state, if the state office would provide the services.

b. Is eighteen years of age or older.

c. Does not have suitable family or another appropriate entity willing and able to serve as guardian or conservator.

d. Is incompetent.

e. Is an individual for whom guardianship or conservatorship services are the least restrictive means of meeting the individual's needs.

2. For all appointments made pursuant to this section, notice shall be provided to the state office or local office of substitute decision maker prior to appointment. For appointments made pursuant to this section, the state office or local office of substitute decision maker shall only accept appointments made pursuant to the filing of an involuntary petition for appointment of a conservator or guardianship pursuant to chapter 633.

Sec. 8. Section 231E.7, Code 2018, is amended to read as follows:

231E.7 Substitute decision maker-initiated Public guardian-initiated appointment — interventions.

The state office or local office may on its own motion or at the request of the court intervene in a guardianship or conservatorship proceeding if the state office or local office or the court considers the intervention to be justified because of any of the following:

1. An appointed guardian or conservator is not fulfilling prescribed duties or is subject to removal under section 633.65.

2. A willing and qualified guardian or conservator is not available.

3. The best interests of the ward require the intervention.

Sec. 9. Section 231E.8, Code 2018, is amended to read as follows:

231E.8 Provisions applicable to all appointments and designations — discharge.

1. The court shall only appoint or intervene on its own motion or act upon the petition of any person under section 231E.6 or 231E.7 if such appointment or intervention would comply with staffing ratios established by the department and if sufficient resources are available to the state office or local office. Notice of the proposed appointment shall be provided to the state office or local office prior to the granting of such appointment.

2. The state office or local office shall maintain reasonable personal contact with each ward, principal, or client for whom the state office or local office is appointed or designated in order to monitor the ward's, principal's, or client's care and progress. ~~For any estates in which the state office or local office is involved, the state office or local office shall move estate proceedings forward in a reasonable and expeditious manner and shall monitor the progress of any legal counsel retained on a regular basis.~~

3. Notwithstanding any provision of law to the contrary, the state office or local office appointed by the court or ~~designated under a power of attorney document~~ may access all confidential records concerning the ward or principal for whom the state office or local office is appointed or designated, including medical records and abuse reports.

4. In any proceeding in which the state or a local office is appointed or is acting as guardian or conservator, the court shall waive court costs or filing fees, if the state office or local office certifies to the court that the state office or local office has waived its fees in their entirety based upon the ability of the ward to pay for the services of the state office or local office. ~~In any estate proceeding, the court costs shall be paid in accordance with chapter 633, division VII, part 7.~~

5. The state public guardian or a local ~~substitute decision maker~~ public guardian shall be subject to discharge or removal, by the court, on the grounds and in the manner in which other guardians, or conservators, ~~or personal representatives~~ are discharged or removed pursuant to chapter 633.

6. The state public guardian or a local ~~substitute decision maker~~ public guardian may petition to be removed as guardian or conservator. A petition for removal shall be granted for any of the following reasons:

a. The ward displays assaultive or aggressive behavior that causes the ~~substitute decision maker~~ public guardian to fear for their personal safety.

b. The ward refuses the services of the ~~substitute decision maker~~ public guardian.

c. The ward refuses to have contact with the ~~substitute decision maker~~ public guardian.

d. The ward moves out of Iowa.

~~7. An appointment nominating the state office or a local office under a power of attorney shall not take effect unless the nominated state or local office has consented to the appointment in writing.~~

Sec. 10. Section 231E.9, Code 2018, is amended to read as follows:

231E.9 Fees — appropriated.

Fees received by the state office and by local offices for services provided as the state public guardian or as a local ~~substitute decision maker~~ public guardian shall be deposited in the general fund of the state and the amounts received are appropriated to the department for the purposes of administering this chapter.

Sec. 11. Section 231E.10, Code 2018, is amended to read as follows:

231E.10 Conflicts of interest — limitations.

Notwithstanding section 633.63 or any other provision to the contrary, a local ~~substitute decision maker~~ public guardian shall not provide direct services to or have an actual or the appearance of any conflict of interest relating to any individual for whom the local ~~substitute decision maker~~ public guardian acts in a ~~substitute decision making~~ the capacity of a guardian, conservator, or representative payee, unless such provision of direct services or the appearance of a conflict of interest is approved and monitored by the state office in accordance with rules adopted by the department.

Sec. 12. Section 231E.11, subsections 1 and 3, Code 2018, are amended to read as follows:

1. The attorney general shall may advise the state office on legal matters and represent the state office in legal proceedings.

3. ~~A Notwithstanding section 13.7, the state public guardian or a local public guardian may retain a local attorney to represent the state office or a local office in legal proceedings. A local attorney retained under this subsection shall be experienced in probate matters may represent the personal representative for all routine matters associated with probating an estate.~~

Sec. 13. Section 235B.6, subsection 2, paragraph e, subparagraph (11), Code 2018, is amended to read as follows:

(11) The state office or a local office of ~~substitute decision maker~~ public guardian as defined in section 231E.3, if the information relates to the provision of legal services for a client served by the state or local office of ~~substitute decision maker~~ public guardian.

Sec. 14. Section 633.63, subsection 4, Code 2018, is amended to read as follows:

4. The state public guardian or a local ~~substitute decision maker~~ public guardian as defined in section 231E.3 is authorized to act in a fiduciary capacity in this state in accordance with chapter 231E.

Approved March 28, 2018

CHAPTER 1049

DEPARTMENT ON AGING PROGRAMS AND SERVICES

H.F. 2451

AN ACT relating to the programs and services under the purview of the department on aging.

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

Section 1. Section 231.3, subsections 2, 3, and 4, Code 2018, are amended to read as follows:

2. Access to physical and mental health care and long-term living and community support services without regard to economic status.

3. Suitable and affordable housing that reflects the needs of older people individuals.

4. Full restorative services for those who require institutional care, and a comprehensive array of ~~home and community-based, long-term care~~ living and community support services adequate to sustain older people in their communities and, whenever possible, in their homes, including support for caregivers.

Sec. 2. Section 231.3, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Access to comprehensive information and a community navigation system providing all available options related to long-term living and community support services that assist older individuals in the preservation of personal assets and the ability to entirely avoid or significantly delay reliance on entitlement programs.

Sec. 3. Section 231.4, subsection 1, paragraphs j, k, and o, Code 2018, are amended to read as follows:

j. "Home and community-based services" means a continua of services available in an individual's home or community which include but are not limited to case management services, options counseling, family caregiving, homemaker services, home health aide, personal care services, adult day services, respite services, congregate and home delivered meals, nutrition counseling, nutrition education, and other medical and social services which contribute to the health and well-being of individuals and their ability to reside in a home or community-based care setting.

k. "Legal representative" means a tenant's legal representative as defined in section 231B.1 or 231C.2, or a resident's guardian, conservator, or attorney in fact of a resident representative payee, or agent under a power of attorney.

o. "Options counseling" means a service involving an interactive process, which may include a needs assessment, directed by the recipient individual and which may include other participants of the individual's choosing and the individual's legal representative, in which the individual receives guidance to make informed choices about long-term living and community support services and supports in order to sustain independent living.

Sec. 4. Section 231.14, subsection 1, paragraph g, Code 2018, is amended to read as follows:

g. Adopt a ~~formula~~ method for the distribution of federal Act and state funds taking into account, to the maximum extent feasible, the best available data on the geographic

distribution of older individuals in the state, and publish the ~~formula~~ method for review and comment.

Sec. 5. Section 231.23, subsection 8, Code 2018, is amended to read as follows:

8. Assist the commission in adopting a ~~formula~~ method for the distribution of funds available from the federal Act and state appropriations and allocations.

Sec. 6. Section 231.23A, Code 2018, is amended to read as follows:

231.23A Programs and services.

The department on aging shall provide or administer, but is not limited to providing or administering, all of the following programs and services:

1. ~~Services for older individuals including but not limited to home and community-based services such as adult day, assessment and intervention, transportation, chore, counseling, homemaker, material aid, personal care, reassurance, respite, visitation, caregiver support, emergency response system, mental health outreach, and home repair, persons with disabilities eighteen years of age and older, family caregivers, and veterans as defined by the department in the most current version of the department's reporting manual and pursuant to the federal Act and regulations.~~

2. The older American community service employment program.

3. ~~The case~~ Case management program for frail elders services.

4. The aging and disability resource center.

5. The legal assistance development program.

6. The nutrition and health promotion program.

7. ~~Administration relating to the area agencies on aging~~ The Iowa family caregiver program.

8. Elder abuse prevention, detection, intervention, and awareness including neglect and exploitation.

9. Other programs and services authorized by law.

Sec. 7. Section 231.32, subsection 1, Code 2018, is amended to read as follows:

1. The commission shall designate an area agency on aging for each planning and service area. The commission shall continue the designation until an area agency on aging's designation is removed for cause as determined by the commission, until the time of renewal or the annual update of an area plan, until the agency voluntarily withdraws as an area agency on aging, or until a change in the designation of planning and service areas or area agencies on aging is required by state or federal law. In that event, the commission shall proceed in accordance with subsections 2, 3, and 4. Designated area agencies on aging shall comply with the requirements of the federal Act.

Sec. 8. Section 231.32, subsection 2, paragraph d, Code 2018, is amended to read as follows:

d. Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department on aging and which can and will engage only in the planning or provision of a broad range of ~~supportive~~ long-term living and community support services or nutrition services within the planning and service area.

Sec. 9. Section 231.33, subsections 1 and 3, Code 2018, are amended to read as follows:

1. Develop and administer an area plan on aging approved by the commission.

3. Enter into ~~subgrants or~~ contracts to provide services under the plan.

Sec. 10. Section 231.33, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 22. Encourage the development of public and private partnerships, entrepreneurial activities, and other mutually collaborative efforts.

Sec. 11. Section 231.42, subsection 4, paragraph a, Code 2018, is amended to read as follows:

a. If abuse, neglect, or exploitation of a resident or tenant is suspected, the state or a local long-term care ombudsman shall, with the permission of the resident or tenant as applicable under federal law, make an immediate referral to the department of inspections and appeals, the department of human services, the department on aging, or the appropriate law enforcement agency, as applicable. ~~The state or a local long-term care ombudsman shall cooperate, if requested, with the department of inspections and appeals, department of human services, department on aging, or any law enforcement agency pursuant to any investigation of such abuse, neglect, or exploitation.~~

Sec. 12. Section 231.42, subsection 6, paragraph a, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The state or a local long-term care ombudsman or certified volunteer long-term care ombudsman shall have access to the medical and social records of a resident or tenant, if any of the following applies:

Sec. 13. Section 231.42, subsection 6, paragraph b, Code 2018, is amended to read as follows:

b. Records may be reproduced by the state or a local long-term care ombudsman or by a certified volunteer long-term care ombudsman.

Sec. 14. Section 231.53, Code 2018, is amended to read as follows:

231.53 Coordination with Workforce Investment Innovation and Opportunity Act.

The older American community service employment program shall be coordinated with the federal Workforce Investment Innovation and Opportunity Act administered by the department of workforce development.

Sec. 15. Section 231.56, Code 2018, is amended to read as follows:

231.56 Services and programs.

The department shall administer long-term living and community support services and programs that allow older individuals to secure and maintain maximum independence and dignity in a home environment that provides for self-care with appropriate supportive services, assist in removing individual and social barriers to economic and personal independence for older individuals, and provide a continuum of care for older individuals and individuals with disabilities, and secure the opportunity for older individuals to receive managed in-home and community-based long-term care services. Funds appropriated for this purpose shall be allocated based on administrative rules adopted by the commission. The department shall require such records as needed to administer this section.

Sec. 16. Section 231.56A, subsection 1, Code 2018, is amended to read as follows:

1. The department shall administer the prevention of elder abuse, neglect, and exploitation program in accordance with the requirements of the federal Act. The purpose of the program is to carry out activities for intervention in, ~~investigation of,~~ and response to elder abuse, neglect, and exploitation including financial exploitation.

Sec. 17. Section 231.64, Code 2018, is amended to read as follows:

231.64 Aging and disability resource center.

1. The aging and disability resource center shall be administered by the department consistent with the federal Act. The department shall designate area agencies on aging to establish, in consultation with other stakeholders including organizations representing the disability community, a coordinated system for providing all of the following:

a. Comprehensive information, referral, and assistance regarding the full range of available public and private ~~long-term care programs~~ living and community support services, options, service providers, and resources within a community, including information on the availability of integrated long-term care.

b. Options counseling to assist individuals in assessing their existing or anticipated long-term care needs and developing and implementing a plan for long-term care designed

to meet their specific needs and circumstances. The plan for long-term ~~care~~ living and community support services may include support with person-centered care transitions to assist consumers and family caregivers with transitions between home and care settings.

c. Consumer access to the range of publicly-supported long-term ~~care programs~~ living and community support services for which consumers may be eligible, by serving as a convenient point of entry for such ~~programs~~ services. The aging and disability resource center shall offer information online and be available via a toll-free telephone number, electronic communications, and in person.

2. The aging and disability resource center shall assist older individuals, persons with disabilities age eighteen or older, family caregivers, and people who inquire about or request assistance on behalf of members of these groups, as they seek long-term ~~care~~ living and community support services ~~and community supports~~.

Sec. 18. REPEAL. Section 231.2, Code 2018, is repealed.

Approved March 28, 2018

CHAPTER 1050

NEWBORN SAFE HAVEN ACT — MISCELLANEOUS CHANGES

S.F. 360

AN ACT relating to the newborn safe haven Act.

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

Section 1. Section 233.1, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. “First responder” means an emergency medical care provider, a registered nurse staffing an authorized service program under section 147A.12, a physician assistant staffing an authorized service program under section 147A.13, a fire fighter, or a peace officer as defined in section 801.4.

Sec. 2. Section 233.1, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. “Newborn infant” means a child who is, or who appears to be, ~~fourteen~~ thirty days of age or younger.

Sec. 3. Section 233.2, subsections 1, 2, 3, and 6, Code 2017, are amended to read as follows:

1. a. A parent of a newborn infant may voluntarily release custody of the newborn infant by relinquishing physical custody of the newborn infant, without expressing an intent to again assume physical custody, at an institutional health facility or by authorizing another person to relinquish physical custody on the parent’s behalf. If physical custody of the newborn infant is not relinquished directly to an individual on duty at the institutional health facility, the parent may take other actions to be reasonably sure that an individual on duty is aware that the newborn infant has been left at the institutional health facility. The actions may include but are not limited to making telephone contact with the institutional health facility or a 911 service.

b. In lieu of the procedure described in paragraph “a”, a parent of a newborn infant may make telephone contact with a 911 service and relinquish physical custody of the newborn infant, without expressing an intent to again assume physical custody, to a first responder who responds to the 911 telephone call.

c. For the purposes of this chapter and for any judicial proceedings associated with the newborn infant, a rebuttable presumption arises that the person who relinquishes physical custody at an institutional health facility or to a first responder in accordance with this section is the newborn infant's parent or has relinquished physical custody with the parent's authorization.

2. a. Unless the parent or other person relinquishing physical custody of a newborn infant clearly expresses an intent to return to again assume physical custody of the newborn infant, an individual on duty at the facility at which physical custody of the newborn infant was relinquished, or a first responder to whom physical custody of the newborn infant was relinquished, pursuant to subsection 1 shall take physical custody of the newborn infant. The individual on duty or first responder may request the parent or other person to provide the name of the parent or parents and information on the medical history of the newborn infant and the newborn infant's parent or parents. However, the parent or other person is not required to provide the names or medical history information to comply with this section. The individual on duty or first responder may perform reasonable acts necessary to protect the physical health or safety of the newborn infant. The individual on duty and the institutional health facility in which the individual was on duty and the first responder are immune from criminal or civil liability for any acts or omissions made in good faith to comply with this section.

b. If the physical custody of a newborn infant is relinquished to a first responder, the first responder shall transport the newborn infant to the nearest institutional health facility. The first responder shall provide any parental identification or medical history information to the institutional health facility.

b. c. If the physical custody of the newborn infant is relinquished at an institutional health facility, the state shall reimburse the institutional health facility for the institutional health facility's actual expenses in providing care to the newborn infant and in performing acts necessary to protect the physical health or safety of the newborn infant. The reimbursement shall be paid from moneys appropriated for this purpose to the department of human services.

e. d. If the name of the parent is unknown to the institutional health facility, the individual on duty or other person designated by the institutional health facility at which physical custody of the newborn infant was relinquished shall submit the certificate of birth report as required pursuant to section 144.14. If the name of the parent is disclosed to the institutional health facility, the facility shall submit the certificate of birth report as required pursuant to section 144.13. The department of public health shall not file the certificate of birth with the county of birth and shall otherwise maintain the confidentiality of the birth certificate in accordance with section 144.43.

3. As soon as possible after the individual on duty or first responder assumes physical custody of a newborn infant released under subsection 1, the individual shall notify the department of human services and the department shall take the actions necessary to assume the care, control, and custody of the newborn infant. The department shall immediately notify the juvenile court and the county attorney of the department's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, the department to take custody of the newborn infant. Upon receiving the order, the department shall take custody of the newborn infant. Within twenty-four hours of taking custody of the newborn infant, the department shall notify the juvenile court and the county attorney in writing of the department's action and the circumstances surrounding the action.

6. An individual on duty at an institutional health facility or first responder who assumes custody of a newborn infant upon the release of the newborn infant under subsection 1 shall be provided notice of any hearing held concerning the newborn infant at the same time notice is provided to other parties to the hearing and the individual may provide testimony at the hearing.

Sec. 4. Section 233.5, subsection 1, Code 2017, is amended to read as follows:

1. a. In addition to any other privacy protection established in law, a record that is developed, acquired, or held in connection with an individual's good faith effort to voluntarily release a newborn infant in accordance with this chapter and any identifying information

concerning the individual shall be kept confidential. Such record shall not be inspected or the contents disclosed except as provided in this section.

b. Any transcripts or recording of a 911 service telephone call that is made for the purpose of an individual's good faith effort to voluntarily release custody of a newborn infant in accordance with this chapter and any identifying information concerning the individual shall be kept confidential. Such transcripts or recording of a 911 service telephone call shall not be inspected or the contents disclosed except as provided in this section.

Approved March 29, 2018

CHAPTER 1051

SCHOOL EMPLOYEE TRAINING — SUICIDE PREVENTION, ADVERSE CHILDHOOD EXPERIENCES IDENTIFICATION, AND TOXIC STRESS RESPONSE MITIGATION

S.F. 2113

AN ACT requiring school employee training and protocols relating to suicide prevention and the identification of adverse childhood experiences and strategies to mitigate toxic stress response.

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

Section 1. Section 256.7, Code 2018, is amended by adding the following new subsection: **NEW SUBSECTION. 33. a.** For purposes of this subsection:

(1) “*Adverse childhood experience*” means the same as defined in section 279.70.

(2) “*Postvention*” means the same as defined in section 279.70.

b. Adopt rules to require school districts to adopt protocols for suicide prevention and postvention and the identification of adverse childhood experiences and strategies to mitigate toxic stress response. The protocols shall be based on nationally recognized best practices.

Sec. 2. **NEW SECTION. 279.70 Training on suicide prevention and identification of adverse childhood experiences and strategies to mitigate toxic stress response.**

1. For purposes of this section, unless the context otherwise requires:

a. “*Adverse childhood experience*” means a potentially traumatic event occurring in childhood that can have negative, lasting effects on an individual's health and well-being.

b. “*Postvention*” means the provision of crisis intervention, support, and assistance for those affected by a suicide or suicide attempt to prevent further risk of suicide.

2. By July 1, 2019, the board of directors of a school district shall require annual, evidence-based training at least one hour in length on suicide prevention and postvention for all school personnel who hold a license, certificate, authorization, or statement of recognition issued by the board of educational examiners and who have regular contact with students in kindergarten through grade twelve. The content of the training shall be based on nationally recognized best practices.

3. By July 1, 2019, the board of directors of a school district shall require annual, evidence-based, evidence-supported training on the identification of adverse childhood experiences and strategies to mitigate toxic stress response for all school personnel who hold a license, certificate, authorization, or statement of recognition issued by the board of educational examiners and who have regular contact with students in kindergarten through grade twelve. The content of the training shall be based on nationally recognized best practices.

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

Approved March 29, 2018

CHAPTER 1052

LICENSURE OF GENETIC COUNSELORS

S.F. 2228

AN ACT providing for the licensure of genetic counselors, making penalties applicable, and including effective date and implementation provisions.

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

Section 1. Section 147.1, subsections 3 and 6, Code 2018, are amended to read as follows:

3. “*Licensed*” or “*certified*”, when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, genetic counselor, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, respiratory care and polysomnography practitioner, polysomnographic technologist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid specialist, or sign language interpreter or transliterator means a person licensed under this subtitle.

6. “*Profession*” means medicine and surgery, podiatry, osteopathic medicine and surgery, genetic counseling, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, polysomnography, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, practice as a hearing aid specialist, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

Sec. 2. Section 147.2, subsection 1, Code 2018, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, genetic counseling, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, marital and family therapy or mental health counseling, massage therapy, mortuary science, polysomnography, athletic training, acupuncture, nursing home administration, or sign language interpreting or transliterating, or shall not practice as a physician assistant or a hearing aid specialist, unless the person has obtained a license for that purpose from the board for the profession.

Sec. 3. Section 147.13, subsection 1, Code 2018, is amended to read as follows:

1. For medicine and surgery, osteopathic medicine and surgery, ~~and~~ acupuncture, and genetic counseling, the board of medicine.

Sec. 4. Section 147.74, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 23A. A genetic counselor licensed under chapter 148H may use the words “genetic counselor” or “licensed genetic counselor” or corresponding abbreviations after the person’s name.

Sec. 5. **NEW SECTION. 148H.1 Definitions.**

1. “*Active candidate status*” means a person has met the requirements established by the American board of genetic counseling or its equivalent or successor organization to take the American board of genetic counseling certification examination in general genetics and genetic counseling or its equivalent or successor examination and has been granted this designation by the American board of genetic counseling or its equivalent or successor organization.

2. “*Board*” means the board of medicine.

3. “*Genetic counseling*” means the provision of services by an individual who qualifies for a license under this chapter.

4. “*Genetic counseling intern*” means a student enrolled in a genetic counseling program accredited by the accreditation council for genetic counseling or its equivalent or successor organization,¹ the American board of medical genetics and genomics or its equivalent or successor organization.

5. “*Genetic counselor*” means an individual who is licensed under this chapter to engage in the practice of genetic counseling.

6. “*Qualified supervisor*” means any person who is a genetic counselor licensed under this chapter, a physician licensed under chapter 148, or an advanced registered nurse practitioner licensed under chapter 152.

7. “*Supervision*” means supervision by a qualified supervisor who has the overall responsibility of assessing the work of a provisional licensee, provided that an annual supervision contract signed by the qualified supervisor and the provisional licensee is on file with both parties. “*Supervision*” does not require the qualified supervisor’s presence during the performance of services.

Sec. 6. **NEW SECTION. 148H.2 Scope of practice.**

A person licensed under this chapter may do any of the following:

1. Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic and medical conditions and diseases in a patient, the patient’s offspring, and other family members.

2. Discuss the features, history, means of diagnosis, genetic and environmental factors, and management of risk for genetic and medical conditions and diseases.

3. Identify, order, and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment of a patient.

4. Refer a patient to a specialty or subspecialty department as necessary for the purpose of collaborating on diagnosis and treatment involving multiple body systems and general medical management.

5. Integrate genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic and medical conditions and diseases.

6. Explain the clinical implications of genetic laboratory tests and other diagnostic studies and their results.

7. Evaluate the responses of a patient or patient’s family to the condition or risk of recurrence and provide patient-centered genetic counseling and anticipatory guidance.

8. Identify and utilize community resources that provide medical, educational, financial, and psychosocial support and advocacy.

9. Provide written documentation of medical, genetic, and counseling information for families and health care professionals.

Sec. 7. **NEW SECTION. 148H.3 Qualifications for licensure — provisional licensure.**

¹ See chapter 1172, §21 herein

1. Each applicant for licensure under this chapter shall:
 - a. Submit an application form as prescribed by the board.
 - b. Provide satisfactory evidence of certification as a genetic counselor by the American board of genetic counseling or its equivalent or successor organization, the American board of medical genetics and genomics or its equivalent or successor organization, or as a medical geneticist by the American board of medical genetics and genomics or its equivalent or successor organization.
2. A license shall be issued for a two-year period and shall be renewed upon the filing of a renewal application as prescribed by the board.
3. A licensee shall maintain active certification as a genetic counselor by the American board of genetic counseling or its equivalent or successor organization, the American board of medical genetics and genomics or its equivalent or successor organization, or as a medical geneticist by the American board of medical genetics and genomics, or its equivalent or successor organization.
 - a. The board may issue a provisional license to an applicant who meets all of the requirements for licensure except for the certification component and who has been granted active candidate status by the American board of genetic counseling or its equivalent or successor organization.
 - b. The applicant shall submit a provisional license application form prescribed by the board as determined by the board.
 - c. A provisional license shall expire upon the earlier of issuance of a full license by the board or the loss of active candidate status from the American board of genetic counseling or its equivalent or successor organization by the holder of the provisional license.
 - d. A person with a provisional license shall only practice genetic counseling under the supervision of a qualified supervisor.

Sec. 8. NEW SECTION. 148H.4 Scope of chapter.

This chapter shall not be construed to apply to any of the following:

1. A physician or surgeon or an osteopathic physician or surgeon licensed under chapter 148, a registered nurse or an advanced registered nurse practitioner licensed under chapter 152, a physician assistant licensed under chapter 148C, or other persons licensed under chapter 147 when acting within the scope of the person's profession and doing work of a nature consistent with the person's education and training.
2. A person who is certified by the American board of medical genetics and genomics or its equivalent or successor organization as a doctor of philosophy and is not a genetic counselor licensed pursuant to this chapter.
3. A person employed as a genetic counselor by the federal government or an agency thereof if the person provides genetic counseling services solely under the direction and control of the entity by which the person is employed.
4. A genetic counseling intern.

Sec. 9. NEW SECTION. 148H.5 Continuing education.

An applicant for renewal of a license under this chapter shall submit satisfactory evidence to the board that in the period since the license was issued or last renewed, the applicant has completed thirty hours of national society of genetic counselors or its equivalent or successor organization or American board of medical genetics and genomics or its equivalent or successor organization continuing education units as approved by the board.

Sec. 10. NEW SECTION. 148H.6 Rules — authority of board.

The board shall adopt rules consistent with this chapter and chapters 147 and 148 which are necessary for the performance of its duties under this chapter. The board may consult with genetic counselors during an investigative or disciplinary proceeding as it deems necessary.

Sec. 11. NEW SECTION. 148H.7 Licensee discipline.

1. In addition to the grounds for revocation or suspension referred to in section 147.55 and in accordance with the disciplinary process established for the board by section 148.6, the board may discipline a person licensed under this chapter who is guilty of any of the following acts or offenses:

- a. Conviction of a felony under state or federal law or commission of any other offense involving moral turpitude.
 - b. Having been adjudged mentally ill or incompetent by a court of competent jurisdiction.
 - c. Engaging in unethical or unprofessional conduct including but not limited to negligence or incompetence in the course of professional practice.
 - d. Violating any lawful order, rule, or regulation rendered or adopted by the board.
 - e. Having been refused issuance of or disciplined in connection with a license issued by any other jurisdiction.
2. A genetic counselor whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the board shall promptly deliver the original license to the board.
 3. A provisional licensee who loses active candidate status with the American board of genetic counseling or its equivalent or successor organization shall surrender the provisional license to the board immediately.

Sec. 12. EFFECTIVE DATE AND IMPLEMENTATION. This Act shall take effect January 1, 2019, except that the board of medicine may begin implementation prior to that date, to the extent necessary to fully implement the provisions providing for the licensure of genetic counselors by January 1, 2019.

Approved March 29, 2018

CHAPTER 1053

JOINT EXERCISE OF GOVERNMENT POWERS BY FEDERALLY RECOGNIZED INDIAN TRIBES

S.F. 2289

AN ACT relating to the joint exercise of government powers by federally recognized Indian tribes.

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

Section 1. Section 28E.2, subsection 2, Code 2018, is amended to read as follows:

2. “Public agency” shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state. For purposes of this chapter only, “public agency” also includes any federally recognized Indian tribe.

Approved March 29, 2018

CHAPTER 1054**REIMBURSEMENT FOR GROUND EMERGENCY MEDICAL TRANSPORTATION PROVIDERS***H.F. 2285*

AN ACT relating to supplemental reimbursement for eligible ground emergency medical transportation providers through the Medicaid program, and including effective date provisions.

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

Section 1. SUPPLEMENTAL REIMBURSEMENT FOR GROUND EMERGENCY MEDICAL TRANSPORTATION SERVICES PROVIDED TO MEDICAID BENEFICIARIES.

1. The department of human services shall submit a Medicaid state plan amendment to the centers for Medicare and Medicaid services of the United States department of health and human services to request authorization to establish and administer a methodology to provide supplemental reimbursement to eligible ground emergency medical transportation providers that provide ground emergency medical transportation services to Medicaid beneficiaries. For the purposes of this section, “eligible ground emergency medical transportation provider” means a provider who provides ground emergency medical transportation services to Medicaid beneficiaries and is enrolled as a Medicaid provider during the period being claimed.

2. The emergency medical transportation intergovernmental transfer obligation established under this section is contingent upon the continuation of the federal Medicaid funding methodology in effect on the effective date of this Act. If the federal methodology is changed after the effective date of this Act in a manner that negatively impacts the intergovernmental transfer obligation, as determined by the department, the department shall no longer be obligated to continue the intergovernmental transfer.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 29, 2018

CHAPTER 1055**INSURANCE COVERAGE FOR TELEHEALTH HEALTH CARE SERVICES***H.F. 2305*

AN ACT relating to insurance coverage for health care services delivered by telehealth, and including applicability provisions.

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

Section 1. NEW SECTION. **514C.32 Health care services delivered by telehealth — coverage.**

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

a. “Health care professional” means the same as defined in section 514J.102.

b. “Health care services” means the same as defined in section 514J.102 and includes services for mental health conditions, illnesses, injuries, or diseases.

c. “Telehealth” means the delivery of health care services through the use of interactive audio and video. “Telehealth” does not include the delivery of health care services through an audio-only telephone, electronic mail message, or facsimile transmission.

2. Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy, contract, or plan providing for third-party payment or prepayment of health or medical expenses shall not discriminate between coverage benefits for health care services that are provided in person and the same health care services that are delivered through telehealth.

3. Health care services that are delivered by telehealth must be appropriate and delivered in accordance with applicable law and generally accepted health care practices and standards prevailing at the time the health care services are provided, including all rules adopted by the appropriate professional licensing board, pursuant to chapter 147, having oversight of the health care professional providing the health care services.

4. This section applies to the following classes of third-party payment provider policies, contracts, or plans delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2019:

a. Individual or group accident and sickness insurance providing coverage on an expense-incurred basis.

b. An individual or group hospital or medical service contract issued pursuant to chapter 509, 514, or 514A.

c. An individual or group health maintenance organization contract regulated under chapter 514B.

d. A plan established pursuant to chapter 509A for public employees.

5. This section shall not apply to accident-only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

6. The commissioner of insurance may adopt rules pursuant to chapter 17A as necessary to administer this section.

Approved March 29, 2018

CHAPTER 1056

MENTAL HEALTH AND SUBSTANCE-RELATED DISORDERS — HOSPITALIZATIONS, DISCLOSURE OF INFORMATION, AND SERVICES

H.F. 2456

AN ACT relating to behavioral health, including provisions relating to involuntary commitments and hospitalizations, the disclosure of mental health information to law enforcement professionals, and mental health and disability services.

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

Section 1. Section 125.80, subsection 3, Code 2018, is amended to read as follows:

3. If the report of a court-designated licensed physician or mental health professional is to the effect that the respondent is not a person with a substance-related disorder, the court, without taking further action, ~~may~~ shall terminate the proceeding and dismiss the application on its own motion and without notice.

Sec. 2. Section 125.81, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A respondent shall be released from detention prior to the commitment hearing if a licensed physician or mental health professional examines the respondent and determines the respondent no longer meets the criteria for detention under subsection 1 and provides notification to the court.

Sec. 3. Section 125.82, subsection 4, Code 2018, is amended to read as follows:

4. The respondent's welfare is paramount, and the hearing shall be tried as a civil matter and conducted in as informal a manner as is consistent with orderly procedure. The hearing may be held by video conference at the discretion of the court. Discovery as permitted under the Iowa rules of civil procedure is available to the respondent. The court shall receive all relevant and material evidence, but the court is not bound by the rules of evidence. A presumption in favor of the respondent exists, and the burden of evidence and support of the contentions made in the application shall be upon the person who filed the application. If upon completion of the hearing the court finds that the contention that the respondent is a person with a substance-related disorder has not been sustained by clear and convincing evidence, the court shall deny the application and terminate the proceeding.

Sec. 4. Section 135G.6, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

135G.6 Inspection — conditions for issuance.

The department shall issue a license to an applicant under this chapter if the department has ascertained that the applicant's facilities and staff are adequate to provide the care and services required of a subacute care facility.

Sec. 5. Section 228.1, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "*Law enforcement professional*" means a law enforcement officer as defined in section 80B.3, county attorney as defined in section 331.101, probation or parole officer, or jailer.

Sec. 6. NEW SECTION. 228.7A Disclosures to law enforcement professionals.

1. Mental health information relating to an individual may be disclosed by a mental health professional, at the minimum consistent with applicable laws and standards of ethical conduct, to a law enforcement professional if all of the following apply:

a. The disclosure is made in good faith.

b. The disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the individual or to a clearly identifiable victim or victims.

c. The individual has the apparent intent and ability to carry out the threat.

2. A mental health professional shall not be held criminally or civilly liable for failure to disclose mental health information relating to an individual to a law enforcement professional except in circumstances where the individual has communicated to the mental health professional an imminent threat of physical violence against the individual's self or against a clearly identifiable victim or victims.

3. A mental health professional discharges the professional's duty to disclose pursuant to subsection 1 by making reasonable efforts to communicate the threat to a law enforcement professional.

Sec. 7. Section 229.1, subsection 20, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Has a history of lack of compliance with treatment and any of the following apply:

(1) Lack of compliance has been a significant factor in the need for emergency hospitalization.

(2) Lack of compliance has resulted in one or more acts of serious physical injury to the person's self or others or an attempt to physically injure the person's self or others.

Sec. 8. Section 229.10, subsection 3, Code 2018, is amended to read as follows:

3. If the report of one or more of the court-designated physicians or mental health professionals is to the effect that the individual is not seriously mentally impaired, the court may shall without taking further action terminate the proceeding and dismiss the application on its own motion and without notice.

Sec. 9. Section 229.11, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A respondent shall be released from detention prior to the hospitalization hearing if a licensed physician or mental health professional examines the respondent and determines the respondent no longer meets the criteria for detention under subsection 1 and provides notification to the court.

Sec. 10. Section 229.12, subsection 3, paragraph a, Code 2018, is amended to read as follows:

a. The respondent's welfare shall be paramount and the hearing shall be conducted in as informal a manner as may be consistent with orderly procedure, but consistent therewith the issue shall be tried as a civil matter. The hearing may be held by video conference at the discretion of the court. Such discovery as is permitted under the Iowa rules of civil procedure shall be available to the respondent. The court shall receive all relevant and material evidence which may be offered and need not be bound by the rules of evidence. There shall be a presumption in favor of the respondent, and the burden of evidence in support of the contentions made in the application shall be upon the applicant.

Sec. 11. Section 229.13, subsection 7, paragraph a, subparagraphs (2) and (3), Code 2018, are amended to read as follows:

(2) Once in protective custody, the respondent shall be given the choice of being treated by the appropriate medication which may include the use of oral medicine or injectable antipsychotic medicine by a mental health professional acting within the scope of the mental health professional's practice at an outpatient psychiatric clinic, hospital, or other suitable facility or being placed for treatment under the care of a hospital or other suitable facility for inpatient treatment.

(3) If the respondent chooses to be treated by the appropriate medication which may include the use of oral medicine or injectable antipsychotic medicine but the mental health professional acting within the scope of the mental health professional's practice at the outpatient psychiatric clinic, hospital, or other suitable facility determines that the respondent's behavior continues to be likely to result in physical injury to the respondent's self or others if allowed to continue, the mental health professional acting within the scope of the mental health professional's practice shall comply with the provisions of subparagraph (1) and, following notice and hearing held in accordance with the procedures in section 229.12, the court may order the respondent treated on an inpatient basis requiring full-time custody, care, and treatment in a hospital until such time as the chief medical officer reports that the respondent does not require further treatment for serious mental impairment or has indicated the respondent is willing to submit to treatment on another basis as ordered by the court.

Sec. 12. Section 229.22, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 229.6. The order may be filed by facsimile if necessary. A peace officer from the law enforcement agency that took the person into custody, if no request was made under paragraph "a", may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any written order issued under this paragraph require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility or hospital, and the grounds supporting the finding of probable cause to believe that the person is seriously mentally impaired and likely to injure the person's self or others if not immediately detained. The order shall also include any law enforcement agency notification requirements if applicable. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility or hospital. A peace officer from the law enforcement agency that took the person into custody may also request an order, separate from the written order, requiring the facility

or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The clerk shall provide a copy of the written order or any separate order to the chief medical officer of the facility or hospital to which the person was originally taken, to any subsequent facility to which the person was transported, and to any law enforcement department, or ambulance service, or transportation service under contract with a mental health and disability services region that transported the person pursuant to the magistrate's order. A transportation service that contracts with a mental health and disability services region for purposes of this paragraph shall provide a secure transportation vehicle and shall employ staff that has received or is receiving mental health training.

Sec. 13. Section 331.397, Code 2018, is amended to read as follows:

331.397 Regional core services.

1. For the purposes of this section, unless the context otherwise requires, "domain" means a set of similar services that can be provided depending upon a person's service needs.

2. a. (1) A region shall work with service providers to ensure that services in the required core service domains in subsections 4 and 5 are available to residents of the region, regardless of potential payment source for the services.

(2) Subject to the available appropriations, the director of human services shall ensure the ~~initial~~ core service domains listed in ~~subsection~~ subsections 4 and 5 are covered services for the medical assistance program under chapter 249A to the greatest extent allowable under federal regulations. The medical assistance program shall reimburse Medicaid enrolled providers for Medicaid covered services under subsections 4 and 5 when the services are medically necessary, the Medicaid enrolled provider submits an appropriate claim for such services, and no other third-party payer is responsible for reimbursement of such services. Within funds available, the region shall pay for such services for eligible persons when payment through the medical assistance program or another third-party payment is not available, unless the person is on a waiting list for such payment or it has been determined that the person does not meet the eligibility criteria for any such service.

b. Until funding is designated for other service populations, eligibility for the service domains listed in this section shall be limited to such persons who are in need of mental health or intellectual disability services. However, if a county in a region was providing services to an eligibility class of persons with a developmental disability other than intellectual disability or a brain injury prior to formation of the region, the class of persons shall remain eligible for the services provided when the region is formed, ~~provided that funds are available to continue such services without limiting or reducing core services.~~

c. It is the intent of the general assembly to address the need for funding so that the availability of the service domains listed in this section may be expanded to include such persons who are in need of developmental disability or brain injury services.

3. Pursuant to recommendations made by the director of human services, the state commission shall adopt rules as required by section 225C.6 to define the services included in the ~~initial and additional~~ core service domains listed in this section. The rules shall provide service definitions, service provider standards, service access standards, and service implementation dates, and shall provide consistency, to the extent possible, with similar service definitions under the medical assistance program.

a. The rules relating to the credentialing of a person directly providing services shall require all of the following:

~~a.~~ (1) The person shall provide services and represent the person as competent only within the boundaries of the person's education, training, license, certification, consultation received, supervised experience, or other relevant professional experience.

~~b.~~ (2) The person shall provide services in substantive areas or use intervention techniques or approaches that are new only after engaging in appropriate study, training, consultation, and supervision from a person who is competent in those areas, techniques, or approaches.

~~c.~~ (3) If generally recognized standards do not exist with respect to an emerging area of practice, the person shall exercise careful judgment and take responsible steps, including obtaining appropriate education, research, training, consultation, and supervision, in order to ensure competence and to protect from harm the persons receiving the services in the emerging area of practice.

b. The rules relating to the availability of intensive mental health services specified in subsection 5 shall specify that the minimum amount of services provided statewide shall be as follows:

(1) Twenty-two assertive community treatment teams.

(2) Six access centers.

(3) Intensive residential service homes that provide services to up to one hundred twenty persons.

4. The initial core service domains shall include the following:

a. Treatment designed to ameliorate a person's condition, including but not limited to all of the following:

(1) Assessment and evaluation.

(2) Mental health outpatient therapy.

(3) Medication prescribing and management.

(4) Mental health inpatient treatment.

b. Basic crisis response provisions, including but not limited to all of the following:

(1) Twenty-four-hour access to crisis response.

(2) Evaluation.

(3) Personal emergency response system.

c. Support for community living, including but not limited to all of the following:

(1) Home health aide.

(2) Home and vehicle modifications.

(3) Respite.

(4) Supportive community living.

d. Support for employment or for activities leading to employment providing an appropriate match with an individual's abilities based upon informed, person-centered choices made from an array of options, including but not limited to all of the following:

(1) Day habilitation.

(2) Job development.

(3) Supported employment.

(4) Prevocational services.

e. Recovery services, including but not limited to all of the following:

(1) Family support.

(2) Peer support.

f. Service coordination including coordinating physical health and primary care, including but not limited to all of the following:

(1) Case management.

(2) Health homes.

5. a. Provided that federal matching funds are available under the Iowa health and wellness plan pursuant to chapter 249N, the following intensive mental health services in strategic locations throughout the state shall be provided within the following core service domains:

(1) Access centers that are located in crisis residential and subacute residential settings with sixteen beds or fewer that provide immediate, short-term assessments for persons with serious mental illness or substance use disorders who do not need inpatient psychiatric hospital treatment, but who do need significant amounts of supports and services not available in the persons' homes or communities.

(2) Assertive community treatment services.

(3) Comprehensive facility and community-based crisis services, including all of the following:

(a) Mobile response.

(b) Twenty-three-hour crisis observation and holding.

(c) Crisis stabilization community-based services.

(d) Crisis stabilization residential services.

(4) Subacute services provided in facility and community-based settings.

(5) Intensive residential service homes for persons with severe and persistent mental illness in scattered site community-based residential settings that provide intensive services and that operate twenty-four hours a day.

b. The department shall accept arrangements between multiple regions sharing intensive mental health services under this subsection.

5. 6. A region shall ensure that access is available to providers of core services that demonstrate competencies necessary for all of the following:

a. Serving persons with co-occurring conditions.

b. Providing evidence-based services.

c. Providing trauma-informed care that recognizes the presence of trauma symptoms in persons receiving services.

6. 7. A region shall ensure that services within the following additional core service domains are available to persons not eligible for the medical assistance program under chapter 249A or receiving other third-party payment for the services, when public funds are made available for such services:

~~a. Comprehensive facility and community-based crisis services, including but not limited to all of the following:~~

~~(1) Twenty-four-hour crisis hotline.~~

~~(2) Mobile response.~~

~~(3) Twenty-three-hour crisis observation and holding, and crisis stabilization facility and community-based services.~~

~~(4) Crisis residential services.~~

~~b. Subacute services provided in facility and community-based settings.~~

e. a. Justice system-involved services, including but not limited to all of the following:

(1) Jail diversion.

(2) Crisis intervention training.

(3) Civil commitment prescreening.

~~d. b. Advances in the use of evidence-based treatment, including but not limited to all of the following:~~

~~(1) Positive behavior support.~~

~~(2) Assertive community treatment.~~

~~(3) (2) Peer self-help drop-in centers.~~

7. 8. A regional service system may provide funding for other appropriate services or other support and may implement demonstration projects for an initial period of up to three years to model the use of research-based practices. In considering whether to provide such funding, a region may consider the following criteria for research-based practices:

a. Applying a person-centered planning process to identify the need for the services or other support.

b. The efficacy of the services or other support is recognized as an evidence-based practice, is deemed to be an emerging and promising practice, or providing the services is part of a demonstration and will supply evidence as to the services' effectiveness.

c. A determination that the services or other support provides an effective alternative to existing services that have been shown by the evidence base to be ineffective, to not yield the desired outcome, or to not support the principles outlined in *Olmstead v. L.C.*, 527 U.S. 581 (1999).

Sec. 14. Section 331.424A, subsection 9, Code 2018, is amended to read as follows:

9. a. For the fiscal year beginning July 1, 2017, and each subsequent fiscal year, the county budgeted amount determined for each county shall be the amount necessary to meet the county's financial obligations for the payment of services provided under the regional service system management plan approved pursuant to section 331.393, not to exceed an amount equal to the product of the regional per capita expenditure target amount multiplied by the county's population, ~~and, for fiscal years beginning on or after July 1, 2021, reduced by the amount of the county's cash flow reduction amount for the fiscal year calculated under subsection 4, if applicable.~~

b. If a county officially joins a different region, the county's budgeted amount shall be the amount necessary to meet the county's financial obligations for payment of services provided under the new region's regional service system management plan approved pursuant to

section 331.393, not to exceed an amount equal to the product of the new region's regional per capita expenditure target amount multiplied by the county's population.¹

Sec. 15. DEPARTMENT OF HUMAN SERVICES — CIVIL COMMITMENT PRESCREENING ASSESSMENTS — RULES. The department of human services, in coordination with the mental health and disability services commission, shall adopt rules pursuant to chapter 17A relating to civil commitment prescreening assessments provided by a mental health and disability services region or an entity contracting with a mental health and disability service region. The rules shall provide for all of the following:

1. The provision of civil commitment prescreening assessments by a licensed physician or mental health professional within four hours of an emergency detention of an individual believed to be mentally ill to determine if inpatient psychiatric hospitalization is necessary.

2. The coordination of appropriate levels of care to include securing an inpatient psychiatric bed when inpatient psychiatric hospitalization is needed and utilizing community-based resources and services such as crisis observation and crisis stabilization services and subacute care and detoxification centers and facilitating outpatient treatment appointments when inpatient psychiatric hospitalization is not needed.

3. The provision of ongoing consultations by a licensed physician or mental health professional while the individual remains in the emergency room.

4. Requiring appropriate documentation and reports to be submitted by a licensed physician or mental health professional to a treating hospital and the court as necessary.

Sec. 16. PROGRAM IMPLEMENTATION — ADOPTION OF ADMINISTRATIVE RULES.

1. The department of human services shall submit a notice of intended action to the administrative rules coordinator and the Iowa administrative code editor pursuant to section 17A.4, subsection 1, paragraph "a", not later than August 15, 2018, for the adoption of rules to implement the standards of core services specified in this Act.

2. The provisions of this Act and rules adopted in accordance with this Act shall minimize any delay or disruption of services or plans for the implementation of such services in effect on July 1, 2018.

3. The rules adopted by the department relating to access centers shall provide for all of the following:

a. The access centers shall meet all of the following criteria:

(1) An access center shall serve individuals with a serious mental health or substance use disorder need who are otherwise medically stable, who are not in need of an inpatient psychiatric level of care, and who do not have alternative, safe, effective services immediately available.

(2) Access center services shall be provided on a no reject, no eject basis.

(3) An access center shall accept and serve individuals who are court-ordered to participate in mental health or substance use disorder treatment.

(4) Access center providers shall be accredited under 441 IAC 24 to provide crisis stabilization residential services and shall be licensed to provide subacute mental health services as defined in section 135G.1.

(5) An access center shall be licensed as a substance abuse treatment program pursuant to chapter 125 or have a cooperative agreement with and immediate access to licensed substance abuse treatment services or medical care that incorporates withdrawal management.

(6) An access center shall provide or arrange for the provision of necessary physical health services.

(7) An access center shall provide navigation and warm handoffs to the next service provider as well as linkages to needed services including housing, employment, and shelter services.

b. The rules shall include access center designation criteria and standards that allow and encourage multiple mental health and disability services regions to strategically locate and share access center services including bill-back provisions to provide for reimbursement of

¹ See chapter 1172, §7 herein

a region when the resident of another region utilizes an access center or other non-Medicaid covered services located in that region.

4. The department shall establish uniform, statewide standards for assertive community treatment based on national accreditation standards, including allowances for nationally recognized small team standards. The statewide standards shall require that assertive teams meet fidelity to nationally recognized practice standards as determined by an independent review of each team that includes peer review. The department shall ensure that Medicaid managed care organization utilization management requirements do not exceed the standards developed by the department.

5. The rules relating to intensive residential service homes shall provide for all of the following:

a. That an intensive residential service home be enrolled with the Iowa Medicaid enterprise as a section 1915(i) home and community-based services habilitation waiver or intellectual disability waiver-supported community living provider.

b. That an intensive residential service home have adequate staffing that includes appropriate specialty training including applied behavior analysis as appropriate.

c. Coordination with the individual's clinical mental health and physical health treatment.

d. Be licensed as a substance abuse treatment program pursuant to chapter 125 or have a cooperative agreement with and timely access to licensed substance abuse treatment services for those with a demonstrated need.

e. Accept court-ordered commitments.

f. Have a no reject, no eject policy for an individual referred to the home based on the severity of the individual's mental health or co-occurring needs.

g. Be smaller in size, preferably providing services to four or fewer individuals and no more than sixteen individuals, and be located in a neighborhood setting to maximize community integration and natural supports.

h. The department of human services shall provide guidance for objective utilization review criteria.

6. The department of human services and the department of public health shall provide a single statewide twenty-four-hour crisis hotline that incorporates warmline services which may be provided through expansion of the YourLifeIowa platform.

Sec. 17. COMMITMENT PROCESS REVIEW. The department of human services, in cooperation with the department of public health, representative members of the judicial branch, the Iowa hospital association, the Iowa medical society, the national alliance on mental illness, the Iowa state sheriffs' and deputies' association, Iowa behavioral health association, and other affected or interested stakeholders shall review the commitment processes under chapters 125 and 229 and shall report recommendations for improvements in the processes and any amendments to law to increase efficiencies and more appropriately utilize the array of mental health and disability services available based upon an individual's needs to the governor and the general assembly by December 31, 2018.

Sec. 18. TERTIARY CARE PSYCHIATRIC HOSPITALS. The departments of human services and inspections and appeals, representative members of the Iowa hospital association, managed care organizations, the national alliance on mental illness, the mental health institutes, and other affected or interested stakeholders shall review the role of tertiary care psychiatric hospitals in the array of mental health services and shall report recommendations for providing tertiary psychiatric services to the governor and the general assembly by November 30, 2018. The recommendations shall address the role and responsibilities of tertiary care psychiatric hospitals in the mental health array of services in the state, the viability of utilizing the mental health institutes as tertiary care psychiatric hospitals, any potential sustainable funding, and admissions criteria.

Sec. 19. MENTAL HEALTH AND DISABILITY SERVICES FUNDING — FISCAL VIABILITY REVIEW DURING 2018 LEGISLATIVE INTERIM. The legislative council is requested to authorize a study committee to analyze the viability of the mental health and disability services funding including the methodology used to calculate and determine the

base expenditure amount, the county budgeted amount, the regional per capita expenditure amount, the statewide per capita expenditure target amount, and the cash flow reduction amount. The study committee shall consist of five members of the senate, three of whom shall be appointed by the majority leader of the senate and two of whom shall be appointed by the minority leader of the senate, and five members of the house of representatives, three of whom shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the minority leader of the house of representatives. The study committee shall meet during the 2018 legislative interim to make appropriate recommendations for consideration during the 2019 legislative session in a report submitted to the general assembly by January 15, 2019.

Sec. 20. DIRECTIVE TO DEPARTMENT OF HUMAN SERVICES — PSYCHIATRIC BED TRACKING SYSTEM. The department of human services shall amend its administrative rules pursuant to chapter 17A to require subacute mental health care facilities to participate in the psychiatric bed tracking system and to report the number of beds available for children and adults with a co-occurring mental illness and substance abuse disorder.

Sec. 21. ASSERTIVE COMMUNITY TREATMENT — REIMBURSEMENT RATES. The department of human services shall review the reimbursement rates for assertive community treatment and shall report recommendations for reimbursement rates to the governor and the general assembly by December 15, 2018. The recommendations shall address any potential sustainable funding.

Sec. 22. DEPARTMENT OF HUMAN SERVICES. The department of human services shall adopt rules pursuant to chapter 17A to administer this Act.

Approved March 29, 2018

CHAPTER 1057

EDUCATION — MISCELLANEOUS CHANGES

S.F. 2114

AN ACT relating to matters involving the state board and department of education to reflect current practices, delete redundancies and inaccuracies, and resolve inconsistencies.

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

Section 1. Section 256.7, subsection 21, paragraph b, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A set of core academic indicators in mathematics and reading in grades four, eight, and eleven, a set of core academic indicators in science in grades eight and ~~eleven~~ ten, and another set of core indicators that includes but is not limited to graduation rate, postsecondary education, and successful employment in Iowa. Annually, the department shall report state data for each indicator in the condition of education report.

Sec. 2. Section 256.7, subsection 21, paragraph c, Code 2018, is amended by striking the paragraph.

Sec. 3. Section 256.7, subsection 28, Code 2018, is amended to read as follows:

28. Adopt a set of core content standards applicable to all students in kindergarten through grade twelve in every school district and accredited nonpublic school. For purposes of this subsection, “*core content standards*” includes reading, mathematics, and science. ~~The core content standards shall be identical to the core content standards included in Iowa’s approved~~

~~2006 standards and assessment system under Tit. I of the federal Elementary and Secondary Education Act of 1965, 20 U.S.C. §6301 et seq., as amended by the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110. School districts and accredited nonpublic schools shall include, at a minimum, the core content standards adopted pursuant to this subsection in any set of locally developed content standards. School districts and accredited nonpublic schools are strongly encouraged to set higher expectations in local standards. As changes in federal law or regulation occur, the state board is authorized to amend the core content standards as appropriate.~~

Sec. 4. Section 256.9, subsection 49, paragraph a, Code 2018, is amended to read as follows:

a. Develop and distribute, in collaboration with the area education agencies, core curriculum technical assistance and implementation strategies that school districts and accredited nonpublic schools shall utilize, including but not limited to the development and delivery of formative and end-of-course model assessments classroom teachers may use to measure student progress on the core curriculum adopted pursuant to section 256.7, subsection 26. The department shall, in collaboration with the advisory group convened in accordance with paragraph “b” and educational assessment providers, identify and make available to school districts end-of-course and additional model end-of-course and additional assessments to align with the expectations included in the Iowa core curriculum. ~~The model assessments shall be suitable to meet the multiple assessment measures requirement specified in section 256.7, subsection 21, paragraph “c”.~~

Sec. 5. Section 256.9, subsection 55, Code 2018, is amended by striking the subsection.

Sec. 6. Section 256.16, subsection 1, Code 2018, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. Require that each student admitted to an approved practitioner preparation program participate in field experiences that include both observation and participation in teaching activities in a variety of school settings. These field experiences shall comprise a total of at least fifty hours in duration, at least ten hours of which shall occur prior to a student’s acceptance in an approved practitioner preparation program. The student teaching experience shall be a minimum of fourteen weeks in duration during the student’s final year of the practitioner preparation program. The program shall make every reasonable effort to offer the student teaching experience prior to a student’s last semester, or equivalent, in the program, and to expand the student’s student teaching opportunities beyond one semester or the equivalent.

NEW PARAGRAPH. e. Require that faculty members in professional education maintain an ongoing involvement in activities in elementary, middle, or secondary schools. The activities shall include at least forty hours of team teaching during a period not exceeding five years in duration at the elementary, middle, or secondary level.

NEW PARAGRAPH. f. Include instruction in skills and strategies to be used in classroom management of individuals, and of small and large groups, under varying conditions; skills for communicating and working constructively with pupils, teachers, administrators, and parents; preparation in reading theory, knowledge, strategies, and approaches, and for integrating literacy instruction into content areas in accordance with this section; and skills for understanding the role of the state board and the functions of other education agencies in the state. Rules adopted in accordance with this paragraph shall be based upon recommendations of the department after consultation with teacher education faculty members in colleges and universities.

NEW PARAGRAPH. g. Prescribe minimum experiences and responsibilities to be accomplished during the student teaching experience by the student teacher and by the cooperating teacher based upon recommendations of the department after consultation with teacher education faculty members in colleges and universities. The student teaching experience shall include opportunities for the student teacher to become knowledgeable about the Iowa teaching standards, including but not limited to a mock evaluation performed by the cooperating teacher. The mock evaluation shall not be used as an assessment tool

by the practitioner preparation program. The student teaching experience shall consist of interactive experiences involving the college or university personnel, the student teacher, the cooperating teacher, and administrative personnel from the cooperating teacher's school district.

NEW PARAGRAPH. h. Offer annually a workshop of at least one day in duration for prospective cooperating teachers. The workshop shall define the objectives of the student teaching experience, review the responsibilities of the cooperating teacher, and provide the cooperating teacher with other information and assistance the institution deems necessary.

NEW PARAGRAPH. i. Provide practitioner preparation students with instruction in the use of electronic technology for classroom and instructional purposes.

NEW PARAGRAPH. j. Annually solicit the views of the education community regarding the institution's practitioner preparation programs.

NEW PARAGRAPH. k. Submit evidence that the college or department of education in the institution is communicating with other colleges or departments in the institution so that practitioner preparation students may integrate teaching methodology with subject matter areas of specialization.

NEW PARAGRAPH. l. Submit evidence that the performance evaluation of a student teacher is a cooperative process that involves both the faculty member supervising the student teacher and the cooperating teacher. The rules shall require that each institution develop a written evaluation procedure for use by the cooperating teacher and a form for evaluating student teachers, and require that a copy of the completed form be included in the student teacher's permanent record.

NEW PARAGRAPH. m. If the rules adopted by the board of educational examiners for issuance of any type or class of license require an applicant to complete work in student teaching, pre-student teaching experiences, field experiences, practicums, clinicals, or internships, enter into a written contract with any school district, accredited nonpublic school, preschool registered or licensed by the department of human services, or area education agency in Iowa, to provide for such work under terms and conditions as agreed upon by the contracting parties. The terms and conditions of a written contract entered into with a preschool pursuant to this paragraph shall require that a student teacher be under the direct supervision of an appropriately licensed cooperating teacher who is employed to teach at the preschool. Students actually teaching or engaged in preservice licensure activities in a school district under the terms of such a contract are entitled to the same protection under section 670.8 as is afforded by that section to officers and employees of the school district, during the time such students are so assigned.

Sec. 7. Section 256F.3, subsection 1, Code 2018, is amended to read as follows:

1. ~~The state board of education shall apply for a federal grant under Pub. L. No. 107-110, cited as the federal No Child Left Behind Act of 2001, Tit. V, pt. B, subpt. 1, for purposes of providing financial assistance for the planning, program design, and initial implementation of public charter schools. The department shall monitor the effectiveness of charter schools and innovation zone schools and shall implement the applicable provisions of this chapter.~~

Sec. 8. Section 257.50, Code 2018, is amended to read as follows:

257.50 Federal assistance — school district responsibilities.

The director of the department of education, in accepting and administering federal funds in accordance with section 256.9, subsection 7, shall upon receiving federal grant moneys under the federal 21st Century Community Learning Center Grant, Tit. IV, pt. B of the federal No Child Left Behind Elementary and Secondary Education Act of 2001 1965, Pub. L. No. 107-110 as amended by the federal Every Student Succeeds Act, as amended, 20 U.S.C., §7171-7176, designate that a school district be the fiscal agent for an eligible local grant. Whenever possible, the grant applicant school district shall collaborate with a community-based organization, a public or private entity, or a consortium of two or more of such organizations or entities in establishing a community learning center. The department shall give priority to applications for programs serving students determined through research-based methods to be in the greatest need of eligible services. Notwithstanding the provisions of this section, if federal rules or regulations relating to the 21st Century

Community Learning Center Grant are adopted that are inconsistent with the provisions of this section, the department of education shall comply with the requirements of the federal rules or regulations.

Sec. 9. Section 280.19, Code 2018, is amended to read as follows:

280.19 Plans for at-risk children.

The board of directors of each public school district shall incorporate, into the kindergarten admissions program, criteria and procedures for identification and integration of at-risk children and their developmental needs. This incorporation shall be part of the comprehensive school improvement plan developed and implemented in accordance with section 256.7, subsection 21, paragraphs paragraph “a” and “e”.

Sec. 10. Section 280.21, subsection 1, Code 2018, is amended to read as follows:

1. An employee of ~~an accredited~~ a public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this section, “corporal punishment” means the intentional physical punishment of a student. An employee’s physical contact with the body of a student shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force, as defined under section 704.1, for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student’s control; or for the protection of property. The department of education shall adopt rules to implement this section.

Sec. 11. Section 280.26, Code 2018, is amended to read as follows:

280.26 Intervention in altercations.

1. An employee of ~~an accredited~~ a public school district, accredited nonpublic school, or area education agency may intervene in a fight or physical struggle occurring among students or between students and nonstudents that takes place in the presence of the school employee in a school building, on school premises, or at any school function or school-sponsored activity regardless of its location. The degree and force of the intervention may be as reasonably necessary, in the opinion of the school employee, to restore order and protect the safety of the individuals involved in the altercation and others in the vicinity of the altercation.

2. A person who is not an employee of ~~an accredited~~ a public school district, accredited nonpublic school, or area education agency may intervene in a fight or physical struggle occurring among students, or between students and nonstudents, that takes place in the presence of the nonemployee in a school building, on school premises, or at any school function or school-sponsored activity regardless of its location. The intervention may occur in the absence of an employee of ~~an accredited~~ a public school district, accredited nonpublic school, or area education agency, or at the request of such an employee, utilizing the degree and force of intervention reasonably necessary to restore order and protect the safety of the individuals involved in the altercation and others in the vicinity of the altercation. However, a person who intervenes in the absence of an employee of ~~an accredited~~ a public school district, accredited nonpublic school, or area education agency shall report the intervention and all relevant information regarding the situation as soon as reasonably possible to such an employee.

3. An employee of ~~an accredited~~ a public school district, accredited nonpublic school, or area education agency who intervenes in a fight or physical struggle pursuant to subsection 1 shall be awarded reasonable monetary damages against a party bringing a civil action alleging a violation of this section, if it is determined in the action that the employee has been wrongfully accused. A nonemployee of ~~an accredited~~ a public school district, accredited nonpublic school, or area education agency who intervenes in a fight or physical struggle pursuant to subsection 2 shall be limited to the recovery of reasonable attorney fees and court costs, if it is determined in a civil action alleging a violation of this section that the nonemployee has been wrongfully accused.

Sec. 12. Section 613.21, Code 2018, is amended to read as follows:

613.21 Immunity from civil suit.

An employee of ~~an accredited~~ a public school district, accredited nonpublic school, or area education agency shall be immune from civil suit for reasonable acts undertaken in good faith relating to participation in the making of a report and any resulting investigation or administrative or judicial proceedings regarding violence, threats of violence, or other inappropriate activity against a school employee or student, pursuant to the provisions of section 280.27.

Sec. 13. REPEAL. Sections 256.26, 272.25, and 272.27, Code 2018, are repealed.

Approved April 2, 2018

CHAPTER 1058

CARRYING WEAPONS ON SNOWMOBILES OR ALL-TERRAIN VEHICLES

S.F. 2231

AN ACT relating to carrying weapons and operating or riding a snowmobile or all-terrain vehicle while carrying a loaded firearm.

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

Section 1. Section 321G.13, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. (1) A person may operate or ride a snowmobile with a loaded firearm, whether concealed or not, without a permit to carry weapons, if the person operates or rides on land owned, ~~or possessed,~~ or rented by the person, and the person's conduct is otherwise lawful.

(2) ~~If A person may operate or ride on a snowmobile with a loaded pistol or revolver, whether concealed or not, if a person is operating or riding a the snowmobile on land that is not owned, or possessed, or rented by the person, the person may operate or ride the snowmobile with a loaded pistol or revolver, whether concealed or not, and the person's conduct is otherwise lawful.~~¹

Sec. 2. Section 321G.13, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 4. As used in this section, "*rented by the person*" includes a person who does not necessarily rent the land but who principally provides labor for the production of crops located on agricultural land or for the production of livestock principally located on agricultural land. The person must personally provide such labor on a regular, continuous, and substantial basis.

Sec. 3. Section 321I.14, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. (1) A person may operate or ride an all-terrain vehicle with a loaded firearm, whether concealed or not, without a permit to carry weapons, if the person operates or rides on land owned, ~~or possessed,~~ or rented by the person, and the person's conduct is otherwise lawful.

(2) ~~If A person may operate or ride on all all-terrain vehicle with a loaded pistol or revolver, whether concealed or not, if a person is operating or riding an the all-terrain vehicle on land that is not owned, or possessed, or rented by the person, the person may operate or ride the all-terrain vehicle with a loaded pistol or revolver, whether concealed or not, and the person's conduct is otherwise lawful.~~²

¹ See chapter 1172, §28 herein

² See chapter 1172, §29 herein

Sec. 4. Section 321I.14, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 6. As used in this section³ “*rented by the person*” includes a person who does not necessarily rent the land but who principally provides labor for the production of crops located on agricultural land or for the production of livestock principally located on agricultural land. The person must personally provide such labor on a regular, continuous, and substantial basis.

Sec. 5. Section 724.4, subsection 4, paragraph a, Code 2018, is amended to read as follows:

a. A person who goes armed with a dangerous weapon in the person’s own dwelling or place of business, or on land owned, ~~or possessed,~~ or rented by the person.

Approved April 2, 2018

CHAPTER 1059

CAMPAIGN FINANCE — FILING AND REPORTING REQUIREMENTS — ILLEGAL CONTRIBUTIONS

S.F. 2256

AN ACT relating to campaign finance, including electronic filing requirements for statements and reports filed with the ethics and campaign disclosure board and disclosure requirements for contributions made to candidates or committees.

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

Section 1. Section 68A.201A, subsection 6, Code 2018, is amended to read as follows:

6. ~~Effective January 1, 2011, the~~ The verified statement shall be filed ~~in an electronic format~~ by 4:30 p.m. of the day the filing is due.

Sec. 2. Section 68A.401, subsection 1, Code 2018, is amended to read as follows:

1. All statements and reports required to be filed under this chapter shall be filed with the board as provided in this section and section 68A.402, subsection 1. The board shall post on its internet site all statements and reports filed under this chapter. For purposes of this section, the term “*statement*” does not include a bank statement.

a. A state statutory political committee, a county statutory political committee, a political committee ~~expressly advocating for or against the nomination, election, or defeat of a candidate for statewide office or the general assembly, and a candidate’s committee of a candidate for statewide office or the general assembly~~ shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board.

~~b. Any other candidate or committee involved in a county, city, school, or other political subdivision election that accepts monetary or in-kind contributions in excess of two thousand dollars, or incurs indebtedness in excess of two thousand dollars in the aggregate in a calendar year, or makes expenditures in excess of two thousand dollars in a calendar year to expressly advocate for or against a clearly identified candidate or ballot issue shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board. The committee shall continue to file subsequent statements and reports in an electronic format until being certified as dissolved under section 68A.402B.~~

c. ~~Effective January 1, 2016, any other candidate or political committee not described in paragraphs “a” and “b” shall file all statements and reports in an electronic format by 4:30~~

³ See chapter 1172, §30 herein

~~p.m. of the day the filing is due according to rules adopted by the board pursuant to chapter 17A.~~

~~d. b.~~ If the board determines that a violation of this subsection has occurred, the board may impose any of the remedies or penalties provided for under section 68B.32D, except that the board shall not refer any complaint or supporting information of a violation of this section to the attorney general or any county attorney for prosecution.

Sec. 3. Section 68A.402, subsection 1, Code 2018, is amended to read as follows:

1. *Filing methods.* Each committee shall electronically file with the board reports disclosing information required under this section on forms prescribed by rule. ~~Except as set out in section 68A.401, reports shall be filed on or before the required due dates by using any of the following methods: mail bearing a United States postal service postmark, hand-delivery, facsimile transmission, electronic mail attachment, or electronic filing as prescribed by rule. Any report that is required to be filed five days or less prior to an election must be physically received by the board to be considered timely filed. For purposes of this section, "physically received" means the report is either electronically filed using the board's electronic filing system or is received by the board prior to 4:30 p.m. on the report due date.~~

Sec. 4. Section 68A.403, Code 2018, is amended to read as follows:

68A.403 Reports signed and preserved.

1. ~~Unless filed in an electronic format, a report or statement required to be filed under this chapter shall be signed by the person filing the report.~~

2. A copy of every report or statement shall be preserved by the person filing it or the person's successor for at least three years following the filing of the report or statement.

Sec. 5. Section 68A.502, Code 2018, is amended to read as follows:

68A.502 Contribution in name of another — prohibited.

1. A person making a contribution in excess of twenty-five dollars shall provide the person's name and address to the candidate or committee receiving the contribution.

1. 2. A person shall not make a contribution or expenditure in the name of another person, and a person shall not knowingly accept a contribution or expenditure made by one person in the name of another.

3. For the purpose of this section, a an illegal contribution or expenditure is any of the following:

a. A contribution or expenditure made by one person which is ultimately reimbursed by another person who has not been identified as the ultimate source or recipient of the funds is considered to be an illegal contribution or expenditure in the name of another.

b. A contribution or expenditure made using a fictitious name. A name is fictitious in the case of an individual if the name does not include the individual's legal surname at the time of the contribution or expenditure.

c. A contribution or expenditure made by a person who borrowed the money from another person if the original source of said money is not disclosed.

2. 4. Any candidate or committee receiving funds, the original source of which was a loan, shall be required to list the lender as a contributor. No candidate or committee shall knowingly receive funds from a contributor who has borrowed the money without listing the original source of said money.

Approved April 2, 2018

CHAPTER 1060

REGULATION OF ALCOHOLIC BEVERAGES

S.F. 2310

AN ACT relating to alcoholic beverage control and matters under the purview of the alcoholic beverages division of the department of commerce.

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

Section 1. Section 123.3, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 8A. “*Brewpub*” means a commercial establishment authorized to sell beer at retail for consumption on or off the premises that is operated by a person who holds a class “C” liquor control license or a class “B” beer permit and who also holds a special class “A” beer permit that authorizes the holder to manufacture and sell beer pursuant to this chapter.

Sec. 2. Section 123.3, subsection 5, Code 2018, is amended to read as follows:

5. “*Alcoholic liquor*” ~~or “*intoxicating liquor*”~~ means the varieties of liquor defined in subsections 3 and 43 which contain more than five percent of alcohol by weight, beverages made as described in subsection 7 which beverages contain more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume but which are not wine as defined in subsection 47 or high alcoholic content beer as defined in subsection 19, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 47 containing more than seventeen percent alcohol by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an “*alcoholic liquor*”.

Sec. 3. Section 123.3, subsection 9, Code 2018, is amended to read as follows:

9. “*Broker*” means a person who represents or promotes alcoholic liquor within the state on behalf of the holder of a distiller’s certificate of compliance ~~through an agreement with the distiller, and whose name is disclosed on a distiller’s current certificate of compliance as its representative in the state, a manufacturer’s license, or a class “A” native distilled spirits license.~~ An employee of the holder of a distiller’s certificate of compliance, a manufacturer’s license, or a class “A” native distilled spirits license is not a broker.

Sec. 4. Section 123.4, Code 2018, is amended to read as follows:

123.4 Alcoholic beverages division created.

An alcoholic beverages division is created within the department of commerce to administer and enforce the laws of this state concerning ~~beer, wine, and alcoholic liquor~~ beverage control.

Sec. 5. Section 123.9, subsections 5, 6, and 7, Code 2018, are amended to read as follows:

5. To grant and issue beer permits, wine permits, ~~special permits,~~ liquor control licenses, and other licenses; and to suspend or revoke all such permits and licenses for cause under this chapter.

6. To license, inspect, and control the manufacture of ~~beer, wine, and alcoholic liquors~~ beverages and regulate the entire ~~beer, wine, and liquor~~ alcoholic beverage industry in the state.

7. To accept ~~intoxicating~~ alcoholic liquors ordered delivered to the alcoholic beverages division pursuant to chapter 809A, and offer for sale and deliver the ~~intoxicating~~ alcoholic liquors to class “E” liquor control licensees, unless the administrator determines that the ~~intoxicating~~ alcoholic liquors may be adulterated or contaminated. If the administrator determines that the ~~intoxicating~~ alcoholic liquors may be adulterated or contaminated, the administrator shall order their destruction.

Sec. 6. Section 123.10, subsection 6, Code 2018, is amended to read as follows:

6. Providing for the issuance and electronic distribution of price lists which show the price to be paid by class "E" liquor control licensees for each brand, class, or variety of liquor kept for sale by the division, providing for the filing or posting of prices charged in sales between class "A" beer and class "A" wine permit holders and retailers, as provided in this chapter, and establishing or controlling the prices based on minimum standards of fill, quantity, or alcoholic content for each individual sale of ~~intoxicating liquor or beer~~ alcoholic beverages as deemed necessary for retail or consumer protection. However, the division shall not regulate markups, prices, discounts, allowances, or other terms of sale at which alcoholic liquor may be purchased by the retail public or liquor control licensees from class "E" liquor control licensees or at which wine may be purchased and sold by class "A" and retail wine permittees, or change, nullify, or vary the terms of an agreement between a holder of a vintner certificate of compliance and a class "A" wine permittee.

Sec. 7. Section 123.14, subsection 1, Code 2018, is amended to read as follows:

1. The department of public safety is the primary ~~beer, wine, and liquor~~ alcoholic beverage control law enforcement authority for this state.

Sec. 8. Section 123.22, subsection 2, Code 2018, is amended to read as follows:

2. No person, acting individually or through another acting for the person shall directly or indirectly, or upon any pretense, or by any device, manufacture, sell, exchange, barter, dispense, give in consideration of the purchase of any property or of any services or in evasion of this chapter, or keep for sale, or have possession of any ~~intoxicating~~ alcoholic liquor, except as provided in this chapter; or own, keep, or be in any way concerned, engaged, or employed in owning or keeping, any ~~intoxicating~~ alcoholic liquor with intent to violate any provision of this chapter, or authorize or permit the same to be done; or manufacture, own, sell, or have possession of any manufactured or compounded article, mixture or substance, not in a liquid form, and containing alcohol which may be converted into a beverage by a process of pressing or straining the alcohol therefrom, or any instrument intended for use and capable of being used in the manufacture of ~~intoxicating~~ alcoholic liquor; or own or have possession of any material used exclusively in the manufacture of ~~intoxicating~~ alcoholic liquor; or use or have possession of any material with intent to use it in the manufacture of ~~intoxicating~~ alcoholic liquors; however, alcohol may be manufactured for industrial and nonbeverage purposes by persons who have qualified for that purpose as provided by the laws of the United States and the laws of this state. Such alcohol, so manufactured, may be denatured, transported, used, possessed, sold, and bartered and dispensed, subject to the limitations, prohibitions and restrictions imposed by the laws of the United States and this state. Any person may manufacture, sell, or transport ingredients and devices other than alcohol for the making of homemade wine or beer.

Sec. 9. Section 123.23, subsections 1 and 5, Code 2018, are amended to read as follows:

1. Any manufacturer, distiller, or importer of alcoholic ~~beverages~~ liquors shipping, selling, or having alcoholic ~~beverages~~ liquors brought into this state for resale by the state shall, as a condition precedent to the privilege of so trafficking in alcoholic liquors in this state, annually make application for and hold a distiller's certificate of compliance which shall be issued by the administrator for that purpose. No brand of alcoholic liquor shall be sold by the division in this state unless the manufacturer, distiller, importer, and all other persons participating in the distribution of that brand in this state have obtained a certificate. The certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise suspended or revoked for cause. Each application for a certificate of compliance or renewal shall be submitted electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of fifty dollars payable to the division. However, this subsection need not apply to a manufacturer, distiller, or importer who ships or sells in this state no more than eleven gallons or its case equivalent during any fiscal year as a result of "special orders" which might be placed, as defined and allowed by divisional rules adopted under this chapter.

5. This section shall not require the listing of those persons who are employed on premises where alcoholic ~~beverages~~ liquors are manufactured, processed, bottled or packaged in Iowa or persons who are thereafter engaged in the transporting of such alcoholic ~~beverages~~ liquors to the division.

Sec. 10. Section 123.25, Code 2018, is amended to read as follows:

123.25 Consumption on premises.

An officer, clerk, agent, or employee of the division employed in a state-owned warehouse shall not allow any alcoholic ~~liquor~~ beverage to be consumed on the premises, nor shall a person consume any alcoholic liquor on the premises except for testing or sampling purposes only.

Sec. 11. Section 123.28, subsections 2 and 5, Code 2018, are amended to read as follows:

2. The division shall deliver alcoholic liquor purchased by class “E” liquor control licensees. Class “E” liquor control licensees may deliver alcoholic liquor purchased by class “A”, “B”, ~~or “C”~~, “C” native distilled spirits, or “D” liquor control licensees, and class “A”, “B”, ~~or “C”~~, “C” native distilled spirits, or “D” liquor control licensees may transport alcoholic liquor purchased from class “E” liquor control licensees.

5. This section does not affect the right of a ~~special permit~~ or liquor control license holder to purchase, possess, or transport alcoholic liquors subject to this chapter.

Sec. 12. Section 123.30, subsection 3, Code 2018, is amended to read as follows:

3. Liquor control licenses issued under this chapter shall be of the following classes:

a. *Class “A”.* A class “A” liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses ~~only as provided in section 123.173 and section 123.177, and native wines from native wine manufacturers~~, and to sell ~~liquors, wine, and beer~~ alcoholic beverages to bona fide members and their guests by the individual drink for consumption on the premises only.

b. *Class “B”.* A class “B” liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses ~~only as provided in section 123.173 and section 123.177, and native wines from native wine manufacturers~~, and to sell ~~liquors, wine, and beer~~ alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises described in the application. ¹

c. *Class “C”.*

(1) A class “C” liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors ² from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses ~~only as provided in section 123.173 and section 123.177, and native wines from native wine manufacturers~~, and to sell ~~liquors, wine, and beer~~ alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. The holder of a class “C” liquor control license may also hold a special class “A” beer permit for the premises licensed under a class “C” liquor control license for the purpose of operating a brewpub pursuant to this chapter.

(2) A special class “C” liquor control license may be issued to a commercial establishment and shall authorize the holder to purchase wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses ~~only as provided in section 123.173 and section 123.177~~, and to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off

¹ See chapter 1172, §54 herein

² See chapter 1172, §55 herein

the premises. The license issued to holders of a special class “C” liquor control license shall clearly state on its face that the license is limited.

(3) A class “C” native distilled spirits liquor control license may be issued to a native distillery but shall be issued in the name of the individuals who actually own the business and shall only be issued to a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of distilled spirits on an annual basis. The license shall authorize the holder to sell native distilled spirits manufactured on the premises of the native distillery to patrons by the individual drink for consumption on the premises. All native distilled spirits sold by a native distillery for on-premises consumption shall be purchased from a class “E” liquor control licensee.

d. Class “D”.

(1) A class “D” liquor control license may be issued to a railway corporation, to an air common carrier, and to passenger-carrying boats or ships for hire with a capacity of twenty-five persons or more operating in inland or boundary waters, and shall authorize the holder to sell or furnish alcoholic beverages, ~~wine, and beer~~ to passengers for consumption only on trains, watercraft as described in this section, or aircraft, respectively. Each license is valid throughout the state. Only one license is required for all trains, watercraft, or aircraft operated in the state by the licensee. However, if a watercraft is an excursion gambling boat licensed under chapter 99F, the owner shall obtain a separate class “D” liquor control license for each excursion gambling boat operating in the waters of this state.

(2) A class “D” liquor control licensee who operates a train or a watercraft intrastate only, or an excursion gambling boat licensed under chapter 99F, shall purchase alcoholic liquor³ from a class “E” liquor control licensee only, wine from a class “A” wine permittee or a class “B” wine permittee who also holds a class “E” liquor control license only as provided in section 123.173 and section 123.177, and beer from a class “A” beer permittee only.

e. Class “E”.

(1) A class “E” liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the division only and high alcoholic content beer from a class “A” beer permittee only and to sell the alcoholic liquor and high alcoholic content beer at retail to patrons for consumption off the licensed premises and at wholesale to other liquor control licensees, provided the holder has filed with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A holder of a class “E” liquor control license may hold other retail liquor control licenses or retail wine or beer permits, but the premises licensed under a class “E” liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class “E” liquor control license may also hold a class “B” wine or class “C” beer permit or both for the premises licensed under a class “E” liquor control license.

(2) The division may issue a class “E” liquor control license for premises covered by a liquor control license or wine or beer permit for on-premises consumption, if the premises are in a county having a population under nine thousand five hundred in which no other class “E” liquor control license has been issued by the division, and no other application for a class “E” liquor control license has been made within the previous twelve consecutive months.⁴

Sec. 13. Section 123.32, subsection 1, Code 2018, is amended to read as follows:

1. *Filing of application.* An application for a class “A”, class “B”, class “C”, or class “E” liquor control license, for a class “A” native distilled spirits license, for a retail beer permit as provided in sections 123.128 and 123.129, or for a class “B”, class “B” native, or class “C” native retail wine permit as provided in section ~~123.178, 123.178A, or 123.178B~~ 123.175, accompanied by the necessary fee and bond, if required, shall be filed with the appropriate city council if the premises for which the license or permit is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city. An application for a class

³ See chapter 1172, §57 herein

⁴ See chapter 1172, §58 herein

“D” liquor control license and for a class “A” beer or class “A” wine permit, accompanied by the necessary fee and bond, if required, shall be submitted to the division electronically, or in a manner prescribed by the administrator, which shall proceed in the same manner as in the case of an application approved by local authorities.

Sec. 14. Section 123.33, Code 2018, is amended to read as follows:

123.33 Records.

Every holder of a license or permit under this chapter shall maintain records, in printed ~~and~~ or electronic format, which include income statements, balance sheets, purchase and sales invoices, purchase and sales ledgers, and any other records as the administrator may require. The records required and the premises of the licensee or permittee shall be accessible and open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the licensee or permittee.

Sec. 15. Section 123.34, subsection 1, Code 2018, is amended to read as follows:

1. Liquor control licenses, wine permits, and beer permits, unless sooner suspended or revoked, expire one year from date of issuance. The administrator shall ~~give~~ notify a license or permit holder electronically, or in a manner prescribed by the administrator, ~~sixty days' written notice of days prior to the expiration to of each licensee license or permittee permit.~~ However, the administrator may issue six-month or eight-month seasonal licenses, class “B” wine permits, or class “B” beer permits for a proportionate part of the license or permit fee or may issue fourteen-day liquor control licenses, native wine permits, or beer permits as provided in subsection 2. No refund shall be made for seasonal licenses or permits or for fourteen-day liquor control licenses, native wine permits, or beer permits. No seasonal license or permit shall be renewed. However, after a period of two months the applicant may apply for a new seasonal license or permit for the same location.

Sec. 16. Section 123.36, subsections 1 and 6, Code 2018, are amended to read as follows:

1. Class “A” liquor control licenses, the sum of six hundred dollars, except that for class “A” licenses in cities of less than two thousand population, and for clubs of less than two hundred fifty members, the license fee shall be four hundred dollars; however, the fee shall be two hundred dollars for any club which is a post, branch, or chapter of a veterans organization chartered by the Congress of the United States, if the club does not sell or permit the consumption of alcoholic beverages, ~~wine, or beer~~ on the premises more than one day in any week or more than a total of fifty-two days in a year, and if the application for a license states that the club does not and will not sell or permit the consumption of alcoholic beverages, ~~wine, or beer~~ on the premises more than one day in any week or more than a total of fifty-two days in a year.

6. Any club, hotel, motel, native distillery, or commercial establishment holding a liquor control license, subject to section 123.49, subsection 2, paragraph “b”, may apply for and receive permission to sell and dispense alcoholic ~~liquor and wine~~ beverages as authorized by section 123.30 to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday. A class “D” liquor control licensee may apply for and receive permission to sell and dispense alcoholic beverages to patrons for consumption on the premises only between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday. For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license.

Sec. 17. Section 123.37, subsection 1, Code 2018, is amended to read as follows:

1. The power to establish licenses and permits and levy taxes as imposed in this chapter is vested exclusively with the state. Unless specifically provided, a local authority shall not require the obtaining of a special license or permit for the sale of alcoholic beverages, ~~wine, or beer~~ at any establishment, or require the obtaining of a license by any person as a condition precedent to the person’s employment in the sale, serving, or handling of alcoholic beverages, ~~wine, or beer~~, within an establishment operating under a license or permit.

Sec. 18. Section 123.38, subsections 1 and 2, Code 2018, are amended to read as follows:

1. A ~~special permit~~, liquor control license, wine permit, or beer permit is a personal privilege and is revocable for cause. It is not property nor is it subject to attachment and execution nor alienable nor assignable, and it shall cease upon the death of the permittee or licensee. However, the administrator of the division may in the administrator's discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use it.

2. Any licensee or permittee, or the licensee's or permittee's executor or administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the division. When a license or permit is surrendered the division shall notify the local authority, and the division or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the division or the local authority for the license or permit as follows: if a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee; if surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee; if surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for any ~~special permit~~, liquor control license, wine permit, or beer permit surrendered more than nine months after issuance. For purposes of this subsection, any portion of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraph "a", subparagraphs (1) and (2), and in section 331.424A, shall not be deemed received either by the division or by a local authority. No refund shall be made to any licensee or permittee upon the surrender of the license or permit if there is at the time of surrender a complaint filed with the division or local authority charging the licensee or permittee with a violation of this chapter. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in this section. However, if the license or permit is revoked or suspended upon hearing, the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

Sec. 19. Section 123.39, subsection 1, paragraph b, subparagraph (3), Code 2018, is amended to read as follows:

(3) Any change in the ownership or interest in the business operated under a ~~class "A", class "B", or class "C"~~ liquor control license, or any wine or beer permit, which change was not previously reported to in a manner prescribed by the administrator within thirty days of the change and subsequently approved by the local authority and the division.

Sec. 20. Section 123.39, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. A criminal conviction is not a prerequisite to suspension, revocation, or imposition of a civil penalty pursuant to this section. A local authority which acts pursuant to this section, ~~or section 123.32, or section 123.50~~ shall notify the division in writing of the action taken, and shall notify the licensee or permit holder of the right to appeal a suspension, revocation, or imposition of a civil penalty to the division. Civil penalties imposed and collected by the local authority under this section shall be retained by the local authority. Civil penalties imposed and collected by the division under this section shall be retained by the division.

Sec. 21. Section 123.39, subsections 2 and 3, Code 2018, are amended to read as follows:

2. Local authorities may suspend any ~~retail wine or beer permit or~~ liquor control license or retail wine or beer permit for a violation of any ordinance or regulation adopted by the local authority. Local authorities may adopt ordinances or regulations for the location of the premises of ~~retail wine or beer and~~ liquor control licensed and retail wine or beer permitted establishments and local authorities may adopt ordinances, not in conflict with this chapter

and that do not diminish the hours during which ~~beer, wine, or~~ alcoholic beverages may be sold or consumed at retail, governing any other activities or matters which may affect the retail sale and consumption of ~~beer, wine, and alcoholic liquor~~ beverages and the health, welfare and morals of the community involved.

3. When a liquor control license or retail wine or beer permit is suspended after a hearing as a result of violations of this chapter by the licensee, permittee or the licensee's or permittee's agents or employees, the premises which were licensed by the license or permit shall not be relicensed for a new applicant until the suspension has terminated or time of suspension has elapsed, or ninety days have elapsed since the commencement of the suspension, whichever occurs first. However, this section does not prohibit the premises from being relicensed to a new applicant before the suspension has terminated or before the time of suspension has elapsed or before ninety days have elapsed from the commencement of the suspension, if the premises prior to the time of the suspension had been purchased under contract, and the vendor under that contract had exercised the person's rights under chapter 656 and sold the property to a different person who is not related to the previous licensee or permittee by marriage or within the third degree of consanguinity or affinity and if the previous licensee or permittee does not have a financial interest in the business of the new applicant.

Sec. 22. Section 123.41, subsection 2, Code 2018, is amended to read as follows:

2. As a condition precedent to the approval and granting of a manufacturer's license, an applicant shall file with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and a statement under oath with the division that the applicant is a bona fide manufacturer of alcoholic liquors, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

Sec. 23. Section 123.42, subsection 1, Code 2018, is amended to read as follows:

1. Prior to representing or promoting a ~~distiller's~~ alcoholic liquor products in the state, the broker shall submit an application to the division electronically, or in a manner prescribed by the administrator, for a broker's permit. The administrator may in accordance with this chapter issue a broker's permit which shall be valid for one year from the date of issuance unless it is sooner suspended or revoked for a violation of this chapter. ~~A broker's permit is valid throughout the state, and a broker who represents more than one distiller is required to obtain only one broker's permit.~~

Sec. 24. Section 123.42, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. At the time of applying for a broker's permit, each applicant shall submit to the division a list of names and addresses of all manufacturers, distillers, and importers whom the applicant has been appointed to represent in the state of Iowa for any purpose. The listing shall be amended by the broker as necessary to keep the listing current with the division.

NEW SUBSECTION. 1B. A broker's permit is valid throughout the state, and a broker who represents more than one certificate or license holder is required to obtain only one broker's permit.

Sec. 25. Section 123.42, subsection 4, Code 2018, is amended to read as follows:

4. The holder of a distiller's certificate of compliance, a manufacturer's license, or a class "A" native distilled spirits license is not required to appoint a broker to represent its alcoholic liquor products in the state. ~~If the holder of a distiller's certificate of compliance appoints a broker to represent its alcoholic liquor products in the state, the name and address of the broker shall be disclosed on the distiller's application for a certificate of compliance, and the requirements in this section shall apply to the appointed broker.~~

Sec. 26. Section 123.43, subsection 2, paragraph d, Code 2018, is amended to read as follows:

d. That the applicant ~~is a bona fide manufacturer of alcoholic liquors~~ has filed with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United

States department of the treasury, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

Sec. 27. Section 123.44, Code 2018, is amended to read as follows:

123.44 Gift of liquors Gifts prohibited.

A manufacturer or broker shall not give away alcoholic liquor at any time in connection with the manufacturer's or broker's business except for testing or sampling purposes only. A manufacturer, distiller, vintner, brewer, broker, wholesaler, or importer, organized as a corporation pursuant to the laws of this state or any other state, who deals in alcoholic liquor, ~~wine, or beer~~ beverages subject to regulation under this chapter shall not offer or give anything of value to a commission member, official or employee of the division, or directly or indirectly contribute in any manner any money or thing of value to a person seeking a public or appointive office or a recognized political party or a group of persons seeking to become a recognized political party.

Sec. 28. Section 123.47, subsection 1, Code 2018, is amended to read as follows:

1. A person shall not sell, give, or otherwise supply any alcoholic liquor, ~~wine, or beer~~ beverage to any person knowing or having reasonable cause to believe that person to be under legal age.

Sec. 29. Section 123.47, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. Except for the purposes described in subsection 3, a person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises, shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic liquor, ~~wine, or beer~~ beverage.

Sec. 30. Section 123.47, subsection 2, paragraph c, subparagraph (2), Code 2018, is amended to read as follows:

(2) A person under legal age who consumes or possesses any alcoholic liquor, ~~wine, or beer~~ beverage in connection with a religious observance, ceremony, or rite.

Sec. 31. Section 123.47, subsection 3, Code 2018, is amended to read as follows:

3. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic liquor, ~~wine, or beer~~ beverages in their possession or control; except in the case of liquor, ~~wine, or beer~~ any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, ~~wine, and beer~~ during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this chapter.

Sec. 32. Section 123.47, subsection 4, paragraph a, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A person who is eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates this section regarding the purchase of, attempt to purchase, or consumption of any alcoholic liquor, ~~wine, or beer~~ beverage, or possessing or having control of any alcoholic liquor, ~~wine, or beer~~ beverage, commits the following:

Sec. 33. Section 123.47, subsections 5, 6, and 7, Code 2018, are amended to read as follows:

5. Except as otherwise provided in subsections 6 and 7, a person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic liquor, ~~wine, or beer~~ beverage to a person who is under legal age in violation of this section commits a serious misdemeanor punishable by a minimum fine of five hundred dollars.

6. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic liquor, wine, or beer beverage to a person who is under legal age in violation of this section which results in serious injury to any person commits an aggravated misdemeanor.

7. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic liquor, wine, or beer beverage to a person who is under legal age in violation of this section which results in the death of any person commits a class "D" felony.

Sec. 34. Section 123.49, subsection 1, Code 2018, is amended to read as follows:

1. A person shall not sell, dispense, or give to an intoxicated person, or one simulating intoxication, any alcoholic ~~liquor, wine, or beer~~ beverage.

a. A person other than a person required to hold a license or permit under this chapter who dispenses or gives an alcoholic beverage, ~~wine, or beer~~ in violation of this subsection is not civilly liable to an injured person or the estate of a person for injuries inflicted on that person as a result of intoxication by the consumer of the alcoholic beverage, ~~wine, or beer~~.

b. The general assembly declares that this subsection shall be interpreted so that the holding of *Clark v. Mincks*, 364 N.W.2d 226 (Iowa 1985) is abrogated in favor of prior judicial interpretation finding the consumption of alcoholic beverages, ~~wine, or beer~~ rather than the serving of alcoholic beverages, ~~wine, or beer~~ as the proximate cause of injury inflicted upon another by an intoxicated person.

Sec. 35. Section 123.49, subsection 2, paragraphs c, f, h, i, and j, Code 2018, are amended to read as follows:

c. Sell alcoholic beverages, ~~wine, or beer~~ to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center.

f. Employ a person under eighteen years of age in the sale or serving of alcoholic ~~liquor, wine, or beer~~ beverages for consumption on the premises where sold.

h. Sell, give, or otherwise supply any alcoholic beverage, ~~wine, or beer~~ to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, ~~wine, or beer~~.

i. In the case of a retail ~~beer wine or wine beer~~ permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, ~~wine~~, or any other beverage in or about the permittee's place of business.

j. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit. However, the absence of security personnel on the licensed premises is insufficient, without additional evidence, to prove that criminal activity occurring on the licensed premises was knowingly permitted in violation of this paragraph "j". For purposes of this paragraph "j", "premises" includes parking lots and areas adjacent to the premises of a liquor control licensee or wine or beer permittee authorized to sell alcoholic beverages for consumption on the licensed premises and used by patrons of the liquor control licensee or wine or beer permittee.

Sec. 36. Section 123.49, subsections 3 and 4, Code 2018, are amended to read as follows:

3. A person under legal age shall not misrepresent the person's age for the purpose of purchasing or attempting to purchase any alcoholic beverage, ~~wine, or beer~~ from any liquor control licensee or wine or beer permittee. If any person under legal age misrepresents the person's age, and the licensee or permittee establishes that the licensee or permittee made reasonable inquiry to determine whether the prospective purchaser was over legal age, the licensee or permittee is not guilty of selling alcoholic ~~liquor, wine, or beer~~ beverages to a person under legal age.

4. No privilege of selling alcoholic ~~liquor, wine, or beer~~ beverages on Sunday as provided in section 123.36, subsection 6, and section 123.134, subsection 4, shall be granted to a club or other organization which places restrictions on admission or membership in the club or

organization on the basis of sex, race, religion, or national origin. However, the privilege may be granted to a club or organization which places restrictions on membership on the basis of sex, if the club or organization has an auxiliary organization open to persons of the other sex.

Sec. 37. Section 123.50, subsection 2, Code 2018, is amended to read as follows:

2. The conviction of any liquor control licensee, ~~or wine permittee~~, or beer permittee for a violation of any of the provisions of section 123.49, subject to subsection 3 of this section, is grounds for the suspension or revocation of the license or permit by the division or the local authority. However, if any liquor control licensee is convicted of any violation of section 123.49, subsection 2, paragraph “a”, “d”, or “e”, or any wine or beer permittee is convicted of a violation of section 123.49, subsection 2, paragraph “a” or “e”, the liquor control license, ~~or wine permit~~, or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license or permit holder shall be forfeited to the division.

Sec. 38. Section 123.50, subsection 3, unnumbered paragraph 1, Code 2018, is amended to read as follows:

If any liquor control licensee, wine ~~permittee~~, or beer permittee, or employee of a licensee or permittee is convicted or found in violation of section 123.49, subsection 2, paragraph “h”, the administrator or local authority shall, in addition to criminal penalties fixed for violations by this section, assess a civil penalty as follows:

Sec. 39. Section 123.50, subsection 5, Code 2018, is amended to read as follows:

5. If an employee of a liquor control licensee or wine or beer permittee violates section 123.49, subsection 2, paragraph “h”, the licensee or permittee shall not be assessed a penalty under subsection 3, and the violation shall be deemed not to be a violation of section 123.49, subsection 2, paragraph “h”, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 3, if the employee holds a valid certificate of completion of the alcohol compliance employee training program pursuant to section 123.50A at the time of the violation, and if the violation involves selling, giving, or otherwise supplying any alcoholic beverage, ~~wine, or beer~~ to a person between the ages of eighteen and twenty years of age. A violation involving a person under the age of eighteen years of age shall not qualify for the bar against assessment of a penalty pursuant to subsection 3, for a violation of section 123.49, subsection 2, paragraph “h”. A licensee or permittee may assert only once in a four-year period the bar under this subsection against assessment of a penalty pursuant to subsection 3, for a violation of section 123.49, subsection 2, paragraph “h”, that takes place at the same place of business location.

Sec. 40. Section 123.50A, subsection 1, Code 2018, is amended to read as follows:

1. If sufficient funding is appropriated, the division shall develop an alcohol compliance employee training program, not to exceed two hours in length for employees and prospective employees of licensees and permittees, to inform the employees about state ~~and federal liquor~~ laws and regulations regarding the sale of alcoholic liquor, wine, or beer beverages to persons under legal age, and compliance with and the importance of laws regarding the sale of alcoholic liquor, wine, or beer beverages to persons under legal age. In developing the alcohol compliance employee training program, the division may consult with stakeholders who have expertise in the laws and regulations regarding the sale of alcoholic liquor, wine, or beer beverages to persons under legal age.

Sec. 41. Section 123.56, subsections 2 and 3, Code 2018, are amended to read as follows:

2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class “A” or retail wine permittees or liquor control licensees as authorized by ~~the class “A” wine permit section 123.173 and section 123.177~~. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale, native wines may be tasted pursuant to the rules of the division on the premises where made, when no charge is made for the tasting.

3. A manufacturer of native wines may ship wine in closed containers to individual purchasers inside this state by obtaining a wine direct shipper ~~license~~ permit pursuant to section 123.187.

Sec. 42. Section 123.81, Code 2018, is amended to read as follows:

123.81 Forfeiture of bond.

If the owner of a property who has filed an abatement bond as provided in this chapter fails to abate the alcoholic liquor, wine, or beer nuisance on the premises covered by the bond, or fails to prevent the maintenance of any alcoholic liquor, wine, or beer nuisance on the premises at any time within a period of one year after entry of the abatement order, the court shall, after a hearing in which such fact is established, direct an entry of the violation of the terms of the owner's bond to be made on the record and the undertaking of the owner's bond shall be forfeited.

Sec. 43. Section 123.84, Code 2018, is amended to read as follows:

123.84 Judgment.

If the court after a hearing in an action filed pursuant to section 123.82 finds a an alcoholic liquor, wine, or beer nuisance has been maintained on the premises covered by the abatement bond and that alcoholic liquor, wine, or beer has been sold or kept for sale on the premises contrary to law within one year from the date of the giving of the bond, then the court shall order the forfeiture of the bond and enter judgment for the full amount of the bond against the principal and sureties on the bond. The lien on the real estate created pursuant to section 123.79 shall be decreed foreclosed and the court shall provide for a special and general execution for the enforcement of the decree and judgment.

Sec. 44. Section 123.91, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Any person who has been convicted, in a criminal action, in any court of record, of a violation of a provision of this chapter, a provision of the prior laws of this state relating to ~~intoxicating~~ alcoholic liquors, wine, or beer which was in force prior to the enactment of this chapter, or a provision of the laws of the United States or of any other state relating to ~~intoxicating~~ alcoholic liquors, wine, or beer, and who is thereafter convicted of a subsequent criminal offense against any provision of this chapter is guilty of the following offenses:

Sec. 45. Section 123.92, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. Any person who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for all damages actually sustained, severally or jointly, against any licensee or permittee, whether or not the license or permit was issued by the division or by the licensing authority of any other state, who sold and served any ~~beer, wine, or intoxicating liquor~~ alcoholic beverage to the intoxicated person when the licensee or permittee knew or should have known the person was intoxicated, or who sold to and served the person to a point where the licensee or permittee knew or should have known the person would become intoxicated.

Sec. 46. Section 123.92, subsection 2, paragraph c, Code 2018, is amended to read as follows:

c. The purpose of dramshop liability insurance is to provide protection for members of the public who experience damages as a result of licensees or permittees serving patrons ~~beer, wine, or intoxicating liquor~~ any alcoholic beverage to a point that reaches or exceeds the standard set forth in law for liability. Minimum coverage requirements for such insurance are not for the purpose of making the insurance affordable for all licensees or permittees regardless of claims experience. A dramshop liability insurance policy obtained by a licensee or permittee shall meet the minimum insurance coverage requirements as determined by the division and is a mandatory condition for holding a license or permit.

Sec. 47. Section 123.92, subsection 3, Code 2018, is amended to read as follows:

3. a. Notwithstanding section 123.49, subsection 1, any person who is injured in person or property or means of support by an intoxicated person who is under legal age or resulting from the intoxication of a person who is under legal age, has a right of action for all damages actually sustained, severally or jointly, against a person who is not a licensee or permittee and who dispensed or gave any ~~beer, wine, or intoxicating liquor~~ alcoholic beverage to the intoxicated underage person when the nonlicensee or nonpermittee who dispensed or gave the ~~beer, wine, or intoxicating liquor~~ alcoholic beverage to the underage person knew or should have known the underage person was intoxicated, or who dispensed or gave ~~beer, wine, or intoxicating liquor~~ ⁵ alcoholic beverage to the underage person to a point where the nonlicensee or nonpermittee knew or should have known that the underage person would become intoxicated.

b. If the injury was caused by an intoxicated person who is under legal age, a person who is not a licensee or permittee and who dispensed or gave ~~beer, wine, or intoxicating liquor~~ the alcoholic beverage to the underage person may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the underage person.

c. For purposes of this subsection, “dispensed” or “gave” means the act of physically presenting a receptacle containing ~~beer, wine, or intoxicating liquor~~ any alcoholic beverage to the underage person whose actions or intoxication results in the sustaining of damages by another person. However, a person who dispenses or gives ~~beer, wine, or intoxicating liquor~~ any alcoholic beverage to an underage person shall only be liable for any damages if the person knew or should have known that the underage person was under legal age.

Sec. 48. Section 123.98, Code 2018, is amended to read as follows:

123.98 Labeling shipments.

1. It shall be unlawful for any common carrier or for any person to transport or convey by any means, whether for compensation or not, within this state, any ~~intoxicating liquors alcoholic liquor, wine, or beer~~, unless the vessel or other package containing such ~~liquors alcoholic liquor, wine, or beer~~ shall be plainly and correctly identified, showing the quantity and kind of ~~liquors alcoholic liquor, wine, or beer~~ contained therein, the name of the party to whom they are to be delivered, and the name of the shipper, or unless such information is shown on a bill of lading or other document accompanying the shipment. No person shall be authorized to receive or keep such ~~liquors alcoholic liquor, wine, or beer~~ unless the same be marked or labeled as required by this section. The violation of any provision of this section by any common carrier, or any agent or employee of any carrier, or by any person, shall be punished under the provisions of this chapter.

2. ~~Liquors~~ Any alcoholic liquor, wine, or beer conveyed, carried, transported, or delivered in violation of this section, whether in the hands of the carrier or someone to whom they shall have been delivered, shall be subject to seizure and condemnation, as ~~liquors alcoholic liquor, wine, or beer~~ kept for illegal sale.

Sec. 49. Section 123.99, Code 2018, is amended to read as follows:

123.99 False statements.

If any person, for the purpose of procuring the shipment, transportation, or conveyance of any ~~intoxicating alcoholic liquor, wine, or beer~~ within this state, shall make to any person, company, corporation, or common carrier, or to any agent thereof, any false statements as to the character or contents of any box, barrel, or other vessel or package containing such alcoholic liquor, wine, or beer; or shall refuse to give correct and truthful information as to the contents of any such box, barrel, or other vessel or package so sought to be transported or conveyed; or shall falsely mark, brand, or label such box, barrel, or other vessel or package in order to conceal the fact that the same contains ~~intoxicating alcoholic liquor, wine, or beer~~; or shall by any device or concealment procure or attempt to procure the conveyance or transportation of such alcoholic liquor, wine, or beer as herein prohibited, the person shall be guilty of a simple misdemeanor.

⁵ See chapter 1172, §18 herein

Sec. 50. Section 123.100, Code 2018, is amended to read as follows:

123.100 Packages in transit.

Any peace officer of the county under process or warrant to the peace officer directed shall have the right to open any box, barrel, or other vessel or package for examination, if the peace officer has reasonable ground for believing that it contains intoxicating alcoholic liquor, wine, or beer, either before or while the same is being so transported or conveyed.

Sec. 51. Section 123.101, Code 2018, is amended to read as follows:

123.101 Record of shipments.

It shall be the duty of all common carriers, or corporations, or persons who shall for hire carry any intoxicating alcoholic liquor, wine, or beer into the state, or from one point to another within the state, for the purpose of delivery, and who shall deliver such intoxicating alcoholic liquor, wine, or beer to any person, company, or corporation, to maintain a proper record of the name of the consignor of each shipment of intoxicating alcoholic liquor, wine, or beer from where shipped, the date of arrival, the quantity and kind of intoxicating alcoholic liquor, wine, or beer, so far as disclosed by lettering on the package or by the carrier's records, and to whom and where consigned, and the date delivered.

Sec. 52. Section 123.103, Code 2018, is amended to read as follows:

123.103 Record and certification upon delivery.

The full name and residence or place of business of the consignee of a shipment billed in whole or in part as intoxicating alcoholic liquor, wine, or beer, shall be properly recorded at the time of delivery and the consignee shall certify that the intoxicating alcoholic liquor, wine, or beer is for the consignee's own lawful purposes.

Sec. 53. Section 123.104, Code 2018, is amended to read as follows:

123.104 Unlawful delivery.

It is a simple misdemeanor for any corporation, common carrier, person, or any agent or employee thereof:

1. To deliver any intoxicating alcoholic liquor, wine, or beer to any person other than to the consignee.
2. To deliver any intoxicating alcoholic liquor, wine, or beer without having the same properly recorded as provided in section 123.103.
3. To deliver any intoxicating alcoholic liquor, wine, or beer where there is reasonable ground to believe that such intoxicating alcoholic liquor, wine, or beer is intended for unlawful use.

Sec. 54. Section 123.106, Code 2018, is amended to read as follows:

123.106 Federal statutes.

The requirements of this chapter relative to the shipment and delivery of intoxicating alcoholic liquor, wine, or beer and the records to be kept thereof shall be construed in harmony with federal statutes relating to interstate commerce in such liquor, wine, or beer.

Sec. 55. Section 123.107, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. To set out exactly the kind or quantity of intoxicating alcoholic liquor, wine, or beer manufactured, sold, given in evasion of the statute, or kept for sale.

Sec. 56. Section 123.111, Code 2018, is amended to read as follows:

123.111 Purchaser as witness.

The person purchasing any intoxicating alcoholic liquor, wine, or beer sold in violation of this chapter shall in all cases be a competent witness to prove such sale.

Sec. 57. Section 123.115, Code 2018, is amended to read as follows:

123.115 Defense.

In any prosecution under this chapter for the unlawful transportation of intoxicating alcoholic liquor, wine, or beer it shall be a defense that the character and contents of the

shipment or thing transported were not known to the accused or to the accused's agent or employee.

Sec. 58. Section 123.116, Code 2018, is amended to read as follows:

123.116 Right to receive alcoholic liquor, wine, or beer.

The consignee of intoxicating alcoholic liquor, wine, or beer shall, on demand of the carrier transporting such alcoholic liquor, wine, or beer, furnish the carrier, at the place of delivery, with legal proof of the consignee's legal right to receive such alcoholic liquor, wine, or beer at the time of delivery, and until such proof is furnished the carrier shall be under no legal obligation to make delivery nor be liable for failure to deliver.

Sec. 59. Section 123.119, Code 2018, is amended to read as follows:

123.119 Evidence.

In all actions, civil or criminal, under the provisions of this chapter, the finding of intoxicating alcoholic liquors or of instruments or utensils used in the manufacture of intoxicating alcoholic liquors, or materials which are being used, or are intended to be used in the manufacture of intoxicating alcoholic liquors, in the possession of or under the control of any person, under and by authority of a search warrant or other process of law, and which shall have been finally adjudicated and declared forfeited by the court, shall be competent evidence of maintaining a nuisance or bootlegging, or of illegal transportation of intoxicating alcoholic liquors, as the case may be, by such person.

Sec. 60. Section 123.120, Code 2018, is amended to read as follows:

123.120 Attempt to destroy.

The destruction of or attempt to destroy any liquid by any person while in the presence of peace officers or while a property is being searched by a peace officer, shall be competent evidence that such liquid is intoxicating alcoholic liquor, wine, or beer and intended for unlawful purposes.

Sec. 61. Section 123.121, Code 2018, is amended to read as follows:

123.121 Venue.

1. In any prosecution under this chapter for the unlawful sale of alcoholic liquor, wine, or beer, including a sale of alcoholic liquor, wine, or beer which requires a shipment or delivery of the alcoholic liquor, wine, or beer, shall be deemed to be made in the county in which the delivery is made by the carrier to the consignee, or the consignee's agent or employee.

2. In any prosecution under this chapter for the unlawful transportation of intoxicating alcoholic liquor, wine, or beer, the offense shall be held to have been committed in any county in which such alcoholic liquor, wine, or beer is received for transportation, through which it is transported, or in which it is delivered.

Sec. 62. Section 123.127, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Od.* That the applicant has filed with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of beer.

Sec. 63. Section 123.130, subsection 3, Code 2018, is amended to read as follows:

3. All special class "A" premises shall be located within the state. A person who holds a special class "A" beer permit for the same location at which the person holds a class "C" liquor control license or class "B" beer permit for the purpose of operating as a brewpub may manufacture and sell beer to be consumed on the premises, may sell at retail at the manufacturing premises for consumption off the premises beer that is transferred at the time of sale to another container subject to the requirements of section 123.131, subsection 2, may sell beer to a class "A" beer permittee for resale purposes, and may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale. The permit issued to holders of a special class "A" beer permit shall clearly state on its face that the permit is limited.

Sec. 64. Section 123.131, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 5. A person holding a class “B” beer permit may also hold a special class “A” beer permit for the premises licensed under a class “B” beer permit for the purpose of operating as a brewpub pursuant to this chapter.

Sec. 65. Section 123.139, Code 2018, is amended to read as follows:

123.139 Separate locations — class “A” or special class “A” beer permit.

A class “A” or special class “A” beer permittee having more than one place of business is required to have a separate beer permit for each separate place of business maintained by the permittee where beer is manufactured, stored, warehoused, or sold.

Sec. 66. Section 123.173, subsections 2 and 4, Code 2018, are amended to read as follows:

2. A class “A” wine permit allows the holder to manufacture and sell, or sell at wholesale, in this state, wine. The holder of a class “A” wine permit may manufacture in this state wine having an alcoholic content greater than seventeen percent by weight or twenty-one and twenty-five hundredths percent of alcohol by volume for shipment outside this state. All class “A” premises shall be located within the state. A class “B” or class “B” native wine permit allows the holder to sell wine at retail for consumption off the premises. A class “B” or class “B” native wine permittee who also holds a class “E” liquor control license may sell wine to class “A”, class “B”, class “C”, ~~and special class “C”, and class “D”~~ liquor control licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same liquor control licensee in a twenty-four-hour period. A class “B” or class “B” native wine permittee shall not sell wine to other class “B” or class “B” native wine permittees. A class “C” native wine permit allows the holder to sell native wine for consumption on or off the premises.

4. When a class “B” or class “B” native wine permittee who also holds a class “E” liquor control license sells wine to a ~~class “A”, class “B”, or class “C”~~ liquor control licensee, the liquor control licensee shall sign a report attesting to the purchase. The class “B” or class “B” native wine permittee who also holds a class “E” liquor control license shall submit a report to the division electronically, or in a manner prescribed by the administrator, not later than the tenth of each month stating each sale of wine to ~~class “A”, class “B”, and class “C”~~ liquor control licensees during the preceding month, the date of each sale, and the brands and numbers of bottles with each sale. A class “B” permittee who holds a class “E” liquor control license may sell to class “A”, class “B”, or class “C” liquor control licensees only if the licensed premises of the liquor control licensee is located within the geographic territory of the class “A” wine permittee from which the wine was originally purchased by the class “B” or class “B” native wine permittee.

Sec. 67. Section 123.175, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0d.* That, in the case of a class “A” wine permit, the applicant has filed with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all the laws, rules, and regulations governing the manufacture and sale of wine.

Sec. 68. Section 123.177, subsection 1, Code 2018, is amended to read as follows:

1. A person holding a class “A” wine permit may manufacture and sell, or sell at wholesale, wine for consumption off the premises. Sales within the state may be made only to persons holding a class “A” or “B” wine permit and to persons holding a retail liquor control license. However, if the person holding the class “A” permit is a manufacturer of native wine, the person may sell only native wine to a person holding a retail wine permit or a retail liquor control license. A class “A” wine permittee having more than one place of business shall obtain a separate permit for each place of business where wine is to be manufactured, stored, warehoused, or sold.

Sec. 69. Section 123.181, subsection 2, Code 2018, is amended to read as follows:

2. A class “A” wine permittee shall not sell wine on credit to a retail liquor licensee or wine permittee for a period exceeding thirty days from date of delivery.

Sec. 70. Section 123.186, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 3. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of a rule adopted pursuant to this section is guilty of a violation of this section. A violation of this section shall subject the licensee or permittee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the license or permit pursuant to section 123.39.

Sec. 71. Section 123.187, Code 2018, is amended to read as follows:

123.187 Direct shipment of wine — licenses permits and requirements.

1. A wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state or another state may apply for a wine direct shipper ~~license~~ permit, as provided in this section. For the purposes of this section, a “*wine manufacturer*” means a person who processes the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines.

2. a. Only a wine manufacturer that holds a wine direct shipper permit issued pursuant to this section shall sell wine at retail for direct shipment to any person within this state. This section shall not prohibit an authorized retail licensee or permittee from delivering wine pursuant to section 123.46A.

~~a. b. The administrator shall issue~~ A wine manufacturer applying for a wine direct shipper license to a wine manufacturer who submits permit shall submit an application for the license permit electronically, or in a manner prescribed by the administrator, accompanied by a true copy of the manufacturer’s current alcoholic beverage license or permit issued by the state where the manufacturer is primarily located and a copy of the manufacturer’s winery license basic permit issued by the federal alcohol and tobacco tax and trade bureau of the United States department of the treasury.

~~b. c.~~ An application submitted pursuant to paragraph “a” “b” shall be accompanied by a license permit fee in the amount of twenty-five dollars.

~~e. d.~~ An application submitted pursuant to paragraph “a” shall also be accompanied by a bond in the amount of five thousand dollars in the form prescribed and furnished by the division with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter. However, a wine manufacturer that has submitted a bond pursuant to section 123.175, subsection 2, paragraph “f”, shall not be required to provide a bond as provided in this paragraph.

~~d. e.~~ A license permit issued pursuant to this section may be renewed annually by resubmitting the information required in paragraph “a” submitting a renewal application with the administrator in a manner prescribed by the administrator, accompanied by the twenty-five dollar license permit fee.

3. The direct shipment of wine pursuant to this section shall be subject to the following requirements and restrictions:

a. Wine ~~may shall~~ only be shipped by ~~a wine direct shipper licensee~~ to a resident of this state who is at least twenty-one years of age, for the resident’s personal use and consumption and not for resale.

b. Wine subject to direct shipping shall be properly registered with the federal alcohol and tobacco tax and trade bureau, and fermented on the winery premises of the wine direct shipper ~~licensee~~ permittee.

c. All containers of wine shipped directly to a resident of this state shall be conspicuously labeled with the words “CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY” or shall be conspicuously labeled with alternative wording preapproved by the administrator.

d. All containers of wine shipped directly to a resident of this state shall be shipped by ~~an alcohol carrier licensed~~ a holder of a wine carrier permit as provided in subsection 6.

e. Shipment of wine pursuant to this subsection does not require a refund value for beverage container control purposes under chapter 455C.

4. ~~a. In addition to the annual license fee, a~~ A wine direct shipper licensee permittee shall remit to the division an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in section 123.183 for deposit as provided in section 123.183, subsections 2 and 3. The amount shall be remitted at the time and in the manner

provided in section 123.184, subsection 2, and the ten percent penalty specified therein shall be applicable.

~~b. Shipment of wine pursuant to this subsection does not require a refund value for beverage container control purposes under chapter 455C.~~

5. A wine direct shipper licensee permittee shall be deemed to have consented to the jurisdiction of the division or any other agency or court in this state concerning enforcement of this section and any related laws, rules, or regulations. A licensee permit holder shall permit allow the division to perform an audit of shipping records upon request.

6. a. ~~Wine subject to direct shipment within this state pursuant to this section shall be delivered only by a carrier having obtained from the division an alcohol carrier license. An alcohol carrier license shall be issued upon payment of holder of a wine carrier permit as provided in this subsection.~~

~~b. A person applying for a wine carrier permit shall submit an application for the permit electronically, or in a manner prescribed by the administrator.~~

~~c. An application for a wine carrier permit shall be accompanied by a one hundred dollar license permit fee, and shall be subject to requirements, and issued pursuant to application forms, to be determined by the administrator by rule.~~

~~b. d. An alcohol A wine carrier licensee permittee shall not deliver wine to any person under twenty-one years of age, or to any person who either is or appears to be in an intoxicated state or condition. A licensee permittee shall obtain valid proof of identity and age prior to delivery, and shall obtain the signature of an adult as a condition of delivery.~~

~~e. e. An alcohol A wine carrier licensee permittee shall maintain records of wine shipped which include the license permit number and name of the wine manufacturer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of signature from the recipient of the wine. Records shall be submitted to the division on a monthly basis in a form and manner to be determined by the division by rule.~~

7. A violation of this section shall subject a licensee the permittee to the penalty provisions of general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the permit pursuant to section 123.39.

Approved April 2, 2018

CHAPTER 1061

STATE OFFICIALS AND EMPLOYEES — FOREIGN AGENT REGISTRATION

S.F. 2323

AN ACT relating to prohibitions and disclosure requirements concerning outside employment or activities requiring registration as a foreign agent and making penalties applicable.

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

Section 1. Section 2.32, subsection 9, Code 2018, is amended to read as follows:

9. A person whose appointment is subject to senate confirmation shall make available to the senate committee to which the appointment is referred, upon the committee's request, a notarized statement that the person has filed federal and state income tax returns for the three years immediately preceding the appointment, or a notarized statement of the legal reason for failure to file. In addition, a person whose appointment is subject to senate confirmation shall make available to the senate committee to which the appointment is referred a notarized statement on whether the person has filed a registration statement pursuant to the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq. If the appointment is to a board, commission, council, or other body empowered to take disciplinary action, all complaints and statements of charges, settlement agreements,

findings of fact, and orders pertaining to any disciplinary action taken by that board, commission, council, or body in a contested case against the person whose appointment is being reviewed by the senate shall be made available to the senate committee to which the appointment is referred upon its request.

Sec. 2. **NEW SECTION. 7E.8 Members of boards, committees, commissions, and councils — disclosure requirements.**

A member of any board, committee, commission, or council who was subject to senate confirmation pursuant to section 2.32 shall disclose to the appointing authority for that board, committee, commission, or council if the member has filed subsequent to senate confirmation a registration statement pursuant to the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq.

Sec. 3. **NEW SECTION. 8A.403 Hiring procedures — nonmerit system positions.**

The department shall establish, by rule, procedures providing for the hiring of employees by a state agency to positions that are not covered by the merit system. The procedures shall require that an applicant for employment to a position that is not covered by the merit system disclose, in writing, whether the applicant has filed a registration statement pursuant to the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq.

Sec. 4. **NEW SECTION. 8A.404 State employees — disclosure requirements.**

An employee of a state agency shall disclose to the hiring authority for that employee if the employee has filed subsequent to hire a registration statement pursuant to the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq.

Sec. 5. **NEW SECTION. 8A.405 Foreign agent registration disclosures — penalty.**

A person who willfully violates section 8A.403, section 8A.404, or section 8A.413, subsection 5A, or rules adopted pursuant to these provisions, is guilty of a serious misdemeanor.

Sec. 6. Section 8A.413, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. For an applicant for employment in the executive branch to disclose in the application for employment whether the applicant has filed a registration statement pursuant to the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq.

Sec. 7. **NEW SECTION. 68B.2C Prohibited outside employment and activities — agents of foreign principals.**

Officials and state employees shall not engage in any outside employment or activity that requires the person to register under the federal Foreign Agents Registration Act, 22 U.S.C. §611 et seq., as amended.¹

Approved April 2, 2018

¹ See chapter 1172, §16 herein

CHAPTER 1062**HOSPITALS — LICENSING — CONVERSION REQUIREMENTS***S.F. 2334*

AN ACT relating to the regulation of hospitals, including the issuance of licenses and the conversion of hospitals.

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

Section 1. Section 135B.5, subsection 1, Code 2018, is amended to read as follows:

1. Upon receipt of an application for license and the license fee, the department shall issue a license if the applicant and hospital facilities comply with this chapter, chapter 135, and the rules of the department. Each licensee shall receive annual reapproval upon payment of five hundred dollars and upon filing of an application form which is available from the department. The annual licensure fee shall be dedicated to support and provide educational programs on regulatory issues for hospitals licensed under this chapter in consultation with the hospital licensing board. Licenses shall be either general or restricted in form. Each license shall be issued only for the premises and persons or governmental units named in the application and is not transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by rule of the department.

Sec. 2. NEW SECTION. 135B.5A Conversion of a hospital.

A conversion of a long-term acute care hospital, rehabilitation hospital, or psychiatric hospital as defined by federal regulations to a general hospital or to a specialty hospital of a different type is a permanent change in bed capacity and shall require a certificate of need pursuant to section 135.63.

Approved April 2, 2018

CHAPTER 1063**ASSOCIATION OR AGRICULTURAL ORGANIZATION HEALTH BENEFIT PLANS***S.F. 2349*

AN ACT relating to health plans established by associations of employers or sponsored by certain agricultural organizations.

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

Section 1. NEW SECTION. 505.20 Certain agricultural organizations exempt from regulation.

1. A health benefit plan, sponsored by a nonprofit agricultural organization domiciled in this state and created primarily to promote programs for the development of rural communities and the economic stability and sustainability of farmers in the state which meets the requirements set forth in subsection 2, shall be deemed to not be insurance and shall not be subject to the provisions of Title XIII, subtitle 1, to the extent such plan, after January 1, 2018, provides health benefits under a self-funded arrangement that is administered by a domestic entity that is registered as a third-party administrator pursuant to chapter 510 and that has continuously provided, either directly or through an affiliate, health care administrative services to the nonprofit agricultural organization or its affiliates for a period in excess of ten years.

2. A nonprofit agricultural organization providing a health benefit plan to its members under this section must meet all of the following requirements:

- a. Have been in existence for twenty-five continuous years prior to the issuance of health benefits to members of the organization.
 - b. Provide membership opportunities for eligible individuals in all ninety-nine counties of the state.
 - c. Collect annual dues from members.
 - d. Hold regular meetings to further the purposes of the members.
 - e. Provide the members with representation on its governing board and committees.
 - f. Provide education, mentoring, and financial assistance to grow and expand rural businesses in the state.
 - g. Have contracted with the domestic entity described in subsection 1 to administer the health benefit plan.
3. Such nonprofit agricultural organization shall file a certification with the commissioner that the organization meets the foregoing requirements prior to providing health benefits under a self-funded arrangement to its members.

Sec. 2. Section 507A.4, subsection 9, Code 2018, is amended to read as follows:

9. a. Transactions involving a multiple employer welfare arrangement, as defined in section 3 of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. §1002, paragraph 40, if the multiple employer welfare arrangement meets all of the following conditions:

(1) The arrangement is administered by an authorized insurer or an authorized third-party administrator.

~~(2) The arrangement has been in existence and provided health insurance in Iowa for at least five years prior to July 1, 1997.~~

~~(3) (2) The arrangement was is established by a trade, industry, or professional association of employers that has a constitution or bylaws, and has been is organized and maintained in good faith for at least ten continuous years prior to July 1, 1997 with membership stability as defined by rules adopted by the commissioner.~~

~~(4) (3) The arrangement registers with and obtains and maintains a certificate of registration issued by the commissioner of insurance.~~

~~(5) (4) The arrangement is subject to the jurisdiction of the commissioner of insurance, including regulatory oversight and complies with all rules and solvency standards as established by rules adopted by the commissioner of insurance pursuant to chapter 17A.~~

b. A multiple employer welfare arrangement registered with the commissioner of insurance that does not meet the solvency standards requirements established by rule adopted by the commissioner of insurance is pursuant to chapter 17A shall be subject to chapter 507C.

c. A multiple employer welfare arrangement that meets all of the conditions of paragraph "a" shall not be considered any of the following:

(1) An insurance company or association of any kind or character under section 432.1.

(2) A member of the Iowa individual health benefit reinsurance association under section 513C.10.

(3) A member insurer of the Iowa life and health insurance guaranty association under section 508C.5, subsection 12.

d. A multiple employer welfare arrangement registered with the commissioner of insurance shall file with the commissioner of insurance on or before March 1 of each year a copy of the report required to be filed by the multiple employer welfare arrangement with the United States department of labor pursuant to 29 C.F.R. §2520.101-2. A newly formed multiple employer welfare arrangement shall file with the commissioner a copy of the report required to be filed pursuant to 29 C.F.R. §2520.101-2 by a newly formed multiple employer welfare arrangement with the United States department of labor thirty days prior to operating in any state. The copy shall be filed with the commissioner within thirty calendar days of the date that the multiple employer welfare arrangement files the report with the United States department of labor.

e. ~~When not otherwise provided, a~~ A foreign or domestic multiple employer welfare arrangement doing business in this state shall pay to the commissioner of insurance the fees as required in pursuant to section 511.24 unless otherwise provided by law.

Sec. 3. Section 509.1, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 8A. A policy of group health insurance coverage issued to an associated health plan pursuant to section 513D.1 that is subject to regulation by the commissioner.

Sec. 4. Section 509.1, subsection 9, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A policy issued to a resident of this state under a group life, accident, or health insurance policy issued to a group other than one described in subsections 1 through 8 8A, subject to the following requirements:

Sec. 5. NEW SECTION. 513D.1 Association health plans.

The commissioner shall adopt rules that allow for the creation of association health plans that are consistent with the United States department of labor's regulations in 29 C.F.R. pt. 2510.¹

Sec. 6. NEW SECTION. 513D.2 Rules and enforcement.

1. The commissioner shall adopt rules, as necessary, pursuant to chapter 17A to administer this chapter.

2. The commissioner may take any enforcement action under the commissioner's authority to enforce compliance with this chapter.

Sec. 7. EMERGENCY RULES. The commissioner may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to administer the provisions of this Act. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Approved April 2, 2018

CHAPTER 1064

DEPARTMENT OF VETERANS AFFAIRS — COMMISSION MEMBERSHIP — TRUST FUND EXPENDITURES

S.F. 2366

AN ACT concerning the department of veterans affairs relating to membership on the commission of veterans affairs and expenditures from the veterans trust fund.

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

Section 1. Section 35A.2, subsections 1 and 2, Code 2018, are amended to read as follows:

1. A commission of veterans affairs is created consisting of ~~nine~~ eleven persons who shall be appointed by the governor, subject to confirmation by the senate. Members shall be appointed to staggered terms of four years beginning and ending as provided in section 69.19. The governor shall fill a vacancy for the unexpired portion of the term. In addition to the members appointed by the governor, the director of the department and the commandant of the Iowa veterans home shall serve as nonvoting, ex officio members of the commission.

2. ~~Eight Ten~~ commissioners shall be honorably discharged members of the armed forces of the United States. The American legion of Iowa, disabled American veterans department of Iowa, veterans of foreign wars department of Iowa, American veterans of World War II, Korea, and Vietnam, the Vietnam veterans of America, and the military order of the purple heart, the paralyzed veterans of America, and the Iowa association of county commissioners

¹ See chapter 1172, §68 herein

and veteran service officers, through their department commanders, shall submit two names respectively from their organizations to the governor. The adjutant general and the Iowa affiliate of the reserve officers association shall submit names to the governor of persons to represent the Iowa national guard and the association. The governor shall appoint from the group of names submitted by the adjutant general and reserve officers association two representatives and from each of the other organizations one representative to serve as a member of the commission, unless the appointments would conflict with the bipartisan and gender balance provisions of sections 69.16 and 69.16A. In addition, the governor shall appoint one member of the public, knowledgeable in the general field of veterans affairs, to serve on the commission.

Sec. 2. Section 35A.13, subsection 3, Code 2018, is amended to read as follows:

3. Moneys credited to the trust fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section. Moneys in the trust fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the trust fund by the end of that fiscal year. Moneys in the trust fund may also be used for cemetery grant development purposes provided that any moneys so allocated, except for moneys used for department of administrative services expenditures related to the grant, are returned to the trust fund upon receipt of federal funds received for such purposes.

Sec. 3. Section 35A.13, subsection 4, paragraph a, Code 2018, is amended to read as follows:

a. The minimum balance of the trust fund required prior to expenditure of moneys from the trust fund is five million dollars. Once the minimum balance is reached, the interest and earnings on the fund and the first ~~three~~ five hundred thousand dollars transferred each fiscal year pursuant to section 99G.39 from the lottery fund to the trust fund are appropriated to the commission to be used to achieve the purposes of subsection 6 of this section. Moneys appropriated to the commission that remain unobligated or unexpended at the end of each fiscal year shall revert to the trust fund. It is the intent of the general assembly that the balance in the trust fund reach fifty million dollars.

Sec. 4. Section 35A.13, subsection 6, paragraph 1, Code 2018, is amended by striking the paragraph.

Sec. 5. Section 35A.13, subsection 6, Code 2018, is amended by adding the following new paragraphs:

NEW PARAGRAPH. o. Rental housing assistance for veterans who meet the definition of homeless, as set out in 42 U.S.C. §11302, for payment of rental application fees needed for obtaining rental housing.

NEW PARAGRAPH. p. Monetary assistance on a one-time basis per recipient to be used to prevent homelessness in an amount not to exceed one thousand dollars per recipient.

Approved April 2, 2018

CHAPTER 1065

STATE TRANSPORTATION COMMISSION MEMBERSHIP TERMS

H.F. 2195

AN ACT relating to members of the state transportation commission, and including effective date and retroactive applicability provisions.

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

Section 1. Section 69.19, Code 2018, is amended to read as follows:

69.19 Terms of appointments confirmed by the senate.

All terms of office of positions which are appointed by the governor, have a fixed term, and are subject to confirmation by the senate shall begin at 12:01 a.m. on May 1 in the year of appointment and expire at 12:00 midnight on April 30 in the year of expiration, except terms of office of members of the state transportation commission shall begin and expire as provided in section 307A.1A, subsection 1.

Sec. 2. Section 307A.1A, Code 2018, is amended to read as follows:

307A.1A Transportation commission.

1. There is created a state transportation commission which shall consist of seven members, not more than four of whom shall be from the same political party. The governor shall appoint the members of the state transportation commission for a term of four years beginning at 12:01 a.m. on July 1 in the year of appointment and ~~ending as provided by section 69.19 expiring at 12:00 midnight on June 30 in the year of expiration,~~ subject to confirmation by the senate.

2. The commission shall meet in ~~May~~ July of each year for the purpose of electing one of its members as chairperson.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. RETROACTIVE APPLICABILITY. This Act applies retroactively to members of the state transportation commission appointed by the governor and confirmed by the senate on or after January 1, 2018. The term of office of any current member of the state transportation commission appointed by the governor and confirmed by the senate prior to January 1, 2018, shall be extended from 12:00 midnight on April 30 to 12:00 midnight on June 30 in the year of expiration of the member's term of office.

Approved April 2, 2018

CHAPTER 1066

REGULATED PROFESSIONS — PERMISSIBLE BUSINESS ENTITY ARRANGEMENTS

H.F. 2300

AN ACT relating to the practice of certain professions and limited liability companies and professional corporations and including effective date provisions.

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

Section 1. Section 489.1101, subsection 4, Code 2018, is amended to read as follows:

4. "*Profession*" means the profession of certified public accountancy, architecture, chiropractic, dentistry, physical therapy, practice as a physician assistant, psychology, professional engineering, land surveying, landscape architecture, law, medicine and surgery, optometry, osteopathic medicine and surgery, accounting practitioner, podiatry, real estate brokerage, speech pathology, audiology, veterinary medicine, pharmacy, nursing, ~~or marital and family therapy,~~ or mental health counseling, provided that the marital and family therapist or mental health counselor is licensed under chapters 147 and 154D, or social work, provided that the social worker is licensed pursuant to chapter 147 and section 154C.3, subsection 1, paragraph "c".

Sec. 2. Section 489.1102, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For purposes of this section, marital and family therapy, mental health counseling, psychology, and social work shall be deemed to be professions which could lawfully be practiced in combination by licensed individuals or a partnership of licensed individuals.

Sec. 3. Section 496C.2, subsection 4, Code 2018, is amended to read as follows:

4. “*Profession*” means the profession of certified public accountancy, architecture, chiropractic, dentistry, physical therapy, practice as a physician assistant, psychology, marital and family therapy or mental health counseling, provided that the marital and family therapist or mental health counselor is licensed under chapters 147 and 154D, social work, provided that the social worker is licensed pursuant to chapter 147 and section 154C.3, subsection 1, paragraph “c”, professional engineering, land surveying, landscape architecture, law, medicine and surgery, optometry, osteopathic medicine and surgery, accounting practitioner, podiatry, real estate brokerage, speech pathology, audiology, veterinary medicine, pharmacy, and the practice of nursing.

Sec. 4. Section 496C.4, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For purposes of this section, marital and family therapy, mental health counseling, psychology, and social work shall be deemed to be professions which could lawfully be practiced in combination by licensed individuals or a partnership of licensed individuals.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 2, 2018

CHAPTER 1067

FUTURE READY IOWA ACT

H.F. 2458

AN ACT creating a future ready Iowa Act to strengthen workforce development by establishing a registered apprenticeship development program, a volunteer mentoring program, a summer youth intern program, summer postsecondary courses for high school students that are aligned with high-demand career pathways, an employer innovation fund, and future ready Iowa skilled workforce scholarship and grant programs and funds, and including effective date provisions.

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

DIVISION I TITLE OF ACT

Section 1. TITLE OF ACT. This Act shall be known and may be cited as the “Future Ready Iowa Act”.

DIVISION II
ECONOMIC DEVELOPMENT AUTHORITY — FUTURE READY IOWA REGISTERED
APPRENTICESHIP DEVELOPMENT PROGRAM

Sec. 2. Section 15.106A, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. That through this section and section 15.106B, the authority has been granted broad general powers and specific program powers over all of the authority's statutory programs, including but not limited to the programs created pursuant to chapters 15, 15A, 15B, 15C, 15E, and 15J.

Sec. 3. Section 15B.4, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An apprenticeship sponsor receiving financial assistance under this chapter is ineligible for financial assistance under section 15C.1 during the same fiscal year.

Sec. 4. **NEW SECTION. 15C.1 Future ready Iowa registered apprenticeship development program.**

1. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. "*Applicant*" means a new or existing apprenticeship sponsor located in Iowa that has established an apprenticeship program involving an eligible apprenticeable occupation that is located in Iowa and approved by the United States department of labor, office of apprenticeship.

b. "*Apprentice*" means a person who is at least sixteen years of age, except where a higher minimum age is required by law, who is employed in an apprenticeable occupation, and is registered in Iowa with the United States department of labor, office of apprenticeship.

c. "*Apprenticeable occupation*" means an occupation approved for apprenticeship by the United States department of labor, office of apprenticeship.

d. "*Apprenticeship program*" means a program registered with the United States department of labor, office of apprenticeship, which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

e. "*Apprenticeship sponsor*" means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which is registered with or approved by the United States department of labor, office of apprenticeship.

f. "*Authority*" means the economic development authority created in section 15.105.

g. "*Eligible apprenticeable occupation*" means an apprenticeable occupation identified by the workforce development board or a community college pursuant to section 84A.1B, subsection 13A, as a high-demand job, after consultation with the authority.

h. "*Financial assistance*" means assistance provided only from the funds, rights, and assets legally available to the authority and includes but is not limited to assistance in the form of a reimbursement grant to support the costs associated with establishing a new eligible apprenticeable occupation or an additional eligible apprenticeable occupation in an applicant's apprenticeship program.

2. *Program created.* Subject to an appropriation of funds by the general assembly for this purpose, a future ready Iowa registered apprenticeship development program is created which shall be administered by the authority. The purpose of the program is to provide financial assistance to incentivize small and medium-sized apprenticeship sponsors to establish new or additional eligible apprenticeable occupations in the apprenticeship sponsor's apprenticeship program in order to support the growth of apprenticeship programs and expand high-quality work-based learning experiences in high-demand fields and careers for persons who are employed in eligible apprenticeable occupations in Iowa.

3. *Application requirements — restriction.* An apprenticeship sponsor may apply to the authority, on forms provided by the authority and in accordance with the authority's instructions, to receive financial assistance under the program. The authority shall provide upon request and on the authority's internet site information about the program, the application, application instructions, and the application period established each year for

funding available under the program. The application shall include a description of how the financial assistance awarded under this section would be used to establish an apprenticeship program or add new or additional apprenticeable occupations to the apprenticeship sponsor's apprenticeship program and the anticipated program expenses identified by the applicant.

a. An apprenticeship sponsor is eligible to apply for financial assistance for a new or additional eligible apprenticeable occupation, in addition to existing apprenticeship occupations in the apprenticeship sponsor's apprenticeship program, if all of the following conditions are met:

(1) Twenty or fewer apprentices are registered in the existing apprenticeship program as of December 31 of the calendar year prior to the date the authority receives the apprenticeship sponsor's application.

(2) More than seventy percent of the applicant's apprentices shall be residents of Iowa, and the remainder of the applicant's apprentices shall be residents of states contiguous to Iowa. In determining the number of apprentices in an applicant's apprenticeship program, the authority may calculate the average number of apprentices in the program within the most recent two-year period.

b. An apprenticeship sponsor receiving financial assistance under chapter 15B is ineligible for financial assistance under this section during the same fiscal year.

4. *Rules.* The authority shall adopt rules pursuant to chapter 17A establishing a staff review and application approval process, application scoring criteria, the minimum score necessary for approval of financial assistance, procedures for notification of an award of financial assistance, the terms of agreement between the apprenticeship sponsor and the authority, and any other rules deemed necessary for the implementation and administration of this section.

5. *Agreement.* Prior to distributing financial assistance under this section, the authority shall enter into an agreement with the apprenticeship sponsor awarded financial assistance in accordance with this section, and the financial assistance recipient shall confirm the expenses for establishing the program or adding the additional occupations as identified in the approved application, and shall meet all terms established by the authority for receipt of financial assistance under this section.

6. *Use of moneys appropriated — administration.*

a. The annual administrative expenditures as a percent of the moneys appropriated for a fiscal year for purposes of this section shall not exceed two percent.

b. Notwithstanding section 8.33, moneys appropriated to the authority by the general assembly for purposes of this section that remain unencumbered or unobligated at the end of the fiscal year shall not revert to the general fund but shall remain available for expenditure for the purposes designated in subsequent fiscal years.

DIVISION III

FUTURE READY IOWA — VARIOUS PROGRAMS

Sec. 5. Section 15H.1A, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 1A. "Commission" means the Iowa commission on volunteer service created in section 15H.2.

Sec. 6. NEW SECTION. **15H.9 Volunteer mentor program.**

1. Subject to an appropriation of funds by the general assembly for this purpose, the commission shall establish a volunteer mentor program to support implementation of the future ready Iowa skilled workforce last-dollar scholarship and the future ready Iowa skilled workforce grant programs created in sections 261.131 and 261.132. The commission, in collaboration with the department of workforce development and the college student aid commission, shall adopt rules pursuant to chapter 17A to implement and administer the volunteer mentor program, and shall establish standards, guidelines, and expectations for a productive and appropriate relationship between mentors and mentees, including helping students meet the future ready Iowa skilled workforce last-dollar scholarship program or future ready Iowa skilled workforce grant requirements, as appropriate; identify work-based

learning opportunities; and make career-related connections that are advantageous to persons participating in the volunteer mentor program.

2. The prospective volunteer mentor shall have successfully passed a background investigation conducted by the division of criminal investigation of the department of public safety and a check of the national sex offender registry.

3. The commission shall enter into written agreements with prospective mentors and mentees under the program. Under such an agreement, prospective mentors and mentees agree to abide by the standards, guidelines, and expectations established by the commission pursuant to subsection 1.

4. The commission, in collaboration with the department of workforce development and the college student aid commission, and in cooperation with an eligible institution as defined in section 261.131 or 261.132, as appropriate, shall assign a student, who is a recipient of a future ready Iowa skilled workforce last-dollar scholarship under section 261.131 or a future ready Iowa skilled workforce grant under section 261.132, who requests the assignment of a mentor, and who enters into an agreement under subsection 3, to a mentor appropriate to the prospective mentee's field of study whenever possible.

5. The commission shall maintain, and regularly update, a list of the mentor and mentee pairings and the dates of inception of the mentor and mentee pairings.

6. Notwithstanding section 8.33, moneys appropriated to the economic development authority for allocation to the commission for purposes of this section that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available to be used for the purposes designated in this section until the close of the succeeding fiscal year.

Sec. 7. Section 84A.1B, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 13A. Create, and update as necessary, a list of high-demand jobs statewide for purposes of the future ready Iowa registered apprenticeship development program created in section 15C.1, the summer youth intern pilot program established under section 84A.12, the Iowa employer innovation program established under section 84A.13, the future ready Iowa skilled workforce last-dollar scholarship program established under section 261.131, the future ready Iowa skilled workforce grant program established under section 261.132, and postsecondary summer classes for high school students as provided under section 261E.8, subsection 7A. In addition to the list created by the workforce development board under this subsection, each community college, in consultation with regional career and technical education planning partnerships, and with the approval of the board of directors of the community college, may identify and maintain a list of not more than five regional high-demand jobs in the community college region, and shall share the lists with the workforce development board. The lists submitted by community colleges under the subsection may be used in that community college region for purposes of programs identified under this subsection. The workforce development board shall have full discretion to select and prioritize statewide high-demand jobs after consulting with business and education stakeholders, as appropriate, and seeking public comment. For purposes of this subsection, "*high-demand job*" means a job in the state for which the board, or a community college in accordance with this subsection, determines work opportunities are available and qualified applicants are lacking.

NEW SUBSECTION. 13B. Compile an annual report, in an aggregate form to protect the confidentiality of each eligible program's participants, that includes the number of students receiving scholarships under section 261.131, the number of students receiving grants under section 261.132, the number of scholarship and grant recipients completing a program of study or major annually and in the prescribed time frame under sections 261.131 and 261.132, the number of eligible institutions participating in the scholarship and grant programs established under sections 261.131 and 261.132, the number of written agreements entered into by the volunteer mentor program under section 15H.9, statistics on employment outcomes for future ready Iowa skilled workforce last-dollar scholarship and future ready Iowa skilled workforce grant program participants by industry, and other data as may be deemed pertinent by the department or the college student aid commission. The

department shall submit the initial report by January 15, 2021, and by January 15 annually thereafter, to the governor and the general assembly.

Sec. 8. Section 84A.5, subsection 7, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0d.* The Iowa employer innovation program established under section 84A.13.

Sec. 9. Section 84A.6, subsection 4, Code 2018, is amended by striking the subsection.

Sec. 10. NEW SECTION. **84A.12 Summer youth intern pilot program.**

1. A summer youth intern pilot program is established within the department of workforce development to provide youths who are at risk of not graduating from high school, who are from low-income households, who are from communities underrepresented in the Iowa workforce, or who otherwise face barriers to success and upward mobility in the labor market, with internship opportunities that allow these youths to explore and prepare for high-demand careers, to gain work experience, and to develop personal attributes necessary to succeed in the workplace.

2. Subject to an appropriation of funds by the general assembly for this purpose, the department of workforce development shall award grants for summer youth intern pilot projects on a competitive basis as provided in this section. The department shall work with employers, nonprofit organizations, and educational institutions to place youth in internships primarily in high-demand career fields.

3. The department of workforce development shall annually issue a request for proposals to the public, specifying the expectations and requirements for summer youth intern pilot project grant qualification, including but not limited to the provision of facilities, programming, staffing, and outcomes.

4. The department of workforce development shall give full and fair consideration to each proposal submitted under subsection 3, and shall award grants after considering, at a minimum, the following:

- a. The bidder's history and experience in the community.
- b. The capacity to serve a substantial number of youth.
- c. The suitability of the available facilities.
- d. The bidder's contacts and partnerships in the community that can be leveraged to maximize opportunity for project participants.
- e. The capacity to provide employability skills, including but not limited to training relating to soft skills, financial literacy, and career development.

Sec. 11. NEW SECTION. **84A.13 Iowa employer innovation program — fund.**

1. For purposes of this section, "*high-demand job*" means a job identified by the workforce development board or a community college pursuant to section 84A.1B, subsection 13A, as a high-demand job.

2. Subject to an appropriation of funds by the general assembly for this purpose, the Iowa employer innovation program is established in the department of workforce development. The department shall administer the program in consultation with the workforce development board. The purpose of the Iowa employer innovation program is to expand opportunities for credit and noncredit education and training leading to high-demand jobs for the residents of Iowa and to encourage Iowa employers, community leaders, and others to provide leadership and support for regional workforce talent pools throughout the state.

3. The department of workforce development shall adopt rules under chapter 17A establishing a program application and award process to match employer moneys and the criteria for the allocation of moneys in the fund established pursuant to subsection 4. An employer, employer consortium, community organization, or other entity seeking matching moneys shall submit an application and a proposal to the department. In awarding matching moneys, the department shall take into account various factors, including but not limited to all of the following:

- a. The range of high-demand jobs, innovative measures, and geographic fairness and equity included in the proposal.

b. Whether the proposal increases the number of eligible students receiving financial assistance under the future ready Iowa skilled workforce last-dollar scholarship or future ready Iowa skilled workforce grant programs established under sections 261.131 and 261.132; or increases the donation of books, transportation, child care, and other wrap-around support to assist eligible students receiving financial assistance under section 261.131 or 261.132.

c. Whether the proposal includes performance-based bonuses paid when high school students earn national industry-recognized credentials aligned with high-demand jobs that meet regional workforce needs.

d. Whether the proposal expands internships leading to high-demand jobs.

e. Whether the proposal offers innovative ways of expanding opportunities for credit and noncredit education and training leading to high-demand jobs.

f. Whether the proposal addresses areas of workforce need throughout the region.

4. An Iowa employer innovation fund is created in the state treasury as a separate fund under the control of the department of workforce development, in consultation with the workforce development board. The fund shall consist of any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the department from the federal government. The assets of the fund shall be used by the department only for purposes of this section. All moneys deposited or paid into the fund are appropriated and made available to the board to be used for purposes of this section. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section in subsequent fiscal years.

Sec. 12. NEW SECTION. 261.131 Future ready Iowa skilled workforce last-dollar scholarship program.

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

a. “*Commission*” means the college student aid commission.

b. “*Credential*” means a postsecondary certificate, diploma, or degree, conferring no more than an associate degree, awarded by an eligible institution and earned in a program of study that leads to a high-demand job and is authorized for federal student aid under Tit. IV of the federal Higher Education Act of 1965, as amended.

c. “*Eligible institution*” means a community college as defined in section 260C.2 or an accredited private institution as defined in section 261.9, that meets all of the following criteria:

(1) Applies to and is approved by the commission to participate in the future ready Iowa skilled workforce last-dollar scholarship program.

(2) Requires eligible students to complete and file application forms required by the commission, apply for all available state and federal financial aid, apply to the eligible institution to participate in the program, attend orientation in person or virtually, register for classes with the assistance of an academic advisor, and participate in academic and career advising sessions offered under the program.

(3) Facilitates, in collaboration with the commission on volunteer service created in section 15H.2, the assignment of a volunteer mentor to each eligible student, based on the eligible student’s interest. The volunteer mentor shall have successfully passed a background investigation and a check of the national sex offender registry as required under section 15H.9, subsection 2, and both the eligible student and the volunteer mentor shall have entered into a written agreement as provided in section 15H.9, subsection 3.

(4) Facilitates connections through campus career centers and services to internships and similar local, state, and federal programs.

(5) Markets the eligible institution’s future ready Iowa program of study and optional incentives, which may include but not be limited to credit for military experience, on the eligible institution’s internet site and to other relevant agencies and organizations as recommended by the college student aid commission, the commission on volunteer service, or the department of workforce development.

(6) Submits annually information and data regarding the eligible program operated by the eligible institution, the students and volunteer mentors participating in the eligible program,

scholarship recipient eligible program completion results, and statistics on employment outcomes for eligible program participants by industry, to the commission in the manner required by the commission.

d. “*Eligible program*” means a program of study or an academic major jointly approved by the commission and the department of workforce development, in consultation with an eligible institution, that leads to a credential aligned with a high-demand job designated by the workforce development board or ¹ community college pursuant to section 84A.1B, subsection 13A. If the board or a community college removes a high-demand job from a list created under section 84A.1B, subsection 13A, an eligible student who received a scholarship for a program based on that high-demand job shall continue to receive the scholarship until achieving a postsecondary credential, up to an associate degree, as long as the student continues to meet all other eligibility requirements.

e. “*Eligible student*” means an Iowa resident who meets all of the following requirements:

(1) Is either a new graduate of an Iowa high school who enrolls full-time in an eligible program at an eligible institution by the fall semester, or the equivalent, following graduation from high school or completion of private instruction under chapter 299A; or is an adult learner who has received a high school diploma or a high school equivalency diploma, who enrolls in an eligible program in an eligible institution as a full-time or part-time student.

(2) Completes and submits application forms required by the commission, including the free application for federal student aid; applies for all available state and federal financial aid; attends orientation in person or virtually; registers for classes with the assistance of an academic advisor; and participates in academic and career advising sessions required under the eligible program. To receive a renewal of a scholarship awarded under this section, an eligible student must annually submit a new application to the commission for reevaluation of eligibility.

(3) Is making satisfactory academic progress as defined by the eligible institution.

(4) Remains continuously enrolled unless granted a leave of absence by the eligible institution based on criteria adopted by rule by the commission.

f. “*Full-time*” means enrollment in at least twelve semester hours or the equivalent.

g. “*Part-time*” means enrollment in at least six but less than twelve semester hours or the equivalent.

2. *Allowable activities.* An eligible student may work with an assigned volunteer mentor to help the student meet the requirements of this section or the requirements of an eligible program, identify and participate in work-based learning opportunities with the approval of the eligible institution, and make other career-related connections.

3. *Scholarship limitations — requirements.*

a. For an eligible student who is attending an eligible institution that is a community college during the fall, spring, or summer term of enrollment, and is pursuing a postsecondary credential up to an associate degree, the annual amount of a future ready Iowa skilled workforce last-dollar scholarship, when combined with other state and federal nonrepayable student aid, shall not exceed an amount equivalent to the tuition and any mandatory institution-wide fees charged by the community college for the eligible program. For an eligible student pursuing a postsecondary credential up to an associate degree at an eligible institution that is an accredited private institution during the fall, spring, or summer term of enrollment, the annual amount of a future ready Iowa skilled workforce last-dollar scholarship, when combined with other state and federal nonrepayable student aid, shall not exceed an amount equivalent to the average tuition rate plus the average institution-wide mandatory fees charged during the same term of enrollment by the eligible institutions that are community colleges.

b. If an eligible student receives nonrepayable financial aid under any other state or federal program, the full amount of that aid shall be considered part of the student’s available financial resources before determining the amount of the student’s future ready Iowa skilled workforce last-dollar scholarship for the same period during which the student receives other state or federal financial aid. However, each eligible student enrolled full-time in an eligible program shall receive at least five hundred dollars annually, and the amount received by each

¹ See chapter 1172, §24 herein

eligible part-time student shall be the same amount prorated by the commission based on the number of semester hours, or the equivalent, for which the part-time student is enrolled.

c. A full-time eligible student may receive a future ready Iowa skilled workforce last-dollar scholarship for not more than five semesters, or the equivalent, or until the eligible student earns the credential sought, up to an associate degree, under the program, whichever occurs first. A part-time eligible student may receive the scholarship for not more than eight semesters, or the equivalent, on a prorated basis, or until the eligible student earns the credential sought, up to an associate degree, under the eligible program, whichever occurs first. All classes identified by an eligible institution as required for completion of the eligible program by the eligible student shall be considered required under the eligible program for purposes of this section.

d. A future ready Iowa skilled workforce last-dollar scholarship shall be awarded on an annual basis, requiring reapplication by an eligible student each year. Scholarship payments shall be allocated equally among the semesters, or the equivalent, and paid upon certification by the eligible institution that the student meets the requirements of subsection 1, paragraph "e".

e. If a scholarship recipient discontinues attendance before the end of any semester, or the equivalent, after receiving scholarship payments, the entire amount of any refund due that recipient, up to the full amount of all of the annual scholarship payments made, shall be paid by the eligible institution to the commission. A scholarship recipient, who is not approved for a leave of absence by the eligible institution, who discontinues attendance before the end of a semester, or the equivalent, is ineligible to receive future scholarships under this section.

4. *Commission's duties and responsibilities.* Subject to an appropriation of funds by the general assembly for purposes of this section, the commission shall administer the future ready Iowa skilled workforce last-dollar scholarship program and shall do all of the following:

a. Provide application forms for distribution to students by high schools and eligible institutions.

b. Adopt rules under chapter 17A, in collaboration with the department of workforce development, for administration of this section, including but not limited to establishing the duties and responsibilities of eligible institutions under the program; defining residence and satisfactory academic progress for purposes of the program; and establishing procedures for scholarship application, processing, and approval. The rules shall provide for determining the priority awarding of scholarships if funds available for purposes of this section are insufficient to pay all eligible students. Priority shall be given to fully awarding each eligible student approved for a scholarship rather than to prorating scholarship awards among all eligible students.

c. Approve and award future ready Iowa skilled workforce last-dollar scholarships on an annual basis.

d. Transmit to the department of workforce development the compilation of information, data, and statistics submitted in accordance with subsection 1, paragraph "c", subparagraph (6), for the annual report required under section 84A.1B.

5. *Fund created.* A future ready Iowa skilled workforce last-dollar scholarship fund is created in the state treasury as a separate fund under the control of the commission. All moneys deposited or paid into the fund are appropriated and made available to the commission to be used for scholarships awarded as provided under this section. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section in subsequent fiscal years.

Sec. 13. NEW SECTION. 261.132 Future ready Iowa skilled workforce grant program.

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

a. "Commission" means the college student aid commission.

b. "Eligible institution" means an institution of higher learning governed by the state board of regents or an accredited private institution as defined in section 261.9, that meets all of the following criteria:

(1) Applies to and is approved by the commission to participate in the future ready Iowa skilled workforce grant program.

(2) Requires eligible students to complete and file application forms required by the commission, apply for all available state and federal financial aid, apply to the eligible institution to participate in the program, attend orientation in person or virtually, register for classes with the assistance of an academic advisor, and participate in academic and career advising sessions required under the program.

(3) Certifies that prior to participating in the program an eligible student has earned at least half of the credits necessary for a bachelor's degree and is able to complete a bachelor's degree in an eligible program of study or academic major leading to a designated high-demand job in the prescribed grant time frame.

(4) Facilitates the assignment of a volunteer mentor to each eligible student based on the eligible student's interest. The volunteer mentor shall have successfully passed a background investigation and a check of the national sex offender registry as required under section 15H.9, subsection 2, and both the eligible student and the volunteer mentor shall have entered into a written agreement as provided in section 15H.9, subsection 3.

(5) Facilitates connections through campus career centers and services to internships and similar local, state, and federal programs.

(6) Markets the eligible institution's eligible program and optional incentives, which may include but not be limited to credit for military experience, on the eligible institution's internet site and to other relevant agencies and organizations as recommended by the college student aid commission, the commission on volunteer service, or the department of workforce development.

(7) Submits annually information and data regarding the eligible program operated by the eligible institution, the students and volunteer mentors participating in the eligible program, and statistics on employment outcomes for eligible program participants by industry, to the commission in the manner required by the commission.

c. "*Eligible program*" means a program of study or an academic major jointly approved by the commission and the department of workforce development, in consultation with the eligible institution, that leads to a bachelor's degree aligned with a high-demand job designated by the workforce development board pursuant to section 84A.1B, subsection 13A. If the department removes a high-demand job from the list created under section 84A.1B, subsection 13A, an eligible student who received a grant for a program based on that high-demand job shall continue to receive the grant until achieving a bachelor's degree as long as the student continues to meet all other eligibility requirements.

d. "*Eligible student*" means an Iowa resident who meets all of the following requirements:

(1) Has earned at least half of the credits necessary for a bachelor's degree and is able to complete a bachelor's degree in an eligible program of study or academic major leading to a designated high-demand job in the prescribed grant time frame.

(2) Completes and submits application forms required by the commission, including the free application for federal student aid; applies for all available state and federal financial aid; attends orientation in person or virtually; registers for classes with the assistance of an academic advisor; and participates in academic and career advising sessions required under the eligible program. To receive a renewal of a grant awarded under this section, an eligible student must annually submit a new application to the commission for reevaluation of eligibility.

(3) Has not been enrolled in postsecondary education during the twenty-four months preceding the date on which the commission receives the individual's application to participate in the program.

(4) Enrolls in at least six semester hours, or the equivalent, in an eligible program. However, an eligible student may enroll in fewer than six semester hours, or the equivalent, if the eligible student needs fewer than six semester hours of credit, or the equivalent, to achieve a bachelor's degree under the eligible program.

(5) Is making satisfactory academic progress as defined by the eligible institution.

(6) Remains continuously enrolled unless granted a leave of absence by the eligible institution based on criteria adopted by rule by the commission.

e. "*Full-time*" means enrollment in at least twelve semester hours or the equivalent.

f. "*Part-time*" means enrollment in at least six but less than twelve semester hours or the equivalent.

2. *Allowable activities.* An eligible student may work with an assigned volunteer mentor to help the student meet the requirements of this section or the requirements of an eligible program, identify and participate in work-based learning opportunities with the approval of the eligible institution, and make other career-related connections.

3. *Grant limitations — requirements.*

a. A full-time eligible student may receive a future ready Iowa skilled workforce grant annually for not more than four semesters, or the equivalent, or until the eligible student earns a bachelor's degree under the program, whichever occurs first. A part-time eligible student may receive the grant for not more than eight semesters, or the equivalent, on a prorated basis, or until the eligible student earns a bachelor's degree under the eligible program, whichever occurs first.

b. The amount of a future ready Iowa skilled workforce grant to a full-time eligible student shall be at least one thousand dollars annually. The amount of a future ready Iowa skilled workforce grant to a part-time eligible student shall be equal to the amount that would be awarded to a full-time student except that the commission shall prorate the amount based on the recipient student's semester hour or equivalent enrollment.

c. A future ready Iowa skilled workforce grant shall be awarded on an annual basis, requiring reapplication by an eligible student each year. Payments under the grant shall be allocated equally among the semesters, or the equivalent, and paid upon certification by the eligible institution that the student meets the requirements of subsection 1, paragraph "d".

d. If a grant recipient discontinues attendance before the end of any semester, or the equivalent, after receiving grant payments, the entire amount of any refund due that recipient, up to the full amount of grant payments made during that semester, or the equivalent, shall be paid by the eligible institution to the commission.

4. *Commission's duties and responsibilities.* Subject to an appropriation of funds by the general assembly for purposes of this section, the commission shall administer the future ready Iowa skilled workforce grant program and shall do all of the following:

a. Provide application forms for distribution to students by eligible institutions.

b. Adopt rules under chapter 17A, in collaboration with the department of workforce development, for administration of this section, including but not limited to establishing the duties and responsibilities of eligible institutions under the program; defining residence and satisfactory academic progress for purposes of the program; and establishing procedures for grant application, processing, and approval. The rules shall provide for determining the priority awarding of grants if funds available for purposes of this section are insufficient to pay all eligible students. Priority shall be given to fully awarding eligible students approved for grants based on the date of application, rather than prorating grant awards among all eligible students.

c. Approve and award grants on an annual basis.

d. Transmit to the department of workforce development the compilation of information, data, and statistics submitted in accordance with subsection 1, paragraph "b", subparagraph (7), for the annual report required under section 84A.1B.

5. *Fund created.* A future ready Iowa skilled workforce grant fund is created in the state treasury as a separate fund under the control of the commission. All moneys deposited or paid into the fund are appropriated and made available to the commission to be used for grants awarded as provided under this section. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section in subsequent fiscal years.

Sec. 14. Section 261E.8, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. Subject to an appropriation of funds by the general assembly for this purpose, the department shall establish a program to provide additional funds for resident high school pupils enrolled in grades nine through twelve to attend a community college for college-level classes or attend a class taught by a community college-employed instructor through a contractual agreement between a community college and a school district that satisfies the requirements for classes under section 257.11, subsection 3, except that the classes eligible for funding under this program are offered during the summer and outside of the regular school year and are aligned with career pathways leading to

postsecondary credentials and high-demand jobs designated by the workforce development board or a community college pursuant to section 84A.1B, subsection 13A. A community college shall not charge students tuition for a class offered partially or completely outside of the regular school year under this program.

Sec. 15. EFFECTIVE DATE. This division of this Act takes effect July 1, 2019.

Approved April 3, 2018

CHAPTER 1068

PAROLE VIOLATIONS — PROCEDURES

S.F. 2241

AN ACT relating to the commission of a parole violation or a criminal offense while on parole.

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

Section 1. Section 908.1, Code 2018, is amended to read as follows:

908.1 Arrest of alleged parole violator — newly discovered evidence.

A parole officer having probable cause to believe that any person released on parole has violated the parole plan or the conditions of parole may arrest such person, or the parole officer may make a complaint before a magistrate in the judicial district in which the person is being supervised, charging such violation, and if it appears from such complaint, or from affidavits filed with it, that there is probable cause to believe that such person has violated the parole plan or the terms of parole, the magistrate shall issue a warrant for the arrest of such person. If a parole officer has newly discovered evidence which indicates that a person released on parole should not have been granted parole originally, the parole officer shall present the evidence to the board of parole and the board may issue an order to rescind the parole.

Sec. 2. Section 908.10, unnumbered paragraph 1, Code 2018, is amended to read as follows:

When a person is convicted and sentenced to incarceration in this state for a felony committed while on parole, or is convicted and sentenced to incarceration ~~under the laws of~~ in any other state of the United States or a foreign government or country for an offense committed while on parole, and which if committed in this state would be a felony, the person's parole shall be deemed revoked as of the date of the commission of the new felony offense.

Sec. 3. Section 908.10A, unnumbered paragraph 1, Code 2018, is amended to read as follows:

When a person is convicted and sentenced to incarceration in a state correctional institution in this state for an aggravated misdemeanor committed while on parole, or is convicted and sentenced to incarceration ~~under the laws of~~ in any other state of the United States or a foreign government or country for an offense committed while on parole, and which if committed in this state would be an aggravated misdemeanor, the person's parole shall be deemed revoked as of the date of the commission of the new aggravated misdemeanor offense.

Sec. 4. REPEAL. Section 908.7, Code 2018, is repealed.

Approved April 4, 2018

CHAPTER 1069
MARKETPLACE CONTRACTORS
S.F. 2257

AN ACT defining marketplace contractors and designating marketplace contractors as independent contractors under specified circumstances.

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

Section 1. NEW SECTION. 93.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “Governmental entity” means the same as defined in section 96.19.
2. “Indian tribe” means the same as defined in section 96.19.
3. *a.* “Marketplace contractor” means a person or organization, including an individual, corporation, limited liability company, partnership, sole proprietor, or other entity, that does all of the following:
 - (1) Enters into a written agreement with a marketplace platform to use the marketplace platform’s digital network to connect with individuals or entities that seek to obtain services from the marketplace contractor.
 - (2) Performs services for individuals or entities upon connection through a marketplace platform’s digital network in exchange for compensation or payment of a fee.
 - (3) Does not perform the services offered by the marketplace contractor at or from a physical business location that is operated by the marketplace platform in the state.
- b.* “Marketplace contractor” does not include a person or organization that performs services consisting of transporting freight, sealed and closed envelopes, boxes, parcels, or other sealed and closed containers for compensation.
4. “Marketplace platform” means a person or organization, including an individual, corporation, limited liability company, partnership, sole proprietor, or other entity, that operates a digital network to connect marketplace contractors to individuals or entities that seek to obtain the type of services offered by marketplace contractors.

Sec. 2. NEW SECTION. 93.2 Marketplace contractors as independent contractors — retroactivity.

1. A marketplace contractor shall be treated as an independent contractor, and not an employee of a marketplace platform, for all purposes under state or local law, including but not limited to chapters 87 and 96, if the following conditions are met:
 - a.* The marketplace contractor and marketplace platform agree in writing that the marketplace contractor is engaged as an independent contractor and not an employee of the marketplace platform.
 - b.* The marketplace platform does not unilaterally prescribe specific hours during which the marketplace contractor must be available to accept service requests submitted through the marketplace platform’s digital network.
 - c.* The marketplace platform does not prohibit the marketplace contractor from engaging in outside employment or performing services through other marketplace platforms.
 - d.* The marketplace contractor bears its own expenses incurred in performing services.
2. For services performed by a marketplace contractor prior to the effective date of this Act, a marketplace contractor shall be treated as an independent contractor and not an employee of a marketplace platform for all purposes under state or local law, including but not limited to chapters 87 and 96, if the conditions set forth in subsection 1 were satisfied at the time the services were performed.
3. When providing services that require an Iowa license, the marketplace contractor shall be responsible for obtaining the Iowa license and making such license available to the individuals or entities for whom the marketplace contractor is providing services.
4. This section shall not apply to any of the following:
 - a.* Services performed by an individual in the employ of a governmental entity or Indian tribe, but only if the services are excluded from employment as defined in the Federal

Unemployment Tax Act, 26 U.S.C. §3301-3311, solely by reason of section 3306(c)(7) of that Act.

b. Services performed by an individual in the employ of a religious, charitable, educational, or other organization, but only if the services are excluded from employment as defined in the Federal Unemployment Tax Act, 26 U.S.C. §3301-3311, solely by reason of section 3306(c)(8) of that Act.

c. Services performed by a real estate broker or a real estate salesperson licensed pursuant to chapter 543B.

Approved April 4, 2018

CHAPTER 1070

REGULATION OF MOTOR CARRIERS

S.F. 2271

AN ACT relating to motor carriers, and making penalties applicable.

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

Section 1. Section 325A.1, subsections 4, 6, and 7, Code 2018, are amended to read as follows:

4. “*Interstate motor carrier number*” means a United States department of transportation number or motor carrier number issued by the federal highway administration to a motor carrier engaged in interstate commerce.

6. “*Motor carrier*” means a person defined in subsection 8, 9, 9A, or 10, but does not include a transportation network company or a transportation network company driver, as defined in section 321N.1.

7. “*Motor carrier certificate*” means a certificate issued by the department to ~~any person transporting passengers on any highway of this state for hire, other than a transportation network company or a transportation network company driver, as defined in section 321N.1~~ a motor carrier of passengers. This certificate is transferable.

Sec. 2. Section 325A.1, Code 2018, is amended by adding the following new subsections:
NEW SUBSECTION. 5A. “*Intrastate motor carrier number*” means a United States department of transportation number or motor carrier number issued by the federal highway administration to a motor carrier engaged only in intrastate commerce.

NEW SUBSECTION. 9A. “*Motor carrier of passengers*” means any person transporting passengers on any highway of this state for hire, other than a transportation network company or a transportation network company driver, as defined in section 321N.1.

Sec. 3. Section 325A.3, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. In addition to the application requirements set forth in subsection 2, all applications for a taxicab service passenger certificate shall include the applicant’s interstate motor carrier number or intrastate motor carrier number. If the applicant has both an interstate and intrastate motor carrier number, only the interstate motor carrier number must be included.

Sec. 4. Section 325A.3A, Code 2018, is amended to read as follows:
325A.3A Hearings.

A person whose application for a permit or certificate under this chapter has been denied, or whose permit or certificate has been suspended, may contest the decision under chapter 17A and in accordance with rules adopted by the department. The request for a hearing shall be in writing to the ~~director of the division~~ department’s office of vehicle and motor carrier

~~services, state department of transportation, at its office in the capital city's metropolitan area.~~

Sec. 5. Section 325A.12, subsection 3, paragraph a, Code 2018, is amended to read as follows:

a. Taxicabs with a seating capacity of ~~not more~~ less than eight seven passengers, or persons having a license, contract, or franchise with ~~an Iowa~~ a city in this state to carry or transport passengers for hire while operating within the guidelines of the license, contract, or franchise.

Sec. 6. Section 325A.12, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 5A. "Taxicab service" means a person engaged in the for-hire transportation of passengers in a taxicab having a seating capacity of less than seven passengers and not operating on a regular route or between specified points.

Sec. 7. Section 325A.13, subsection 2, paragraphs f and g, Code 2018, are amended by striking the paragraphs.

Sec. 8. Section 325A.13, Code 2018, is amended by adding the following new subsections:
NEW SUBSECTION. 2A. It is unlawful for a taxicab service to transport passengers by motor vehicle for hire from any place in this state to another place in this state, irrespective of the route or highway traversed, without first having obtained a taxicab service passenger certificate from the department. However, a taxicab service passenger certificate issued by the department does not authorize a taxicab service to transport passengers within the boundaries of a local authority that licenses or regulates such vehicles pursuant to section 321.236, subsection 7, unless the taxicab service is in compliance with all applicable regulations of the local authority.

NEW SUBSECTION. 2B. A person shall not operate as a charter carrier, regular-route motor carrier of passengers, or taxicab service in this state unless the person possesses a certificate issued by the department applicable to the type of operation in which the person is engaged.

Approved April 4, 2018

CHAPTER 1071

DEPARTMENT OF EDUCATION REPORTS — STATE OR FEDERAL CONTENT REQUIREMENTS — CITATION TO STATUTE OR REGULATION

S.F. 2274

AN ACT requiring the department of education to include references to state or federal statutory or regulatory provisions necessitating the inclusion of information in reports filed with the department.

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

Section 1. Section 256.9, subsection 18, Code 2018, is amended to read as follows:

18. Prepare forms and procedures as necessary to be used by area education agency boards, district boards, school officials, principals, teachers, and other employees, and to insure uniformity, accuracy, and efficiency in keeping records in both pupil and cost accounting, the execution of contracts, and the submission of reports, and notify the area education agency board, district board, or school authorities when a report has not been filed in the manner or on the dates prescribed by law or by rule that the school will not be accredited until the report has been properly filed. The director shall include, on any report for which the department prescribes the form and manner of its submission, a reference

to any state or federal statute, rule, or regulation that requires the inclusion of certain information in the report.

Approved April 4, 2018

CHAPTER 1072

AMUSEMENT CONCESSIONS — VALUE OF ALLOWABLE PRIZES

S.F. 2333

AN ACT relating to amusement concessions concerning allowable prizes and including effective date provisions.

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

Section 1. Section 99B.31, subsection 1, paragraph h, Code 2018, is amended to read as follows:

h. The actual retail value of any prize does not exceed ~~one~~ nine hundred fifty dollars. If a prize consists of more than one item, unit, or part, the aggregate retail value of all items, units, or parts shall not exceed ~~one~~ nine hundred fifty dollars.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 4, 2018

CHAPTER 1073

TERRACE HILL ENDOWMENT FUND FOR MUSICAL ARTS

H.F. 2200

AN ACT authorizing the Terrace Hill commission to establish an endowment fund for musical arts to support piano competitions and scholarships.

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

Section 1. Section 8A.326, subsection 4, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Establish and maintain an endowment fund for musical arts for purposes of funding and conducting piano competitions and providing scholarships to select competition participants.

Approved April 4, 2018

CHAPTER 1074**SECURITIES, VIATICAL SETTLEMENTS, AND CEMETERY AND FUNERAL
MERCHANDISE AND SERVICES***H.F. 2239*

AN ACT relating to noninsurance business transactions regulated by the insurance division of the department of commerce, by providing for regulated securities and exchanges, and financial records associated with the sale of cemetery and funeral merchandise and services.

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

**DIVISION I
IOWA UNIFORM SECURITIES ACT**

Section 1. Section 502.202, subsection 2, paragraph e, subparagraph (1), Code 2018, is amended to read as follows:

(1) The issuer of the security has a class of equity securities listed on a national securities exchange registered under section 6 of the Securities Exchange Act of 1934 ~~or designated for trading on the national association of securities dealers automated quotation system.~~

Sec. 2. Section 502.202, subsection 24, paragraph a, Code 2018, is amended to read as follows:

a. *Definitions.* As used in this subsection, unless the context otherwise requires:

(1) *“Intermediary”* means a any of the following:

(a) A broker-dealer that is subject to the registration requirements of section 502.401 and that facilitates the offer and sale of securities by issuers to investors through an internet-based system that is open to and accessible by the general public.

~~(b) “Intermediary” also means an entity registered with the administrator as an Iowa crowdfunding portal. A business entity that is all of the following:~~

(i) A funding portal that is registered with the securities and exchange commission pursuant to the Securities Act of 1933, including as provided in 15 U.S.C. §77d-1.

(ii) A member of the financial industry regulatory authority, inc. pursuant to the Securities Exchange Act of 1934, including as provided in 15 U.S.C. §§78c and 78o-3, and 17 C.F.R. §227.400.

(c) A business entity that qualifies as an Iowa crowdfunding portal by meeting all of the following requirements:

(i) Is registered with the administrator as required by the administrator.

(ii) Is engaged in intrastate crowdfunding offers and sales of exempt securities in this state through an internet site.

(iii) Does not operate or facilitate a secondary market in securities.

~~(2) “Intrastate crowdfunding” means the offer or sale of a security by an issuer in a transaction that is available for purchase only by an Iowa residents and by resident or a business organizations located in, and organized and registered under the laws of, entity having its principal place of business in this state.~~

~~(3) “Iowa crowdfunding portal” means an entity incorporated or organized under the laws of this state, authorized to do business in this state, and engaged exclusively in intrastate crowdfunding offers and sales of exempt securities in this state through an internet site and which does not operate or facilitate a secondary market in securities.~~

Sec. 3. Section 502.202, subsection 24, paragraph c, Code 2018, is amended to read as follows:

c. *Aggregate sales limit.* The aggregate amount of securities sold to all investors by the issuer during the twelve-month period preceding the date of the offer or sale, including any amount sold in reliance upon the exemption in this subsection, shall not exceed ~~one~~ five million dollars other than either of the following:

(1) Securities sold to Iowa resident institutional investors.

(2) Securities sold to the Iowa resident issuer's management.

Sec. 4. Section 502.302, subsection 3, Code 2018, is amended to read as follows:

3. *Notice filings for federal covered securities under section 18(b)(4)(D) 18(b)(4)(F).* With respect to a security that is a federal covered security under section ~~18(b)(4)(D)~~ 18(b)(4)(F) of the Securities Act of 1933, 15 U.S.C. ~~§77r(b)(4)(D)~~ §77r(b)(4)(F), a rule under this chapter may require a notice filing by or on behalf of an issuer to include a copy of form D, including the appendix, as promulgated by the securities and exchange commission, and a consent to service of process complying with section 502.611 signed by the issuer not later than fifteen days after the first sale of the federal covered security in this state and the payment of a fee of one hundred dollars; and the payment of a fee of two hundred fifty dollars for any late filing.

Sec. 5. Section 502.406, subsection 5, Code 2018, is amended to read as follows:

5. *Additional conditions or waivers.* A rule adopted or order issued under this chapter may impose such other conditions, not inconsistent with the National Securities Markets Improvement Act of 1996. An order or rule issued under this chapter may waive, in whole or in part, specific requirements in connection with registration as are in the public interest and for the protection of investors.

DIVISION II VIATICAL SETTLEMENT ACT

Sec. 6. Section 508E.15, subsection 4, paragraph a, subparagraph (4), Code 2018, is amended to read as follows:

(4) The national association of insurance commissioners; ~~the national association of securities dealers~~ the financial industry regulatory authority, inc.; the North American securities administrators association; their employees, agents, or representatives; or other regulatory body overseeing life insurance, viatical settlements, securities, or investment fraud.

DIVISION III IOWA CEMETERY AND FUNERAL MERCHANDISE AND FUNERAL SERVICES ACT

Sec. 7. Section 523A.207, Code 2018, is amended to read as follows:

523A.207 Audits Report by certified public accountants — penalty penalties — waiver — confidentiality.

1. A purchase agreement shall not be sold or transferred, as part of the sale of a business or the assets of a business, until ~~an audit has been performed by a certified public accountant~~ has completed an agreed-upon procedures engagement in accordance with the attestation standards established by the American institute of certified public accountants and a report is filed with the commissioner that expresses the auditor's opinion of factual findings and results of applying the agreed-upon procedures that verifies the adequacy or inadequacy of funding related to the purchase agreements to be sold or transferred.

2. If the buyer of a purchase agreement sold or transferred as part of the sale of a business or the assets of a business, fails to file ~~such an audit~~ a report described in subsection 1, the commissioner ~~shall~~ may suspend the preneed seller's license of the buyer and the preneed sales license of any sales agent in the employ of the buyer until the audit report is filed. In addition, the commissioner ~~shall~~ may assess a penalty against the buyer in an amount up to one hundred dollars for each day that the audit report remains unfiled. The commissioner shall allow a thirty-day grace period after the date that a purchase agreement is sold or transferred before suspension of a license or assessment of a penalty for failure to file ~~an audit pursuant to this subsection~~ the report. Upon good cause, the commissioner may issue an order waiving the report requirements.

3. All records maintained by the commissioner under this section shall be confidential pursuant to section 22.7, subsection 58, and shall not be made available for inspection or copying except upon approval of the commissioner or the attorney general, or except when sought by the preneed seller to whom the records relate. Such records shall be privileged and confidential in any judicial or administrative proceeding except any of the following:

- a. An action commenced by the commissioner.
- b. An administrative proceeding brought by the insurance division.
- c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.
- d. An action brought by the insurance division or the attorney general to recover moneys for embezzlement, misappropriation, or misuse of trust funds.

Approved April 4, 2018

CHAPTER 1075

COMPETITIVE BIDDING — PRIVATE PARTY CONSTRUCTION OF GOVERNMENT LEASE-PURCHASED PROPERTY

H.F. 2253

AN ACT regarding competitive bidding requirements for construction by a private party of property to be lease-purchased by certain government entities and including effective date and applicability provisions.

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

Section 1. Section 8.46, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 4. A contract for construction by a private party of property to be lease-purchased by a state agency is a contract for a public improvement as defined in section 26.2. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold in section 26.3, the state agency shall comply with the competitive bidding requirements of section 26.3.

Sec. 2. Section 26.2, subsection 3, Code 2018, is amended to read as follows:

3. a. “Public improvement” means a building or construction work which is constructed under the control of a governmental entity and is paid for which either of the following applies:

(1) Has been paid for in whole or in part with funds of the governmental entity, including.
(2) A commitment has been made prior to construction by the governmental entity to pay for the building or construction work in whole or in part with funds of the governmental entity.

b. “Public improvement” includes a building or improvement constructed or operated jointly with any other public or private agency, but excluding excludes urban renewal demolition and low-rent housing projects, industrial aid projects authorized under chapter 419, emergency work or repair or maintenance work performed by employees of a governmental entity, and excluding excludes a highway, bridge, or culvert project, and excluding excludes construction or repair or maintenance work performed for a city utility under chapter 388 by its employees or performed for a rural water district under chapter 357A by its employees.

Sec. 3. Section 26.2, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5. “*Under the control of a governmental entity*” includes determining the construction work to be performed or establishing the specifications for a building or construction work to be occupied by the governmental entity.

Sec. 4. Section 260C.38, subsection 3, Code 2018, is amended to read as follows:

3. Before Subject to subsection 4, before entering into a lease agreement with a purchase option for a building to be constructed, or placed, upon real estate owned by the community college, the board shall first adopt plans and specifications for the proposed building which

it considers suitable for the intended use, and the board shall also adopt the proposed terms of the lease agreement and purchase option. The board shall invite bids, by advertisement published once each week for two consecutive weeks in the county where the building is to be located. The lease agreement shall be awarded to the lowest responsible bidder, or the board may reject all bids and readvertise for new bids.

Sec. 5. Section 260C.38, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A contract for construction by a private party of property to be lease-purchased by a community college is a contract for a public improvement as defined in section 26.2. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold in section 26.3, the board shall comply with the competitive bidding requirements of section 26.3.

Sec. 6. Section 262.34, subsection 1, Code 2018, is amended to read as follows:

1. When the estimated cost of construction, repairs, or improvement of buildings or grounds under charge of the state board of regents, including construction, renovation, or repairs by a private party of a property to be lease-purchased by the board exceeds one hundred thousand dollars, the board shall advertise for bids for the contemplated improvement or construction and shall let the work to the lowest responsible bidder. However, if in the judgment of the board bids received are not acceptable, the board may reject all bids and proceed with the construction, repair, or improvement by a method as the board may determine. All plans and specifications for repairs or construction, together with bids on the plans or specifications, shall be filed by the board and be open for public inspection. All bids submitted under this section shall be accompanied by a deposit of money, a certified check, or a credit union certified share draft in an amount as the board may prescribe.

Sec. 7. Section 278.1, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. Before Subject to paragraph "c", before entering into a rental or lease-purchase option contract, authorized by the electors, the board shall first adopt plans and specifications for a building or buildings which it considers suitable for the intended use and also adopt a form of rental or lease-purchase option contract. The board shall then invite bids thereon, by advertisement published once each week for two consecutive weeks, in a newspaper published in the county in which the building or buildings are to be located, and the rental or lease-purchase option contract shall be awarded to the lowest responsible bidder, but the board may reject any and all bids and advertise for new bids.

Sec. 8. Section 278.1, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A contract for construction by a private party of property to be lease-purchased by a public school corporation is a contract for a public improvement as defined in section 26.2. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold in section 26.3, the board shall comply with the competitive bidding requirements of section 26.3.

Sec. 9. Section 298.3, subsection 1, paragraph j, Code 2018, is amended to read as follows:

j. The purchase of buildings or lease-purchase option agreements for school buildings. However, a contract for construction by a private party of property to be lease-purchased by a public school corporation is a contract for a public improvement as defined in section 26.2. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction in excess of¹ the competitive bid threshold in section 26.3, the board of directors shall comply with the competitive bidding requirements of section 26.3.

¹ See chapter 1172, §27 herein

Sec. 10. Section 331.301, subsection 10, paragraph i, Code 2018, is amended to read as follows:

i. A contract for construction by a private party of property to be leased or lease-purchased by a county is ~~not a contract for a public improvement under and is subject to section 331.341, subsection 1. However, if a lease-purchase contract is funded in advance by means of the lessor depositing moneys to be administered by a county, with the county's obligation to make rent payments commencing with its receipt of moneys, a contract for construction of the property in question awarded by the county is a public improvement and is subject to section 331.341, subsection 1.~~

Sec. 11. Section 364.4, subsection 4, paragraph i, Code 2018, is amended to read as follows:

i. A contract for construction by a private party of property to be leased or lease-purchased by a city is ~~not a contract for a public improvement under section 26.2, subsection 3, except for purposes of section 26.12. However, if a lease-purchase contract is funded in advance by means of the lessor depositing moneys to be administered by a city, with the city's obligations to make rent payments commencing with its receipt of moneys, a contract for construction of the property in question awarded by the city is subject to chapter 26. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold set in ² 26.3, the city shall comply with the competitive bidding requirements of section 26.3.~~

Sec. 12. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 13. APPLICABILITY. This Act applies to lease-purchase contracts entered into on or after the effective date of this Act.³

Approved April 4, 2018

CHAPTER 1076

911 EMERGENCY TELEPHONE AND INTERNET COMMUNICATION SYSTEMS

H.F. 2254

AN ACT relating to 911 emergency telephone and internet communication systems, making appropriations, and including effective date provisions.

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

Section 1. Section 34A.2, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 01. “911 call processing equipment” means equipment owned by the department that functions in a host remote environment, provides 911 call processing functionality to public safety answering points, and utilizes the next generation 911 network. “911 call processing equipment” includes but is not limited to computer aided dispatch, voice logging recorders, mapping, and emergency medical dispatch.

NEW SUBSECTION. 001. “911 call processing equipment provider” means a vendor or vendors selected by the department to provide 911 call processing equipment.

NEW SUBSECTION. 0001. “911 call transport provider” means a vendor or vendors selected by the department to deliver aggregated wire-line 911 call traffic to the next

² See chapter 1172, §31 herein

³ See chapter 1172, §71 herein

generation 911 network and from the next generation 911 network to public safety answering points.

NEW SUBSECTION. 014. “*Next generation 911 network service provider*” means a vendor or vendors selected by the department to provide next generation 911 network functionality.

Sec. 2. Section 34A.2, subsections 2 and 13, Code 2018, are amended to read as follows:

2. “*911 service plan*” means a plan that includes the following information:

- a. A description of the 911 service area.
- b. A list of all public and private safety agencies within the 911 service area.
- c. The number of public safety answering points within the 911 service area.
- d. ~~Identification of the agency responsible for management and supervision of the 911 emergency communication system.~~

e. d. (1) A statement of estimated costs to be incurred by the joint 911 service board or the department of public safety, including separate estimates of the following:

(a) Nonrecurring costs, including but not limited to public safety answering points, ~~network equipment, software~~ 911 call processing equipment, internet and telephone access, database, addressing, training, and other capital expenditures, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider.

(b) Recurring costs, including but not limited to ~~network access fees and other telephone charges, software~~ 911 call processing equipment, internet and telephone access, equipment, and database management, and maintenance, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider. Recurring costs shall not include personnel costs for a public safety answering point.

(2) Funds deposited in a 911 service fund are appropriated and shall be used for the payment of costs that are limited to nonrecurring and recurring costs directly attributable to the receipt and disposition of the 911 call. Costs do not include expenditures for any other purpose, and specifically exclude costs attributable to other emergency services or expenditures for buildings or personnel, except for the costs of personnel for database management and personnel directly associated with addressing.

~~f. Current equipment operated by affected local exchange service providers, and central office equipment and technology upgrades necessary for the provider to implement 911 service within the 911 service area.~~

g. e. A schedule for implementation of the plan throughout the 911 service area. The schedule may provide for phased implementation.

~~h. f.~~ The number of telephone access lines and voice over internet protocol service connections capable of access to 911 in the 911 service area.

i. g. The total property valuation in the 911 service area.

j. h. A plan to migrate to a next generation 911 network.

13. “*Next generation 911 network*” means an internet protocol-enabled system that enables the public to transmit digital information to public safety answering points and is responsible for the delivery of all 911 messages within the state. “*Next generation 911 network*” replaces enhanced 911, and ~~that includes but is not limited to 911 voice and nonvoice messages generated by originating service providers,~~ ESInet, GIS, cybersecurity, and other system components.

Sec. 3. Section 34A.2, subsection 20, paragraph a, Code 2018, is amended to read as follows:

a. The service provides real-time two-way voice communications transmitted using internet protocol, ~~and~~ or a successor protocol.

Sec. 4. Section 34A.7, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. The surcharge shall be collected as part of the access line service provider’s periodic billing to a subscriber. In compensation for the costs of billing and collection, the local exchange service provider may retain one percent of the gross surcharges collected. If the compensation is insufficient to fully recover a local exchange service provider’s costs for

billing and collection of the surcharge, the deficiency shall be included in the local exchange service provider's costs for ratemaking purposes to the extent it is reasonable and just under section 476.6. The surcharge shall be remitted to the ~~911 service operating authority joint 911 service board~~ for deposit into the 911 service fund quarterly by the local exchange service provider. The total amount for multiple exchanges may be combined.

Sec. 5. Section 34A.7A, subsection 2, paragraph b, subparagraph (1), Code 2018, is amended to read as follows:

(1) The program manager shall allocate to each joint 911 service board and to the department of public safety a minimum of one thousand dollars per calendar quarter for each public safety answering point within the service area of the department of public safety or joint 911 service board ~~that has submitted an annual written request to the program manager in a form approved by the program manager by May 15 of each year.~~

Sec. 6. Section 34A.7A, subsection 2, paragraph d, Code 2018, is amended by striking the paragraph.

Sec. 7. Section 34A.7A, subsection 2, paragraph e, Code 2018, is amended to read as follows:

e. (1) The program manager shall reimburse ~~wire-line carriers~~ next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location identification database providers on a calendar quarterly basis for the costs of maintaining and upgrading the next generation 911 components and functionalities beyond the input to the 911 selective router, including the 911 selective router network functionality, 911 call processing equipment, 911 call transport from the next generation 911 network to public safety answering points and from the wireless originating service provider network to the next generation 911 network, and the automatic location identification database.

(2) The program manager may also provide grants to joint 911 service boards and the department of public safety for the purpose of developing and maintaining GIS data to be used in support of the next generation 911 network. The program manager shall provide guidelines, application forms, and notice of the availability of such grants on the department's internet site.

Sec. 8. Section 34A.7A, subsection 2, paragraph g, subparagraph (1), unnumbered paragraph 1, Code 2018, is amended to read as follows:

If moneys remain in the fund after fully paying all obligations under paragraphs "a", "b", "c", "d", and "e", and "f", ~~an amount of up to seven million dollars shall, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, remaining funds shall~~ be expended and distributed in the following priority order:

Sec. 9. Section 34A.8, Code 2018, is amended to read as follows:

34A.8 Local exchange service information — penalty.

1. A local exchange service provider shall furnish to the next generation 911 network service provider, designated by the joint 911 service board department, all names, addresses, and telephone number information concerning its subscribers which will be served by the next generation 911 system network and shall periodically update the local exchange service information. The 911 service provider shall furnish the addresses and telephone number information received from the local exchange service provider to the director for use in the mass notification and emergency messaging system as defined in section 29C.2. The local exchange service provider shall receive as compensation for the provision of local exchange service information charges according to its tariffs on file with and approved by the Iowa utilities board. The tariff charges shall be the same whether or not the local exchange service provider is designated as the next generation 911 network service provider by the ~~joint 911 service board department~~.

2. a. Subscriber information remains the property of the local exchange service provider.

b. The director, program manager, joint 911 service board, local emergency management commission established pursuant to section 29C.9, the designated next generation 911

network service provider, and the public safety answering point, their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing 911 emergency telephone service or providing related mass notification and emergency messaging services as described in section 29C.17A utilizing only the subscriber's information, and it shall otherwise be kept confidential. A person who violates this section is guilty of a simple misdemeanor.

c. This chapter does not require a local exchange service provider to sell or provide its subscriber names, addresses, or telephone number information to any person other than the designated next generation 911 network service provider ~~designated by the joint 911 service board~~.

Sec. 10. CONSOLIDATION OF NEXT GENERATION 911 NETWORK. The department of homeland security and emergency management shall implement its plan to consolidate the wire-line 911 network with the next generation 911 network. During the consolidation, joint 911 service boards shall continue to pay the costs of providing wire-line 911 service. When the department notifies a joint 911 service board that wire-line 911 service is being delivered to public safety answering points within the 911 service area of the joint 911 service board via the next generation 911 network, the joint 911 service board shall no longer be responsible for any associated functions or costs for providing wire-line 911 service and such costs shall be addressed by the department pursuant to section 34A.7A, subsection 2, paragraph "e".

Sec. 11. EFFECTIVE DATE.

1. The section of this Act amending section 34A.7A, subsection 2, paragraph g, subparagraph (1), unnumbered paragraph 1, takes effect July 1, 2018.

2. The remaining sections of this Act, being deemed of immediate importance, take effect upon enactment.

Approved April 4, 2018

CHAPTER 1077

REPORTS ON SECONDARY ROAD CONSTRUCTION AND STRUCTURALLY DEFICIENT BRIDGES

H.F. 2256

AN ACT relating to the submission of certain reports by the department of transportation and county engineers.

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

Section 1. Section 307.32, Code 2018, is amended to read as follows:

307.32 Annual report — secondary road construction program — structurally deficient bridges —repeal.

On or before February 15 of each year, the department, in collaboration with the Iowa county engineers association, shall compile the annual reports received from counties pursuant to sections 309.22 and 309.22A into a cumulative report and submit the cumulative report in electronic format to the chairpersons of the senate and house of representatives standing committees on transportation and the legislative services agency. ~~This section is repealed June 30, 2019.~~

Sec. 2. Section 309.22A, Code 2018, is amended to read as follows:

309.22A Annual report — replacement and repair of structurally deficient bridges — repeal.

1. On or before September 15 of each year, the county engineer of each county in the state shall certify and file a report with the department, as part of the annual report required under section 309.22, detailing the manner in which moneys received by the county that originated from the road use tax fund were used to replace or repair structurally deficient bridges in the county. The report shall include all of the following:

a. 1. The number of bridges under the county’s jurisdiction that have been replaced or repaired to the point that they function at full capacity.

b. 2. The number of bridges under the county’s jurisdiction that have been partially replaced or partially repaired to alleviate some structural deficiencies, but not to the point that the bridges function at full capacity, and a brief description of the replacements or repairs necessary to allow them to function at full capacity.

c. 3. The number of bridges under the county’s jurisdiction that are in the process of being replaced or repaired and a description of the timeline of each replacement or repair project.

d. 4. The number of bridges under the county’s jurisdiction that remain structurally deficient and a description of the timeline for replacement or repair of each bridge, if any.

~~2. This section is repealed June 30, 2019.~~

Sec. 3. ELECTRIC, HYBRID, AND HIGH-EFFICIENCY MOTOR VEHICLES — REPORT. The department of transportation shall estimate the impact of increased usage of electric, hybrid, and other high-efficiency motor vehicles in this state on future revenues to the road use tax fund. The department shall evaluate and may recommend the creation of alternative funding mechanisms or the alteration of existing funding mechanisms to mitigate any estimated decrease in future revenues to the road use tax fund related to increased usage of electric, hybrid, and other high-efficiency motor vehicles. The department shall submit a report, in paper or electronic format, containing the department’s estimate, evaluation, and any recommendations to the general assembly and the state transportation commission on or before December 31, 2018.

Approved April 4, 2018

CHAPTER 1078

CONFINEMENT FEEDING OPERATIONS FOR FISHES — ANIMAL UNIT CAPACITY

H.F. 2281

AN ACT relating to confinement feeding operations maintaining fishes, by providing for the calculation of animal unit capacity, making penalties applicable, and including effective date provisions.

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

Section 1. Section 459.102, subsection 6, paragraph 1, Code 2018, is amended to read as follows:

l. ~~Fish~~ Fishes weighing twenty-five grams or more..... 0.001

Sec. 2. Section 459.102, subsection 6, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Fishes weighing less than twenty-five grams..... 0.00006

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 4, 2018

CHAPTER 1079

MOTOR VEHICLE OPERATION AND STATIONARY MOTOR VEHICLES

H.F. 2304

AN ACT relating to motor vehicles approaching certain stationary motor vehicles, and providing penalties.

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

Section 1. Section 321.323A, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The operator of a motor vehicle approaching a stationary authorized emergency vehicle that is displaying flashing yellow, amber, white, red, or red and blue lights, as permitted under section 321.423, shall approach the authorized emergency vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

Sec. 2. Section 321.323A, subsection 2, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The operator of a motor vehicle approaching a stationary towing or recovery vehicle, a stationary utility maintenance vehicle, a stationary municipal maintenance vehicle, a stationary highway maintenance vehicle, a stationary construction vehicle, or a stationary solid waste or recycling collection service vehicle, that is displaying flashing yellow, amber, blue, white, or red lights, as permitted under section 321.423, shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

Sec. 3. Section 321.323A, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. Make a lane change into a lane not adjacent to the ~~towing, recovery, utility maintenance, municipal maintenance, or highway maintenance~~ stationary motor vehicle if possible in the existing safety and traffic conditions.

Sec. 4. Section 321.323A, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 2A. The operator of a motor vehicle approaching a stationary motor vehicle that is continually displaying its emergency signal lamps flashing simultaneously shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the stationary motor vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

Sec. 5. Section 321.423, subsection 2, paragraph h, Code 2018, is amended to read as follows:

h. A flashing amber light is permitted on a towing or recovery vehicle, a utility maintenance vehicle, a municipal maintenance vehicle, a highway maintenance vehicle, a construction

vehicle, a solid waste or recycling collection service vehicle, or a vehicle operated in accordance with subsection 6 or section 321.398 or 321.453.

Sec. 6. Section 805.8A, subsection 11, Code 2018, is amended to read as follows:

11. a. Emergency vehicle and equipment-related violations. For ~~emergency vehicle~~ violations relating to authorized emergency vehicles, fire apparatus and equipment, and police bicycles under the following sections, the scheduled fine is as follows:

~~a.~~ (1) Section 321.231\$100.

~~b.~~ (2) Section 321.323A, subsection 1\$100.

~~c.~~ (3) Section 321.324\$100.

~~d.~~ (4) Section 321.367\$100.

~~e.~~ (5) Section 321.368\$100.

b. Violations relating to stationary nonemergency vehicles. For violations relating to the approach of certain stationary nonemergency vehicles under section 321.323A, subsections 2 and 2A, the scheduled fine is one hundred dollars.

Approved April 4, 2018

CHAPTER 1080

EMPLOYMENT REGULATION — CRIMINAL HISTORY CHECKS — UNEMPLOYMENT INSURANCE

H.F. 2321

AN ACT relating to the duties of the department of workforce development regarding criminal history checks and certain state unemployment insurance law matters and including effective date provisions.

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

DIVISION I CRIMINAL HISTORY CHECKS

Section 1. NEW SECTION. **84A.12 Criminal history checks.**

A current or prospective contractor, vendor, employee, or any other individual performing work for the department of workforce development who will have access to federal tax information shall be subject to a national criminal history check through the federal bureau of investigation at least once every ten years if such a check is required pursuant to guidance from the federal internal revenue service. The department of workforce development shall request the national criminal history check and shall provide the individual's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The individual shall authorize release of the results of the national criminal history check to the department of workforce development. The department of workforce development shall pay the actual cost of the fingerprinting and national criminal history check, if any. The results of a criminal history check conducted pursuant to this section shall not be considered a public record under chapter 22.

DIVISION II UNEMPLOYMENT INSURANCE

Sec. 2. Section 96.5, subsection 5, paragraph a, subparagraph (3), Code 2018, is amended to read as follows:

(3) A governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment made under a plan maintained or contributed to by a base

period or chargeable employer where, except for benefits under the federal Social Security Act or the federal Railroad Retirement Act of 1974 or the corresponding provisions of prior law, the plan's eligibility requirements or benefit payments are affected by the base period employment or the remuneration for the base period employment. However, ~~if an individual's benefits are reduced due to the receipt of a payment under this subparagraph, the reduction shall be decreased by the same percentage as the percentage contribution of the individual to the plan under which the payment is made shall only be applicable if the base period employer has made one hundred percent of the contributions to the plan.~~

Sec. 3. Section 96.5, subsection 7, paragraphs b, c, and d, Code 2018, are amended to read as follows:

b. When, in connection with a separation or layoff of an individual, the individual's employer makes a payment or payments to the individual, or becomes obligated to make a payment to the individual as, or in the nature of, vacation pay, or vacation pay allowance, or as pay in lieu of vacation, ~~and within ten calendar days after notification of the filing of the individual's claim, designates by notice in writing to the department the period to which the payment shall be allocated; provided, that if such designated period is extended by the employer, the individual may again similarly designate an extended period, by giving notice in writing to the department not later than the beginning of the extension of the period, with the same effect as if the period of extension were included in the original designation.~~ The amount of a payment or obligation to make payment, is deemed "wages" as defined in section 96.19, subsection 41, and shall be applied as provided in paragraph "c" of this subsection 7.

c. Of the wages described in paragraph "a" ~~(whether or not the employer has designated the period therein described), or of the wages described in paragraph "b", if the period therein described has been designated by the employer as therein provided,~~ a sum equal to the wages of such individual for a normal workday shall be attributed to, or deemed to be payable to the individual with respect to, the first and each subsequent workday in such period until such amount so paid or owing is exhausted, not to exceed five workdays. Any individual receiving or entitled to receive wages as provided herein shall be ineligible for benefits for any week in which the sums, ~~so designated or attributed to such normal workdays,~~ equal or exceed the individual's weekly benefit amount. If the amount ~~so designated or attributed as wages~~ is less than the weekly benefit amount of such individual, the individual's benefits shall be reduced by such amount.

d. Notwithstanding contrary provisions in paragraphs "a", "b", and "c", if an individual is separated from employment and is scheduled to receive vacation payments during the period of unemployment attributable to the employer ~~and if the employer does not designate the vacation period pursuant to paragraph "b",~~ then payments made by the employer to the individual or an obligation to make a payment by the employer to the individual for vacation pay, vacation pay allowance or pay in lieu of vacation shall not be deemed wages as defined in section 96.19, subsection 41, for any period in excess of one week five workdays and such payments or the value of such obligations shall not be deducted for any period in excess of one week from the unemployment benefits the individual is otherwise entitled to receive under this chapter. ~~However, if the employer designates more than one week as the vacation period pursuant to paragraph "b", the vacation pay, vacation pay allowance, or pay in lieu of vacation shall be considered wages and shall be deducted from benefits.~~

Sec. 4. Section 96.6, subsection 3, paragraph a, Code 2018, is amended to read as follows:

a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. A notice for a telephone or in-person hearing shall not be scheduled before the seventh day sent to all the parties at least ten calendar day after the parties receive notice of days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be

duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

Sec. 5. Section 96.7, subsection 8, Code 2018, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. (1) In the discretion of the department, a nonprofit organization employing fifteen or more full-time individuals that elects to become liable for payments in lieu of contributions shall be required, within fifteen days after the effective date of its election, to execute and file with the department a bond or security approved by the department. The amount of the bond or security shall be determined by rule pursuant to chapter 17A.

(2) A bond or security deposited under this subsection shall be in force for a period of not less than two calendar years and shall be renewed with the approval of the department, at such times as the department may require, but not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The department shall require adjustments to be made in a previously filed bond or security as it deems appropriate. If the bond or security is to be increased, the adjusted bond or security shall be filed by the organization within fifteen days after the date notice of the required adjustment was provided. Failure by an organization covered by such bond or security to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties, shall render the surety liable on said bond or security to the extent of the bond or security, as though the surety were such an organization.

(3) If a nonprofit organization fails to file a bond or security or to file a bond or security in an increased amount as required under this paragraph "c", the department may terminate the organization's election to make payments in lieu of contributions, and the termination shall continue for a period of not less than four consecutive calendar quarters beginning with the quarter in which the termination becomes effective, but the department may, for good cause, extend the applicable filing or adjustment period by not more than fifteen days.

NEW PARAGRAPH. d. If a nonprofit organization is delinquent in making payments in lieu of contributions as required under this subsection, the department may terminate the organization's election to make payments in lieu of contributions as of the beginning of the next calendar year.

Sec. 6. Section 96.16, subsection 4, paragraph a, Code 2018, is amended to read as follows:

a. An individual who, by reason of the nondisclosure or misrepresentation by the individual or by another of a material fact, has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in the individual's case, or while the individual was disqualified from receiving benefits, shall, ~~in the discretion of the department, either be liable to have the sum deducted from any future benefits payable to the individual under this chapter or shall be liable to repay to the department for the unemployment compensation fund, a sum equal to the amount so received by the individual.~~ If the department seeks to recover the amount of the benefits by having the individual pay to the department a sum equal to that amount, the department may file a lien with the county recorder in favor of the state on the individual's property and rights to property, whether real or personal. The amount of the lien shall be collected in a manner similar to the provisions for the collection of past-due contributions in section 96.14, subsection 3.

Sec. 7. Section 96.19, subsection 16, paragraph a, Code 2018, is amended to read as follows:

a. For purposes of this chapter with respect to any calendar year after December 31, ~~1971~~ 2018, any employing unit which in any calendar quarter in either the current or preceding calendar year paid wages for service in employment ~~wages of one thousand five hundred dollars or more excluding wages paid for domestic service or for some portion of a day in each~~

~~of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual irrespective of whether the same individual was in employment in each such day.~~ An employing unit treated as a domestic service employer shall not be treated as an employer with respect to wages paid for service other than domestic service unless such employing unit is treated as an employer under this paragraph or as an agricultural labor employer.

Sec. 8. EFFECTIVE DATE. The following takes effect January 1, 2019:
The section of this division of this Act amending section 96.19.

Approved April 4, 2018

CHAPTER 1081

FENCES AND FENCE VIEWERS

H.F. 2340

AN ACT relating to controversies involving fence viewers.

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

Section 1. Section 359.17, subsection 1, Code 2018, is amended to read as follows:

1. The board of township trustees in each township shall consist of three registered voters of the township. However, in townships with a taxable valuation for property tax purposes of two hundred fifty million dollars or more, the board of township trustees shall consist of five registered voters of the township. The trustees shall act as fence viewers as provided in chapter 359A and shall perform other duties assigned them by law. The board of trustees shall meet not less than two times a year. At least one of the meetings shall be scheduled to meet the requirements of section 359.49.

Sec. 2. NEW SECTION. 359A.2A **Fence viewers — township trustees — authority — conflict of interest.**

1. The trustees of the township where a controversy arises under this chapter shall serve as fence viewers. The fence viewers shall have authority to hear and decide all questions related to matters that are part of the controversy as provided in this chapter.

2. *a.* A fence viewer who may have a conflict of interest in deciding a question related to a matter that is part of the controversy must disclose the possible conflict of interest to the parties and the other fence viewers prior to the fence viewers participating in the matter by conducting a hearing or making a decision under section 359A.4.

b. A fence viewer who has a conflict of interest in deciding a question related to a matter that is part of the controversy is disqualified from participating in the matter. The disqualification shall be made by the election of the fence viewer or unanimous vote of the fence viewers who do not have a conflict of interest in the matter. However, if three or more fence viewers do not have a conflict of interest in the matter, the disqualification shall be made by a majority vote of those fence viewers.

3. A conflict of interest exists when a fence viewer is presented with a question to determine any matter affecting a tract of land in which the fence viewer or a person related to the fence viewer has an ownership or leasehold interest in that tract of land. That person is related to the fence viewer by being any of the following:

a. An immediate family member who is limited to any of the following:

(1) A spouse.

(2) A child, stepchild, grandchild, parent, stepparent, grandparent, sibling, stepsibling, half sibling, aunt, uncle, niece, or nephew.

(3) The spouse of any individual described in subparagraph (2).

b. A business associate who is limited to a person holding an interest in the same business entity as the fence viewer, so long as the person and the fence viewer each have a twenty-five percent or greater interest in that business entity. As used in this paragraph, “*business entity*” means a person organized or formed under Iowa statute or a foreign statute, and is authorized under Iowa statute to transact business in this state, either on a profit or nonprofit basis.

4. Upon the disqualification of the fence viewer, the remaining trustees shall appoint a qualified substitute fence viewer to decide each question related to a matter in controversy. If a trustee is not remaining, the township clerk shall appoint three qualified substitute fence viewers to decide each question related to a matter in controversy. However, this subsection does not apply if the township clerk selects a fence viewer as provided in section 359A.14.

5. Notwithstanding other provisions in the section to the contrary, a fence viewer who may or does have a conflict of interest in a matter that is part of the controversy may participate in the matter, including by hearing and deciding all questions related to the matter, if each party to the controversy signs a waiver. The waiver shall state that the party has been notified of the fence viewer’s conflict of interest and agrees to the fence viewer’s participation in the matter. The waiver shall be attached to the order issued pursuant to section 359A.4.

Sec. 3. Section 359A.3, Code 2018, is amended to read as follows:

359A.3 Powers of fence viewers Notice and hearing.

~~The fence viewers shall have power to determine any controversy arising under this chapter, upon giving give five days’ notice in writing to the opposite party or all parties, prescribing to the controversy. The notice shall prescribe the time and place of meeting to hear and determine the matter named the hearing to decide any and all matters that are part of the controversy as described in said the notice. Upon request of any landowner, the fence viewers shall give such the notice to all adjoining landowners liable for the erection, maintenance, rebuilding, trimming, or cutting back, or repairing of a partition fence, or to pay for an existing hedge or fence. The notice must include the names of the fence viewers and state whether a fence viewer disclosed a possible conflict of interest or whether a substitute fence viewer was appointed due to a fence viewer’s disqualification pursuant to section 359A.2A.~~

Sec. 4. Section 359A.4, Code 2018, is amended to read as follows:

359A.4 Decision Hearing — decision — order — deposit.

~~1. At said the time and place described in section 359A.3, the fence viewers shall meet to hear and determine by decide any and all matters that are part of the controversy. The fence viewers shall issue a written order that specifies the obligations, rights, and duties of the respective parties in such matter, and.~~

~~2. a. If the fence viewers determine the erection of a fence may be unfeasible in any location which constitutes the adjoining parties’ property boundary, the fence viewers shall conduct a site evaluation. The fence viewers may request assistance by the county engineer in the county where the adjoining properties’ boundary is situated. The determination may be based on any of the following:~~

- ~~(1) Topography.~~
- ~~(2) Terrain.~~
- ~~(3) Terraces.~~
- ~~(4) Land slope.~~
- ~~(5) Unstable ground.~~
- ~~(6) The presence of surface water, drainage systems, sinkholes, or water wells.~~
- ~~(7) Easements.~~
- ~~(8) Utilities.~~
- ~~(9) Available area.~~

~~b. If the fence viewers determine the erection of a fence is unfeasible as provided in the site evaluation, the fence viewers shall assist the parties in reaching an agreement as provided in sections 359A.12 and 359A.13. However, if the parties cannot reach such agreement within sixty days after the site evaluation is completed, the fence viewers shall order the fence’s erection. The fence shall be erected as otherwise provided in this section, except for any location identified as unfeasible in the site evaluation. For that location, the fence viewers~~

shall order the fence to be erected at the most feasible location on the property of the owner who initiated the controversy that is closest to the adjoining owner's property boundary.

3. a. The order shall assign to each owner the part which the owner shall erect, maintain, rebuild, trim or cut back, or pay for, and fix the value thereof, and prescribe the time within which the same shall be completed or paid for, and, in case of repair, may specify the kind of repairs to be made.

b. If the fence is not erected, rebuilt, or repaired within the time prescribed in the order, the fence viewers shall require the complaining landowner to deposit with the fence viewers a sum an amount of money sufficient to pay for the erecting, rebuilding, trimming, cutting back or repairing such fence together with the fees of the fence viewers and costs. Such complaining landowner shall be reimbursed as soon as the costs and fees assessed against the party in default are collected as provided in section 359A.6.

4. The order shall include the names of the fence viewers. The order shall state whether a fence viewer disclosed a possible conflict of interest, and whether a substitute fence viewer was appointed due to a disqualification pursuant to section 359A.2A. Any waiver of a conflict of interest signed by a party shall be attached to the order.

Approved April 4, 2018

CHAPTER 1082

ENGINEERING AND LAND SURVEYING EXAMINING BOARD — MEMBERSHIP

H.F. 2382

AN ACT relating to the composition of the engineering and land surveying examining board.

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

Section 1. Section 542B.3, Code 2018, is amended to read as follows:

542B.3 Engineering and land surveying examining board created.

An engineering and land surveying examining board is created within the professional licensing and regulation bureau of the banking division of the department of commerce. The board consists of ~~four~~ three members who are licensed professional engineers, ~~one member who is a~~ two members who are licensed professional land surveyor or a professional engineer who is also a licensed professional land surveyor surveyors, and two members who are not licensed professional engineers or licensed professional land surveyors and who shall represent the general public. An individual who is licensed as both a professional engineer and a professional land surveyor may serve to satisfy the board membership requirement for either a licensed professional engineer or a licensed professional land surveyor, but not both. Members shall be appointed by the governor subject to confirmation by the senate. A licensed member shall be actively engaged in the practice of engineering or land surveying and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Insofar as practicable, licensed engineer members of the board shall be from different branches of the profession of engineering. Professional associations or societies composed of licensed engineers or licensed land surveyors may recommend the names of potential board members whose profession is representative of that association or society to the governor. However, the governor is not bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of professional engineers or professional land surveyors.

Approved April 4, 2018

CHAPTER 1083**EDUCATIONAL STANDARDS, INSTRUCTION, AND SUBJECT MATTER
REQUIREMENTS — LANGUAGES***H.F. 2390*

AN ACT relating to terminology changes in education-related Iowa Code references to foreign languages.

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

Section 1. Section 49.13, subsection 6, paragraph a, subparagraph (3), Code 2018, is amended to read as follows:

(3) Receive credit in at least four subjects, each of one period or hour, or the equivalent thereof, at all times. The eligible subjects are language arts, social studies, mathematics, science, health, physical education, fine arts, foreign world language, and career and technical education. Coursework taken as a postsecondary enrollment option for which a school district or accredited nonpublic school grants academic credit toward high school graduation shall be used in determining eligibility. A student shall not be denied eligibility if the student's school program deviates from the traditional two-semester school year. Each student wishing to participate under this subsection shall be passing all coursework for which credit is given and shall be making adequate progress toward graduation requirements at the end of each grading period. At the end of a grading period that is the final grading period in a school year, a student who receives a failing grade in any course for which credit is awarded is ineligible to participate under this subsection. A student who is eligible at the close of a semester is academically eligible to participate under this subsection until the beginning of the subsequent semester. A student with a disability who has an individualized education program shall not be denied eligibility to participate under this subsection on the basis of scholarship if the student is making adequate progress, as determined by school officials, towards the goals and objectives of the student's individualized education program.

Sec. 2. Section 256.11, subsection 5, paragraph f, Code 2018, is amended to read as follows:

f. Four sequential units of one foreign world language ~~other than which may include American sign language. Provision of instruction in American sign language shall be in addition to and not in lieu of provision of instruction in other foreign languages.~~ The department may waive the third and fourth years of the foreign world language requirement on an annual basis upon the request of the board of directors of a school district or the authorities in charge of a nonpublic school if the board or authorities are able to prove that a licensed teacher was employed and assigned a schedule that would have allowed students to enroll in a foreign world language class, the foreign world language class was properly scheduled, students were aware that a foreign world language class was scheduled, and no students enrolled in the class.

Sec. 3. Section 280.4, subsection 1, Code 2018, is amended to read as follows:

1. The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a foreign world language is deemed appropriate in the teaching of any subject or when the student is limited English proficient. When the student is limited English proficient, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in English as a second language or transitional bilingual instruction until the student is fully English proficient or demonstrates a functional ability to speak, read, write, and understand the English language. As used in this section, "*limited English proficient*" means a student's language background is in a language other than English, and the student's proficiency in English is such that the probability of the student's academic success in an English-only classroom is below that of an academically successful peer with an English language background. "*Fully English proficient*" means a student who is able to read, understand, write, and speak the English language and to use English to ask questions,

to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom.

Approved April 4, 2018

CHAPTER 1084

TERMINATION OR SUSPENSION OF POWERS OF ATTORNEY — DEPENDENT ADULT ABUSE

H.F. 2402

AN ACT relating to an agent's termination or suspension of authority for a power of attorney.

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

Section 1. Section 633B.110, subsection 2, Code 2018, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *e.* The agent is named as having abused the principal in a founded dependent adult abuse report.

NEW PARAGRAPH. *f.* The agent is convicted of dependent adult abuse for having abused the principal.

Sec. 2. Section 633B.116, subsection 1, Code 2018, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0g.* A person who becomes aware of pending criminal charges of dependent adult abuse against the agent as having abused the principal.

NEW PARAGRAPH. *00g.* A person who becomes aware of an investigation of dependent adult abuse related to the agent as having abused the principal.

Sec. 3. Section 633B.116, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Upon a petition to the court to review an agent's conduct relating to pending criminal charges of dependent adult abuse or an investigation of dependent adult abuse related to the principal, the court may suspend the agent's power of attorney and may appoint a guardian ad litem to represent the principal. The guardian ad litem shall be a practicing attorney.

Approved April 4, 2018

CHAPTER 1085

OFF-LABEL PESTICIDE APPLICATION INTO LAKES

H.F. 2407

AN ACT relating to the application of pesticides into lakes, and providing penalties.

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

Section 1. NEW SECTION. **206.7A Discharge of pesticides into natural lakes — civil penalty.**

1. A person shall not intentionally spray, place, discharge, or otherwise put a pesticide off label into a natural lake, or an artificial lake connected to a natural lake, that is used as a source water for public or private water supplies.

2. This section does not apply to an operator who is certified pursuant to this chapter.

3. A person who violates this section shall be subject to a civil penalty in the amount of one thousand dollars.

Sec. 2. Section 206.22, subsection 2, Code 2018, is amended to read as follows:

2. Any person violating any provision of this chapter other than section 206.11, subsection 1, paragraph "a", or section 206.7A shall be guilty of a serious misdemeanor; provided, that any offense committed more than five years after a previous conviction shall be considered a first offense; and provided, further, that in any case where a registrant was issued a warning by the secretary pursuant to the provisions of this chapter, such registrant shall upon conviction of a violation of any provision of this chapter other than section 206.11, subsection 1, paragraph "a", be guilty of a serious misdemeanor; and the registration of the article with reference to which the violation occurred shall terminate automatically. An article, the registration of which has been terminated, may not again be registered unless the article, its labeling, and other material required to be submitted appear to the secretary to comply with all the requirements of this chapter.

Approved April 4, 2018

CHAPTER 1086

IOWA NATIONAL SERVICE CORPS PROGRAM

H.F. 2420

AN ACT establishing an Iowa national service corps program administered by the Iowa commission on volunteer service.

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

Section 1. Section 15H.5, subsection 5, paragraph a, Code 2018, is amended to read as follows:

a. Funding for the Iowa summer youth corps program, the Iowa green corps program established pursuant to section 15H.6, the Iowa reading corps program established pursuant to section 15H.7, and the RefugeeRISE AmeriCorps program established pursuant to section 15H.8, and the Iowa national service corps program established pursuant to section 15H.9 shall be obtained from private sector, and local, state, and federal government sources, or from other available funds credited to the community programs account, which shall be created within the economic development authority under the authority of the commission. Moneys available in the account for a fiscal year are appropriated to the commission to be used for the programs. The commission may establish an escrow account within the authority and obligate moneys within that escrow account for tuition or program payments to be made beyond the term of any fiscal year. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the community programs account shall be credited to the account. Notwithstanding section 8.33, moneys in the community programs account or escrow account shall not revert to the general fund but shall remain available for expenditure in future fiscal years.

Sec. 2. **NEW SECTION. 15H.9 Iowa national service corps program.**

1. The Iowa commission on volunteer service may establish an Iowa national service corps program to provide opportunities for state agencies, political subdivisions of the state, and private, nonprofit organizations to create national service programs outside of existing state

and federal programs to meet state and local needs and to provide more opportunities for Iowans to serve their state and country and foster a cultural expectation of service in Iowa through a unified service corps.

2. The commission may adopt rules pursuant to chapter 17A for approving Iowa national service corps programs and national service positions. Existing programs and service positions, including those established through the AmeriCorps programs in Iowa created pursuant to 42 U.S.C. §12501, Senior Corps and AmeriCorps vista in Iowa created pursuant to 42 U.S.C. §4950 et seq., the Iowa summer youth corps program created pursuant to section 15H.5, the Iowa green corps program created pursuant to section 15H.6, the Iowa reading corps program created pursuant to section 15H.7, the RefugeeRISE AmeriCorps program created pursuant to section 15H.8, and the Iowa conservation corps created pursuant to section 84A.7, are part of the Iowa national service corps programs and national service positions.

3. State agencies or political subdivisions of the state may enter into an agreement with any approved Iowa national service corps program directly or through an agreement with the commission. State agencies or political subdivisions of the state may establish Iowa national service corps programs or contract with a third-party vendor to assist the agency or political subdivision in establishing such programs.

4. State agencies or political subdivisions of the state may give priority to grants or projects funded that utilize Iowa national service corps programs.

5. State agencies or political subdivisions of the state may establish hiring preferences for any Iowa national service corps or AmeriCorps participant who has successfully completed a year of full-time service or one thousand seven hundred hours over a period extending beyond a year.

6. A person participating in the Iowa national service corps program is not an employee of the organization in which the person is enrolled regardless of whether a stipend is provided, shall be exempt from the merit system requirements of chapter 8, subchapter IV, and is not eligible to receive unemployment compensation benefits under chapter 96 upon completion of service.

Approved April 4, 2018

CHAPTER 1087

PHYSICAL THERAPY LICENSURE COMPACT

H.F. 2425

AN ACT establishing a physical therapy licensure compact.

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

Section 1. NEW SECTION. **147C.1 Form of compact.**

1. *Article I — Purpose.*

a. The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient is located at the time of the patient encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

b. This compact is designed to achieve all of the following objectives:

(1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses.

(2) Enhance the states' ability to protect the public's health and safety.

(3) Encourage the cooperation of member states in regulating multistate physical therapy practice.

(4) Support spouses of relocating military members.

(5) Enhance the exchange of licensure, investigative, and disciplinary information between member states.

(6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

2. *Article II — Definitions.*

a. "*Active duty military*" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. §1209 and 10 U.S.C. §1211.

b. "*Adverse action*" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

c. "*Alternative program*" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes but is not limited to substance abuse issues.

d. "*Compact privilege*" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient is located at the time of the patient encounter.

e. "*Continuing competence*" means a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work.

f. "*Data system*" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.

g. "*Encumbered license*" means a license that a physical therapy licensing board has limited in any way.

h. "*Executive board*" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

i. "*Home state*" means the member state that is the licensee's primary state of residence.

j. "*Investigative information*" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

k. "*Jurisprudence requirement*" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

l. "*Licensee*" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

m. "*Member state*" means a state that has enacted the compact.

n. "*Party state*" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

o. "*Physical therapist*" means an individual who is licensed by a state to practice physical therapy.

p. "*Physical therapist assistant*" means an individual who is licensed by a state and who assists the physical therapist in selected components of physical therapy.

q. "*Physical therapy*", "*physical therapy practice*", and "*the practice of physical therapy*" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

r. "*Physical therapy compact commission*" or "*commission*" means the national administrative body whose membership consists of all states that have enacted the compact.

s. "*Physical therapy licensing board*" or "*licensing board*" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

t. "*Remote state*" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

u. "*Rule*" means a regulation, principle, or directive promulgated by the commission that has the force of law.

v. “State” means any state, commonwealth, district, or territory of the United States that regulates the practice of physical therapy.

3. *Article III — State participation in the compact.*

a. To participate in the compact, a state must meet all of the following requirements:

(1) Participate fully in the commission’s data system, including using the commission’s unique identifier as defined in rules.

(2) Have a mechanism in place for receiving and investigating complaints about licensees.

(3) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee.

(4) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and using the results in making licensure decisions in accordance with article III, paragraph “b”.

(5) Comply with the rules of the commission.

(6) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission.

(7) Have continuing competence requirements as a condition for license renewal.

b. Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the federal bureau of investigation for a criminal background check in accordance with 28 U.S.C. §534 and 42 U.S.C. §14616.

c. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

d. Member states may charge a fee for granting a compact privilege.

4. *Article IV — Compact privilege.*

a. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall meet all of the following requirements:

(1) Hold a license in the home state.

(2) Have no encumbrance on any state license.

(3) Be eligible for a compact privilege in any member state in accordance with article IV, paragraphs “d”, “g”, and “h”.

(4) Have not had any adverse action against any license or compact privilege within the previous two years.

(5) Notify the commission that the licensee is seeking the compact privilege within a remote state.

(6) Pay any applicable fees, including any state fee, for the compact privilege.

(7) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege.

(8) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

b. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of article IV, paragraph “a”, to maintain the compact privilege in the remote state.

c. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

d. A licensee providing physical therapy in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, remove a licensee’s compact privilege in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

e. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until all of the following occur:

(1) The home state license is no longer encumbered.

(2) Two years have elapsed from the date of the adverse action.

f. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of article IV, paragraph “a”, to obtain a compact privilege in any remote state.

g. If a licensee’s compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until all of the following occur:

- (1) The specific period of time for which the compact privilege was removed has ended.
- (2) All fines have been paid.
- (3) Two years have elapsed from the date of the adverse action.

h. Once the requirements of article IV, paragraph “g”, have been met, the license must meet the requirements in article IV, paragraph “a”, to obtain a compact privilege in a remote state.

5. *Article V — Active duty military personnel or their spouses.* A licensee who is active duty military or is the spouse of an individual who is active duty military may designate any of the following as the home state:

- a. Home of record.
- b. Permanent change of station.
- c. State of current residence if it is different than the permanent change of station state or home of record.

6. *Article VI — Adverse actions.*

a. A home state shall have exclusive power to impose adverse action against a license issued by the home state.

b. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

c. Nothing in this compact shall override a member state’s decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state’s laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

d. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

e. A remote state shall have the authority to do all of the following:

(1) Take adverse actions as set forth in article IV, paragraph “d”, against a licensee’s compact privilege in the state.

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located.

(3) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

f. *Joint investigations.*

(1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

7. *Article VII — Establishment of the physical therapy compact commission.*

a. The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission.

(1) The commission is an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the

commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

b. Membership, voting, and meetings.

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

c. The commission shall have all of the following powers and duties:

(1) Establish the fiscal year of the commission.

(2) Establish bylaws.

(3) Maintain its financial records in accordance with the bylaws.

(4) Meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(5) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

(6) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected.

(7) Purchase and maintain insurance and bonds.

(8) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state.

(9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

(12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.

(13) Establish a budget and make expenditures.

(14) Borrow money.

(15) Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(16) Provide and receive information from, and cooperate with, law enforcement agencies.

(17) Establish and elect an executive board.

(18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

d. The executive board.

(1) The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

(2) The executive board shall be comprised of the following nine members:

(a) Seven voting members who are elected by the commission from the current membership of the commission.

(b) One ex officio, nonvoting member from the recognized national physical therapy professional association.

(c) One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

(3) The ex officio members will be selected by their respective organizations.

(4) The commission may remove any member of the executive board as provided in bylaws.

(5) The executive board shall meet at least annually.

(6) The executive board shall have all of the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

(b) Ensure compact administration services are appropriately provided, contractual or otherwise.

(c) Prepare and recommend the budget.

(d) Maintain financial records on behalf of the commission.

(e) Monitor compact compliance of member states and provide compliance reports to the commission.

(f) Establish additional committees as necessary.

(g) Other duties as provided in rules or bylaws.

e. Meetings of the commission.

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article IX.

(2) The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss all of the following:

(a) Noncompliance of a member state with its obligations under the compact.

(b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

(c) Current, threatened, or reasonably anticipated litigation.

(d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

(e) Accusing any person of a crime or formally censuring any person.

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(h) Disclosure of investigative records compiled for law enforcement purposes of any of the following.¹

(i) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

(j) Matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and

¹ See chapter 1172, §20 herein

documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

f. Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

g. Qualified immunity, defense, and indemnification.

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph "g" shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

8. Article VIII — Data system.

a. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

b. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including all of the following:

- (1) Identifying information.

- (2) Licensure data.
 - (3) Adverse actions against a license or compact privilege.
 - (4) Nonconfidential information related to alternative program participation.
 - (5) Any denial of application for licensure, and the reason for such denial.
 - (6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.
- c. Investigative information pertaining to a licensee in any member state will only be available to other party states.
- d. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.
- e. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
- f. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.
9. *Article IX — Rulemaking.*
- a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- b. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.
- c. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.
- d. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking as follows:
- (1) On the internet site of the commission or other publicly accessible platform.
 - (2) On the internet site of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.
- e. The notice of proposed rulemaking shall include all of the following:
- (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.
 - (2) The text of the proposed rule or amendment and the reason for the proposed rule.
 - (3) A request for comments on the proposed rule from any interested person.
 - (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
- f. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.
- g. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:
- (1) At least twenty-five persons.
 - (2) A state or federal governmental subdivision or agency.
 - (3) An association having at least twenty-five members.
- h. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.
- (1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.
 - (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
 - (3) All hearings will be recorded. A copy of the recording will be made available on request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

j. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

k. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

l. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(4) Protect public health and safety.

m. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

10. *Article X — Oversight, dispute resolution, and enforcement.*

a. *Oversight.*

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

b. *Default, technical assistance, and termination.*

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall do all of the following:

(a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission.

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date

of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

c. Dispute resolution.

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

d. Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

11. Article XI — Date of implementation of the interstate commission for physical therapy practice and associated rules, withdrawal, and amendment.

a. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

c. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

d. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

12. *Article XII — Construction and severability.*

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Approved April 4, 2018

CHAPTER 1088

HORSE RACING REGULATION

H.F. 2439

AN ACT relating to horse racing regulated by the racing and gaming commission.

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

Section 1. Section 99D.22, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. (1) A licensee shall hold at least one race on each racing day limited to Iowa-foaled horses or Iowa-whelped dogs as defined by the department of agriculture and land stewardship using standards consistent with this section. However, if sufficient competition cannot be had among that class of horses or dogs on any day, another race for the day may be substituted.

(2) If Iowa-foaled horses are in a race not limited to Iowa-foaled horses that is not a stakes race, the licensee shall allow any Iowa-foaled horse an additional three-pound weight allowance beyond the stated conditions of the race.

Sec. 2. Section 99D.23, subsections 1 and 2, Code 2018, are amended to read as follows:

1. The commission shall employ one or more chemists or contract with a qualified chemical laboratory to determine by chemical testing and analysis of saliva, urine, blood, hair, or other excretions or body fluids whether a substance or drug has been introduced which may affect the outcome of a race or whether an action has been taken or a substance or drug has been introduced which may interfere with the testing procedure. The commission shall adopt rules under chapter 17A concerning procedures and actions taken on positive drug reports. The commission may adopt by reference nationally recognized standards as determined by the commission or may adopt any other procedure or standard. The commission has the authority to retain and preserve by freezing, test samples for future analysis.

2. The commission shall employ or contract with one or more veterinarians to extract or procure the saliva, urine, blood, hair, or other excretions or body fluids of the horses or dogs for the chemical testing purposes of this section. A commission veterinarian shall be in attendance at every race meeting held in this state.

Approved April 4, 2018

CHAPTER 1089**IMMIGRATION LAW ENFORCEMENT***S.F. 481*

AN ACT relating to the enforcement of immigration laws and providing penalties and remedies, including the denial of state funds to certain entities.

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

Section 1. NEW SECTION. 825.1 Definitions.

1. “*Immigration detainer request*” means a written federal government request to a local entity to maintain temporary custody of an alien, including a United States department of homeland security form I-247 or a similar or successor form. “*Immigration detainer request*” includes only written federal government requests that are accompanied by any of the following properly completed forms or similar or successor forms, if such forms or similar or successor forms are signed by an authorized United States immigration and customs enforcement officer:

- a. United States department of homeland security form I-200.
- b. United States department of homeland security form I-205.

2. “*Immigration law*” means a law of this state or a federal law relating to aliens, immigrants, or immigration, including but not limited to the federal Immigration and Nationality Act, 8 U.S.C. §1101 et seq.

3. “*Lawful detention*” means the detention of a person by a local entity for the investigation of a public offense. “*Lawful detention*” excludes a detention if the sole reason for the detention is that a person is a victim of or witness to a public offense or is reporting a public offense.

4. “*Local entity*” means the governing body of a city or county. “*Local entity*” includes an officer or employee of a local entity or a division, department, or other body that is part of a local entity, including but not limited to a sheriff, police department, city attorney, or county attorney.

5. “*Policy*” includes a formal, written rule, policy, procedure, regulation, order, ordinance, motion, resolution, or amendment and an informal, unwritten policy.

6. “*Public offense*” excludes a moving traffic violation under chapter 321.

Sec. 2. NEW SECTION. 825.2 Law enforcement agency duties — immigration detainer requests.

A law enforcement agency in this state that has custody of a person subject to an immigration detainer request issued by United States immigration and customs enforcement shall fully comply with any instruction made in the detainer request and in any other legal document provided by a federal agency.

Sec. 3. NEW SECTION. 825.3 Completion of sentence in federal custody.

1. The court, in a criminal proceeding in this state in which the sentence requires a defendant who is the subject of an immigration detainer request to be confined in a correctional facility, shall issue an order at the time of sentencing requiring the correctional facility in which the defendant is to be confined and all appropriate government officers to require the defendant to be transferred to serve in federal custody the final portion of the defendant’s sentence, not to exceed a period of seven days, if a facility or officer determines that the change in the place of confinement will facilitate the seamless transfer of the defendant into federal custody. The court in a criminal proceeding in this state shall retain jurisdiction to issue such an order at a later date if the court receives notice from a federal agency that a defendant was the subject of an immigration detainer request at the time of sentencing. The court shall issue such an order as soon as practicable after receiving such notice.

2. In the absence of an order issued under this section, a facility or officer acting under exigent circumstances may perform such a transfer after making a determination that the change in the place of confinement will facilitate the seamless transfer of the defendant into federal custody.

3. A defendant shall be transferred pursuant to this section only if appropriate officers of the federal government consent to the transfer of a defendant into federal custody under the circumstances described in this section.

Sec. 4. NEW SECTION. 825.4 Restriction on enforcement of immigration law prohibited.

1. A local entity shall not adopt or enforce a policy or take any other action under which the local entity prohibits or discourages the enforcement of immigration laws.

2. A local entity shall not prohibit or discourage a person who is a law enforcement officer, corrections officer, county attorney, city attorney, or other official who is employed by or otherwise under the direction or control of the local entity from doing any of the following:

a. Inquiring about the immigration status of a person under a lawful detention or under arrest.

b. Doing any of the following with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:

(1) Sending the information to or requesting or receiving the information from United States citizenship and immigration services, United States immigration and customs enforcement, or another relevant federal agency.

(2) Maintaining the information.

(3) Exchanging the information with another local entity or a federal or state governmental entity.

c. Assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.

d. Permitting a federal immigration officer to enter and conduct enforcement activities at a jail or other detention facility to enforce a federal immigration law.

Sec. 5. NEW SECTION. 825.5 Written policies.

No later than January 1, 2019, each state or local law enforcement agency subject to this chapter shall do all of the following:

1. Formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws.

2. Update the agency's policies to be consistent with this chapter, to require each officer or other employee of the law enforcement agency to fully comply with this chapter, and to prohibit an officer or other employee of the law enforcement agency from preventing law enforcement agency personnel from fully complying with this chapter.

Sec. 6. NEW SECTION. 825.6 Discrimination prohibited.

A local entity or a person employed by or otherwise under the direction or control of a local entity shall not consider race, skin color, language spoken, or national origin while enforcing immigration laws except to the extent permitted by the Constitution of the United States or the Constitution of the State of Iowa.

Sec. 7. NEW SECTION. 825.7 Victim of or witness to a crime — limitation on collection of information.

A local entity or a person employed by or otherwise under the direction or control of a local entity shall not ask for or collect any information from a victim of or witness to an alleged public offense or from a person reporting an alleged public offense, including the victim's, witness's, or person's national origin, that is not pertinent to the investigation of the alleged public offense.

Sec. 8. NEW SECTION. 825.8 Complaints — notification — civil action.

1. Any person, including a federal agency, may file a complaint with the attorney general alleging that a local entity has violated or is violating this chapter if the person offers evidence to support such an allegation. The person shall include with the complaint any evidence the person has in support of the complaint.

2. A local entity for which the attorney general has received a complaint pursuant to this section shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the complaint.

3. A complaint filed pursuant to subsection 1 shall not be valid unless the attorney general determines that a violation of this chapter by a local entity was intentional.

4. If the attorney general determines that a complaint filed pursuant to this section against a local entity is valid, the attorney general, not later than ten days after the date of such a determination, shall provide written notification to the local entity by certified mail, with return receipt requested, stating all of the following:

a. A complaint pursuant to this section has been filed and the grounds for the complaint.

b. The attorney general has determined that the complaint is valid.

c. The attorney general is authorized to file a civil action in district court pursuant to subsection 6 to enjoin a violation of this chapter no later than forty days after the date on which the notification is received if the local entity does not come into compliance with the requirements of this chapter.

d. The local entity and any entity that is under the jurisdiction of the local entity will be denied state funds pursuant to section 825.9 for the state fiscal year following the year in which a final judicial determination in a civil action brought under this section is made.

5. No later than thirty days after the date on which a local entity receives written notification under subsection 4, the local entity shall provide the attorney general with all of the following:

a. Copies of all of the local entity's written policies relating to immigration enforcement actions.

b. A copy of each immigration detainer request received by the local entity from a federal agency.

c. A copy of each response sent by the local entity to an immigration detainer request described by paragraph "b".

d. A description of all actions the local entity has taken or will take to correct any violations of this chapter.

e. If applicable, any evidence that would refute the allegations made in the complaint.

6. No later than forty days after the date on which the notification pursuant to subsection 4 is received, the attorney general shall file a civil action in district court to enjoin any ongoing violation of this chapter by a local entity.

Sec. 9. NEW SECTION. **825.9 Denial of state funds.**

1. Notwithstanding any other provision of law to the contrary, a local entity, including any entity under the jurisdiction of the local entity, shall be ineligible to receive any state funds if the local entity intentionally violates this chapter.

2. State funds shall be denied to a local entity pursuant to subsection 1 by all state agencies for each state fiscal year that begins after the date on which a final judicial determination that the local entity has intentionally violated this chapter is made in a civil action brought pursuant to section 825.8, subsection 6. State funds shall continue to be denied until eligibility to receive state funds is reinstated under section 825.10. However, any state funds for the provision of wearable body protective gear used for law enforcement purposes shall not be denied under this section.

3. The department of management shall adopt rules pursuant to chapter 17A to implement this section and section 825.10 uniformly across state agencies from which state funds are distributed to local entities.

Sec. 10. NEW SECTION. **825.10 Reinstatement of eligibility to receive state funds.**

1. Except as provided by subsection 5, no earlier than ninety days after the date of a final judicial determination that a local entity has intentionally violated the provisions of this chapter, the local entity may petition the district court that heard the civil action brought pursuant to section 825.8, subsection 6, to seek a declaratory judgment that the local entity is in full compliance with this chapter.

2. A local entity that petitions the court as described by subsection 1 shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the action.

3. If the court issues a declaratory judgment declaring that the local entity is in full compliance with this chapter, the local entity's eligibility to receive state funds is reinstated beginning on the first day of the month following the date on which the declaratory judgment is issued.

4. A local entity shall not petition the court as described in subsection 1 more than twice in one twelve-month period.

5. A local entity may petition the court as described in subsection 1 before the date provided in subsection 1 if the person who was the director or other chief officer of the local entity at the time of the violation of this chapter is subsequently removed from or otherwise leaves office.

6. A party shall not be entitled to recover any attorney fees in a civil action described by subsection 1.

Sec. 11. NEW SECTION. **825.11 Attorney general database.**

The attorney general shall develop and maintain a searchable database listing each local entity for which a final judicial determination described in section 825.9, subsection 2, has been made. The attorney general shall post the database on the attorney general's internet site.

Sec. 12. **APPLICABILITY.** This Act applies to the release of a person from custody in this state on or after the effective date of this Act.

Sec. 13. **IMPLEMENTATION OF ACT.** Section 25B.2, subsection 3, shall not apply to this Act.

Approved April 10, 2018

CHAPTER 1090

ALCOHOLIC BEVERAGE LICENSEES OR PERMITTEES AND DRAMSHOP LIABILITY

S.F. 2169

AN ACT limiting the liability of an alcoholic beverage licensee or permittee for certain alcohol-related injuries.

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

Section 1. Section 123.92, subsection 1, Code 2018, is amended to read as follows:

1. *a.* Any person third party who is not the intoxicated person who caused the injury at issue and who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for all damages actually sustained, severally or jointly, up to the amount specified in paragraph "c", against any licensee or permittee, whether or not the license or permit was issued by the division or by the licensing authority of any other state, who sold and served any beer, wine, or intoxicating liquor directly to the intoxicated person, when the licensee or permittee knew or should have known the person was intoxicated, or who sold to and served the person to a point where the licensee or permittee knew or should have known the person would become intoxicated provided that the person was visibly intoxicated at the time of the sale or service.¹

¹ See chapter 1172, §51 herein

b. If the injury was proximately caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person.

c. The total amount recoverable by each plaintiff in any civil action for noneconomic damages for personal injury, whether in tort, contract, or otherwise, against a licensee or permittee, shall be limited to two hundred fifty thousand dollars for any injury or death of a person, unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, or death, which warrants a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained.

Sec. 2. Section 123.92, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The division shall biennially conduct an evaluation concerning minimum coverage requirements of dramshop liability insurance. In conducting the evaluation, the division shall include a comparison of other states' minimum dramshop liability insurance coverage and any other relevant issues the division identifies. By January 31, 2019, and every two years thereafter, the division shall submit a report, including any findings and recommendations, to the general assembly as provided in chapter 7A.²

Approved April 10, 2018

CHAPTER 1091

CONSUMER PROTECTION AND PERSONAL INFORMATION — SECURITY FREEZES AND BREACH PROTECTION

S.F. 2177

AN ACT relating to consumer protection modifying provisions applicable to consumer security freezes and personal information security breach protection, and including effective date provisions.

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

Section 1. Section 714G.2, Code 2018, is amended to read as follows:

714G.2 Security freeze.

1. A consumer may submit ~~by certified mail to a consumer reporting agency~~ a written request for a security freeze to a consumer reporting agency by first-class mail, telephone, secure internet connection, or other secure electronic contact method designated by the consumer reporting agency. The consumer must submit proper identification ~~and the applicable fee~~ with the request. Within ~~five~~ three business days after receiving the request, the consumer reporting agency shall commence the security freeze. Within ~~ten~~ three business days after commencing the security freeze, the consumer reporting agency shall send a written confirmation to the consumer of the security freeze, a personal identification number or password, other than the consumer's social security number, for the consumer to use in authorizing the suspension or removal of the security freeze, including information on how the security freeze may be temporarily suspended.

2. *a.* If a consumer requests a security freeze from a consumer reporting agency that compiles and maintains files on a nationwide basis, the consumer reporting agency shall identify, to the best of its knowledge, any other consumer reporting agency that compiles and maintains files on consumers on a nationwide basis and inform consumers of appropriate contact information that would permit the consumer to place, lift, or remove a security freeze from such other consumer reporting agency.

² See chapter 1172, §53 herein

b. For purposes of this subsection, “consumer reporting agency that compiles and maintains files on a nationwide basis” means the same as defined in 15 U.S.C. §1681a(p).

Sec. 2. Section 714G.3, subsection 1, Code 2018, is amended to read as follows:

1. A consumer may request that a security freeze be temporarily suspended to allow the consumer reporting agency to release the consumer credit report for a specific time period. The consumer reporting agency ~~may~~ shall develop procedures to expedite the receipt and processing of requests ~~which may involve the use of telephones by first-class mail, telephone, facsimile transmissions, the secure internet connection, or other secure electronic media contact method designated by the consumer reporting agency.~~ The consumer reporting agency shall comply with the request within three business days after receiving the consumer’s written request, or within fifteen minutes after the consumer’s request is received by the consumer reporting agency through ~~facsimile, the secure internet, connection or other secure electronic contact method chosen designated by the consumer reporting agency, or the use of a telephone, during normal business hours.~~ The consumer’s request shall include all of the following:

- a. Proper identification.
- b. The personal identification number or password provided by the consumer reporting agency.
- c. Explicit instructions of the specific time period designated for suspension of the security freeze.
- d. ~~Payment of the applicable fee.~~

Sec. 3. Section 714G.4, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A security freeze remains in effect until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days after receiving a request for removal that includes proper identification of the consumer, and the personal identification number or password provided by the consumer reporting agency, ~~and payment of the applicable fee.~~

Sec. 4. Section 714G.5, Code 2018, is amended to read as follows:

714G.5 Fees prohibited.

~~1. A consumer reporting agency shall not charge any fee to a consumer who is the victim of identity theft for commencing a security freeze, temporary suspension, or removal if with the initial security freeze request, the consumer submits a valid copy of the police report concerning the unlawful use of identification information by another person.~~

~~2. A consumer reporting agency may charge a fee not to exceed ten dollars to a consumer who is not the victim of identity theft for each security freeze, removal, or for reissuing a personal identification number or password if the consumer fails to retain the original number. The consumer reporting agency may charge a fee not to exceed twelve dollars for each temporary suspension of a security freeze.~~

A consumer reporting agency shall not charge a fee to a consumer for providing any service pursuant to this chapter, including but not limited to placing, removing, temporarily suspending, or reinstating a security freeze.

Sec. 5. Section 714G.8A, subsection 1, paragraph d, Code 2018, is amended by striking the paragraph.

Sec. 6. Section 714G.8A, subsection 3, paragraph d, Code 2018, is amended by striking the paragraph.

Sec. 7. Section 714G.8A, subsection 5, Code 2018, is amended to read as follows:

5. ~~a.~~ A consumer reporting agency ~~may~~ shall not charge a reasonable fee, ~~not to exceed five dollars, for each the placement, or removal, or reinstatement~~ of a protected consumer security freeze. A consumer reporting agency may not charge any other fee for a service performed pursuant to this section.

~~b. Notwithstanding paragraph “a”, a fee may not be charged by a consumer reporting agency pursuant to either of the following:~~

~~(1) If the protected consumer’s representative has obtained a police report or affidavit of alleged identity theft under section 715A.8 and submits a copy of the report or affidavit to the consumer reporting agency.~~

~~(2) A request for the commencement or removal of a protected consumer security freeze is for a protected consumer who is under the age of sixteen years at the time of the request and the consumer reporting agency has a consumer credit report pertaining to the protected consumer.~~

Sec. 8. Section 715C.1, subsection 5, Code 2018, is amended to read as follows:

5. “Encryption” means the use of an algorithmic process pursuant to accepted industry standards to transform data into a form in which the data is rendered unreadable or unusable without the use of a confidential process or key.

Sec. 9. Section 715C.2, subsections 7 and 8, Code 2018, are amended to read as follows:

7. This section does not apply to any of the following:

a. A person who complies with notification requirements or breach of security procedures that provide greater protection to personal information and at least as thorough disclosure requirements than that provided by this section pursuant to the rules, regulations, procedures, guidance, or guidelines established by the person’s primary or functional federal regulator.

b. A person who complies with a state or federal law that provides greater protection to personal information and at least as thorough disclosure requirements for breach of security or personal information than that provided by this section.

c. A person who is subject to and complies with regulations promulgated pursuant to Tit. V of the federal Gramm-Leach-Bliley Act of 1999, 15 U.S.C. §6801 – 6809.

d. A person who is subject to and complies with regulations promulgated pursuant to Tit. II, subtit. F of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §1320d – 1320d-9, and Tit. XIII, subtit. D of the federal Health Information Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §17921 – 17954.

8. Any person who owns or licenses computerized data that includes a consumer’s personal information that is used in the course of the person’s business, vocation, occupation, or volunteer activities and that was subject to a breach of security requiring notification to more than five hundred residents of this state pursuant to this section shall give written notice of the breach of security ~~following discovery of such breach of security, or receipt of notification under subsection 2,~~ to the director of the consumer protection division of the office of the attorney general within five business days after giving notice of the breach of security to any consumer pursuant to this section.

Sec. 10. EFFECTIVE DATE. The following take effect January 1, 2019:

1. The section of this Act amending section 714G.2.

2. The section of this Act amending section 714G.3, subsection 1.

3. The section of this Act amending section 714G.4, unnumbered paragraph 1.

Approved April 10, 2018

CHAPTER 1092**NURSE LICENSURE — LIMITED AUTHORIZATION***S.F. 2203*

AN ACT authorizing the board of nursing to issue a limited nursing authorization to a nurse to complete the clinical component of a nurse refresher course.

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

Section 1. **NEW SECTION. 152.9A Limited nursing authorization.**

The board may issue a limited authorization to a nurse to complete the clinical component of a nurse refresher course. The board shall determine the length of time a limited nursing authorization shall remain effective.

Approved April 10, 2018

CHAPTER 1093**GROUNDWATER HAZARD STATEMENTS — FORMATTING REQUIREMENTS***S.F. 2226*

AN ACT relating to formatting requirements for groundwater hazard statements recorded with a county recording office.

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

Section 1. Section 331.606B, subsection 5, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* A groundwater hazard statement pursuant to section 558.69.

Approved April 10, 2018

CHAPTER 1094**MECHANIC'S LIENS — CONTRACTS FOR LABOR AND MATERIALS — COLLATERAL SECURITY***S.F. 2229*

AN ACT relating to obtaining a mechanic's lien when a person takes collateral security on a contract for furnishing material or performing labor.

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

Section 1. **REPEAL.** Section 572.3, Code 2018, is repealed.

Approved April 10, 2018

CHAPTER 1095**MOTOR VEHICLE REGULATION — DEALER OR MANUFACTURER RECORDS,
REGISTRATION AND TITLING, AND WARRANTIES AND RECALLS***S.F. 2293*

AN ACT relating to motor vehicles, including provisions concerning record retention at established places of business of motor vehicle dealers, electronic titling and registration of motor vehicles, and warranties and recalls of motor vehicle franchises.

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

Section 1. Section 321.1, subsection 23, Code 2018, is amended to read as follows:

23. “*Established place of business*” means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the dealer’s or manufacturer’s books and records are kept and a large share of the dealer’s or manufacturer’s business is transacted. If a dealer has designated one established place of business for purposes of keeping all the dealer’s books and records pursuant to section 321.63, “*established place of business*” also includes any place actually occupied either continuously or at regular periods by the dealer where a large share of the dealer’s business is transacted but not where the dealer’s books and records are kept.

Sec. 2. Section 321.20, subsections 2 and 4, Code 2018, are amended to read as follows:

2. Notwithstanding contrary provisions of this chapter or chapter 326 regarding titling and registration by means other than electronic means, the department shall, by ~~January July 1, 2018~~ 2019, develop and implement a program to allow for electronic applications, titling, registering, and funds transfers for vehicles subject to registration in order to improve the efficiency and timeliness of the processes and to reduce costs for all parties involved. The program shall also provide for the electronic submission of any statement required by this section, except where prohibited by federal law.

4. Notwithstanding this section or any other provision of law to the contrary, if the program required by subsection 2 is not implemented by ~~January July 1, 2018~~ 2019, an owner of a vehicle subject to registration may apply to the county treasurer of a county contiguous to the county designated for the owner under subsection 1 for registration and issuance of a certificate of title.

Sec. 3. Section 321.63, Code 2018, is amended to read as follows:

321.63 Different places of business.

1. If a transporter or dealer has an established place of business in more than one city, the transporter or dealer shall secure a separate and distinct certificate of registration and number plates for each such place of business.

2. If a dealer has more than one established place of business, the dealer may designate one such location in this state for purposes of keeping all the dealer’s books and records, regardless of the line-make of motor vehicles to which such books and records pertain, by submitting a written certification to the department in a manner approved by the department.

Sec. 4. Section 322A.5, Code 2018, is amended to read as follows:

322A.5 Warranties and recalls.

1. Every franchiser and franchisee shall fulfill the terms of any express or implied warranty concerning the sale of a motor vehicle to the public of the line-make which is the subject of a contract or franchise agreement between the parties. If it is determined by the district court that either the franchiser or franchisee, or both, have violated an express or implied warranty, the court shall add to any award or relief granted an additional award for reasonable attorney fees and other necessary expenses for maintaining the litigation.

2. a. A franchiser shall specify in writing to each of the franchiser’s franchisees operating in this state the franchisee’s obligations for preparation, delivery, and warranty services related to the franchiser’s products. The franchiser shall compensate the franchisee for the warranty services the franchiser requires the franchisee to provide, including warranty and

recall obligations related to repairing and servicing motor vehicles of the franchiser and all parts and components authorized by the manufacturer to be installed in or manufactured for installation in such motor vehicles.

b. The franchiser shall provide to the franchisee a schedule of compensation that specifies reasonable compensation the franchiser will pay to the franchisee for such warranty services, including for parts, labor, and diagnostics.

(1) In determining the schedule of compensation for parts, the franchiser may multiply the price paid by the franchisee for parts, including all shipping costs and other charges, by the sum of one and the franchisee's average percentage markup. The franchisee's average percentage markup is calculated by subtracting one from the result of dividing the total amounts charged by the franchisee for parts used in warranty-like repairs by the total cost to the franchisee for the parts in the retail service orders submitted pursuant to subparagraph (3).

(2) In determining the schedule of compensation for labor-related warranty services, the franchiser may calculate the franchisee's retail labor rate by dividing the total amount of retail sales attributable to labor for warranty-like services by the number of hours of labor spent to generate the retail sales in the retail service orders submitted pursuant to subparagraph (3).

(3) (a) The franchisee may establish its average percentage markup for parts or its labor rate by submitting to the franchiser copies of one hundred sequential retail service orders paid by the franchisee's customers, or all of the franchisee's retail service orders paid by the franchisee's customers in a ninety-day period, whichever is less, for services provided within the previous one-hundred-eighty-day period. The franchiser shall not consider retail service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service.

(b) Within thirty days of receiving the franchisee's submission, the franchiser may choose to audit the submitted orders. The franchiser shall then approve or deny the establishment of the franchisee's average percentage markup or labor rate. If the franchiser approves the establishment of the franchisee's average percentage markup or labor rate, the markup or rate calculated under this subparagraph shall go into effect forty-five days after the date of the franchiser's approval. If the franchiser denies the establishment of the franchisee's average percentage markup or labor rate, the franchisee may file a complaint with the department and a hearing shall be held before the department of inspections and appeals. The franchiser shall have the burden of proof to establish that the franchiser's denial was reasonable. If the department of inspections and appeals finds the denial was not reasonable, the denial shall be deemed a violation of this chapter and the department of inspections and appeals shall determine the franchisee's average percentage markup or labor rate for purposes of calculating a reasonable schedule of compensation. In making such a determination, the department of inspections and appeals shall not consider retail service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service.

(c) A franchiser shall not require a franchisee to establish an average percentage markup or labor rate by a methodology, or by requiring the submission of information, that is unduly burdensome or time-consuming to the franchisee, including but not limited to requiring part-by-part or transaction-by-transaction calculations.

(d) A franchisee shall not request a change in the franchisee's average percentage markup or labor rate more than once in any one-year period.

(4) The compensation to the franchisee for warranty parts and labor shall not be less than the rates charged by the franchisee for like parts and services to retail customers, provided the rates are reasonable.

3. A franchiser shall not do any of the following:

a. Fail to perform any warranty obligation.

b. Fail to compensate any of the franchiser's franchisees operating in this state for repairs relating to a recall.

4. a. A claim made by a franchisee for warranty services pursuant to this section shall be paid within thirty days after the claim's approval. A franchiser shall either approve or deny a claim within thirty days after the franchiser receives a claim if the claim is submitted on a proper form generally used by the franchiser and the claim contains the information required by the franchiser. If a franchiser does not deny a claim in writing within thirty days after the

receipt of the claim, the claim shall be deemed to be approved by the franchiser and payment shall be made to the franchisee within thirty days.

b. A franchiser may deny a franchisee's claim for compensation for warranty or recall services if the franchisee's claim is based on a repair not related to warranty or recall services, the repair was not properly performed, the franchisee lacks the reasonably required documentation for the claim, the franchisee fails to comply with the terms and conditions of the franchiser's warranty or recall compensation program, or the franchiser has a bona fide belief based on factual evidence that the franchisee's claim was submitted containing an intentionally false or fraudulent statement or misrepresentation. A franchiser may reject, but shall not deny, a claim based solely on a franchisee's unintentional failure to comply with a specific claim processing requirement, such as a clerical error, that does not otherwise affect the legitimacy of the claim. If a claim is rejected for such a failure, the franchisee may resubmit a corrected claim in a timely manner to the franchiser.

c. The requirement to approve a claim within thirty days or to pay an approved claim within thirty days as provided in this subsection shall not be construed to preclude denials, reductions, or chargebacks not otherwise prohibited under section 322.3, subsection 13.

5. The obligations set forth in this section shall apply to any franchiser as defined in this chapter and any franchiser of new motor vehicle transmissions, engines, or rear axles that separately warrants such components to customers.

Approved April 10, 2018

CHAPTER 1096

IMPORTING AND SALE OF ALCOHOLIC LIQUOR, WINE, AND BEER — PERSONAL USE — BOOTLEGGING

S.F. 2347

AN ACT providing for the personal importation of alcoholic liquor, wine, and beer, concerning criminal penalties for bootlegging, and including effective date and applicability provisions.

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

Section 1. Section 123.10, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Providing for the issuance of a waiver for an individual of legal age desiring to import alcoholic liquor, wine, or beer in excess of the amount provided in section 123.22, 123.146, or 123.171, as applicable. The waiver shall be limited to those individuals who were domiciled outside the state within one year of the request for a waiver and shall provide that any alcoholic liquor, wine, or beer imported pursuant to the waiver shall be for personal consumption only in a private home or other private accommodation.

Sec. 2. Section 123.22, subsection 1, Code 2018, is amended to read as follows:

1. The division has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in this chapter, and a person shall not import alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding ~~one liter or, in the case of alcoholic liquor personally obtained outside the United States, four~~ nine liters per calendar month that the individual personally obtained outside the state. Alcoholic liquor imported by an individual pursuant to this subsection shall be for personal consumption only in a private home or other private accommodation. A distillery shall not sell alcoholic liquor within the state to any person but only to the division, except as otherwise provided in this chapter. This section vests in the division exclusive control within the state as purchaser of all alcoholic

liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in this chapter. The division shall receive alcoholic liquor on a bailment system for resale by the division in the manner set forth in this chapter. The division shall act as the sole wholesaler of alcoholic liquor to class "E" liquor control licensees.

Sec. 3. Section 123.59, Code 2018, is amended to read as follows:

123.59 Bootlegging — penalties.

1. Any person who, acting individually, or through another acting for the person, keeps or carries on the person, or in a vehicle, or leaves in a place for another to secure, any alcoholic liquor, wine, or beer, with intent to sell or dispense the liquor, wine, or beer, ~~by gift or otherwise~~ in violation of law, or who, within this state, in any manner, directly or indirectly, solicits, takes, or accepts an order for the purchase, sale, shipment, or delivery of alcoholic liquor, wine, or beer in violation of law, or aids in the delivery and distribution of alcoholic liquor, wine, or beer so ordered or shipped, or who in any manner procures for, sells, or gives alcoholic liquor, wine, or beer to a person under legal age, for any purpose except as authorized and permitted in this chapter, is a bootlegger ~~and subject to the general penalties provided by this chapter.~~

2. A person who violates any of the provisions of this section commits the following:

a. For a first offense, a simple misdemeanor.

b. For a second or subsequent offense, a serious misdemeanor.

Sec. 4. NEW SECTION. **123.146 Importation of beer for personal use.**

Except as otherwise provided in this chapter, a person shall not import beer. However, an individual of legal age may import into the state without a certificate, permit, or license an amount of beer not to exceed four and one-half gallons per calendar month that the individual personally obtained outside the state or, in the case of beer personally obtained outside the United States, a quantity which does not exceed the amount allowed by federal law governing the importation of alcoholic beverages into the United States for personal consumption. Beer imported pursuant to this section shall be for personal consumption in a private home or other private accommodation and only if the beer is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of this chapter.

Sec. 5. Section 123.171, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding subsection 1, an individual of legal age may import into the state without a certificate, permit, or license an amount of wine not to exceed nine liters per calendar month that the individual personally obtained outside the state or, in the case of wine personally obtained outside the United States, a quantity which does not exceed the amount allowed by federal law governing the importation of alcoholic beverages into the United States for personal consumption. Wine imported pursuant to this subsection shall be for personal consumption in a private home or other private accommodation and only if the wine is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of this chapter.

Sec. 6. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. **APPLICABILITY.** The section of this Act amending section 123.10 applies to requests for waivers made on or after June 1, 2018.

Approved April 10, 2018

CHAPTER 1097**PUBLIC CONSTRUCTION BIDDING, MECHANIC'S LIENS, AND EARLY RELEASE OF
RETAINED FUNDS***H.F. 2233*

AN ACT relating to mechanics' liens, public construction liens, and the early release of retained funds.

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

Section 1. Section 26.3, subsection 3, Code 2018, is amended to read as follows:

3. Sections 26.4 through ~~26.13~~ 26.12 apply to all competitive bidding pursuant to this section.

Sec. 2. Section 314.1, subsection 2, Code 2018, is amended to read as follows:

2. Notwithstanding any other provision of law to the contrary, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert and that has a cost in excess of the applicable threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, or 313.10, as modified by the bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, except such public improvements that involve emergency work pursuant to section 309.40A, 313.10, or 384.103, subsection 2. For a city having a population of fifty thousand or less, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that has a cost in excess of twenty-five thousand dollars, as modified by the bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, excluding emergency work. However, a public improvement that has an estimated total cost to a city in excess of a threshold of fifty thousand dollars, as modified by the bid threshold subcommittee pursuant to section 314.1B, and that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that is under the jurisdiction of a city with a population of more than fifty thousand, shall be advertised and let for bid. Cities required to competitively bid highway, bridge, or culvert work shall do so in compliance with the contract letting procedures of sections 26.3 through ~~26.13~~ 26.12.

Sec. 3. Section 572.26, Code 2018, is amended to read as follows:

572.26 Kinds of action — amendment.

1. An action to enforce a mechanic's lien shall be by equitable proceedings, and no other cause of action shall be joined therewith.

2. a. Any lien statement may be amended by leave of court in furtherance of justice, except as to the amount demanded Except as provided in paragraph "b", a claimant may only amend a lien statement by leave of court in furtherance of justice.

b. A claimant may amend a lien statement without leave of court to decrease the amount demanded, and such amendment shall be effected through the mechanics' notice and lien registry. Amendment of a lien statement pursuant to this paragraph shall not change or otherwise affect its priority.

c. A claimant shall not amend a lien statement to increase the amount demanded.

Sec. 4. Section 573.15, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

573.15 Exception.

1. A person, firm, or corporation that has performed labor for or furnished materials, service, or transportation to a subcontractor shall not be entitled to a claim against the retainage or bond under this chapter unless the person, firm, or corporation that performed the labor or furnished the materials, service, or transportation does all of the following:

a. Notifies the principal contractor in writing with a one-time notice containing the name, mailing address, and telephone number of the person, firm, or corporation that performed the labor or furnished the materials, service, or transportation, and the name of the subcontractor for whom the labor was performed or the materials, service, or transportation

were furnished, within thirty days of first performing the labor or furnishing the materials, service, or transportation for which a claim may be made. Additional labor performed or materials, service, or transportation furnished by the same person, firm, or corporation to the same subcontractor for use in the same construction project shall be covered by this notice.

b. Supports the claim with a certified statement that the principal contractor received the notice described in paragraph “a”.

2. This section shall not apply to highway, bridge, or culvert projects as referred to in section 573.28.

Sec. 5. NEW SECTION. 573.28 **Early release of retained funds.**

1. For purposes of this section:

a. “*Authorized contract representative*” means the person chosen by the governmental entity or the department to represent its interests or the person designated in the contract as the party representing the governmental entity’s or the department’s interest regarding administration and oversight of the project.

b. “*Department*” means the state department of transportation.

c. “*Governmental entity*” means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, excluding the state board of regents and the department.

d. “*Public improvement*” means a building or construction work which is constructed under the control of a governmental entity and is paid for in whole or in part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding urban renewal demolition and low-rent housing projects, industrial aid projects authorized under chapter 419, emergency work or repair or maintenance work performed by employees of a governmental entity, and excluding a highway, bridge, or culvert project, and excluding construction or repair or maintenance work performed for a city utility under chapter 388 by its employees or performed for a rural water district under chapter 357A by its employees.

e. “*Repair or maintenance work*” means the preservation of a building, storm sewer, sanitary sewer, or other public facility or structure so that it remains in sound or proper condition, including minor replacements and additions as necessary to restore the public facility or structure to its original condition with the same design.

f. “*Substantially completed*” means the first date on which any of the following occurs:

(1) Completion of the public improvement project or the highway, bridge, or culvert project or when the work on the public improvement or the highway, bridge, or culvert project has been substantially completed in general accordance with the terms and provisions of the contract.

(2) The work on the public improvement or on the designated portion is substantially completed in general accordance with the terms of the contract so that the governmental entity or the department can occupy or utilize the public improvement or designated portion of the public improvement for its intended purpose. This subparagraph shall not apply to highway, bridge, or culvert projects.

(3) The public improvement project or the highway, bridge, or culvert project is certified as having been substantially completed by either of the following:

(a) The architect or engineer authorized to make such certification.

(b) The authorized contract representative.

(4) The governmental entity or the department is occupying or utilizing the public improvement for its intended purpose. This subparagraph shall not apply to highway, bridge, or culvert projects.

2. Payments made by a governmental entity or the department for the construction of public improvements and highway, bridge, or culvert projects shall be made in accordance with the provisions of this chapter, except as provided in this section:

a. At any time after all or any part of the work on the public improvement or highway, bridge, or culvert project is substantially completed, the contractor may request the release of all or part of the retained funds owed. The request shall be accompanied by a sworn statement of the contractor that, ten calendar days prior to filing the request, notice was given

as required by paragraphs “f” and “g” to all known subcontractors, sub-subcontractors, and suppliers.

b. Except as provided under paragraph “c”, upon receipt of the request, the governmental entity or the department shall release all or part of the retained funds. Retained funds that are approved as payable shall be paid at the time of the next monthly payment or within thirty days, whichever is sooner. If partial retained funds are released pursuant to a contractor’s request, no retained funds shall be subsequently held based on that portion of the work. If within thirty days of when payment becomes due the governmental entity or the department does not release the retained funds due, interest shall accrue on the amount of retained funds at the rate of interest that is calculated as the prime rate plus one percent per year as of the day interest begins to accrue until the amount is paid.

c. If labor and materials are yet to be provided at the time the request for the release of the retained funds is made, an amount equal to two hundred percent of the value of the labor or materials yet to be provided, as determined by the governmental entity’s or the department’s authorized contract representative, may be withheld until such labor or materials are provided.

d. An itemization of the labor or materials yet to be provided, or the reason that the request for release of retained funds is denied, shall be provided to the contractor in writing within thirty calendar days of the receipt of the request for release of retained funds.

e. The contractor shall release retained funds to the subcontractor or subcontractors in the same manner as retained funds are released to the contractor by the governmental entity or the department. Each subcontractor shall pass through to each lower-tier subcontractor all retained fund payments from the contractor.

f. Prior to applying for release of retained funds, the contractor shall send a notice to all known subcontractors, sub-subcontractors, and suppliers that provided labor or materials for the public improvement project or the highway, bridge, or culvert project.

g. The notice shall be substantially similar to the following:

NOTICE OF CONTRACTOR’S REQUEST
FOR EARLY RELEASE OF RETAINED FUNDS

You are hereby notified that [name of contractor] will be requesting an early release of funds on a public improvement project or a highway, bridge, or culvert project designated as [name of project] for which you have or may have provided labor or materials. The request will be made pursuant to Iowa Code section 573.28. The request may be filed with the [name of governmental entity or department] after ten calendar days from the date of this notice. The purpose of the request is to have [name of governmental entity or department] release and pay funds for all work that has been performed and charged to [name of governmental entity or department] as of the date of this notice. This notice is provided in accordance with Iowa Code section 573.28.

Sec. 6. REPEAL. Section 26.13, Code 2018, is repealed.

Approved April 10, 2018

CHAPTER 1098**BOILER AND UNFIRED STEAM PRESSURE VESSEL INSPECTIONS***H.F. 2297*

AN ACT relating to boiler and unfired steam pressure vessel inspections.

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

Section 1. Section 89.3, subsections 7 and 8, Code 2018, are amended to read as follows:

7. Internal inspections of steel hot water boilers shall be conducted once every six years. External operating inspections shall be conducted annually in years other than the year in which internal inspections are conducted.

8. Inspections of unfired steam pressure vessels operating in excess of fifteen pounds per square inch and low pressure steam boilers shall be conducted at least once each calendar year. The inspections conducted within each two-year period shall include an external inspection conducted while the boiler is operating and an internal inspection, where construction permits. No more than one inspection shall be conducted per six-month period. An internal inspection of an unfired steam pressure vessel or low pressure steam boiler may be required at any time by the commissioner upon the observation by an inspector of conditions, enumerated by the commissioner through rules, warranting an internal inspection. If a low pressure steam boiler is in dry lay-up, an internal inspection shall be conducted in lieu of an external inspection. For purposes of this subsection, "dry lay-up" means a process whereby a boiler is taken out of service for a period of six months or longer, drained, dried, and cleaned, and measures to prevent corrosion are performed on the boiler.

Sec. 2. Section 89.4, subsection 1, paragraph i, Code 2018, is amended to read as follows:

i. Water heaters used for potable water if the capacity is less than or equal to fifty one hundred twenty gallons, the burner input is less than or equal to fifty two hundred thousand British thermal units, and the maximum allowable working pressure is less than one hundred sixty pounds per square inch.

Approved April 10, 2018

CHAPTER 1099**GAMBLING FACILITIES — PERSONS VOLUNTARILY EXCLUDED — LICENSEE ACCESS TO PERSONAL INFORMATION***H.F. 2349*

AN ACT relating to persons voluntarily excluded from gambling facilities.

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

Section 1. Section 99D.7, subsection 23, Code 2018, is amended to read as follows:

23. ~~To require licensees to~~ establish a process to allow a person to be voluntarily excluded from the wagering area of a racetrack enclosure and from the gaming floor, as defined in section 99F.1, of all other licensed facilities under this chapter and chapter 99F as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated to all licensees under this chapter and chapter 99F. The names, social

security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information. The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options and shall also require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99F. The state and any licensee under this chapter or chapter 99F shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall ~~not be paid to~~ forfeited by the person but and shall be credited to the general fund of the state.

Sec. 2. Section 99F.4, subsection 22, Code 2018, is amended to read as follows:

22. ~~To require licensees to establish a process to allow a person to be voluntarily excluded from the gaming floor of an excursion gambling boat, and from the wagering area, as defined in section 99D.2, and from the gaming floor of all other licensed facilities under this chapter and chapter 99D as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated to all licensees under this chapter and chapter 99D. The names, social security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information. The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options and shall also require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99D.~~ The state and any licensee under this chapter or chapter 99D shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall ~~not be paid to~~ forfeited by the person but and shall be credited to the general fund of the state.

Sec. 3. VOLUNTARILY EXCLUDED PERSONS INTERNET SITE. By January 1, 2019, the racing and gaming commission shall develop and thereafter maintain a secured interactive internet site to provide licensees electronic access to names and social security numbers of persons voluntarily excluded as provided in this Act.

Approved April 10, 2018

CHAPTER 1100

MUNICIPAL UTILITY RETIREMENT SYSTEMS

H.F. 2379

AN ACT relating to municipal utility retirement systems.

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

Section 1. Section 97B.1A, subsection 8, paragraph a, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (11A) Persons with service under this chapter who are employed by a municipal utility, other than a municipal water utility or waterworks, that has established a pension and annuity retirement system for its employees pursuant to chapter 412, and who are covered under this chapter at the time of commencement of employment with the municipal utility.

Sec. 2. Section 97B.1A, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 15A. “*Municipal utility*” means a public utility as defined in section 412.5.

Sec. 3. Section 97B.42C, Code 2018, is amended to read as follows:

97B.42C Retirement system merger.

A municipal water utility or waterworks that has established a pension and annuity retirement system for its employees pursuant to chapter 412, or a school district that has established a pension and annuity retirement system for its employees pursuant to chapter 294, may adopt a resolution to authorize the merger of its pension and annuity retirement system with and into the Iowa public employees’ retirement system. The system is authorized, but is not required, to accept such a proposal. The governing body of the municipal water utility or waterworks or school district and the Iowa public employees’ retirement system shall, acting in their fiduciary capacities, mutually determine the terms and conditions of such a merger, including any additional funds necessary to fund the service credits being transferred to the Iowa public employees’ retirement system, and either party may decline the merger if they cannot agree on such terms and conditions. The system shall adopt such rules as it deems necessary and prudent to effectuate mergers as provided by this section.

Sec. 4. Section 412.4, Code 2018, is amended to read as follows:

412.4 Payments and investments.

The council, board of waterworks trustees, or other board or commission, whichever is authorized by law to manage and operate any such waterworks, or other municipally owned and operated public utility, shall have the right and power to contract with any legal reserve insurance company authorized to conduct its business in the state, or any bank located in Iowa having trust powers for the investment of funds contributed to an annuity or pension system, for the payment of the pensions or annuities provided in such pension or annuity retirement system, and may pay the premiums or make the contribution of such contract out of the fund provided in section 412.2. Funds shall be invested in accordance with the investment policy for the retirement fund, as established by the governing body of the public utility. In establishing the investment policy, the council, board, or commission shall be governed by the standards set forth in section 97B.7A. ~~However, permissible investments shall be limited to those investments authorized in section 12B.10, subsection 5, and investments in diversified commingled investment funds holding only publicly traded securities and under the management of an investment advisor registered with the federal securities and exchange commission under the Investment Advisor Act of 1940. Funds contributed to a bank pursuant to such a contract shall be invested in the manner prescribed in section 633.123A or chapter 633A, subchapter IV, part 3, and may be commingled with and invested as a part of a common or master fund managed for the benefit of more than one public utility.~~

Approved April 10, 2018

CHAPTER 1101

CHILDREN FOUND TO HAVE COMMITTED DELINQUENT ACTS — CUSTODY

H.F. 2381

AN ACT relating to the disposition of a child found to have committed a delinquent act.

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

Section 1. Section 232.52, subsection 2, paragraph e, unnumbered paragraph 1, Code 2018, is amended to read as follows:

An order transferring the guardianship custody of the child, subject to the continuing jurisdiction and custody of the court for the purposes of section 232.54, to the director of the department of human services for purposes of placement in the state training school or other facility, provided that the child is at least twelve years of age and the court finds the placement to be in the best interests of the child or necessary for the protection of the public, and that the child has been found to have committed an act which is a forcible felony, as defined in section 702.11, or a felony violation of section 124.401 or chapter 707, or the court finds any three of the following conditions exist:

Approved April 10, 2018

CHAPTER 1102ELECTRONIC OR MECHANICAL EAVESDROPPING OR COMMUNICATIONS
INTERCEPTION

H.F. 2392

AN ACT relating to electronic and mechanical eavesdropping, and the interception of communications.

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

Section 1. Section 727.8, Code 2018, is amended to read as follows:

727.8 Electronic and mechanical eavesdropping.

1. "Monitoring device" means a digital video or audio streaming or recording device that records, listens to, or otherwise intercepts video or audio communications in order to provide proof of or prevent criminal activity that is placed outside of a person's dwelling or other structure that is not in a shared hallway and is on real property owned or leased by the person.

2. Any person, having no right or authority to do so, who taps into or connects a listening or recording device to any telephone or other communication wire, or who by any electronic or mechanical means listens to, records, or otherwise intercepts a conversation or communication of any kind, commits a serious misdemeanor; ~~provided, that the~~

3. This section does not apply to any of the following:

a. The recording by a sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the

b. The use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

c. The use of a monitoring device.

Sec. 2. Section 808B.2, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* It is not unlawful under this chapter for a person who is the owner or lessee of real property to intercept an oral communication if the person intercepts the oral communication under all of the following circumstances:

(1) The interception of the oral communication is made by a surveillance system placed in or on the real property owned or leased by the person.

(2) The surveillance system is installed with the knowledge and consent of all lawful owners or lessees of the real property.

(3) The surveillance system is used for the purpose of detecting or preventing criminal activity in or on the real property owned or leased by the person or in an area accessible to the general public in the immediate vicinity of the real property owned or leased by the person.

Approved April 10, 2018

CHAPTER 1103

CRIME VICTIM RESTITUTION PAID TO VICTIMS' ESTATES OR HEIRS AT LAW — THIRD-PARTY PAYMENTS

H.F. 2404

AN ACT relating to restitution paid to the estate or heirs at law of a crime victim.

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

Section 1. Section 910.3B, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An award under this section made to the victim's estate or heirs at law shall not be reduced by any third-party payment, including any insurance payment, unless the offender is a named or covered insured.

Approved April 10, 2018

CHAPTER 1104

FREE HEALTH CARE CLINICS — CRIMINAL AND ABUSE HISTORY CHECKS — VOLUNTEERS

H.F. 2427

AN ACT relating to access to certain child abuse and dependent adult abuse information by free clinics, and including effective date provisions.

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

Section 1. **NEW SECTION. 135.24A Free clinics — volunteer record check.**

1. For purposes of this section, "*free clinic*" means a free clinic as defined in section 135.24 that is also a network of free clinics in this state that offers operational and collaborative opportunities to free clinics.

2. Persons who are potential volunteers or volunteers in a free clinic in a position having direct individual contact with patients of the free clinic shall be subject to criminal history

and child and dependent adult abuse record checks in accordance with this section. The free clinic shall request that the department of public safety perform the criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state and may request these checks in other states.

3. A free clinic subject to this section shall establish an evaluation process to determine whether a crime of founded child or dependent adult abuse warrants prohibition of the person's participation as a volunteer in the free clinic. The evaluation process shall not be less stringent than the evaluation process performed by the department of human services and shall be approved by the department of human services.

Sec. 2. Section 235A.15, subsection 2, paragraph e, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (25) To a free clinic as defined in section 135.24A for purposes of record checks of potential volunteers and existing volunteers at the free clinic.

Sec. 3. Section 235B.6, subsection 2, paragraph e, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (19) To a free clinic as defined in section 135.24A for purposes of record checks of potential volunteers and existing volunteers at the free clinic.

Sec. 4. Section 235B.7, subsection 2, Code 2018, is amended to read as follows:

2. a. Requests for dependent adult abuse information may be made orally by telephone if a person making the request believes that the information is needed immediately and if information sufficient to demonstrate authorized access is provided. If a request is made orally by telephone, a written request form shall be filed within seventy-two hours of the oral request.

b. The department of inspections and appeals may provide access to the single contact repository established under section 135C.33, subsection 7, for criminal and abuse history checks made by those employers, agencies, and other persons that are authorized access to dependent adult abuse information under section 235B.6 and are required by law to perform such checks.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 10, 2018

CHAPTER 1105

LAND RECYCLING PROGRAM FEES

H.F. 2464

AN ACT relating to the level of fees imposed pursuant to the land recycling program.

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

Section 1. Section 455H.107, subsection 2, Code 2018, is amended to read as follows:

2. All participants shall enter into an agreement with the department to reimburse the department for actual costs incurred by the department in reviewing documents submitted as a part of the enrollment of the site. This fee shall not exceed seven thousand five hundred dollars per enrolled site for sites enrolled prior to July 1, 2018. For sites enrolled on or after July 1, 2018, the fee shall not exceed twenty-five thousand dollars per enrolled site. An agreement entered into under this subsection must allow the department access to the

enrolled site and must require a demonstration of the participant's ability to carry out a response action reasonably associated with the enrolled site.

Approved April 10, 2018

CHAPTER 1106

REGULATION OF APPLIED BEHAVIOR ANALYSIS

S.F. 192

AN ACT relating to licenses to practice applied behavior analysis and including effective date and implementation provisions.

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

Section 1. Section 135.24, subsection 7, paragraph d, Code 2018, is amended to read as follows:

d. "Health care provider" means a physician licensed under chapter 148, a chiropractor licensed under chapter 151, a physical therapist licensed pursuant to chapter 148A, an occupational therapist licensed pursuant to chapter 148B, a podiatrist licensed pursuant to chapter 149, a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, a respiratory therapist licensed pursuant to chapter 152B, a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153, an optometrist licensed pursuant to chapter 154, a psychologist licensed pursuant to chapter 154B, a social worker licensed pursuant to chapter 154C, a mental health counselor, ~~or a marital and family therapist,~~ behavior analyst, or assistant behavior analyst licensed pursuant to chapter 154D, a speech pathologist or audiologist licensed pursuant to chapter 154F, a pharmacist licensed pursuant to chapter 155A, or an emergency medical care provider certified pursuant to chapter 147A.

Sec. 2. Section 147.1, subsections 3 and 6, Code 2018, are amended to read as follows:

3. "Licensed" or "certified", when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, behavior analyst, assistant behavior analyst, marital and family therapist, mental health counselor, respiratory care and polysomnography practitioner, polysomnographic technologist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid specialist, or sign language interpreter or transliterator means a person licensed under this subtitle.

6. "Profession" means medicine and surgery, podiatry, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, applied behavior analysis, marital and family therapy, mental health counseling, polysomnography, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, practice as a hearing aid specialist, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

Sec. 3. Section 147.2, subsection 1, Code 2018, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, applied behavior analysis, marital and family therapy or mental health counseling, massage therapy, mortuary science, polysomnography, athletic training, acupuncture, nursing home administration, or sign language interpreting or transliterating, or shall not practice as a physician assistant or a hearing aid specialist, unless the person has obtained a license for that purpose from the board for the profession.

Sec. 4. Section 147.13, subsection 16, Code 2018, is amended to read as follows:

16. For applied behavior analysis, marital and family therapy, and mental health counseling, the board of behavioral science.

Sec. 5. Section 147.14, subsection 1, paragraph m, Code 2018, is amended to read as follows:

m. For behavioral science, three members licensed to practice marital and family therapy, all of whom shall be practicing marital and family therapists; three members licensed to practice mental health counseling, one of whom shall be employed in graduate teaching, training, or research in mental health counseling and two of whom shall be practicing mental health counselors; two licensed behavior analysts; one licensed assistant behavior analyst; and three members who are not licensed to practice marital and family therapy, applied behavior analysis, or mental health counseling and who shall represent the general public.

Sec. 6. Section 147.74, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. a. A behavior analyst licensed under chapter 154D may use the letters "LBA" after the person's name.

b. An assistant behavior analyst licensed under chapter 154D may use the letters "LABA" after the person's name.

Sec. 7. Section 154D.1, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "*Certifying entity*" means the behavior analyst certification board or another entity whose programs to certify professional practitioners of applied behavior analysis are accredited by the national commission for certifying agencies or the American national standards institute.

NEW SUBSECTION. 1B. "*Licensed assistant behavior analyst*" means a person licensed to practice applied behavior analysis under the supervision of a licensed behavior analyst under chapter 147 and this chapter.

NEW SUBSECTION. 1C. "*Licensed behavior analyst*" means a person licensed to practice applied behavior analysis under chapter 147 and this chapter.

NEW SUBSECTION. 6A. "*Practice of applied behavior analysis*" means the design, implementation, and evaluation of instructional and environmental modification to produce socially significant improvements in human behavior. "*Practice of applied behavior analysis*" includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis. "*Practice of applied behavior analysis*" excludes psychological testing, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and counseling as treatment modalities.

Sec. 8. NEW SECTION. **154D.2A Licensure — behavior analysts — assistant behavior analysts.**

1. An applicant for a license to practice as a behavior analyst shall be granted a license by the board upon submitting to the board proof of the applicant's current certification as a behavior analyst or behavior analyst-doctoral by a certifying entity.

2. An applicant for a license to practice as an assistant behavior analyst shall be granted a license by the board upon submitting to the board proof of the applicant's current certification as an assistant behavior analyst by a certifying entity. The applicant must also provide proof

of ongoing supervision by a licensed behavior analyst in accordance with the requirements of the certifying entity.

Sec. 9. Section 154D.4, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This chapter and chapter 147 do not prevent or restrict the practice of applied behavior analysis by any of the following:

a. Persons licensed to practice other professions under this subtitle, provided that the person does not represent that the person is a licensed behavior analyst or licensed assistant behavior analyst unless also licensed as one, applied behavior analysis is within the scope of practice of the person's profession, and the services provided are within the boundaries of the person's education, training, and competence.

b. Family members of recipients of applied behavior analysis services implementing applied behavior analysis treatment plans with the recipients under the extended authority and direction of a licensed behavior analyst or a licensed assistant behavior analyst. Such persons shall not represent themselves as behavior analysts or assistant behavior analysts.

c. Paraprofessional technicians who deliver applied behavior analysis services under the extended authority and direction of a licensed behavior analyst or licensed assistant behavior analyst. Such persons shall not represent themselves as behavior analysts or assistant behavior analysts and shall use titles that indicate their nonprofessional status, including but not limited to "assistant behavior analyst technician", "behavior technician", "tutor", or "line therapist".

d. Behavior analysts who practice with nonhumans, including but not limited to applied animal behaviorists and animal trainers. Such individuals may use the title "behavior analyst" but shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such.

e. Professionals who provide general applied behavior analysis services to organizations, so long as those services are for the benefit of the organizations and do not involve direct services to individuals. Such professionals may use the title "behavior analyst" but shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such.

f. Students whose applied behavior analysis activities are conducted within a defined program of study, course, practicum, internship, or postdoctoral fellowship, provided that the applied behavior analysis activities are directly supervised by a behavior analyst licensed in this state, an instructor in a course sequence approved by a certifying entity, or another qualified faculty member of the student's program. Such students shall not present themselves as behavior analysts or assistant behavior analysts and shall use titles that clearly indicate their status, such as "student", "intern", or "trainee".

g. Unlicensed persons pursuing supervised experience in applied behavior analysis consistent with the experience requirements of a certifying entity, provided such experience is supervised in accordance with the requirements of the certifying entity.

h. Individuals who teach applied behavior analysis or conduct behavior-analytic research, provided that such teaching or research does not involve the direct delivery of applied behavior analysis services. Such individuals may use the title "behavior analyst" but shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such.

i. Behavior analysts licensed in another jurisdiction or certified by a certifying entity to practice independently and who work in this state no more than two thousand eighty hours within a calendar year.

j. Persons employed by a school, school district, or area education agency performing the duties of their positions. Such persons shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such, and shall not offer applied behavior analysis services to any persons or entities other than their school employer or accept remuneration for providing applied behavior analysis services other than the remuneration they receive from their school employer.

Sec. 10. Section 154D.5, Code 2018, is amended to read as follows:

154D.5 Sexual conduct with client.

The license of a behavior analyst, an assistant behavior analyst, a marital and family therapist, or a mental health counselor shall be revoked if the board finds that the licensee engaged in sexual activity with a client as determined by board rule. The revocation shall be in addition to any other penalties provided by law.

Sec. 11. Section 154D.7, Code 2018, is amended to read as follows:

154D.7 Temporary license — marital and family therapy — mental health counseling — fees.

Any person who has fulfilled all of the requirements for licensure under ~~this chapter section 154D.2~~, except for having completed the postgraduate supervised clinical experience requirement as determined by the board by rule, may apply to the board for a temporary license. The license shall be designated “temporary license in marital and family therapy” or “temporary license in mental health counseling” and shall authorize the licensee to practice marital and family therapy or mental health counseling under the supervision of a qualified supervisor as determined by the board by rule. The license shall be valid for three years and may be renewed at the discretion of the board. The fee for a temporary license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required.

Sec. 12. Section 249A.15A, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall adopt rules pursuant to chapter 17A entitling behavior analysts and assistant behavior analysts who are licensed pursuant to chapter 154D to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

Sec. 13. Section 514C.31, subsection 2, paragraph c, subparagraph (3), Code 2018, is amended to read as follows:

(3) ~~A person who holds a master’s degree or a doctoral degree and is certified by a national behavior analyst certification board as a behavior analyst licensed pursuant to chapter 154D.~~

Sec. 14. EFFECTIVE DATE AND IMPLEMENTATION. This Act shall take effect January 1, 2019, except that the board of behavioral science may begin implementation prior to that date, to the extent necessary to fully implement the provisions providing for the licensure of behavior analysts and assistant behavior analysts by January 1, 2019.

Approved April 11, 2018

CHAPTER 1107

CRIME VICTIM COMPENSATION PROGRAM PAYMENTS

S.F. 2165

AN ACT concerning payments under the crime victim compensation program.

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

Section 1. Section 915.80, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. “Survivor of a deceased victim” means a survivor who is a spouse, former spouse, child, foster child, parent, legal guardian, foster parent, stepparent, sibling, or foster sibling of a victim, or a person cohabiting with, or otherwise related by blood or affinity to, a victim, if the victim dies as a result of a crime, a good-faith effort to

prevent the commission of a crime, or a good-faith effort to apprehend a person suspected of committing a crime.

Sec. 2. Section 915.86, subsections 4, 8, 9, 10, 11, 13, 14, 15, and 16, Code 2018, are amended to read as follows:

4. Loss of income from work that the victim, the victim's parent or caretaker, or the survivor of a homicide deceased victim as described in subsection 10 would have performed and for which that person would have received remuneration, where the loss of income is a direct result of cooperation with the investigation and prosecution of the crime or attendance at criminal justice proceedings including the trial and sentencing in the case, or due to the planning of or attendance at a funeral, memorial, or burial service, not to exceed one thousand dollars per person.

8. In the event of a victim's death, reasonable charges incurred for counseling ~~the victim's spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the~~ a survivor of a deceased victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 915.20A, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter 148. The allowable charges under this subsection shall not exceed five thousand dollars per person.

9. In the event of a ~~homicide victim's death~~, reasonable charges incurred for health care for the ~~victim's spouse; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the~~ a survivor of a deceased victim, not to exceed three thousand dollars per survivor.

10. In the event of a ~~homicide victim's death~~, loss of income from work that, but for the death of the victim, would have been earned by ~~the victim's spouse; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the~~ a survivor of a deceased victim, not to exceed six thousand dollars.

11. Reasonable expenses incurred by the victim, secondary victim, or survivor of a deceased victim for cleaning the scene of a crime, ~~if the scene is a residence~~, not to exceed one thousand dollars per crime scene.

13. Reasonable dependent care expenses incurred by the victim, the victim's parent or caretaker, or the survivor of a ~~homicide deceased victim as described in subsection 10~~ for the care of dependents while attending criminal justice proceedings ~~or~~, medical or counseling services, or funeral, burial, or memorial services, not to exceed one thousand dollars per person.

14. Reasonable crime-related expenses incurred by a victim, the victim's parent or caretaker, or ~~the~~ a survivor of a ~~homicide deceased victim as described in subsection 10~~ to replace inadequate or damaged or install new locks, windows, and other residential security items at the victim's residence or at the residential scene of a crime, not to exceed five hundred dollars per residence.

15. Reasonable expenses incurred by the victim, a secondary victim, the parent or guardian of a victim, or ~~the~~ a survivor of a ~~homicide deceased victim as described in subsection 10~~ for transportation to medical, or counseling services, funeral, or criminal justice proceedings, or a funeral, memorial, or burial service, not to exceed one thousand dollars per person.

16. Reasonable charges incurred by a victim, a secondary victim, ~~the~~ a survivor of a ~~homicide deceased victim as described in subsection 9~~, or by a victim service program on behalf of a victim, for emergency relocation expenses, not to exceed one thousand dollars per person per lifetime.

Sec. 3. Section 915.86, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 18. *a.* Additional compensation to a victim, secondary victim, or survivor of a deceased victim in an amount not to exceed a total of five thousand dollars

per person for charges, expenses, or loss of income incurred that would otherwise be compensable under this section but for the eligibility requirements and compensation limits provided for at the time of initial application for compensation under this section under the following circumstances:

(1) The charges, expenses, or loss of income incurred were not compensable under this section at the time of initial application for compensation under this section.

(2) The victim, secondary victim, or survivor of a deceased victim demonstrates that a denial of additional compensation under this subsection would constitute an undue hardship.

(3) The victim, secondary victim, or survivor of a deceased victim incurs additional charges, expenses, or loss of income upon occurrence of a new event related to the event authorizing compensation under this section that would otherwise be compensable under this section but for the compensation limits provided for the applicable compensation category. For purposes of this subparagraph, “*new event*” includes additional criminal justice proceedings due to a mistrial, retrial, or separate or additional trials resulting from the existence of multiple offenders; a new appellate court decision relating to the event authorizing compensation under this section; a change of venue of a trial; a change in offender custody status; the death of the offender; or the exoneration of the offender.

b. Additional compensation otherwise authorized by this subsection shall not be awarded for an application for compensation under subsection 7, 16, or 17.

Approved April 11, 2018

CHAPTER 1108
PARTITION OF PROPERTY
S.F. 2175

AN ACT relating to partition of property in kind and partition of property by sale.

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

SUBCHAPTER I
DEFINITIONS

Section 1. NEW SECTION. **651.1 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. “*Ascendant*” means an individual who precedes another individual in lineage in the direct line of ascent from the other individual.

2. “*Collateral*” means an individual who is related to another individual under the law of intestate succession of this state but who is not the other individual’s ascendant or descendant.

3. “*Cotenant*” means a person holding title to real property under tenancy in common ownership.

4. “*Descendant*” means an individual who follows another individual in lineage in the direct line of descent from the other individual.

5. “*Heirs property*” means real property held in tenancy in common that satisfies all of the following requirements as of the date of the filing of a partition action:

a. There is not a recorded agreement that binds all of the cotenants that governs the partition of the property.

b. One or more of the cotenants acquired title from a living or deceased relative.

c. Any of the following apply:

(1) Twenty percent or more of the interests are held by cotenants who are relatives.

(2) Twenty percent or more of the interests are held by an individual who acquired title from a living or deceased relative.

(3) Twenty percent or more of the cotenants are relatives.

6. “*Owelty*” means an equitable remedy in a partition action used to equalize the value of the property a party receives through the payment of a sum of money from a recipient of a higher value property to the recipient of a lower value property.

7. “*Partition by sale*” means a court-ordered sale of property subject to partition.

8. “*Partition in kind*” means a court-ordered division of property subject to partition into physically distinct and separately titled parcels.

9. “*Record*” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

10. “*Relative*” means an ascendant, descendant, or collateral or an individual otherwise related to another individual by blood, marriage, adoption, or other law of this state.

SUBCHAPTER II GENERAL PROVISIONS

Sec. 2. NEW SECTION. **651.2 Action for partition of property.**

Property shall be partitioned by equitable proceedings. A property subject to partition shall be partitioned by sale and the proceeds from the sale divided by the owners of the property unless one or more of the property owners files a request for partition in kind and the court determines partition in kind is equitable and practicable.

Sec. 3. NEW SECTION. **651.3 Partition of real estate pending probate or administration of an estate.**

If an entire interest in real estate is owned by a decedent on whose estate administration or probate is pending a partition action shall not be brought until four months after the second publication of the notice of the appointment of the personal representative. A partition action shall not be brought at any time while an application for authority to sell such real estate is pending in a probate proceeding.

Sec. 4. NEW SECTION. **651.4 Petition for partition of property.**

A petition for partition of property shall describe the property and the plaintiff’s interest in the property. The petition shall name all indispensable parties pursuant to section 651.5 and state the nature and extent of each interest or lien as far as each interest or lien is known by the plaintiff.

Sec. 5. NEW SECTION. **651.5 Parties to a petition for partition of property.**

1. A petition for partition of property shall include as parties all persons indispensable to the partition including an owner of an undivided interest and a holder of a lien on all or part of the property.

2. A petition for partition of property may include as parties a person having an actual, apparent, claimed, or contingent interest in the property.

3. The court shall have jurisdiction over an unborn person’s contingent or prospective vested interest as a cotenant of real property in a partition proceeding. The court shall appoint a guardian ad litem for such unborn person pursuant to the rules of civil procedures. The partition in kind or partition by sale of the real property pursuant to a court decree shall have the same force and effect as to all such unborn persons, or persons claiming by, through, or under the unborn person, as though the unborn person were in being when the decree was entered and the real property or proceeds of the unborn person’s interest shall be subject to the order of the court until the right fully vests.

Sec. 6. NEW SECTION. **651.6 The answer to a partition petition.**

A defendant’s answer to a partition petition shall state the amount and nature of the defendant’s interest. A defendant may deny the interest of a plaintiff and by supplemental pleading, if necessary, may deny the interest of any other defendant.

Sec. 7. NEW SECTION. **651.7 Joinder and counterclaim.**

A party may perfect or quiet title to property that is subject to a partition petition or request adjudication of a right of a party as to any matter originating from or connected to

the property, including a lien between any parties. Except as permitted by this section, a joinder of any other claim to a partition petition shall not be permitted. A counterclaim to a partition petition shall not be permitted.

Sec. 8. NEW SECTION. 651.8 Partition of personal property subject to a lien.

Personal property that is subject to a lien on the whole or any part of the property shall only be partitioned by sale.

Sec. 9. NEW SECTION. 651.9 Partition of real and personal property in the same action.

Real and personal property owned by the same person may be partitioned in the same action. A referee appointed by the court may act as to both the real and the personal property.

Sec. 10. NEW SECTION. 651.10 Jurisdiction of property partitioned in kind or of proceeds from a partition by sale.

Property that has been partitioned in kind or the proceeds from a property that has been partitioned by sale shall be subject to the order of the court until the disposition of the rights in the property become fully vested.

Sec. 11. NEW SECTION. 651.11 Property partitioned by sale and partitioned in kind in the same action.

If all parts of a property cannot be partitioned in kind, parts of the property may be partitioned in kind and other parts of the property may be partitioned by sale as provided in this chapter.

Sec. 12. NEW SECTION. 651.12 Initial court decree and appointment of referee.

The court shall file an initial decree establishing the shares and interests of all owners in a property subject to a partition petition. One referee shall be appointed in the decree unless all owners of the property agree upon a larger number of referees. The decree shall order an appraisal or estimation of the valuation of the property and may direct either a public or private sale of the property. Unless all owners of the property agree to an alternative method for conducting the appraisal or of estimating the valuation of the property, the decree shall appoint three disinterested persons with knowledge of property valuation to appraise the property. The decree shall direct the referee to file a report with the court setting forth the referee's recommendations for completing the partition of the property. All other contested issues related to the partition petition, including liens, may be determined by the initial decree or by a supplemental decree or decrees.

Sec. 13. NEW SECTION. 651.13 Abstract, plats, and surveys.

The court may order the filing of a complete abstract covering real property involved in a partition action. The court may order a party to the partition action to produce any abstract in the party's possession or control. The court may order a plaintiff to obtain an abstract if a complete abstract is unavailable. The expense for such abstract shall be taxed as costs. The abstract shall be available to the court or any party to the partition action during the partition proceedings. The court may also order a plaintiff to obtain a plat or survey and the expense for such shall be taxed as costs.

Sec. 14. NEW SECTION. 651.14 Adjudication of liens on a property subject to partition.

The court shall decide the nature, extent, priority, or validity of a party's lien not previously determined and any other issues as the court directs. The referee appointed by the court shall provide notice of the court hearing to decide such matters to the interested parties. Adjudication of liens shall precede a partition in kind. A partition by sale and the distribution of proceeds from such sale to any party not affected by a lien may proceed prior to adjudication of liens on the property.

Sec. 15. NEW SECTION. 651.15 Referee possession of property and court preservation of property.

The court may order a referee to lease or to take possession of a property subject to partition. The court may issue an injunction to preserve a property subject to partition or issue an order providing for the care and custody of such property. Any expenses incurred under this section as allowed by the court shall be taxed as costs.

Sec. 16. NEW SECTION. 651.16 The procedure for partition in kind.

1. A court-appointed referee authorized to partition a property in kind shall qualify by taking an oath. A bond shall not be required.

2. The referee shall designate each proposed parcel of the partitioned property by visible monuments. If allowed by the court, the referee may employ a surveyor or assistants to aid the referee and the expenses for such shall be taxed as costs.

3. For good reasons shown the court may order a referee making a partition in kind to allot a particular parcel or a particular article of personal property to a specific party.

4. The referee shall file a report with the court that details the referee's proposed division of the property subject to partition in kind. The report shall describe with reasonable particularity the respective shares and the specific property allotted to each property owner. If real property is part of the partition, a plat shall be filed with the report. The referee may recommend owelty payments as part of the referee's recommendation for the partition in kind. The court shall promptly set a time and place for a hearing on the referee's report. The referee shall give notice of such hearing to all interested parties as ordered by the court.

5. After the hearing the court may approve, modify, or disapprove the referee's report, or order the property partitioned by sale. If the court approves partition in kind subject to owelty payments as recommended by the referee, the court shall order that the partition in kind shall not be completed until all owelty payments have been made. If all owelty payments are not made as ordered, the court shall make further orders as appropriate. On approving a partition in kind after all owelty payments have been made, the court shall file a decree that includes all of the following:

a. Describes the property partitioned in kind in its entirety.

b. Describes each partitioned parcel or article of personal property allotted to each property owner.

c. Enters judgment against each property owner for each property owner's apportioned costs. Such costs shall be a lien on each owner's respective allotted parcel or article and for which special execution may issue on demand of any interested person.

6. Upon completion of a partition in kind of real property pursuant to a court decree, the clerk of court shall file a certified copy of the decree with the county recorder and provide a copy to the county auditor of each county where any of the partitioned property is located. The county auditor shall record a transfer in the deed records and index each parcel as a conveyance with the name of the owner of each parcel as the grantee and the names of all other parties to the partition petition as grantors. The costs of making and recording the certified copy of the decree shall be taxed as costs in the case.

Sec. 17. NEW SECTION. 651.17 Referee's report to the court of inability to make a partition in kind.

A referee shall file a report with the court if the referee is not able to make a partition in kind on a property subject to partition. Upon receipt of the report, the court shall take the following actions:

1. If the partition involves personal property, the court shall order a sale of the personal property without further notice.

2. If the partition involves real property, the court shall set a hearing as provided under section 651.16. After such hearing the court may order a sale or other disposition of the real property, as the court deems appropriate.

Sec. 18. NEW SECTION. 651.18 Procedure for partition by sale.

1. A referee appointed by the court to partition property by sale shall qualify by taking an oath. A bond shall not be required before the referee conveys real property unless the referee is required to do any of the following:

a. Sell personal property.

- b. Take possession of real property.
- c. Receive a payment on the sale before conveyance of the real property.
2. Before conveying real property, the referee shall give bond in the amount of one hundred twenty-five percent of the total sale price of the real property, payable to the parties entitled to the proceeds from the sale, and conditioned on the faithful discharge of the referee's duties.
3. The referee shall file a report with the court that provides all of the following:
 - a. A recommendation for the appropriate public or private sale process to offer the property for sale, including but not limited to a public auction or private listing.
 - b. A copy of any appraisal for the property to be partitioned if required by the court.
4. The court shall promptly set a time and place for a hearing on the referee's report. The referee shall provide notice of the hearing to all interested parties.
5. After the hearing the court may approve, modify, or disapprove the referee's report. If the court orders the property to be partitioned by sale, the referee shall offer the property for sale pursuant to the court order.
6. The referee shall give notice of the time and place of a public sale of the property by two separate publications, at least six days apart, in a newspaper of general circulation in the county where the public sale of the property is to be held. The last publication shall be at least seven days prior to a public sale of real estate and at least four days prior to a public sale of personal property. If authorized by the court, the referee may advertise the sale beyond the required notice and may employ an auctioneer or assistant to assist the referee with the sale of the property. If allowed by the court, the expense of such shall be taxed as costs.
7. The referee shall report all proposed sales to the court. The court shall promptly set a time and place for a hearing and the referee shall give notice to all interested parties. Notice of the hearing shall also be given to any party who files a request with the clerk of court, with the party's name and the address where notice is to be sent, before the referee's report is approved by the court. The clerk shall docket the request and transmit a copy to the referee.
8. After the hearing the court may approve or disapprove the sale of the property. The court may expressly order a private sale of the property for less than the appraised value of the property.
9. Real property shall not be conveyed to a buyer until a partition by sale is approved by court order. Real property shall not be conveyed to a buyer until the sale price for such property has been paid in full.
10. If the court disapproves the partition by sale of a property, all moneys paid or securities given shall be returned to the persons entitled to such.
11. The court may require a party entitled to sale proceeds from a property partitioned by sale to give satisfactory security to refund any proceeds received, with interest, before such party receives proceeds arising from the sale in the event the court later rules such party is not entitled to the proceeds.

Sec. 19. NEW SECTION. 651.19 Validity of referee's deed.

Upon court approval of a sale of property to be partitioned by sale, the referee shall file a referee's deed that shall be recorded in the county where the real estate is located. The recorded referee's deed shall be valid against all subsequent purchasers and against all persons who are parties to the partition by sale proceeding.

Sec. 20. NEW SECTION. 651.20 Partition by sale — liens on property.

Personal property shall be partitioned by sale free of all liens. Real property shall be partitioned by sale free of all liens except liens held against the entire real property.

Sec. 21. NEW SECTION. 651.21 Proceeds of property partitioned by sale.

1. After a property has been partitioned by sale, a party, including a holder of a lien from which the property has been freed by the sale, shall have the same rights or interests in the proceeds as the party had in the property sold, subject to a prior charge for costs.

2. The court shall appoint a trustee, or order other suitable provisions, for the proceeds of a share held for life or years in the remainder. The ascertained share of any absent owner shall be retained, or the proceeds invested for the owner's benefit, under an order of the court.

Sec. 22. NEW SECTION. 651.22 Costs of a partition action.

All costs related to a partition action shall be advanced by the plaintiff with such costs paid by all parties to the action proportionately to each party's respective interest. A cost created by a contest arising from the partition action shall be taxed against the losing contestant unless otherwise ordered by the court. If partition is in kind, costs shall be adjudged and may be collected as provided in section 651.16, subsection 5. If partition is by sale, the costs shall be paid from the proceeds and deducted from the shares of the parties against whom the costs are taxed. Such remedies for collecting costs shall be cumulative of other remedies.

Sec. 23. NEW SECTION. 651.23 Plaintiff's attorney fees.

1. On partition of real property, but not of personal property, the court shall order a reasonable fee in favor of the plaintiff's attorney. The fee shall be taxed as costs.

2. If the plaintiff is the losing contestant in a contest arising from any partition action, any of the plaintiff's attorney fees relating to such contest shall not be taxed as costs.

Sec. 24. NEW SECTION. 651.24 Other fees taxed as costs.

Appraisers, referees, and attorneys appointed by a referee with court approval shall receive reasonable compensation as approved by the court and such compensation shall be part of the costs.

Sec. 25. NEW SECTION. 651.25 Referee's final report.

Unless waived in writing by all interested parties, the court shall fix a time and a place for a hearing on the referee's final report. The referee shall give notice of the hearing to all interested parties.

Sec. 26. NEW SECTION. 651.26 Payment of proceeds less than ten thousand dollars to a minor.

If a minor for whom no conservator has been appointed is entitled to proceeds from a partition of property by sale in an amount not exceeding ten thousand dollars, the court may order the proceeds paid to the minor's parent, guardian, or an adult with whom the minor resides, for the use of the minor. After such person files a written receipt for the proceeds with the court, the referee shall be discharged of all liability for the proceeds.

**SUBCHAPTER III
SPECIAL PROVISIONS FOR PARTITION OF HEIRS PROPERTY**

Sec. 27. NEW SECTION. 651.27 Applicability of special provisions of heirs property.

If a cotenant requests a partition in kind in an action to partition heirs property, the partition action shall proceed under the special provisions for partition of heirs property under this subchapter. The provisions of this subchapter shall control in the event of a conflict with a provision of subchapter II.

Sec. 28. NEW SECTION. 651.28 Initial decree.

1. If the court determines that a property subject to a partition action is heirs property, and a cotenant requests a partition in kind of such property, the court shall file an initial decree pursuant to section 651.12 ordering the partition action to proceed under this subchapter. The court shall appoint a referee and direct the referee to obtain an appraisal as provided in section 651.12. The referee shall file the appraisal with the court.

2. Within ten calendar days after the referee files the appraisal with the court, the court shall send notice to the referee and to each party to the partition action. The notice shall provide all of the following information:

- a. The appraised fair market value of the heirs property.
- b. The address of the clerk's office where the appraisal is available for review.
- c. Advise that a party may file an objection to the appraisal with the court no later than thirty calendar days after the date of notice by the court. An objection must state the grounds for the objection.

3. No sooner than thirty calendar days after the date of notice by the court and regardless of whether an objection to the appraisal is filed, the court shall conduct a hearing to determine the fair market value of the heirs property. The court shall set a time and place for the hearing

and give notice to the referee and all parties to the partition action. At the hearing, in addition to the court-ordered appraisal, the court may consider any other evidence offered by the referee or by a party to the partition action.

4. After the hearing the court shall file an order that determines the fair market value of the heirs property and provide notice of the determination to the referee and all parties to the partition action.

Sec. 29. NEW SECTION. 651.29 Cotenant buyout.

1. If a cotenant requests partition by sale of the heirs property after receiving notice of the court's determination of the fair market value of the heirs property pursuant to section 651.28, the court shall send notice to all parties advising of all of the following:

a. That a cotenant, except a cotenant that has requested partition by sale of the heirs property, may elect to buy all of the interests of a cotenant that has requested partition by sale of the heirs property.

b. That a cotenant, except a cotenant that has requested partition by sale of the heirs property, shall give notice to the court no later than forty-five days after the date the court sends notice pursuant to section 651.28, subsection 4, of such cotenant's election to buy all of the interests of a cotenant that has requested partition by sale of the heirs property.

2. The sale price for the interest of a cotenant that has requested a partition by sale of the heirs property shall be the value of the entire heirs property as determined by the court under section 651.28, multiplied by such cotenant's fractional ownership of the entire heirs property.

3. If more than forty-five days have passed since the date the court sent notice pursuant to section 651.28, subsection 4, all of the following shall apply:

a. If only one cotenant elects to buy all of the interests of a cotenant that has requested partition by sale of the heirs property, the court shall provide notice of such to all interested parties.

b. If more than one cotenant elects to buy all of the interests of a cotenant that has requested partition by sale of the heirs property, the court shall allocate the right to buy such interests among the electing cotenants based on each electing cotenant's existing fractional ownership of the entire heirs property divided by the total existing fractional ownership of all cotenants electing to buy such interests. The court shall send notice to all interested parties of the calculation used to determine the interest that can be purchased by each electing cotenant and the price to be paid for such interest by each electing cotenant.

c. If no cotenant elects to buy all of the interests of a cotenant that has requested partition by sale of the heirs property, the court shall send notice to all interested parties and resolve the partition action pursuant to section 651.30.

4. If the court sends notice to the parties pursuant to subsection 3, paragraph "a" or "b", the court shall set a date no sooner than sixty calendar days after the date that such notice is sent by which the electing cotenants shall pay their apportioned price to the court. The court shall give notice of such date to all interested parties. After such date has passed, all of the following shall apply:

a. If all electing cotenants have timely paid their apportioned price to the court, the court shall issue an order reallocating all of the interests of the cotenants in the partitioned heirs property and disburse the amounts held by the court to the persons entitled to such disbursements.

b. If none of the electing cotenants has timely paid their apportioned price to the court, the court shall resolve the heirs partition action under section 651.30 as if the interest of the cotenant that has requested partition by sale of the heirs property has not been purchased.

c. If one or more but not all of the electing cotenants fail to timely pay their apportioned price to the court, the court on motion shall give notice to the electing cotenants that have timely paid their apportioned price of the interest remaining and the price for which the remaining interest may be purchased.

5. Not later than twenty calendar days after the court gives notice pursuant to subsection 4, paragraph "c", a noticed cotenant may elect to purchase all of the remaining interest by paying the entire price for the remaining interest to the court. After the twenty-calendar-day period has expired, all of the following shall apply:

a. If only one cotenant has paid the entire price for the remaining interest in the partitioned heirs property, the court shall issue an order reallocating the remaining interest to that cotenant. The court shall promptly issue an order reallocating the interests of all the cotenants and disburse the amounts held by the court to the persons entitled to such disbursements.

b. If none of the cotenants has paid the entire price for the remaining interest in the heirs property, the court shall resolve the partition action under section 651.30 as if the interest of the cotenant that had requested partition by sale of the heirs property has not been purchased.

c. If more than one cotenant have paid the entire price for the remaining interest in the heirs property, the court shall reapportion the remaining interest among such cotenants based on each cotenant's original fractional ownership of the entire heirs property divided by the total original fractional ownership of all cotenants that paid the entire price for the remaining interest. The court shall promptly issue an order reallocating all cotenants' interests, disburse the amounts held by the court to the persons entitled to such disbursements, and promptly refund any excess payments held by the court to the appropriate persons.¹

6. Not later than forty-five days after the court sends notice to the parties pursuant to subsection 1, a cotenant entitled to buy an interest under this section may request that the court authorize the sale, as part of the pending action, of the interests of any cotenant named as a defendant and served with original notice who did not appear in the action. If the court receives a timely request, the court, after a hearing, may deny the request or authorize the requested additional sale on such terms as the court determines are fair and reasonable, subject to all of the following limitations:

a. A sale authorized under this subsection shall occur only after the purchase price for all interests subject to sale under this section has been paid to the court and such interests have been reallocated among the cotenants as provided in this section.

b. The purchase price for the interest of a nonappearing cotenant shall be based on the court's determination of the value of such interest under this section.

7. This section shall not be construed to prohibit a cotenant from entering into an agreement with another cotenant to change ownership of their respective interests in the heirs property.

Sec. 30. NEW SECTION. 651.30 Alternatives to partition in kind.

At the conclusion of a cotenant buyout as provided in section 651.29, the court shall order the heirs property to be partitioned in kind unless the court, after consideration of all factors pursuant to section 651.31, finds that partition in kind will result in great prejudice to the cotenants as a group. In considering whether to order the heirs property to be partitioned in kind, the court shall approve a request by two or more cotenants to aggregate their individual interests in the heirs property.

Sec. 31. NEW SECTION. 651.31 Factors the court shall consider in determining if partition in kind will result in great prejudice.

1. The court shall consider all of the following factors in determining if partition in kind of heirs property will result in great prejudice to the cotenants of such property as a group:

a. Whether the heirs property can be practicably divided among the cotenants.

b. Whether a partition in kind will apportion the heirs property in such a way that the aggregate fair market value of the parcels resulting from the division will be materially less than the value of the heirs property if the heirs property is sold as a whole, taking into account the condition under which a court-ordered sale likely will occur.

c. Evidence of the collective duration of ownership or possession of the heirs property by a cotenant and one or more predecessors in title or predecessors in possession to the cotenant who are or were relatives of the cotenant or each other.

d. A cotenant's sentimental attachment to the heirs property, including any attachment arising due to the heirs property having ancestral or other unique or special value to the cotenant.

¹ See chapter 1172, §34 herein

e. The lawful use being made of the heirs property by a cotenant and the degree to which the cotenant will be harmed if the cotenant cannot continue the same use of the heirs property.

f. The degree to which a cotenant has contributed the cotenant's pro rata share of the property taxes, insurance, and other expenses associated with maintaining ownership of the heirs property, or has contributed to the physical improvement, maintenance, or upkeep of the heirs property.

g. Tax consequences.

h. Any other factors the court deems relevant.

2. The court shall weigh the totality of all relevant factors and circumstances and not consider any one factor in subsection 1 to be dispositive.

Sec. 32. NEW SECTION. **651.32 Applicability of subchapter II provisions.**

1. If the court orders the heirs property partitioned in kind, the proceedings shall be governed by the procedures set forth in subchapter II that are applicable to a partition in kind.

2. If the court orders the heirs property partitioned by sale, the proceedings shall be governed by the procedures set forth in subchapter II applicable to a partition by sale.

Sec. 33. REPEAL. Chapter 651, Code 2018, is repealed.

Approved April 11, 2018

CHAPTER 1109

SCHOOL BUILDING EMERGENCY OPERATIONS PLANS

S.F. 2364

AN ACT requiring school districts and accredited nonpublic schools to develop high-quality emergency operations plans for school buildings.

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

Section 1. NEW SECTION. **280.30 High-quality school building emergency operations plans.**

1. The board of directors of a school district and the authorities in charge of each accredited nonpublic school shall develop a high-quality emergency operations plan for the district and individual school buildings in which students are educated no later than June 30, 2019. The plan shall include but not be limited to responses to active shooter scenarios and natural disasters. The plan shall provide that any alert regarding an emergency situation that is transmitted to school personnel or students by electronic means shall also be transmitted to the employer of any individual who is not a school employee but who is required as a part of the individual's employment to regularly be present in a school building during the school year. The plan shall include publication of procedures for school personnel, parents, and guardians to report possible threats to the safety of students or school personnel on school grounds or at school activities. The board and authorities shall consider any recommendations of the department of education relating to the development of a high-quality emergency operations plan and shall consult with local emergency management coordinators and local law enforcement agencies in the development of the plan. The board and authorities shall review and update the plan on an annual basis. The plan shall be confidential and shall not be a public record subject to disclosure under chapter 22.

2. The board of directors of a school district and the authorities in charge of each accredited nonpublic school shall require that at least once per school year an emergency operations drill based on the emergency operations plan be conducted in each individual school building in which students are educated. The board and authorities shall determine which school personnel participate in the drill and whether students or local law enforcement

agencies participate in the drill. The drill may include but is not limited to a table top exercise, walk-through, partial drill, or full drill. This subsection shall not be construed to affect the requirements of section 100.31, subsection 1.

Approved April 11, 2018

CHAPTER 1110

OPERATING WHILE INTOXICATED — TEMPORARY RESTRICTED LICENSES

H.F. 2338

AN ACT relating to temporary restricted licenses for operating-while-intoxicated offenders, providing penalties, and including applicability provisions.

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

Section 1. Section 321.560, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. A temporary restricted license may be issued pursuant to section 321J.20, ~~subsection 2,~~ to a person declared to be a habitual offender due to a combination of the offenses listed under section 321.555, subsection 1, paragraphs “b” and “c”.

Sec. 2. Section 321J.2, subsection 3, paragraph c, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Assessment of a fine of one thousand two hundred fifty dollars. However, in the discretion of the court, if no personal or property injury has resulted from the defendant’s actions, the court may waive up to six hundred twenty-five dollars of the fine when the defendant presents to the court ~~at the end of the minimum period of ineligibility~~ a temporary restricted license issued pursuant to section 321J.20.

Sec. 3. Section 321J.2, subsection 3, paragraph d, Code 2018, is amended to read as follows:

d. Revocation of the person’s driver’s license for a minimum period of one hundred eighty days up to a maximum revocation period of one year, pursuant to section 321J.4, subsection 1, section 321J.9, or section 321J.12, ~~subsection 2. If a revocation occurs due to test refusal under section 321J.9, the defendant shall be ineligible for a temporary restricted license for a minimum period of ninety days.~~

~~(1) A defendant whose alcohol concentration is .08 or more but not more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be required to install an ignition interlock device.~~

~~(2) A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained, and an accident resulting in personal injury or property damage occurred or the defendant’s alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant’s alcohol concentration did not exceed .15. In either case, where a defendant’s alcohol concentration is more than .10, the department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.~~

Sec. 4. Section 321J.4, subsections 1, 2, 3, 4, and 5, Code 2018, are amended to read as follows:

1. If a defendant is convicted of a violation of section 321J.2 and the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one hundred eighty days if the defendant submitted to chemical testing and has had no previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant refused to submit to chemical testing and has had no previous conviction or revocation under this chapter. ~~The defendant shall not be eligible for any temporary restricted license for at least ninety days if a test was refused under section 321J.9.~~

~~a. A defendant whose alcohol concentration is .08 or more but not more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be required to install an ignition interlock device.~~

~~b. A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred or the defendant's alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant's alcohol concentration did not exceed .15. In either case, where a defendant's alcohol concentration is more than .10, the department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.~~

~~c. If the defendant is under the age of twenty-one, the defendant shall not be eligible for a temporary restricted license for at least sixty days after the effective date of revocation.~~

2. If a defendant is convicted of a violation of section 321J.2, and the defendant's driver's license or nonresident operating privilege has not already been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant submitted to chemical testing and has had a previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for two years if the defendant refused to submit to chemical testing and has had a previous revocation under this chapter. ~~The defendant shall not be eligible for any temporary restricted license for forty-five days after the effective date of revocation if the defendant submitted to chemical testing and shall not be eligible for any temporary restricted license for ninety days after the effective date of revocation if the defendant refused chemical testing. The temporary restricted license shall be issued in accordance with section 321J.20, subsection 2.~~ The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license ~~at the end of the minimum period of ineligibility.~~ A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

3. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, and if the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12, or has not otherwise been revoked for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days. ~~The defendant shall not be eligible for any temporary restricted license for at least ninety days if a test was refused.~~

~~a. A defendant whose alcohol concentration is .08 or more but not more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained~~

~~and an accident resulting in personal injury or property damage occurred. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be required to install an ignition interlock device.~~

~~b. A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred or the defendant's alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant's alcohol concentration did not exceed .15. In either case, where a defendant's alcohol concentration is more than .10, the department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.~~

~~c. If the defendant is under the age of twenty one, the defendant shall not be eligible for a temporary restricted license for at least sixty days after the effective date of the revocation.~~

4. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of six years. ~~The defendant shall not be eligible for a temporary restricted license for one year after the effective date of the revocation.~~ The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

5. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a personal injury, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a serious injury was sustained by any person other than the defendant and, if so, whether the defendant's conduct in violation of section 321J.2 caused the serious injury. If the court so determines, the court shall order the department to revoke the defendant's driver's license or nonresident operating privilege for a period of one year in addition to any other period of suspension or revocation. ~~The defendant shall not be eligible for any temporary restricted license until the minimum period of ineligibility has expired under this section or section 321J.9, 321J.12, or 321J.20.~~ The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

Sec. 5. Section 321J.9, subsections 2 and 3, Code 2018, are amended to read as follows:

2. ~~a. A person whose driver's license or nonresident operating privileges are revoked under subsection 1 shall not be eligible for a temporary restricted license for at least ninety days after the effective date of the revocation. A temporary restricted license issued to a person whose driver's license or nonresident driving privilege has been revoked under subsection 1, paragraph "b", shall be issued in accordance with section 321J.20, subsection 2.~~

~~b. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.~~

3. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for the same period a license or permit would be revoked, ~~and deny issuance of a temporary restricted license for the same period of ineligibility for receipt of a temporary restricted license,~~ subject to review as provided in this chapter.

Sec. 6. Section 321J.12, subsection 2, Code 2018, is amended to read as follows:

2. ~~a. A person whose driver's license or nonresident operating privileges have been revoked under subsection 1, paragraph "a", whose alcohol concentration is .08 or more but not more than .10 shall not be eligible for any temporary restricted license for at least thirty days after the effective date of the revocation if a test was obtained and an accident resulting in personal injury or property damage occurred. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary license. There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be required to install an ignition interlock device.~~

~~b. A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred or the defendant's alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant's alcohol concentration did not exceed .15. In either case, where a defendant's alcohol concentration is more than .10, the department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.~~

~~c. If the person is under the age of twenty-one, the person shall not be eligible for a temporary restricted license for at least sixty days after the effective date of the revocation.~~

~~d. A person whose license or privileges have been revoked under subsection 1, paragraph "b", for one year shall not be eligible for any temporary restricted license for forty-five days after the effective date of the revocation, and the department shall require the person to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. The temporary restricted license shall be issued in accordance with section 321J.20, subsection 2. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.~~

Sec. 7. Section 321J.13, subsection 1, Code 2018, is amended to read as follows:

1. Notice of revocation of a person's noncommercial driver's license or operating privilege served pursuant to section 321J.9 or 321J.12 shall include a form accompanied by a preaddressed envelope on which the person served may indicate by a checkmark if the person only wishes to request a temporary restricted license ~~after the mandatory ineligibility period for issuance of a temporary restricted license has ended~~, or if the person wishes a hearing to contest the revocation. The form shall clearly state on its face that the form must be completed and returned within ten days of receipt or the person's right to a hearing to contest the revocation is foreclosed. The form shall also be accompanied by a statement of the operation of and the person's rights under this chapter.

Sec. 8. Section 321J.20, subsections 1, 2, and 4, Code 2018, are amended to read as follows:

1. ~~a. The department may, on application, issue a temporary restricted license to a person whose noncommercial driver's license is revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter or on violations listed in section 321.560, subsection 1, paragraph "b", allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, substance abuse treatment, court-ordered community service responsibilities, appointments with the person's parole or probation officer, and participation in a program established pursuant to~~

chapter 901D, if the person's driver's license has not been revoked previously under section 321J.4, 321J.9, or 321J.12 and if any of the following apply:

(1) The person's noncommercial driver's license is revoked under section 321J.4 and the minimum period of ineligibility for issuance of a temporary restricted license has expired. This subsection shall not apply to a revocation ordered under section 321J.4 resulting from a plea or verdict of guilty of a violation of section 321J.2 that involved a death.

(2) The person's noncommercial driver's license is revoked under section 321J.9 and the person has entered a plea of guilty on a charge of a violation of section 321J.2 which arose from the same set of circumstances which resulted in the person's driver's license revocation under section 321J.9 and the guilty plea is not withdrawn at the time of or after application for the temporary restricted license, and the minimum period of ineligibility for issuance of a temporary restricted license has expired.

(3) The person's noncommercial driver's license is revoked under section 321J.12, and the minimum period of ineligibility for issuance of a temporary restricted license has expired operate a motor vehicle in any manner allowed for a person issued a valid class C driver's license, unless otherwise prohibited by this chapter.

b. A temporary restricted license may be issued under this subsection if the person's noncommercial driver's license is revoked for two years under section 321J.4, subsection 2, or section 321J.9, subsection 1, paragraph "b", and the first three hundred sixty-five days of the revocation have expired.

e. This subsection does not apply to a person whose license was revoked under section 321J.2A or section 321J.4, subsection 4 or 6, to a person whose license was revoked under section 321J.4, subsection 6, for the period during which the person is ineligible for a temporary restricted license, or to a person whose license is suspended or revoked for another reason.

d. Following the applicable minimum period of ineligibility, a temporary restricted license under this subsection shall not be issued until the applicant installs an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by the applicant in accordance with section 321J.2, 321J.4, 321J.9, or 321J.12. Installation of an ignition interlock device under this subsection shall be required for the period of time for which the temporary restricted license is issued and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3.

2. a. Notwithstanding section 321.560, the department may, on application, and upon the expiration of the minimum period of ineligibility for a temporary restricted license provided for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary restricted license to a person whose noncommercial driver's license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter or on violations listed in section 321.560, subsection 1, paragraph "b", and who is not eligible for a temporary restricted license under subsection 1. However, the department may not issue a temporary restricted license under this subsection for a violation of section 321J.2A or to a person under the age of twenty-one whose license is revoked under section 321J.4, 321J.9, or 321J.12. A temporary restricted license issued under this subsection may allow the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment; continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion; substance abuse treatment; or participation in a program established pursuant to chapter 901D.

b. A temporary restricted license issued under this subsection shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles owned or operated by the applicant. Installation of an ignition interlock device under this subsection shall be required for the period of time for which the temporary restricted license is issued, and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3. However, a person whose driver's license or nonresident operating privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the requirement of an ignition interlock device if

at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2.

4. ~~A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.~~

Sec. 9. APPLICABILITY. This Act applies to all persons who apply for or are issued a temporary restricted license under chapter 321J on or after July 1, 2018. The department shall allow a person issued a temporary restricted license prior to July 1, 2018, that is subject to the restrictions provided in section 321J.20, subsection 1, paragraph “a”, and section 321J.20, subsection 2, paragraph “a”, Code 2018, to apply for and be issued a temporary restricted license subject to the restrictions provided in this Act.

Approved April 11, 2018

CHAPTER 1111

CHILD SUPPORT — MEDICAL SUPPORT

H.F. 2414

AN ACT relating to the provision of medical support in child support actions, and including effective date provisions.

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

Section 1. Section 252C.1, subsection 6, Code 2018, is amended to read as follows:

6. ~~“Medical support” means either the provision of coverage under a health benefit plan, including a group or employment-related or an individual health benefit plan, or a health benefit plan provided pursuant to chapter 514E, to meet the medical needs of a dependent and the cost of any premium required by a health benefit plan, or the payment to the obligee of a monetary amount in lieu of providing coverage under a health benefit plan, either of which is an obligation separate from any monetary amount of child support ordered to be paid. Medical support which consists of payment of a monetary amount in lieu of a health benefit plan is also an obligation separate from any monetary amount a parent is ordered to pay for uncovered medical expenses pursuant to the guidelines established pursuant to section 598.21B~~ medical support as defined in section 252E.1.

Sec. 2. Section 252E.1, Code 2018, is amended to read as follows:

252E.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “Accessible” means any of the following, unless otherwise provided in the support order:

a. The health benefit plan does not have service area limitations or provides an option not subject to service area limitations.

b. The health benefit plan has service area limitations and the dependent lives within thirty miles or thirty minutes of a network primary care provider.

2. “Basic coverage” means health care coverage provided under a health benefit plan that at a minimum provides coverage for emergency care, inpatient and outpatient hospital care, physician services whether provided within or outside a hospital setting, and laboratory and x-ray services.

3. “Cash medical support” means a monetary amount that a parent is ordered to pay to the obligee in lieu of that parent providing health care coverage, which amount is five percent of the gross income of the parent ordered to pay the monetary amount or, if the child support guidelines established pursuant to section 598.21B specifically provide an alternative income-based numeric standard for determining the amount, the amount determined by the standard specified by the child support guidelines. “Cash medical support” is an obligation

separate from any monetary amount a parent is ordered to pay for uncovered medical expenses pursuant to the guidelines established pursuant to section 598.21B.

3. 4. "Child" means a person for whom child or medical support may be ordered pursuant to chapter 234, 239B, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other chapter of the Code or pursuant to a comparable statute of another state or foreign country.

4. 5. "Department" means the department of human services, which includes but is not limited to the child support recovery unit, or any comparable support enforcement agency of another state.

5. 6. "Dependent" means a child, or an obligee for whom a court may order health care coverage by a health benefit plan pursuant to section 252E.3.

6. 7. "Enroll" means to be eligible for and covered by a health benefit plan.

7. 8. "Health benefit plan" means any policy or contract of insurance, indemnity, subscription or membership issued by an insurer, health service corporation, health maintenance organization, or any similar corporation, or organization, any public coverage, or a any self-insured employee benefit plan, for the purpose of covering medical expenses. These expenses may include but are not limited to hospital, surgical, major medical insurance, dental, optical, prescription drugs, office visits, or any combination of these or any other comparable health care expenses.

9. "Health care coverage" or "coverage" means providing and paying for the medical needs of a dependent through a health benefit plan.

8. 10. "Insurer" means any entity which, including a health service corporation, health maintenance organization, or any similar corporation or organization, or an employer offering self-insurance, that provides a health benefit plan, but does not include an entity that provides public coverage.

9. 11. "Medical support" means either the provision of a health benefit plan, including a group or employment related or an individual health benefit plan, or a health benefit plan provided pursuant to chapter 514E, to meet the medical needs of a dependent and the cost of any premium required by a health benefit plan, care coverage or the payment to the obligee of a monetary amount in lieu of a health benefit plan, either of which is an obligation separate from any monetary amount of child cash medical support ordered to be paid. Medical support "Medical support" is not alimony. Medical support which consists of payment of a monetary amount in lieu of a health benefit plan is also an obligation separate from any monetary amount a parent is ordered to pay for uncovered medical expenses pursuant to the guidelines established pursuant to section 598.21B.

10. 12. "National medical support notice" means a notice as prescribed under 42 U.S.C. §666(a)(19) or a substantially similar notice, that is issued and forwarded by the department in accordance with section 252E.4 to enforce medical support the health care coverage provisions of a support order. The national medical support notice is not applicable to a provider of public coverage.

11. 13. "Obligee" means a parent or another natural person legally entitled to receive a support payment on behalf of a child.

12. 14. "Obligor" means a parent or another natural person legally responsible for the support of a dependent.

13. 15. "Order" means a support order entered pursuant to chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other support chapter, or pursuant to a comparable statute of another state or foreign country, or an ex parte order entered pursuant to section 252E.4. "Order" also includes a notice of such an order issued by the department.

14. 16. "Plan administrator" means the employer or sponsor that offers the health benefit plan or the person to whom the duty of plan administrator is delegated by the employer or sponsor offering the health benefit plan, by written agreement of the parties. "Plan administrator" does not include a provider of public coverage.

15. 17. "Primary care provider" means a physician who provides primary care who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist; an advanced registered nurse practitioner; or a physician assistant.

18. "Public coverage" means health care benefits provided by any form of federal or state medical assistance, including but not limited to benefits provided under chapter 249A or 514I, or under comparable laws of another state, foreign country, or Indian nation or tribe.

19. “Unit” or “child support recovery unit” means unit as defined in section 252B.1.

Sec. 3. Section 252E.1A, Code 2018, is amended to read as follows:

252E.1A Establishing and modifying orders for medical support.

1. This section shall apply to all initial or modified orders for support entered under chapter 234, 252A, 252C, 252F, 252H, 598, 600B, or any other applicable chapter. If an action to establish or modify an order for support is initiated by the child support recovery unit, section 252E.1B shall also apply.

~~1. 2.~~ An order or judgment that provides for temporary or permanent support for a child shall include a provision for medical support for the child as provided in this section.

~~2. 3.~~ The court shall order as medical support for the child health care coverage if a health benefit plan if other than public coverage is available to either parent at the time the order is entered or modified. A health benefit plan is available if the plan is accessible and the cost of the plan is reasonable.

a. The cost of a health benefit plan is considered reasonable, and such amount shall be stated in the order, if one of the following applies:

(1) The premium cost for a child to the parent ordered to provide ~~the plan coverage~~ does not exceed five percent of that parent’s gross income or the child support guidelines established pursuant to section 598.21B specifically provide an alternative income-based numeric standard for determining the reasonable cost of the premium, in which case the reasonable cost of the premium as determined by the standard specified by the child support guidelines shall apply.

(2) The premium cost for a child exceeds the amount specified in subparagraph (1) and that parent consents or does not object to entry of that order.

b. For purposes of this section, “gross income” has the same meaning as gross income for calculation of support under the guidelines established under section 598.21B.

c. For purposes of this section, “~~the premium cost for a child to the parent~~” ordered to provide ~~the plan coverage~~ means the amount of the premium cost for family coverage to the parent which is in excess of the premium cost for single coverage, regardless of the number of individuals covered under the plan. ~~However, this paragraph shall not be interpreted to reduce the amount of the health insurance premium deduction a parent may be entitled to when calculating the amount of a child support obligation under Iowa court rule 9.5 of the child support guidelines.~~

d. For purposes of this section, “family coverage” means coverage that covers multiple individuals and covers or could cover the child or children subject to the child support order.

~~3. 4.~~ If a health benefit plan other than public coverage is not available to either parent at the time of the entry of the order, and the custodial parent does not have public coverage for the child, the court shall order a reasonable monetary cash medical support in an amount in lieu of a health benefit plan, which amount shall be stated in the order. For purposes of this subsection, a reasonable amount means five percent of the gross income of the parent ordered to provide the monetary amount for medical support or, if the child support guidelines established pursuant to section 598.21B specifically provide an alternative income-based numeric standard for determining the reasonable amount, a reasonable amount means the amount as determined by the standard specified by the child support guidelines. This subsection shall not apply in any of the following circumstances:

a. If the parent’s monthly support obligation established pursuant to the child support guidelines prescribed by the supreme court pursuant to section 598.21B is the minimum obligation amount. If this paragraph applies, the court shall order the parent to provide a health benefit plan care coverage when a plan becomes available for which there is no premium cost for a child to the parent.

b. If subsection 7, paragraph “d”, “e”, or “f” applies the noncustodial parent does not have income which may be subject to income withholding for collection of cash medical support at the time of the entry of the order. If this paragraph applies, the court shall order the noncustodial parent to provide health care coverage when a health benefit plan becomes available at a reasonable cost, and the order shall specify the amount of the reasonable cost as specified in subsection 3, paragraph “a”, subparagraph (1).

c. If the noncustodial parent is receiving assistance or is residing with any child receiving assistance as provided in section 252E.2A, subsection 1, paragraph “c”, subparagraph (3) or (4). If this paragraph applies, the court shall order the noncustodial parent to provide health care coverage when a health benefit plan becomes available for which there is no premium cost for a child to the parent.

~~4. 5. If a health benefit plan other than public coverage is not available to either parent at the time of the entry of the order, and the custodial parent has public coverage for the child, the court orders shall order the custodial parent to provide a health benefit plan under subsection 2 care coverage, and the court may also shall order the noncustodial parent to provide a reasonable monetary pay cash medical support, which amount in lieu of a health benefit plan shall be stated in the order, unless an exception under subsection 4 applies. For purposes of this subsection, a reasonable monetary amount means an amount not to exceed the lesser of a reasonable amount as described in subsection 3, or the premium cost of coverage for the child to the custodial parent as described in subsection 2, paragraph “c”.~~

~~5. 6. Notwithstanding the requirements of this section, the court may order provisions in the alternative to those provided in this section to address the health care needs of the child if the court determines that extreme circumstances so require and documents the court’s written findings in the order.~~

~~6. 7. An order, decree, or judgment entered before July 1, 2009 October 1, 2018, that provides for the support of a child may be modified in accordance with this section.~~

~~7. If the child support recovery unit is providing services under chapter 252B and initiating an action to establish or modify support, all of the following shall also apply:~~

~~a. If a health benefit plan is available as described in subsection 2 to the noncustodial parent, the unit shall seek an order for the noncustodial parent to provide the plan.~~

~~b. If a health benefit plan is available as described in subsection 2 to the custodial parent and not to the noncustodial parent, the unit shall seek an order for the custodial parent to provide the plan.~~

~~c. If a health benefit plan is available as described in subsection 2 to each parent, and if there is an order for joint physical care, the unit shall seek an order for the parent currently ordered to provide a health benefit plan to provide the plan. If there is no current order for a health benefit plan for the child, the unit shall seek an order for the parent who is currently providing a health benefit plan to provide the plan.~~

~~d. If a health benefit plan is not available, and the noncustodial parent does not have income which may be subject to income withholding for collection of a reasonable monetary amount in lieu of a health benefit plan at the time of the entry of the order, the unit shall seek an order that the noncustodial parent provide a health benefit plan when a plan becomes available at reasonable cost, and the order shall specify the amount of reasonable cost as defined in subsection 2.~~

~~e. If a health benefit plan is not available, and the noncustodial parent is receiving assistance or is residing with any child receiving assistance as provided in section 252E.2A, subsection 1, paragraph “c”, subparagraph (3) or (4), the unit shall seek an order that the noncustodial parent shall provide a health benefit plan when a plan becomes available for which there is no premium cost for a child to the parent.~~

~~f. This section shall not apply to chapter 252H, subchapter IV.~~

Sec. 4. NEW SECTION. 252E.1B Establishing and modifying orders for medical support — actions initiated by child support recovery unit.

1. If the child support recovery unit is initiating an action to establish or modify support, this section shall apply in addition to the provisions of section 252E.1A.

2. The unit shall apply the following order of priority when the unit enters or seeks an order for medical support:

a. If the custodial parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in section 252E.1A, subsection 3, the unit shall enter or seek an order for the custodial parent to provide coverage.

b. If the noncustodial parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in section

252E.1A, subsection 3, the unit shall enter or seek an order for the noncustodial parent to provide coverage.

c. If a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to the custodial parent, the unit shall enter or seek an order for the custodial parent to provide coverage.

d. If a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to the noncustodial parent, the unit shall enter or seek an order for the noncustodial parent to provide coverage.

e. If a health benefit plan other than public coverage is not available to either parent, and the custodial parent has public coverage for the child, the unit shall enter or seek an order for the custodial parent to provide health care coverage and shall enter or seek an order for the noncustodial parent to pay cash medical support. However, if any of the circumstances described in section 252E.1A, subsection 4, paragraph “a”, “b”, or “c” is met, the unit shall enter or seek an order as specified by the applicable paragraph.

3. Notwithstanding subsection 2, if there is an order for joint physical care for the child and the parties subject to the support order, the unit shall apply the following order of priority when the unit enters or seeks an order for medical support:

a. If only one parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in section 252E.1A, subsection 3, the unit shall enter or seek an order for that parent to provide coverage.

b. If both parents are currently providing coverage for the child under a health benefit plan other than public coverage, and both plans are available as described in section 252E.1A, subsection 3, the unit shall enter or seek an order for both parents to provide coverage.

c. If neither parent is currently providing coverage for the child under a health benefit plan other than public coverage, and a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to one parent, the unit shall enter or seek an order for that parent to provide coverage.

d. If neither parent is currently providing coverage for the child under a health benefit plan other than public coverage, and a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to both parents, the unit shall enter or seek an order for both parents to provide coverage.

e. If a health benefit plan other than public coverage is not available to either parent and one parent has public coverage for the child, the unit shall enter or seek an order for that parent to provide health care coverage.

4. The child support recovery unit or the court shall not order any modification to an existing medical support order in a proceeding conducted solely pursuant to chapter 252H, subchapter IV.

Sec. 5. Section 252E.2, subsection 1, Code 2018, is amended to read as follows:

1. An order requiring the provision of coverage under a health benefit plan other than public coverage is authorization for enrollment of the dependent if the dependent is otherwise eligible to be enrolled. The dependent’s eligibility and enrollment for coverage under such a plan shall be governed by all applicable terms and conditions, including, but not limited to, eligibility and insurability standards. The dependent, if eligible, shall be provided the same coverage as the obligor.

Sec. 6. Section 252E.3, Code 2018, is amended to read as follows:

252E.3 Health benefit care coverage of obligee.

For cases for which services are being provided pursuant to chapter 252B, the order may require an obligor providing a health benefit plan care coverage for a child to also provide a health benefit plan care coverage for the benefit of an obligee if the obligee is eligible for enrollment under the plan in which the child or the obligor is enrolled, and if the plan coverage for the obligee is available at no additional cost.

Sec. 7. Section 252E.4, subsection 1, Code 2018, is amended to read as follows:

1. When a support order requires an obligor to provide coverage under a health benefit plan other than public coverage, the district court or the department may enter an ex parte

order directing an employer to take all actions necessary to enroll an obligor's dependent for coverage under a health benefit plan or may include the provisions in an ex parte income withholding order or notice of income withholding pursuant to chapter 252D. The child support recovery unit, where appropriate, shall issue a national medical support notice to an employer within two business days after the date information regarding a newly hired employee is entered into the centralized employee registry and matched with a noncustodial parent in the case being enforced by the unit, or upon receipt of other employment information for such parent. The department may amend the information in the ex parte order or may amend or terminate the national medical support notice regarding health insurance provisions if necessary to comply with health insurance requirements including but not limited to the provisions of section 252E.2, subsection 2, or to correct a mistake of fact.

Sec. 8. Section 252E.16, subsection 1, Code 2018, is amended to read as follows:

1. ~~The~~ Unless otherwise specified, the provisions of this chapter take effect July 1, 1990, for all support orders entered pursuant to chapter 234, 252A, 252C, 598, or 600B.

Sec. 9. ADMINISTRATIVE RULES — TRANSITION. Until such time as the department of human services adopts rules pursuant to chapter 17A necessary to administer this Act, all of the following shall apply:

1. The child support recovery unit may initiate proceedings to establish and modify support orders in accordance with chapter 252E, as amended in this Act.

2. The child support recovery unit may, to the extent appropriate, apply and utilize procedures, rules, and forms substantially similar to those applicable and utilized pursuant to section 252E.1B, as enacted in this Act, for proceedings initiated in accordance with section 252E.1A.

Sec. 10. EFFECTIVE DATE. This Act takes effect October 1, 2018.

Approved April 11, 2018

CHAPTER 1112

REGULATION OF PRIMARY AND SECONDARY EDUCATION AND SCHOOL DISTRICT FUNDING

H.F. 2441

AN ACT relating to school district funding and the authorized purposes for the expenditure of school district funding, and including effective date and applicability provisions.

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

Section 1. NEW SECTION. **256.9A Limitation on guidance and interpretations.**

1. For the purposes of this section, “*guidance*” means a document or statement issued by the department, the state board, or the director that purports to interpret a law, a rule, or other legal authority and is designed to provide advice or direction to a person regarding the implementation of or compliance with the law, the rule, or the other legal authority being interpreted.

2. The department, the state board, or the director shall not issue guidance inconsistent with any statute, rule, or other legal authority and shall not issue guidance that imposes any legally binding obligations or duties upon any person unless such legally binding obligations or duties are required or reasonably implied by any statute, rule, or other legal authority.

3. This section shall not apply to a rule adopted pursuant to chapter 17A, a declaratory order issued pursuant to section 17A.9, a document or statement required by federal law or a court, or a document or statement issued in the course of a contested case proceeding, an

administrative proceeding, or a judicial proceeding to which the department, the state board, or the director is a party.

4. Guidance issued by the department, the state board, or the director in violation of subsection 2 shall not be deemed to be legally binding.

Sec. 2. Section 257.10, subsection 11, paragraph d, Code 2018, is amended to read as follows:

d. ~~The use of the funds calculated under this subsection shall comply with the requirements of chapter 256D~~ may be used for any school general fund purpose.

Sec. 3. Section 257.31, subsection 16, Code 2018, is amended to read as follows:

16. The committee shall perform the duties assigned to it under sections 257.32, 257.40, and 260C.18B.

Sec. 4. Section 257.38, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Boards of school districts, individually or jointly with boards of other school districts, requesting to use a modified supplemental amount for costs in excess of the amount received under section 257.11, subsection 4, for programs for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention, shall ~~submit~~ approve, by resolution, comprehensive program plans for the programs and budget costs, including annual requests for a modified supplemental amount for funding the programs, ~~to the department of education as a component of the comprehensive school improvement plan submitted to the department pursuant to section 256.7, subsection 21.~~ The program plans shall include:

Sec. 5. Section 257.38, subsection 1, paragraph j, Code 2018, is amended by striking the paragraph.

Sec. 6. Section 257.38, subsection 2, Code 2018, is amended to read as follows:

2. Program plans shall identify the parts of the plan that will be implemented first upon ~~approval~~ adoption of the request program plan. If a district is requesting to use a modified supplemental amount to finance the program, the school district shall ~~not identify more than five percent of~~ include in the request the number of students in its budget enrollment for the budget year identified as returning dropouts and potential dropouts.

Sec. 7. Section 257.40, Code 2018, is amended to read as follows:

257.40 Approval of programs for at-risk pupils, alternative programs and schools, and returning dropouts and dropout prevention requests for modified supplement amounts for adopted program plans.

The board of directors of a school district requesting to use a modified supplemental amount for costs in excess of the funding received under section 257.11, subsection 4, for programs for at-risk students, secondary students who attend alternative programs and alternative schools, or returning dropouts and dropout prevention shall submit requests for a modified supplemental amount, including budget costs, to the ~~department~~ school budget review committee not later than ~~December 15~~ January 15 of the year preceding the budget year during which the program will be offered. ~~The department school budget review committee shall review the request and shall prior to January 15 either grant approval for the request or return the request for approval with comments of the department included if the amount requested does not exceed an amount equal to the limitation of section 257.41, subsection 3, minus any funds for the adopted program carried forward from the year prior to the base year. An unapproved request for a program may be resubmitted with modifications to the department not later than February 1. The board of directors shall certify by resolution that the request complies with the school district's adopted program plan. If the amount requested exceeds an amount equal to the limitation of section 257.41, subsection 3, minus any funds for the adopted program carried forward from the year prior to the base year, the amount approved by the school budget review committee shall equal the limitation amount minus any funds for the adopted program carried forward from~~

the year prior to the base year. Not later than February March 15, the department school budget review committee shall notify the department of management and the school budget review committee of the names of the school districts for which programs using a modified supplemental amount for funding have been approved and the approved budget of each program listed separately for each school district having an approved request. If requested, the board of directors shall provide the adopted program plan for any audit performed under chapter 11 or other provision of law.

Sec. 8. Section 257.41, subsection 1, Code 2018, is amended to read as follows:

1. *Budget.* The budget of an approved adopted program for at-risk students, secondary students who attend alternative programs or alternative schools, or returning dropouts and dropout prevention for a school district, after subtracting funds received under section 257.11, subsection 4, paragraphs “a” through “c”, and from other sources for that purpose, including any previous carryover or amount designated from the school district’s flexibility account under section 298A.2, subsection 2, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths through establishment of a modified supplemental amount. Annually, the department of management shall establish a modified supplemental amount for each such school district equal to the difference between the approved budget for the program for that district and the sum of the amount funded from the district cost of the school district plus funds received under section 257.11, subsection 4, and from other sources for that purpose, including any previous carryover or amount designated from the school district’s flexibility account under section 298A.2, subsection 2.

Sec. 9. Section 257.41, subsection 2, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Appropriate uses of the funding for an approved adopted program include but are not limited to the following:

Sec. 10. Section 257.41, subsection 2, paragraphs a and b, Code 2018, are amended to read as follows:

a. Salary and benefits for staff including but not limited to instructional staff, instructional support staff, administrative staff, and guidance counselors, salary and benefits or contract payments for psychologists licensed under chapter 154B, licensed independent social workers or master social workers under chapter 154C, licensed mental health counselors under chapter 154D, and salary and benefits for school-based youth services staff who are working with students who are participating in at-risk or dropout prevention programs, alternative programs, and alternative schools, in a traditional or alternative setting, or who are working with students who are participating in such programs or schools, if the staff such person’s or counselor’s time is dedicated to working with the program or with such students in order to provide services beyond those which are provided by the school district to students who are not participating in such programs or alternative schools. However, if the staff such person or counselor works part-time with students who are participating in a program or alternative school and the staff person or counselor has another unrelated staff assignment, only the portion of the staff person’s or counselor’s time that is related to the program or alternative school may be charged to the program or school. For each such staff person or counselor who works part time or on a contract basis with the program or with students who are participating in a program or alternative school, the school district shall have the authority to designate the portion of the staff person’s or counselor’s time and the corresponding amount of salary and benefits or contract payment amount that is related to the program or alternative school and shall include such designation as part of the program plan under section 257.38, if applicable. For purposes of this paragraph, if an alternative setting is necessary to provide for a program which is offered at a location off school grounds and which is intended to serve student needs by improving relationships and connections to school, decreasing truancy and tardiness, providing opportunities for course credit recovery, or helping students identified as at risk to accelerate through multiple grade levels of achievement within a shortened time frame, the tuition costs for a student identified as at risk shall be considered an appropriate use of the program funding under this section.

b. Professional development for all teachers, counselors, and staff identified in paragraph "a" who are working with at-risk students under a program or an alternative school setting.

Sec. 11. Section 257.41, subsection 2, Code 2018, is amended by adding the following new paragraphs:

NEW PARAGRAPH. f. Any purpose determined by the board of directors that directly benefits students participating in the adopted program.

NEW PARAGRAPH. g. School security personnel costs.

Sec. 12. Section 297.22, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. ~~The board of directors of a school district may lease a portion of an existing school building in which the remaining portion of the building will be used for school purposes for a period of not to exceed five years or lease a portion of existing school property.~~ The lease may be renewed at the option of the board. The notice and public hearing requirements of subsection 1 of this section do not apply to the lease of a portion of an existing school building. A school district shall pay out of the revenue from a lease to the state of Iowa, and to the city, school district and any other political subdivision authorized to levy taxes, an amount as determined by this section. The amount shall be determined by applying the annual tax rate of the taxing district to the assessed value of the portion of the building leased, prorated for the term of the lease during the appropriate taxing period. The provisions of this section relating to the payment of property tax because of leases shall only apply to leases to private, for-profit entities which lease a portion of a school building for a period of thirty or more consecutive days, but shall not apply to property or equipment leased as part of a project designed to generate electricity for the school district.

Sec. 13. Section 298A.8, subsection 2, Code 2018, is amended to read as follows:

2. For school budget years beginning on or after July 1, 2016, the board of directors of a school corporation may, by board resolution, transfer from the school corporation's general fund to the student activity fund an amount necessary to purchase or recondition protective and safety equipment required for any extracurricular interscholastic athletic contest or competition that is sponsored or administered by an organization as defined in section 280.13.

Sec. 14. Section 298A.12, Code 2018, is amended to read as follows:

298A.12 Child care fund.

1. A child care fund is an enterprise fund. A child care fund must be established in any school corporation receiving moneys from the child care program authorized under section 279.49.

2. If the sum of the fees collected under section 279.49 for participation in a before and after school program and other moneys deposited in the fund as the result of the before and after school program exceeds the amount necessary to operate the before and after school program, the excess amount may, following a public hearing, be transferred by resolution of the board of directors of the school corporation for deposit in the general fund of the school corporation to be used for school district general fund purposes. The board shall publish notice of the time and the place of the public hearing in the same manner as required in section 24.9. The resolution transferring the excess amount shall state the original source and purpose of the funds, the method used to establish fee amounts for the before and after school program under section 279.49, subsection 4, the proposed use of such funds, and the amount of the transfer. The department of education shall prescribe the form for public hearing notices. The board shall provide a copy of the resolution to the department of education and shall make the resolution available for any audit performed under chapter 11. A transfer under this subsection does not increase a school district's authorized expenditures as defined in section 257.7.

Sec. 15. Section 299A.12, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The purposes for and limitations on the expenditure of funds under subsections 2 and 3 shall not be construed to prohibit a school corporation from authorizing the use of items and materials purchased for the home school assistance

program for school district purposes other than the home school assistance program so long as the authorized use does not prevent or interfere with the item or material's use by parents or students utilizing the program.

Sec. 16. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting section 256.9A.
2. The section of this Act amending section 257.10, subsection 11.
3. The section of this Act amending section 297.22, subsection 2, paragraph "b".
4. The section of this Act amending section 298A.8, subsection 2.
5. The section of this Act amending section 298A.12.
6. The section of this Act amending section 299A.12.

Sec. 17. APPLICABILITY. The following apply to school budget years beginning on or after July 1, 2018:

1. The section of this Act enacting section 256.9A.¹
2. The section of this Act amending section 257.10, subsection 11.
3. The section of this Act amending section 297.22, subsection 2, paragraph "b".
4. The section of this Act amending section 298A.8, subsection 2.
5. The section of this Act amending section 298A.12.
6. The section of this Act amending section 299A.12.

Sec. 18. APPLICABILITY. The following apply to school budget years beginning on or after July 1, 2019:

1. The section of this Act amending section 257.31, subsection 16.
2. The section of this Act amending section 257.38, subsection 1, unnumbered paragraph 1.
3. The section of this Act amending section 257.38, subsection 1, paragraph "j".
4. The section of this Act amending section 257.38, subsection 2.
5. The section of this Act amending section 257.40.
6. The section of this Act amending section 257.41, subsection 1.
7. The section of this Act amending section 257.41, subsection 2, unnumbered paragraph 1.
8. The section of this Act amending section 257.41, subsection 2, paragraphs "a" and "b".
9. The section of this Act enacting section 257.41, subsection 2, paragraphs "f" and "g".

Approved April 11, 2018

CHAPTER 1113

CHILD CARE FACILITIES AND CARE PROVIDERS — ABUSE REPORTING — EMPLOYMENT AND LICENSURE RESTRICTIONS

H.F. 2444

AN ACT relating to child care facilities, including child abuse reporting and the prohibition of certain persons from involvement with child care.

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

Section 1. Section 232.69, subsection 1, paragraph b, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (14) An employee, operator, owner, or other person who performs duties for a children's residential facility certified under chapter 237C.

¹ See chapter 1172, §9 herein

Sec. 2. Section 237A.5, subsection 2, paragraph d, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) If a person subject to a record check refuses to consent to a record check or if the person makes what the person knows to be a false statement of material fact in connection with a record check, the person shall be prohibited from involvement with child care.

Sec. 3. Section 237A.5, subsection 2, paragraph i, Code 2018, is amended by striking the paragraph and inserting in lieu thereof the following:

i. (1) A person subject to an evaluation shall be prohibited from involvement with child care under any of the following circumstances:

(a) The person has a record of founded child abuse or dependent adult abuse that was determined to be sexual abuse.

(b) The person is listed or is required to be listed on any state sex offender registry or the national sex offender registry.

(c) If the person has committed any of the following felony-level offenses:

(i) Child endangerment or neglect or abandonment of a dependent person.

(ii) Domestic abuse.

(iii) A crime against a child including but not limited to sexual exploitation of a minor.

(iv) A forcible felony.

(v) Arson.

(d) The person has a record of a misdemeanor conviction against a child that constitutes one of the following offenses:

(i) Child abuse.

(ii) Child endangerment.

(iii) Sexual assault.

(iv) Child pornography.

(2) If, within five years prior to the date of application for registration or licensure under this chapter, for employment or residence in a child care facility or child care home, or for receipt of public funding for providing child care, a person subject to an evaluation has been convicted of a controlled substance offense or has been found to have committed physical abuse, the person shall be prohibited from involvement with child care for a period of five years from the date of conviction or founded abuse. After the five-year prohibition period, the person may submit an application for registration or licensure under this chapter, or to receive public funding for providing child care or may request an evaluation, and the department shall perform an evaluation and, based upon the criteria in paragraph "h", shall determine whether prohibition of the person's involvement with child care continues to be warranted.

Approved April 11, 2018

CHAPTER 1114

INVESTMENTS BY POLITICAL SUBDIVISIONS OF THE STATE — MATURITY LIMITATIONS

S.F. 2155

AN ACT concerning public investment maturity limitations relating to the operating funds of political subdivisions.

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

Section 1. Section 12B.10A, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. (1) Operating funds may only be invested in investments which mature within three hundred ninety-seven days or less and which are authorized by law for the investing public entity.

(2) Notwithstanding subparagraph (1), a political subdivision which has or expects to accrue in the current budget year an amount of public funds that exceeds operating funds by at least thirty-three percent may invest amounts exceeding thirty-three percent of operating funds in certificates of deposit at federally insured depository institutions approved pursuant to chapter 12C which mature within sixty-three months or less provided that the political subdivision invests an amount reasonably expected to be expended during the current budget year or within fifteen months of receipt in investments pursuant to subparagraph (1).

Approved April 16, 2018

CHAPTER 1115

REGULATION OF VETERANS' BENEFITS EVENTS, PRODUCTS, AND SERVICES — REQUIRED DISCLOSURES — PROHIBITED ACTS

S.F. 2200

AN ACT regulating veterans' benefit services and related events, by requiring certain disclosures and making penalties applicable.

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

Section 1. Section 35A.5, subsection 18, Code 2018, is amended by striking the subsection.

Sec. 2. NEW SECTION. 546B.1 Definitions.

When used in this chapter, unless the context otherwise requires:

1. "Compensation" means money, property, or anything else of value, which includes but is not limited to exclusive arrangements or agreements for the provision of services or the purchase of products.

2. "Person" includes, where applicable, natural persons, corporations, trusts, unincorporated associations, and partnerships.

3. "Trade or commerce" includes the marketing or sale of assets, goods, or services, or any commerce directly or indirectly affecting the people of this state.

4. "Veteran" means as defined in section 35.1.

5. "Veterans' benefit matter" means any preparation, presentation, or prosecution of a claim affecting a person who has filed or has expressed an intention to file an application for determination of payment, service, commodity, function, or status, entitlement to which is determined under laws administered by the United States department of veterans affairs or the Iowa department of veterans affairs pertaining to veterans and their dependents or survivors.

Sec. 3. NEW SECTION. 546B.2 Advertising or promotion disclosures.

1. A person who advertises or promotes any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements shall include a disclosure as provided in this section and must disseminate the disclosure, both orally and in writing, at the beginning of the event, presentation, seminar, workshop, or other public gathering. The written disclosure must be in the same type size and font as the term "veteran" or any variation of that term as used in the advertisement or promotional materials for the event, presentation, seminar, workshop, or public gathering.

2. The disclosure required by this section shall be in the following form:

This event is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the Iowa Department of Veterans Affairs, or any other congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States or any of their auxiliaries. Products or services that may be discussed at this event are not necessarily endorsed by those organizations. You may qualify for benefits other than or in addition to the benefits discussed at this event.

3. The requirement to provide a disclosure as provided in this section shall not apply under any of the following circumstances:

- a. The United States department of veterans affairs, the Iowa department of veterans affairs, or any other congressionally chartered or recognized organization of honorably discharged members of the armed forces of the United States or any of their auxiliaries have granted written permission to the person for the use of its name, symbol, or insignia to advertise or promote any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements.

- b. The event, presentation, seminar, workshop, or public gathering is part of an accredited continuing legal education course.

Sec. 4. NEW SECTION. 546B.3 Prohibited acts or practices.

A person who commits any of the following acts or practices commits a violation of this chapter:

1. Receives compensation for advising or assisting another person with a veterans' benefit matter, except as permitted under Title 38 of the United States Code.

2. Uses financial or other personal information gathered in order to prepare documents for, or otherwise represent the interests of, another in a veterans' benefit matter for purposes of trade or commerce, except as permitted under Title 38 of the United States Code.

3. Receives compensation for referring another person to a person accredited by the United States department of veterans affairs.

4. Represents, either directly or by implication, and either orally or in writing, that the receipt of a certain level of veterans' benefits is guaranteed.

5. Fails to provide a disclosure required to be provided pursuant to section 546B.2.

Sec. 5. NEW SECTION. 546B.4 Inapplicability of chapter.

This chapter does not apply to officers, employees, or volunteers of the state, or of any county, city, or other political subdivision, or of a federal agency of the United States, who are acting in their official capacity.

Sec. 6. NEW SECTION. 546B.5 Unfair practice — penalties.

A violation of this chapter is a violation of section 714.16, subsection 2, paragraph "a". Any civil penalty recovered for a violation of this chapter shall be deposited in the veterans trust fund created in section 35A.13.

Sec. 7. REPEAL. Chapter 546B, Code 2018, is repealed.

Approved April 16, 2018

CHAPTER 1116**SECOND DEGREE KIDNAPPING — VICTIMS UNDER AGE EIGHTEEN***S.F. 2230*

AN ACT relating to kidnapping in the second degree, and providing penalties.

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

Section 1. Section 710.3, Code 2018, is amended to read as follows:

710.3 Kidnapping in the second degree.

1. Kidnapping where the purpose is to hold the victim for ransom, ~~or~~ where the kidnapper is armed with a dangerous weapon, or where the victim is under eighteen years of age other than a kidnapping by a parent or legal guardian whose sole purpose of the kidnapping is to assume custody of a victim under eighteen years of age, is kidnapping in the second degree. Kidnapping in the second degree is a class “B” felony.

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

Approved April 16, 2018

CHAPTER 1117**GOING ARMED WITH PORTABLE DEVICES OR WEAPONS DIRECTING ELECTRIC CURRENT, IMPULSES, WAVES, OR BEAMS***S.F. 2321*

AN ACT relating to persons going armed with portable devices or weapons that direct an electronic current, and providing penalties.

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

Section 1. Section 724.4, subsection 4, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. A person who is eighteen years of age or older who goes armed with a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person, as long as such a dangerous weapon does not generate a projectile that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person, and such a dangerous weapon is not used in the commission of a public offense.

Sec. 2. Section 724.4, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A minor who goes armed with a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person, whether concealed or not, commits a simple misdemeanor.

Approved April 16, 2018

CHAPTER 1118**CATTLE GUARD INSTALLATION BY LANDOWNERS ALONG STREETS OR HIGHWAYS**

S.F. 449

AN ACT relating to the installation of cattle guards by landowners along certain streets or highways, and including effective date provisions.

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

Section 1. **NEW SECTION. 314.30 Cattle guards.**

Notwithstanding chapter 169C or 318, or any other provision of law to the contrary:

1. A landowner may install a cattle guard on a street or highway if all of the following apply:

a. The street or highway is classified as area service “B” or area service “C” as described in section 309.57.

b. The street or highway terminates in a dead end, is completely or partially located in a flood plain, serves no residence, and exits to a secondary road.

c. The landowner owns the property on both sides of the street or highway.¹

d. The effective purpose of restraining livestock using a fence along the street or highway is continually impaired by flooding or other natural forces.

e. Flooding or other natural forces have and will, with a reasonable probability, continue to create liability for the landowner and risk of injury to the public from livestock straying on to the secondary road to which the street or highway exits.

2. A cattle guard installed pursuant to this section shall be installed on the street or highway at the landowner’s expense at a distance of not less than sixty-six feet from the secondary road to which the street or highway exits.

3. After a landowner installs a cattle guard pursuant to this section, the landowner and each successive landowner shall not be required to install or maintain a fence along the street or highway between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end. All of the following shall apply to a landowner who is not required to install or maintain a fence along the street or highway pursuant to this subsection:

a. The landowner shall not be liable to a local authority as provided in section 169C.4, subsection 1, paragraph “c”, for livestock straying on to the street or highway.

b. A local authority shall not take custody of the landowner’s livestock on the street or highway as provided in section 169C.2.

c. The landowner shall not be subject to section 169C.6 for livestock straying on to the street or highway.

4. a. A landowner who installs a cattle guard pursuant to this section and each successive landowner shall be liable for injury to any person, for damage to any vehicle or equipment, and for damage to the contents of any vehicle or equipment, which occurs proximately as a result of the construction, installation, or maintenance of the cattle guard or as a result of livestock straying on to the street or highway between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end.

b. Upon the installation of a cattle guard pursuant to this section, and before July 1 of each year thereafter, the landowner who installed the cattle guard or a successive landowner shall submit to the appropriate county office of the county having jurisdiction over the street or highway on which the cattle guard is installed, as designated by the county, proof of liability coverage in effect for the following one-year period which covers any injury or loss arising from the landowner’s liability as set forth in paragraph “a”.

c. This section shall not be construed to alter, limit, or nullify the maintenance requirements assigned to a county, and a county’s liability relating to such maintenance requirements, pursuant to section 309.57 for the street or highway on which the cattle guard is installed.

5. As used in this section:

¹ See chapter 1172, §47 herein

a. “Cattle guard” means a structure consisting of parallel bars placed over a shallow ditch that allows motor vehicles to pass over the ditch, but prevents cattle and other livestock from passing over the ditch.

b. “Fence” means as defined in section 169C.1.

c. “Landowner” means as defined in section 169C.1.

d. “Local authority” means as defined in section 169C.1.

e. “Secondary road” means as defined in section 306.3.

Sec. 2. Section 321.285, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 6A. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on a street or highway on which a cattle guard is installed pursuant to section 314.30 is fifteen miles per hour between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.²

Approved April 17, 2018

CHAPTER 1119

REGULATION OF PRIMARY AND SECONDARY EDUCATION — MISCELLANEOUS CHANGES

S.F. 475

AN ACT relating to educational programs developed or administered by the department or state board of education, school districts, or accredited nonpublic schools, and to school-age children’s health screenings, providing for or relating to fees, and including effective date provisions.

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

DIVISION I ONLINE EDUCATION

Section 1. Section 256.7, subsection 32, paragraph a, Code 2018, is amended to read as follows:

a. Adopt rules for online learning in accordance with sections 256.41, 256.42, and 256.43, and criteria for waivers granted pursuant to section 256.42.

Sec. 2. Section 256.7, subsection 32, paragraph b, Code 2018, is amended by striking the paragraph.

Sec. 3. Section 256.7, subsection 32, paragraph c, Code 2018, is amended to read as follows:

~~c. Adopt rules that limit the statewide enrollment of pupils in educational instruction and course content that are delivered primarily over the internet to not more than eighteen one-hundredths of one percent of the statewide enrollment of all pupils, and that limit the number of pupils participating in open enrollment for purposes of receiving educational instruction and course content that are delivered primarily over the internet to no more than one percent of a sending district’s enrollment. Such limitations shall not apply if the limitations would prevent siblings from enrolling in the same school district or if a sending~~

² See chapter 1172, §48 herein

~~district determines that the educational needs of a physically or emotionally fragile student would be best served by educational instruction and course content that are delivered primarily over the internet. Students who meet the requirements of section 282.18 may participate in open enrollment under this paragraph "c" for purposes of enrolling only in the CAM community school district or the Clayton Ridge community school district.~~

~~(1) The department, in collaboration with the international association for K-12 online learning, shall annually collect data on student performance in educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "c". The department shall include such data in its annual report to the general assembly pursuant to subparagraph (4) and shall post the data on the department's internet site.~~

~~(2) School districts Adopt rules which require that educational instruction and course content delivered primarily over the internet be aligned with the Iowa core standards as applicable. Under such rules, a school district may develop and offer to students enrolled in the district educational instruction and course content for delivery primarily over the internet. A school district providing educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "e" shall annually submit to the department, in the manner prescribed by the department, data that includes but is not limited to the following:~~

- ~~(a) Student achievement and demographic characteristics.~~
- ~~(b) Retention rates.~~
- ~~(c) The percentage of enrolled students' active participation in extracurricular activities.~~
- ~~(d) Academic proficiency levels, consistent with requirements applicable to all school districts and accredited nonpublic schools in this state.~~
- ~~(e) Academic growth measures, which shall include either of the following:
 - ~~(i) Entry and exit assessments in, at a minimum, math and English for elementary and middle school students, and additional subjects, including science, for high school students.~~
 - ~~(ii) State-required assessments that track year-over-year improvements in academic proficiency.~~~~
- ~~(f) Academic mobility. To facilitate the tracking of academic mobility, school districts shall request the following information from the parent or guardian of a student enrolled in educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "e":~~

- ~~(i) For a student newly enrolling, the reasons for choosing such enrollment.~~
- ~~(ii) For a student terminating enrollment, the reasons for terminating such enrollment.~~
- ~~(g) Student progress toward graduation. Measurement of such progress shall account for specific characteristics of each enrolled student, including but not limited to age and course credit accrued prior to enrollment in educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "e", and shall be consistent with evidence-based best practices.~~

~~(3) The department shall conduct annually a survey of not less than ten percent of the total number of students enrolled as authorized under this paragraph "c" and section 282.18, to determine whether students are enrolled under this paragraph "c" and section 282.18 to receive educational instruction and course content primarily over the internet or are students who are receiving competent private instruction from a licensed practitioner provided through a school district pursuant to chapter 299A.~~

~~(4) (2) The department shall compile and review the data collected pursuant to this paragraph "c" and shall submit its findings and recommendations for the continued delivery of educational instruction and course content by school districts pursuant to this paragraph "e" delivered primarily over the internet, in a report to the general assembly by January 15 annually.~~

~~(5) School districts providing educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "c" shall comply with the following requirements relating to such instruction and content:~~

- ~~(a) Monitoring and verifying full-time student enrollment, timely completion of graduation requirements, course credit accrual, and course completion.~~

~~(b) Monitoring and verifying student progress and performance in each course through a school-based assessment plan that includes submission of coursework and security and validity of testing.~~

~~(c) Conducting parent-teacher conferences.~~

~~(d) Administering assessments required by the state to all students in a proctored setting and pursuant to state law.~~

Sec. 4. Section 256.9, subsection 56, Code 2018, is amended to read as follows:

56. Develop and establish an online learning program model in accordance with rules adopted pursuant to section 256.7, subsection 32, ~~paragraph “a”~~, and in accordance with section 256.43. The director shall maintain a list of approved online providers that meet the standards of section 256.42, subsection 6, and provide course content through an online learning platform taught by an Iowa licensed teacher that has specialized training or experience in online learning. Providers shall apply for approval annually or as determined by the department.¹

Sec. 5. Section 256.41, Code 2018, is amended to read as follows:

256.41 Online learning requirements — ~~legislative findings and declarations~~ school districts.

1. ~~The general assembly finds and declares the following:~~

~~a. That prior legislative enactments on the use of telecommunications in elementary and secondary school classes and courses did not contemplate and were not intended to authorize participation in open enrollment under section 282.18 for purposes of attending online schools, contracts to provide exclusively or predominantly online coursework to students, or online coursework that does not use teachers licensed under chapter 272 for instruction and supervision.~~

~~b. That online learning technology has moved ahead of Iowa’s statutory framework and the current administrative rules of the state board, promulgated over twenty years ago, are inadequate to regulate today’s virtual opportunities.~~

A school district providing educational instruction and course content delivered primarily over the internet shall do all of the following with regard to such instruction and content:

a. Monitor and verify full-time student enrollment, timely completion of graduation requirements, course credit accrual, and course completion.

b. Monitor and verify student progress and performance in each course through a school-based assessment plan that includes submission of coursework and security and validity of testing components.

c. Conduct parent-teacher conferences.

d. Administer assessments required by the state to all students in a proctored setting and pursuant to state law.

2. Online learning curricula shall be provided and supervised by a teacher licensed under chapter 272.

Sec. 6. Section 256.42, subsection 7, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

7. a. The provisions of section 256.11, subsection 5, which require that specified subjects be offered and taught by a school district or accredited nonpublic school, shall not apply for up to two specified subjects at a school district or school under this section if any of the following apply:

(1) The school district or school makes every reasonable and good faith effort to employ a teacher licensed under chapter 272 for the specified subject, and is unable to employ such a teacher.

(2) Fewer than ten students typically register for instruction in the specified subject at the school district or school.

b. The department may waive for one school year the applicability of section 256.11, subsection 5, at its discretion, to additional specified subjects for a school district or

¹ See chapter 1163, §9 herein

accredited nonpublic school that proves to the satisfaction of the department that the school district or school has made every reasonable effort, but is unable to meet the requirements of section 256.11, subsection 5. A school district or accredited nonpublic school may apply for an annual waiver each year.

c. Any specified subject course to which section 256.11, subsection 5, does not apply under paragraph “a” or “b” shall be provided by the initiative if the initiative offers the course unless the course offered by the initiative lacks the capacity to accommodate additional students. In that case, the specified subject course may instead be provided by the school district or accredited nonpublic school through an online learning platform, provided the online learning platform is taught by an Iowa licensed teacher with online learning experience and the course content is aligned with the Iowa content standards and satisfies the requirements of subsection 6.²

d. For purposes of this subsection, “good faith effort” means the same as defined in section 279.19A, subsection 9.

Sec. 7. Section 256.42, subsection 8, Code 2018, is amended to read as follows:

8. The department shall establish fees payable by school districts and accredited nonpublic schools participating in the initiative. Fees collected pursuant to this subsection are appropriated to the department to be used only for the purpose of administering this section and shall be established so as not to exceed the budgeted cost of administering this section ~~to the extent not covered by the moneys appropriated in subsection 9.~~ Providing professional development necessary to prepare teachers to participate in the initiative shall be considered a cost of administering this section. Notwithstanding section 8.33, fees collected by the department that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose of expanding coursework offered under the initiative in subsequent fiscal years.

Sec. 8. Section 256.42, subsection 9, Code 2018, is amended by striking the subsection.

Sec. 9. Section 256.43, subsection 1, paragraph i, Code 2018, is amended to read as follows:

i. Criteria for school districts or schools to use when choosing providers of online learning to meet the online learning program requirements specified in rules adopted pursuant to section 256.7, subsection 32, ~~paragraph “a”.~~

Sec. 10. Section 256.43, subsection 2, Code 2018, is amended to read as follows:

2. *Private providers.* At the discretion of the school board or authorities in charge of an accredited nonpublic school, after consideration of circumstances created by necessity, convenience, and cost-effectiveness, courses developed by private providers may be utilized by the school district or school in implementing a high-quality online learning program. Courses obtained from private providers shall be taught by teachers licensed under chapter 272. A school district may provide courses developed by private providers and delivered primarily over the internet to pupils who are participating in open enrollment under section 282.18. However, if a student’s participation in open enrollment to receive educational instruction and course content delivered primarily over the internet results in the termination of enrollment in the receiving district, the receiving district shall, within thirty days of the termination, notify the district of residence of the termination and the date of the termination.³

Sec. 11. Section 256.43, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *Prohibited activities.* A rebate for tuition or fees paid or any other dividend or bonus moneys for enrollment of a child shall not be offered or provided directly or indirectly by a school district, school, or private provider to the parent or guardian of a pupil who enrolls in a school district or school to receive educational instruction and course content delivered primarily over the internet.

² See chapter 1163, §11 herein

³ See chapter 1163, §12 herein

DIVISION II
CONCURRENT ENROLLMENT — CAREER AND TECHNICAL EXCEPTION TO
LIMITATION

Sec. 12. Section 257.11, subsection 3, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding paragraph “b”, subparagraph (1), a school district that otherwise meets the requirements of this subsection may enter into a sharing agreement with a community college under which the community college may offer, or provide a community college-employed instructor to teach, one or more classes in only one of the six career and technical education service areas specified in section 256.11, subsection 5, paragraph “h”, and the pupils enrolled in such a class shall be assigned additional weighting in accordance with this subsection if the number of pupils enrolled in such a class exceeds five and the school district’s total enrollment does not exceed six hundred pupils.

Sec. 13. Section 261E.3, subsection 3, paragraph g, Code 2018, is amended to read as follows:

g. The school district shall certify annually to the department that the course provided to a high school student for postsecondary credit in accordance with this chapter does not supplant a course provided by the school district in which the student is enrolled, except as provided under section 257.11, subsection 3, paragraph “c”.

DIVISION III
STUDENT HEALTH WORKING GROUP

Sec. 14. STUDENT HEALTH WORKING GROUP.

1. The department of public health and the department of education shall convene a student health working group to review state-initiated student health requirements, including but not limited to requirements relating to dental and vision health screenings under sections 135.17 and 135.39D, blood lead testing under section 135.105D, and immunizations under section 139A.8, and other related requirements imposed on public schools. The working group shall study measures for implementing such student health screening requirements while reducing the administrative burden such requirements impose on public schools. The working group shall develop a uniform enforcement framework that includes a single method for enforcement of the current student health requirements and related data collection.

2. Voting members of the working group shall include persons deemed appropriate by the department of public health as well as one representative of each of the following, appointed by the respective entity:

- a. The department of education.
- b. The department of public health.
- c. The area education agencies.
- d. The Iowa academy of family physicians.

3. a. The working group shall elect a chairperson and vice chairperson from the voting members appointed.

b. A majority of the voting members of the working group shall constitute a quorum.

4. The department of public health and the department of education shall work cooperatively to provide staffing and administrative support to the working group.

5. The working group shall submit its uniform enforcement framework, findings, and recommendations to the general assembly not later than December 31, 2018.

DIVISION IV
OPEN ENROLLMENT — EXTRACURRICULAR ACTIVITY FEE

Sec. 15. Section 282.18, subsection 7, Code 2018, is amended to read as follows:

7. a. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil’s district of residence. A pupil’s residence, for purposes of this section, means a residence under section 282.1.

b. (1) The board of directors of the district of residence shall pay to the receiving district the sum of the state cost per pupil for the previous school year plus either the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in section 257.9 or the teacher leadership supplement foundation aid for the previous fiscal year as provided in section 284.13, subsection 1, paragraph “d”, if both the district of residence and the receiving district are receiving such supplements, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

(2) If a pupil participates in cocurricular or extracurricular activities in accordance with subsection 11A, the district of residence may deduct up to two hundred dollars per activity, for up to two activities, from the amount calculated in subparagraph (1). For a cocurricular activity, one semester shall equal one activity. Extracurricular activities for which such a resident district may charge up to two hundred dollars per activity for up to two activities under this subparagraph include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding five thousand dollars annually. A pupil may participate in additional extracurricular activities at the discretion of the resident district. The school district of residence may charge the pupil a fee for participation in such cocurricular or extracurricular activities equivalent to the fee charged to and paid in the same manner by other resident pupils.

Sec. 16. Section 282.18, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 11A. A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with section 256.7, subsection 32, may participate in any cocurricular or extracurricular activities offered to children in the pupil’s grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. The pupil may participate in not more than two cocurricular or extracurricular activities during a school year unless the resident district approves the student’s participation in additional activities. The student shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity.

DIVISION V
DEPARTMENT OF EDUCATION — BILITERACY SEAL

Sec. 17. Section 256.9, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 60. Develop and administer a seal of biliteracy program to recognize students graduating from high school who have demonstrated proficiency in two or more world languages, one of which may be American sign language, though one of which must be English. Participation in the program by a school district, attendance center, or accredited nonpublic school shall be voluntary. The department shall work with stakeholders to identify standardized tests that may be utilized to demonstrate proficiency. The department shall produce a seal of biliteracy, which may include but need not be limited to a sticker that may be affixed to a student’s high school transcript or a certificate that may be awarded to the student. A participating school district or school shall notify the department of the names of the students who have qualified for the seal and the department shall provide the school district or school with the appropriate number of seals or other authorized endorsement. The department may charge a nominal fee to cover printing and postage charges related to issuance of the biliteracy seal under this subsection.

DIVISION VI
LIMITATION ON DEPARTMENT OF EDUCATION GUIDANCE

Sec. 18. NEW SECTION. 256.9A **Limitation on guidance and interpretations.**

1. For the purposes of this section, “*guidance*” means a document or statement issued by the department, the state board, or the director that purports to interpret a law, a rule, or other legal authority and is designed to provide advice or direction to a person regarding the implementation of or compliance with the law, the rule, or the other legal authority being interpreted.

2. The department, the state board, or the director shall not issue guidance inconsistent with any statute, rule, or other legal authority and shall not issue guidance that imposes any legally binding obligations or duties upon any person unless such legally binding obligations or duties are required or reasonably implied by any statute, rule, or other legal authority.

3. This section shall not apply to a rule adopted pursuant to chapter 17A, a declaratory order issued pursuant to section 17A.9, a document or statement required by federal law or a court, or a document or statement issued in the course of a contested case proceeding, an administrative proceeding, or a judicial proceeding to which the department, the state board, or the director is a party.

4. Guidance issued by the department, the state board, or the director in violation of subsection 2 shall not be deemed to be legally binding.

Sec. 19. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII FINANCIAL LITERACY

Sec. 20. Section 256.11, subsection 5, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* One-half unit of personal finance literacy. All students shall complete at least one-half unit of personal finance literacy as a condition of graduation. The curriculum shall, at a minimum, address the following:

- (1) Savings, including emergency fund, purchases, and wealth building.
- (2) Understanding investments, including compound and simple interest, liquidity, diversification, risk return ratio, certificates of deposit, money market accounts, single stocks, bonds, mutual funds, rental real estate, annuities, commodities, and futures.
- (3) Wealth building and college planning, including long-term and short-term investing using tax-favored plans, individual retirement accounts and payments from such accounts, employer-sponsored retirement plans and investments, public and private educational savings accounts, and uniform gifts and transfers to minors.
- (4) Credit and debt, including credit cards, payday lending, rent-to-own transactions, debt consolidation, automobile leasing, cosigning a loan, debt avoidance, and the marketing of debt, especially to young people.
- (5) Consumer awareness of the power of marketing on buying decisions including zero percent interest offers; marketing methods, including product positioning, advertising, brand recognition, and personal selling; how to read a credit report and correct inaccuracies; how to build a credit score; how to develop a plan to deal with creditors and avoid bankruptcy; and the federal Fair Debt Collection Practices Act.
- (6) Financial responsibility and money management, including creating and living on a written budget and balancing a checkbook; basic rules of successful negotiating and techniques; and personality or other traits regarding money.
- (7) Insurance, risk management, income, and career decisions, including career choices that fit personality styles and occupational goals, job search strategies, cover letters, resumes, interview techniques, payroll taxes and other income withholdings, and revenue sources for federal, state, and local governments.
- (8) Different types of insurance coverage including renters, homeowners, automobile, health, disability, long-term care, identity theft, and life insurance; term life, cash value and whole life insurance; and insurance terms such as deductible, stop loss, elimination period, replacement coverage, liability, and out-of-pocket.

(9) Buying, selling, and renting advantages and disadvantages relating to real estate, including adjustable rate, balloon, conventional, government-backed, reverse, and seller-financed mortgages.⁴

Sec. 21. EFFECTIVE DATE. This division of this Act takes effect July 1, 2019.

Approved April 17, 2018

CHAPTER 1120

CRITICAL INFRASTRUCTURE SABOTAGE

S.F. 2235

AN ACT relating to criminal acts committed on or against critical infrastructure and providing penalties.

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

Section 1. NEW SECTION. **716.11 Critical infrastructure sabotage — definitions.**

Solely for purposes of this section and section 716.12, unless the context otherwise requires:

1. “Critical infrastructure” means any of the following:

- a. An electrical power generating, transmission, or delivery system.
- b. A gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical critical generation, storage¹ transportation, or delivery system.
- c. A telecommunications or broadband generation, transmission, or delivery system.
- d. A wastewater treatment, collection, or delivery system.
- e. A water supply treatment, collection, storage, or delivery system.
- f. Any land, building, conveyance, or other temporary or permanent structure whether publicly or privately owned, that contains, houses, supports, or is appurtenant to any critical infrastructure as described in paragraphs “a” through “e” of this subsection.

2. “Critical infrastructure sabotage” means an unauthorized and overt act intended to cause and having the means to cause, and in substantial furtherance of causing, a substantial and widespread interruption or impairment of a fundamental service rendered by the critical infrastructure. However, “critical infrastructure sabotage” does not include an accidental interruption or impairment of service to the critical infrastructure caused by a person in the performance of the person’s work duties or caused by a person’s lawful activity. In addition, “critical infrastructure sabotage” does not include any condition or activity related to the production of farm products as defined in section 554.9102, including but not limited to the discharge of agricultural stormwater; the construction or use of soil or water quality conservation practices or structures; the preparation of agricultural land and the raising, harvesting, drying, or storage of agricultural crops; the application of fertilizer as defined in section 200.3, pesticides as defined in section 206.2, or manure as defined in section 459.102; the installation and use of agricultural drainage tile and systems; the construction, operation, or management of an animal feeding operation as defined in section 459.102; and the care, feeding, or watering of livestock.

3. “System” means a set of connected or interdependent real, physical, personal, or electronic or computer-based property that operates as a whole to provide a service. “System” also includes any real, physical, electronic, or computer implement that may control or monitor any component of the system.

Sec. 2. NEW SECTION. **716.12 Critical infrastructure sabotage — penalties.**

⁴ See chapter 1163, §10 herein

¹ See chapter 1172, §36 herein

A person who commits critical infrastructure sabotage is guilty of a class “B” felony, and in addition to the provisions of section 902.9, subsection 1, paragraph “b”, shall be punished by a fine of not less than eighty-five thousand dollars nor more than one hundred thousand dollars.

Approved April 17, 2018

CHAPTER 1121

HIGH SCHOOL CREDIT FOR HIGH SCHOOL-LEVEL UNITS OF INSTRUCTION

S.F. 2318

AN ACT relating to the issuance of high school credit for satisfactory completion of high school-level units of instruction.

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

Section 1. Section 256.7, subsection 26, paragraph a, subparagraph (1), Code 2018, is amended to read as follows:

(1) The rules establishing high school graduation requirements shall ~~authorize a school district or accredited nonpublic school to consider~~ provide that any student, at any grade level, who satisfactorily completes a high school-level unit of instruction at a school accredited under section 256.11 has satisfactorily completed a unit of the high school graduation requirements for that area of instruction, and ~~shall authorize the school district or accredited nonpublic school to~~ of enrollment shall issue high school credit for the unit to the student unless the student is unable to demonstrate proficiency or the school district or accredited nonpublic school determines that the course unit completed by the student does not meet the school district’s or accredited nonpublic school’s standards, as appropriate. If a student is denied credit under this subparagraph, the school district or accredited nonpublic school denying credit shall provide to the student’s parent or guardian in writing the reason for the denial.

Approved April 17, 2018

CHAPTER 1122

DYSLEXIA TASK FORCE — REPORT

S.F. 2360

AN ACT providing for a dyslexia response task force and report.

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

Section 1. DYSLEXIA RESPONSE TASK FORCE AND REPORT.

1. The department of education shall establish a dyslexia task force. The task force shall consist of the following members:

- a. The director of the department of education or the director’s designee.
- b. A representative of the Iowa reading research center.
- c. A representative of an area education agency.
- d. One school administrator.

- e. One reading specialist.
 - f. One special education teacher.
 - g. Two representatives of decoding dyslexia who are parents of children with dyslexia.
 - h. One representative of decoding dyslexia who is an individual with dyslexia.
 - i. One provider certified in a structured literacy reading program.
 - j. One psychologist or speech language pathologist licensed in the state of Iowa with experience in diagnosing dyslexia.
 - k. A representative of an institution of higher education in Iowa with documented expertise in dyslexia and reading instruction.
2. The director of the department of education or the director's designee shall convene the task force. The department of education shall provide staffing services for the task force.
3. The task force shall submit a report regarding its findings and recommendations relating to dyslexia response to the governor and the general assembly no later than November 15, 2019. When making such recommendations, the task force shall consider but not be limited to student screening, interventions, teacher preparation and professional development, classroom accommodations, and assistive technology. The report shall include all of the following:
- a. An overview of the symptoms and effects of dyslexia.
 - b. An overview of current practices relating to dyslexia response in Iowa schools.
 - c. A description of current concerns relating to dyslexia response identified by the members of the task force.
 - d. Recommendations of any proposed legislation or rulemaking or any additional personnel or funding needed to address the needs of Iowa students with dyslexia.
 - e. Recommendations relating to dyslexia response for specific stakeholder groups, including but not limited to parents, educators, administrators, school boards, and institutions of higher education.
 - f. A suggested timeline for implementation of the task force's recommendations.

Approved April 17, 2018

CHAPTER 1123

INFORMATION TECHNOLOGY AND CREDIT UNION DIVISION PERSONNEL BACKGROUND CHECKS — TECHNOLOGY ADVISORY COUNCIL REPEAL

H.F. 637

AN ACT relating to state government operations concerning background checks and investigations of employees of the office of the chief information officer and the credit union division, eliminating the technology advisory council, and including effective date provisions.

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

DIVISION I OFFICE OF THE CHIEF INFORMATION OFFICER

Section 1. Section 8B.1, subsection 13, Code 2018, is amended by striking the subsection.

Sec. 2. NEW SECTION. **8B.4A Background checks.**

An applicant for employment with the office, or an applicant for employment with a participating agency for a position as information technology staff, may be subject to a background investigation by the office. The background investigation may include, without limitation, a work history, financial review, request for criminal history data, and national criminal history check through the federal bureau of investigation. In addition, a contractor,

vendor, employee, or any other individual performing work for the office, or an individual on the information technology staff of a participating agency, may be subject to a national criminal history check through the federal bureau of investigation at least once every ten years, including, without limitation, any time the office or participating agency has reason to believe an individual has been convicted of a crime. The office may request the national criminal history check and, if requested, shall provide the individual's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The individual shall authorize release of the results of the national criminal history check to the office and the applicable participating agency. The office shall pay the actual cost of the fingerprinting and national criminal history check, if any, unless otherwise agreed as part of a contract between the office or participating agency and a vendor or contractor performing work for the office or participating agency. The results of a criminal history check conducted pursuant to this section shall not be considered a public record under chapter 22.

Sec. 3. Section 8B.33, subsection 1, Code 2018, is amended to read as follows:

1. An IowaAccess revolving fund is created in the state treasury. The revolving fund shall be administered by the office and shall consist of moneys collected by the office as fees, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the office for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the office to maintain, develop, operate, and expand IowaAccess consistent with this chapter, ~~and for the support of activities of the technology advisory council pursuant to section 8B.8.~~

Sec. 4. REPEAL. Section 8B.8, Code 2018, is repealed.

DIVISION II CREDIT UNION DIVISION

Sec. 5. Section 533.106, subsection 6, Code 2018, is amended to read as follows:

6. The superintendent or an employee of the credit union division who is convicted, or an applicant for employment with the credit union division who has been convicted, of theft, burglary, robbery, larceny, embezzlement, or other crime involving breach of trust, or a crime involving moral turpitude, shall be forever disqualified from holding any position in the credit union division.

Sec. 6. NEW SECTION. 533.106A Background investigations.

1. The credit union division may conduct a background investigation on an applicant for employment with the division. The division shall inform an applicant that the position requires a background investigation and shall obtain the applicant's written authorization prior to conducting the investigation.

2. The background investigation may include, without limitation, a review of at least the following subjects:

a. Work history and educational credentials.

b. Financial review.

c. Criminal history data, including a national criminal history check through the federal bureau of investigation.

3. If a background investigation is conducted, the applicant shall provide the applicant's fingerprints to the credit union division. The division shall provide the fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation.

4. An employee of the credit union division may be subject to a national criminal history check through the federal bureau of investigation at least once every five years, or whenever circumstances arise giving the division reason to believe that the employee has been arrested, charged, or indicted for a crime as described in section 533.106, subsection 6.

5. The credit union division shall pay the actual cost of the background investigation, including fingerprinting and the national criminal history check, if any.

6. The results of a background investigation, including a criminal history check, shall not be considered a public record under chapter 22.

DIVISION III
EFFECTIVE DATE

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 17, 2018

CHAPTER 1124

FLOOD MITIGATION PROGRAM — USE OF SALES TAX REVENUE AND OTHER FUNDS

H.F. 2258

AN ACT relating to the uses of remitted sales tax revenue and moneys from the flood mitigation fund under the flood mitigation program and including applicability provisions.

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

Section 1. Section 418.13, subsection 1, Code 2018, is amended to read as follows:

1. Sales tax revenue remitted by the department of revenue to a governmental entity under section 418.12 or financial assistance received by a governmental entity pursuant to section 418.10 shall be deposited in the governmental entity's flood project fund created for purposes of this chapter and shall be used to fund the costs of the governmental entity's approved project, to reimburse the governmental entity for funds advanced internally or to help make payments on bonds incurred to pay for approved projects, and to pay principal and interest on bonds issued pursuant to section 418.14, if applicable.

Sec. 2. APPLICABILITY. This Act applies to the expenditure of funds from a flood project fund for projects approved by the flood mitigation board before, on, or after the effective date of this Act.

Approved April 17, 2018

CHAPTER 1125

INSPECTION OF PUBLIC RECORDS — STATE ARCHIVES OR COUNTY REGISTRAR
RECORDS

H.F. 2277

AN ACT relating to the inspection and examination of certain public records under the custody of the state archivist or a county registrar.

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

Section 1. NEW SECTION. 22.16 **Inspection of records — state archives.**

1. Notwithstanding any provision of law to the contrary, a public record that is an archive, as defined in section 305.2, shall be available for public examination and copying under this

chapter if the public record was created at least one hundred years prior to a request for access to the record, subject to the requirements of this section.

2. A public record as described in this section shall not be available for examination and copying under any of the following circumstances:

a. The public record is ordered to be sealed and is not subject to inspection by any federal or state court.

b. The public record is prohibited from being disclosed under any federal law, rule, or regulation.

Sec. 2. Section 144.43, subsection 3, Code 2018, is amended to read as follows:

3. ~~a. However, the~~ The following vital statistics records in the custody of a county registrar may be inspected and copied as of right under chapter 22 when they are in the custody of a county registrar or when they are in the custody of the state archivist and are at least seventy-five years old:

~~a.~~ (1) A record of birth.

~~b.~~ (2) A record of marriage.

~~c.~~ (3) A record of divorce, dissolution of marriage, or annulment of marriage.

~~d.~~ (4) A record of death if that death was not a fetal death.

b. The following vital statistics records in the custody of the state archivist may be inspected and copied as of right under chapter 22:

(1) A record of birth that is at least seventy-five years old.

(2) A record of marriage that is at least seventy-five years old.

(3) A record of divorce, dissolution of marriage, or annulment of marriage that is at least seventy-five years old.

(4) A record of death or fetal death, either of which is at least fifty years old.

Approved April 17, 2018

CHAPTER 1126

HONEYBEES ON PUBLIC PROPERTY — STATE OR MUNICIPAL LIABILITY EXEMPTION H.F. 2371

AN ACT exempting the state and municipalities from liability for claims involving honeybees on public property.

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

Section 1. Section 669.14, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Any claim relating to a constructed honeybee hive on state property, provided the state and beehive owner, if not the state, acted reasonably and in good faith.

Sec. 2. Section 670.4, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. q. Any claim relating to a constructed honeybee hive on municipal property, provided the municipality or beehive owner, if not the municipality, acted reasonably and in good faith.

Approved April 17, 2018

CHAPTER 1127**SCHOOL MEAL DEBT AND SCHOOL MEAL PROGRAMS***H.F. 2467*

AN ACT relating to school meal debt and to school meal programs offered by school districts and accredited nonpublic schools, authorizing the establishment of unpaid student meals accounts, and authorizing the transfer and expenditure of certain funds, and including retroactive applicability provisions.

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

Section 1. Section 8A.504, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *l.* If the alleged liability is owing and payable to a school district for school meals and the school district has made reasonable efforts to collect the debt, setoff pursuant to this section may be sought by the school district. However, this paragraph shall not be interpreted to limit any other options for school meal debt collection available to the school district by law.

Sec. 2. NEW SECTION. 283A.11 Participation by students — school prohibitions and responsibilities.

1. For purposes of this section, unless the context otherwise requires, “school” includes a school district, a school district attendance center, or an accredited nonpublic school.

2. A school shall provide notice, at least twice annually, to the parents or guardians of all enrolled students regarding the availability of applications for free or reduced-fee meals for categorically eligible students under the federal National School Lunch Act of 1966, 42 U.S.C. §1751 et seq., and the federal Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq. Notice may be provided via letter or electronic communication.

3. If a student owes money for five or more meals, school personnel may contact the student’s parent or guardian to provide information regarding the application for free or reduced-fee meals pursuant to the federal National School Lunch Act of 1966, 42 U.S.C. §1751 et seq., and the federal Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq., or to provide information on other options or assistance available.

4. A school is encouraged to provide a reimbursable meal, as specified under regulations promulgated by the United States department of agriculture pursuant to the federal Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, to a student who requests a reimbursable meal unless the student’s parent or guardian has specifically provided written direction to the school to withhold a meal from the student.

5. *a.* A school is prohibited from posting a list of students who owe money for school meals and from engaging in any of the following acts directed toward a student because the student cannot pay for a meal or owes a meal debt:

(1) Publicly identifying or stigmatizing the student, including but not limited to requiring the student to consume the meal at a table set aside for such purpose or to discard a meal after the meal has been served.

(2) Requiring the student to wear a wristband, hand stamp, or identification marks, or to do chores or other work to pay for meals.

(3) Denying participation in an afterschool program or other extracurricular activity to the student.

(4) Providing an alternative meal that is only offered to a student who has accrued meal debt. A school that offers the option of an alternative meal shall present the meal in the same manner to any student requesting an alternative meal so as not to identify a student as having accrued meal debt.

b. A school shall direct communications about a student’s meal debt to a parent or guardian and may discreetly provide information about the student’s meal account to the student as long as the communication with the student does not violate paragraph “a”. This paragraph does not prohibit a school from sending a letter home with a student addressed to the student’s

parent or guardian, or from contacting the parent or guardian via phone or other electronic means.

6. A school district may establish an unpaid student meals account in a school nutrition fund established by the school district under section 298A.11 and may deposit in the account moneys received from private sources for purposes of paying student meal debt accrued by individual students as well as amounts designated for the account from the school district's flexibility account under section 298A.2, subsection 2. Moneys deposited in the unpaid student meals fund shall be used by the school district only to pay individual student meal debt. The school district shall set fair and equitable procedures for such expenditures.

Sec. 3. Section 298A.2, subsection 2, paragraph c, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (06) For deposit in the unpaid student meals account to be used for purposes of paying student meal debt accrued by individual students in accordance with section 283A.11, subsection 6.

Sec. 4. **RETROACTIVE APPLICABILITY.** The following applies retroactively to July 1, 2017, for a school district seeking to use setoff for school meal debt collection under section 8A.504, subsection 2, paragraph "1", as enacted by this Act:

The section of this Act enacting section 8A.504, subsection 2, paragraph "1".

Approved April 17, 2018

CHAPTER 1128

HOME OWNERSHIP ASSISTANCE — MANUFACTURED HOUSING PROGRAM FUND

H.F. 2480

AN ACT concerning manufactured homes by creating a manufactured housing program fund and providing eligibility under the home ownership assistance program for military members for the purchase of manufactured homes.

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

Section 1. **NEW SECTION. 16.45 Manufactured housing program fund.**

1. A manufactured housing program fund is created within the authority to further the goal of providing affordable housing to Iowans. The moneys in the fund are to be used for the purpose of providing funding to financial institutions or other lenders to finance the purchase by an individual of a manufactured home that is in compliance with all laws, rules, and standards that are applicable to manufactured homes and manufactured housing. The manufactured housing program fund is designed exclusively for manufactured homes sited on leased land.

2. *a.* Moneys received by the authority for the manufactured housing program fund, transferred by the authority for deposit in the fund, appropriated to the fund, and any other moneys available to and obtained or accepted by the authority for placement in the fund shall be deposited in the fund and are appropriated to the authority to be used as set forth in this section.

b. Notwithstanding any provision of section 16.46, 16.47, 16.48, or 16.49 to the contrary, the authority shall be authorized to transfer for deposit in the manufactured housing program fund for any fiscal year any unobligated and unencumbered moneys in the funds created in sections 16.46, 16.47, 16.48, and 16.49 from the prior fiscal year. However, the maximum amount of moneys that may be so transferred for any fiscal year shall not exceed the lesser of one million dollars or an amount equal to the total amount of any unobligated

and unencumbered moneys in the funds available for transfer from the previous fiscal year reduced by one million dollars.

c. Additionally, recapture of awards and other repayments to the fund shall be deposited in the fund and are appropriated to the authority to be used as set forth in this section. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in the fund on June 30 of any fiscal year shall not revert to any other fund but shall be available for expenditure in subsequent years. However, any unencumbered or unobligated moneys remaining in the fund on June 30 of any fiscal year that were transferred to the fund as provided in paragraph “b” shall revert to the fund from which the transfer was made. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund or appropriated to the fund shall be credited to the fund.

3. The authority shall allocate moneys available in the manufactured housing program fund to financial institutions or other lenders to be used as set forth in subsection 1. The authority may provide funding to financial institutions or other lenders in the form of loans, linked deposits, guarantees, reserve funds, or any other prudent financial instruments.

4. The authority shall adopt rules pursuant to chapter 17A necessary to implement and administer this section, including but not limited to eligibility requirements for financial institutions or other lenders to receive funding through the manufactured housing program fund.

5. For purposes of this section, “*financial institutions*” means the same as defined in section 12C.1, “*lender*” means a lender as defined in section 537.1301 that is licensed by the banking division of the department of commerce, and “*manufactured home*” or “*manufactured housing*” means the same as the definition of manufactured home in section 435.1.

Sec. 2. Section 16.54, subsection 2, Code 2018, is amended to read as follows:

2. The home ownership assistance program is established to continue the program implemented pursuant to 2005 Iowa Acts, ch. 161, §1, as amended by 2005 Iowa Acts, ch. 115, §37, and continued in accordance with 2006 Iowa Acts, ch. 1167, §3 and 4, and other appropriations, to provide financial assistance to eligible members of the armed forces of the United States to be used for purchasing primary residences, including but not limited to manufactured homes on leased land, in the state of Iowa.

Approved April 17, 2018

CHAPTER 1129

STATE PARK AND RECREATION AREA FEES

S.F. 2389

AN ACT authorizing the department of natural resources to establish certain fees at state parks and recreation areas.

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

Section 1. NEW SECTION. **455A.14 Camping and rental facilities and other privileges — fees.**

1. Notwithstanding any provision of law to the contrary, the department is authorized to establish fees for camping and use of rental facilities and other special privileges at state parks and recreation areas under the jurisdiction of the department.

2. The fees established by the department pursuant to this section shall be in such amounts as may be determined by the department to be reasonably competitive with fees established in other public parks or recreation areas that provide the same or similar privileges and are located within sixty miles of the perimeter of the state park or recreation area for which the department is establishing fees. Such fees may be increased, reduced, or waived by the

department for special promotional events or efforts or on the basis of special seasonal or holiday rates, on a statewide basis or on the basis of an individual state park or recreation area.

3. Fees established pursuant to this section shall be considered a specification of prices to be charged for goods or services as provided in section 17A.2, subsection 11, paragraph “g”.

4. The department shall adopt rules pursuant to chapter 17A for the purpose of setting forth the methodology to be used in establishing fees pursuant to this section.

5. The department shall prepare an annual report reviewing the fees established pursuant to this section. The report shall include information about fees and occupancy rates at each camping and rental facility in the state under the jurisdiction of the department, special promotional events or holiday rates for which fees were increased, reduced, or waived at those camping and rental facilities, and any recommendations for changes in fees or rules adopted pursuant to this section. The report shall be submitted to the senate standing committee on natural resources and environment and the house standing committee on natural resources by December 31 of each year.

Sec. 2. REPEAL. Sections 455A.12 and 461A.47, Code 2018, are repealed.

Approved April 26, 2018

CHAPTER 1130

CAREER AND TECHNICAL EDUCATION PROGRAMS AND PARTNERSHIPS

H.F. 648

AN ACT relating to career and technical education programs and partnerships and including effective date provisions.

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

Section 1. Section 85.20, subsection 3, Code 2017, is amended to read as follows:

3. For a student participating in a work-based learning opportunity as provided in section 85.61, against the student’s school district of residence, receiving school district if the student is participating in open enrollment under section 282.18, accredited nonpublic school, or community college, and the directors, officers, authorities, and employees of the applicable school ~~district~~ corporation or school.

Sec. 2. Section 258.5, Code 2017, is amended to read as follows:

258.5 Reimbursement from federal and state moneys.

1. ~~At the end of the fiscal year, an An~~ approved regional career and technical education planning partnership is eligible to receive, ~~from federal and state funds, reimbursement for expenditures made during the fiscal year~~ for purposes allowed under section 258.14, subsection 6. ~~If federal and state funds are not sufficient to make the reimbursement to the extent provided in this section, the director shall prorate the respective amounts available to the regional career and technical education planning partnerships entitled to reimbursement.~~

2. Federal funds received as a reimbursement for allowable expenditures shall be received pursuant to the multiyear state plan adopted pursuant to section 258.3A, subsection 1.

~~2.~~ 3. The director may use federal funds to reimburse approved practitioner preparation schools, departments, or classes for the training of teachers of agriculture, food, and natural resources; arts, communications, and information systems; applied sciences, technology, engineering, and manufacturing; health sciences; human services; and business, finance, marketing, and management. The director may also use such funds to reimburse approved practitioner preparation schools, departments, or classes for the training of guidance counselors.

Sec. 3. Section 258.14, subsection 6, Code 2017, is amended to read as follows:

6. A regional career and technical education partnership may use funds received from state and federal sources on behalf of school districts and community colleges participating in the regional career and technical education planning partnership to convene, lead, and staff the regional career and technical education planning partnership; to offer regional career and technical education professional development opportunities; to coordinate and maintain a career guidance system pursuant to section 279.61; and to purchase career and technical education equipment on behalf of school districts and community colleges participating in the regional career and technical education planning partnership; and to purchase standard classroom consumable supplies other than consumable supplies that will be made into products to be sold or used personally by students, teachers, and other persons.

Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 26, 2018

CHAPTER 1131

EXTRACURRICULAR INTERSCHOLASTIC ACTIVITIES — CONCUSSION AND BRAIN INJURY POLICIES

H.F. 2442

AN ACT providing for brain injury policies for certain extracurricular interscholastic activities, and including applicability provisions.

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

Section 1. Section 280.13C, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

280.13C Concussion and brain injury policies.

1. *Legislative findings.* The general assembly finds and declares all of the following:

a. Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed.

b. Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions can occur with or without loss of consciousness, but the vast majority of concussions occur without loss of consciousness.

c. Continuing to play with a concussion or symptoms of a brain injury leaves a young athlete especially vulnerable to greater injury and even death. The general assembly recognizes that, despite having generally recognized return-to-play standards for concussions and head injuries, some affected youth athletes are prematurely returned to play or expected to learn at full capability, resulting in prolonged symptoms, actual or potential physical injury, or death to youth athletes in this state.

d. A concussion can impair not only the physical abilities of a student athlete, but can also affect how a student athlete thinks, acts, feels, and learns. A student athlete who has sustained a concussion may need informal or formal adjustments, accommodations, modifications of curriculum, and monitoring by medical or educational staff until the student is fully recovered.

2. *Definitions.* For the purposes of this section:

- a. “Contest” means an interscholastic athletic game or competition.
- b. “Contest official” means a referee, umpire, judge, or other official in an athletic contest who is registered with the Iowa high school athletic association or the Iowa girls high school athletic union.
- c. “Emergency medical care provider” means the same as defined in section 147A.1.
- d. “Extracurricular interscholastic activity” means any dance or cheerleading activity or extracurricular interscholastic activity, contest, or practice governed by the Iowa high school athletic association or the Iowa girls high school athletic union that is a contact or limited contact activity as identified by the American academy of pediatrics.
- e. “Licensed health care provider” means a physician, physician assistant, chiropractor, advanced registered nurse practitioner, nurse, physical therapist, or athletic trainer licensed by a board designated under section 147.13.

3. *Training.*

a. The department of public health, Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to develop training materials and courses regarding concussions and brain injuries, including training regarding evaluation, prevention, symptoms, risks, and long-term effects of concussions and brain injuries. Each coach or contest official shall complete such training at least every two years.

b. Individuals required to complete training pursuant to this subsection shall submit proof of such completion to the Iowa high school athletic association or the Iowa girls high school athletic union, as applicable.

4. *Guidelines and information sheet.*

a. The department of public health, Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to distribute the centers for disease control and prevention guidelines and other pertinent information to inform and educate coaches, students, and the parents and guardians of students of the risks, signs, symptoms, and behaviors consistent with a concussion or brain injury, including the danger of continuing to participate in extracurricular interscholastic activities after suffering a concussion or brain injury and their responsibility to report such signs, symptoms, and behaviors if they occur.¹

b. For school years beginning on or after July 1, 2018, each school district and nonpublic school shall provide to the parent or guardian of each student in grades seven through twelve a concussion and brain injury information sheet, as provided by the department of public health, the Iowa high school athletic association, and the Iowa girls high school athletic union. The student and the student’s parent or guardian shall sign and return a copy of the concussion and brain injury information sheet to the student’s school prior to the student’s participation in any extracurricular interscholastic activity.

5. *Removal from participation.*

a. If a student’s coach, contest official, or licensed health care provider or an emergency medical care provider observes signs, symptoms, or behaviors consistent with a concussion or brain injury in an extracurricular interscholastic activity, the student shall be immediately removed from participation.

b. A student who has been removed from participation shall not recommence such participation or participate in any dance or cheerleading activity or activity, contest, or practice governed by the Iowa high school athletic association or the Iowa girls high school athletic union until the student has been evaluated by a licensed health care provider trained in the evaluation and management of concussions and other brain injuries and the student has received written clearance to return to or commence participation from a licensed health care provider.

6. *Return-to-play protocol and return-to-learn plans.*

a. The department of public health, in cooperation with the Iowa high school athletic association and the Iowa girls high school athletic union, shall develop a return-to-play protocol based on peer-reviewed scientific evidence consistent with the guidelines of the centers for disease control and prevention of the United States department of health and human services, for a student’s return to participation in any extracurricular interscholastic activity after showing signs, symptoms, or behaviors consistent with a concussion or brain

¹ See chapter 1172, §25 herein

injury. The department of public health shall adopt the return-to-play protocol by rule pursuant to chapter 17A. The board of directors of each school district and the authorities in charge of each accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity which is a contest in grades seven through twelve shall adopt such protocol by July 1, 2019.

b. Personnel of a school district or accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity which is a contest in grades seven through twelve shall develop a return-to-learn plan based on guidance developed by the brain injury association of America in cooperation with a student removed from participation in an extracurricular interscholastic activity and diagnosed with a concussion or brain injury, the student's parent or guardian, and the student's licensed health care provider to accommodate the student as the student returns to the classroom.

7. *Protective gear.* For school budget years beginning on or after July 1, 2018, the board of directors of each school district and the authorities in charge of each accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity which is a contest in grades seven through twelve shall provide students participating in such contests with any protective gear, including but not limited to helmets and pads required for the activity by law, by the rules for such contests, or by Iowa high school athletic association or Iowa girls high school athletic union guidelines. However, an individual student is responsible for other protective gear that the individual student needs but that is not required for participation in the contest as provided in this subsection.

8. *Liability.*

a. A school district or accredited nonpublic school that adopts and follows the protocol required by this section and provides an emergency medical care provider or a licensed health care provider at a contest that is a contact or limited contact activity as identified by the American academy of pediatrics shall not be liable for any claim for injuries or damages based upon the actions or inactions of the emergency medical care provider or the licensed health care provider present at the contest at the request of the school district or accredited nonpublic school so long as the emergency medical care provider or the licensed health care provider acts reasonably and in good faith and in the best interest of the student athlete and without undue influence of the school district or accredited nonpublic school or coaching staff employed by the school district or accredited nonpublic school. A school district or accredited nonpublic school shall not be liable for any claim for injuries or damages if an emergency medical care provider or a licensed health care provider who was² in accordance with a prearranged agreement with the school district or accredited nonpublic school to be present and available at a contest is not able to be present and available due to documentable, unforeseen circumstances and the school district or accredited nonpublic school otherwise followed the protocol.

b. An emergency medical care provider or a licensed health care provider providing care without compensation for a school district or accredited nonpublic school under this section shall not be liable for any claim for injuries or damages arising out of such care so long as the emergency medical care provider or the licensed health care provider acts reasonably and in good faith and in the best interest of the student athlete and without undue influence of the school district or accredited nonpublic school or coaching staff employed by the school district or accredited nonpublic school.

Sec. 2. IMPLEMENTATION OF RULES. If the rules required to be adopted by the department of public health pursuant to section 280.13C, subsection 6, as enacted by this Act, have not become effective as of July 1, 2019, the board of directors of each school district and the authorities in charge of each accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity which is a contest in grades seven through twelve shall adopt the return-to-play protocol as soon as practicable after such rules become effective.

² See chapter 1172, §26 herein

Sec. 3. **APPLICABILITY.** A person required to complete training pursuant to section 280.13C, subsection 3, as enacted by this Act, has until July 1, 2019, to initially complete such training.

Sec. 4. **STATE MANDATE FUNDING SPECIFIED.** In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this division of³ this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

Approved April 26, 2018

CHAPTER 1132

TERMINATIONS OF PREGNANCY — FETAL BODY PARTS — FETAL HEARTBEAT

S.F. 359

AN ACT prohibiting and requiring certain actions relating to a fetus and providing penalties.

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

DIVISION I FETAL BODY PARTS

Section 1. NEW SECTION. **146D.1 Fetal body parts — actions prohibited — penalties.**

1. A person shall not knowingly acquire, provide, receive, otherwise transfer, or use a fetal body part in this state, regardless of whether the acquisition, provision, receipt, transfer, or use is for valuable consideration.

2. Subsection 1 shall not apply to any of the following:

a. Diagnostic or remedial tests, procedures, or observations which have the sole purpose of determining the life or health of the fetus in order to provide that information to the pregnant woman or to preserve the life or health of the fetus or pregnant woman.

b. The actions of a person taken in furtherance of the final disposition of a fetal body part.

c. The pathological study of body tissue, including genetic testing, for diagnostic or forensic purposes.

d. A fetal body part if the fetal body part results from a spontaneous termination of pregnancy or stillbirth and is willingly donated for the purpose of medical research.

3. A person who violates this section is guilty of a class “C” felony.

4. For the purposes of this section:

a. “*Abortion*” means as defined in section 146.1.

b. “*Fetal body part*” means a cell, tissue, organ, or other part of a fetus that is terminated by an abortion. “*Fetal body part*” does not include any of the following:

(1) Cultured cells or cell lines derived from a spontaneous termination of pregnancy or stillbirth and willingly donated for the purposes of medical research.

(2) A cell, tissue, organ, or other part of a fetus that is terminated by an abortion that occurred prior to July 1, 2018.

(3) All cells and tissues external to the fetal body proper.

c. “*Final disposition*” means the disposition of fetal body parts by burial, interment, entombment, cremation, or incineration.

³ See chapter 1172, §38 herein

d. “Valuable consideration” means any payment including but not limited to payment associated with the transportation, processing, preservation, quality control, or storage of fetal body parts.

DIVISION II

ABORTION PREREQUISITES AND PROHIBITIONS — FETAL HEARTBEAT

Sec. 2. Section 146A.1, subsections 2 and 6, Code 2018, are amended to read as follows:

2. Compliance with the prerequisites of this section shall not apply to ~~any of the following:~~

~~a. An abortion performed to save the life of a pregnant woman.~~

~~b. An abortion performed in a medical emergency.~~

~~c. The performance of a medical procedure by a physician that in the physician’s reasonable medical judgment is designed to or intended to prevent the death or to preserve the life of the pregnant woman.~~

6. As used in this section, “*unborn child*”:

a. “*Medical emergency*” means a situation in which an abortion is performed to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy, but not including psychological conditions, emotional conditions, familial conditions, or the woman’s age; or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.

b. “*Unborn child*” means an individual organism of the species homo sapiens from fertilization to live birth.

Sec. 3. NEW SECTION. 146C.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “*Abortion*” means the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus.

2. “*Fetal heartbeat*” means cardiac activity, the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.

3. “*Medical emergency*” means the same as defined in section 146A.1.

4. “*Medically necessary*” means any of the following:

a. The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or to a public or private health agency which may include a family physician.

b. The pregnancy is the result of incest which is reported within one hundred forty days of the incident to a law enforcement agency or to a public or private health agency which may include a family physician.

c. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

d. The attending physician certifies that the fetus has a fetal abnormality that in the physician’s reasonable medical judgment is incompatible with life.

5. “*Physician*” means a person licensed under chapter 148.

6. “*Reasonable medical judgment*” means a medical judgment made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

7. “*Unborn child*” means the same as defined in section 146A.1.

Sec. 4. NEW SECTION. 146C.2 Abortion prohibited — detectable fetal heartbeat.

1. Except in the case of a medical emergency or when the abortion is medically necessary, a physician shall not perform an abortion unless the physician has first complied with the prerequisites of chapter 146A and has tested the pregnant woman as specified in this subsection, to determine if a fetal heartbeat is detectable.

a. In testing for a detectable fetal heartbeat, the physician shall perform an abdominal ultrasound, necessary to detect a fetal heartbeat according to standard medical practice and including the use of medical devices, as determined by standard medical practice and specified by rule of the board of medicine.

b. Following the testing of the pregnant woman for a detectable fetal heartbeat, the physician shall inform the pregnant woman, in writing, of all of the following:

- (1) Whether a fetal heartbeat was detected.
- (2) That if a fetal heartbeat was detected, an abortion is prohibited.

c. Upon receipt of the written information, the pregnant woman shall sign a form acknowledging that the pregnant woman has received the information as required under this subsection.

2. a. A physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless, in the physician's reasonable medical judgment, a medical emergency exists, or when the abortion is medically necessary.

b. Notwithstanding paragraph "a", if a physician determines that the probable postfertilization age, as defined in section 146B.1, of the unborn child is twenty or more weeks, the physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless in the physician's reasonable medical judgment the pregnant woman has a condition which the physician deems a medical emergency, as defined in section 146B.1, or the abortion is necessary to preserve the life of an unborn child.

3. A physician shall retain in the woman's medical record all of the following:

a. Documentation of the testing for a fetal heartbeat as specified in subsection 1 and the results of the fetal heartbeat test.

b. The pregnant woman's signed form acknowledging that the pregnant woman received the information as required under subsection 1.

4. This section shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed in violation of this section.

5. The board of medicine shall adopt rules pursuant to chapter 17A to administer this section.

Approved May 4, 2018

CHAPTER 1133

COUNTY BOARDS OF SUPERVISORS' PROCEEDINGS AND RESOLUTIONS — PUBLICATION

S.F. 2227

AN ACT relating to the publication of county resolutions.

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

Section 1. Section 349.16, subsection 1, Code 2018, is amended to read as follows:

1. The proceedings of the board of supervisors, as furnished by the county auditor, excluding from the publication of said proceedings, its canvass of the various elections, as provided by law; the complete text of any questions or propositions submitted to the registered voters of the county by the board of supervisors, which shall be published with the required notice of a general or special election; witness fees of witnesses before the grand jury and in the district court in criminal cases.

Sec. 2. Section 349.18, subsection 3, Code 2018, is amended to read as follows:

3. a. The county auditor shall furnish a copy of the proceedings to be published, within one week following the adjournment of the board. The county auditor shall include either a summary of all resolutions or the complete text of resolutions adopted by the board in the furnished copy of the proceedings. As used in this subsection, "summary" means a narrative description of the resolution setting forth the main points of the resolution in a manner

calculated to inform the public in a clear and understandable manner the meaning of the resolution and to provide the public with sufficient notice of the policy stated or action to be taken, as resolved by the board in the resolution. The narrative description shall include the title of the resolution, an accurate and intelligible synopsis of the essential elements of the resolution, a statement that the description is a summary, the location and the normal business hours of the office where the full text of the resolution may be inspected, and the effective date of the resolution. Legal descriptions of property set forth in a resolution shall be described in full. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

b. In addition to the requirements in paragraph "a", if a county operates an internet site, the county auditor shall post the full text of all resolutions adopted by the board on the internet site. Any posted summary or text of a full resolution shall include links directing readers to information relevant to the content of the resolution.

Approved May 4, 2018

CHAPTER 1134

INHERITANCE TAX — PAYMENT DEFERRAL — SECURITY REQUIREMENTS

S.F. 2303

AN ACT relating to the inheritance tax by modifying the requirements to qualify for a deferment of tax payment under certain circumstances in the case of estates with a deferred estate or remainder interest, and including applicability provisions.

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

Section 1. Section 450.20, Code 2018, is amended to read as follows:

450.20 Record of deferred estates.

The department of revenue shall keep a separate record of any deferred estate upon which the tax due is not paid on or before the last day of the ninth month after the death of the decedent, showing substantially the same facts as are required in other cases, and also showing:

1. The date and amount of all bonds given to secure the payment of the tax with a list of the sureties thereon.

2. The type and amount of any security, other than a bond, given to secure the payment of the tax.

3. The name of the person beneficially entitled to such estate or interest, with place of residence.

4. A description of the property or a statement of conditions upon which such deferred estate is based or limited.

Sec. 2. Section 450.47, Code 2018, is amended to read as follows:

450.47 Life and term estates in personal property.

If an estate or interest for life or term of years in personal property is given to one or more persons other than those exempt by this chapter and the remainder or deferred estate to others, the property devised or conveyed shall be valued under section 450.37 as provided in ordinary estates and the value of the estates or interests devised or conveyed shall be determined as provided in section 450.51, and the tax upon the estates or interests liable for the tax shall be paid to the department of revenue from the property valued or by the persons entitled to the estate or interest on or before the last day of the ninth month after the death of the testator, grantor, or donor. However, payment of the tax upon a deferred estate or

remainder interest may be deferred until the determination of the prior estate ~~by the giving of a good and sufficient bond~~ as provided in section 450.48.

Sec. 3. Section 450.48, Code 2018, is amended to read as follows:

450.48 Payment deferred — bond — exceptions.

1. ~~When~~ Except as provided in subsection 2, when in case of deferred estates or remainder interests in personal property or in the proceeds of any real estate that may be sold during the time of a life, term, or prior estate, the persons interested who may desire to defer the payment of the tax until the determination of the prior estate, shall file with the clerk of the proper district court a bond as provided herein in other cases, such bond to be renewed every two years until the tax upon such deferred estate is paid. If at the end of any two-year period the bond is not promptly renewed as herein provided and the tax has not been paid, the bond shall be declared forfeited, and the amount thereof forthwith collected.

2. ~~When the estate of a decedent consists in part of real and in part of personal property, and there be~~ includes an estate for life or for a term of years to one or more persons and a deferred or remainder estate to others, and such deferred or remainder estate is in whole or in part subject to the tax imposed by this chapter, ~~if the~~ then payment of the tax upon such deferred or remainder estates may be postponed until the determination of the prior estate without giving bond to secure payment of such tax as required under subsection 1 if one of the following requirements is satisfied:

a. ~~The deferred or remainder estates or interests are so disposed that good and sufficient security for the payment of the tax for which such deferred or remainder estates may be liable can be had because of the lien imposed by this chapter upon the real property of such estate, then payment of the tax upon such deferred or remainder estates may be postponed until the determination of the prior estate without giving bond as herein required to secure payment of such tax, and but~~ the tax shall remain a lien upon such real estate until the tax upon such deferred estate or interest is paid.

b. Security satisfactory to the department of revenue has been provided, which security includes but is not limited to a bank or securities account with an irrevocable pay on death or transfer on death provision naming the department of revenue as beneficiary, or an escrow agreement with the department of revenue under which a private attorney will act as escrow agent and hold the escrow funds in the attorney's trust account.

Sec. 4. APPLICABILITY. This Act applies to estates of decedents that include a deferred estate or remainder interest and that have not, on or before July 1, 2018, received approval from the department of revenue to defer payment of tax pursuant to sections 450.44 through 450.49.

Approved May 4, 2018

CHAPTER 1135

PUBLIC UTILITIES — FINANCING, RATE REGULATION, AND ENERGY EFFICIENCY — ELECTRIC VEHICLE INFRASTRUCTURE

S.F. 2311

AN ACT modifying various provisions relating to public utilities, providing for a study of electric vehicle infrastructure support, and including effective date provisions.

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

Section 1. Section 28F.1, subsection 1, Code 2018, is amended to read as follows:

1. This chapter provides a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification, and disposal in a

sanitary manner of liquid and solid waste, sewage, and industrial waste, facilities used for the conversion of solid waste to energy, gasworks and facilities useful for the delivery of natural gas service, and also electric power facilities constructed within the state of Iowa, except that hydroelectric power facilities may also be located in the waters and on the dams of or on land adjacent to either side of the Mississippi or Missouri river bordering the state of Iowa, water supply systems, swimming pools or golf courses. This chapter applies to the acquisition, construction, reconstruction, ownership, operation, repair, extension, or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E or chapter 389. When the legal entity created under this chapter is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof or any combination of the foregoing with other public agencies, the entity shall be both a corporation and a political subdivision with the name under which it was organized. The legal entity may sue and be sued, contract, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the seal at pleasure, and execute all the powers conferred in this chapter.

Sec. 2. Section 28F.11, Code 2018, is amended to read as follows:

28F.11 Eminent domain.

Any public agency participating in an agreement authorizing the joint exercise of governmental powers pursuant to this chapter may exercise its power of eminent domain to acquire interests in property, under provisions of law then in effect and applicable to the public agency, for the use of the entity created to carry out the agreement, provided that the power of eminent domain is not used to acquire interests in property which is part of a system of facilities in existence, under construction, or planned, for the generation, transmission or sale of electric power, or for the transmission, transportation, or sale of natural gas. In the exercise of the power of eminent domain, the public agency shall proceed in the manner provided by chapter 6B. Any interests in property acquired are acquired for a public purpose, as defined in chapter 6A, of the condemning public agency, and the payment of the costs of the acquisition may be made pursuant to the agreement or to any separate agreement between the public agency and the entity or the other public agencies participating in the entity or any of them. Upon payment of costs, any property acquired is the property of the entity.

Sec. 3. Section 476.1, subsection 7, Code 2018, is amended to read as follows:

7. The jurisdiction of the board under this chapter shall include efforts designed to promote the use of energy efficiency strategies by ~~rate or service regulated~~ gas and electric utilities required to be rate-regulated.

Sec. 4. Section 476.1A, subsections 1, 2, and 4, Code 2018, are amended to read as follows:

1. Electric public utilities having fewer than ten thousand customers and electric cooperative corporations and associations are not subject to the rate regulation authority of the board. ~~Such utilities are subject to all other regulation and enforcement activities of the board, including, except for regulatory action pertaining to all of the following:~~

a. Assessment of fees for the support of the division and the office of consumer advocate, pursuant to section 476.10.

b. Safety and engineering standards for equipment, operations, and procedures.

c. Assigned area of service.

d. Pilot projects of the board.

e. Assessment of fees for the support of the Iowa energy center created in section 15.120 and the center for global and regional environmental research established by the state board of regents. This paragraph "e" is repealed July 1, 2022.

f. Filing alternate energy purchase program plans with the board, and offering such programs to customers, pursuant to section 476.47.

~~g. Filing energy efficiency plans and energy efficiency results with the board. The energy efficiency plans as a whole shall be cost-effective. The board may permit these utilities to file joint plans. The board shall periodically report the energy efficiency results including energy~~

~~savings of each of these utilities to the general assembly. The board may waive all or part of the energy efficiency filing and review requirements for electric cooperative corporations and associations and electric public utilities which demonstrate superior results with existing energy efficiency efforts.~~

2. However, sections 476.20, subsections 1 through 4, 476.21, ~~476.41 through 476.44,~~ 476.51, 476.56, 476.62, and 476.66 and chapters 476A and 478, to the extent applicable, apply to such electric utilities.

4. The board of directors or the membership of an electric cooperative corporation or association otherwise exempt from rate regulation may elect to have the cooperative's rates regulated by the board. The board shall adopt rules prescribing the manner in which the board of directors or the membership of an electric cooperative may so elect. If the board of directors or the membership of an electric cooperative has elected to have the cooperative's rates regulated by the board, after two years have elapsed from the effective date of such election the board of directors or the membership of the electric cooperative may elect to exempt the cooperative from the rate regulation authority of the board, provided, however, that if the membership elected to have the cooperative's rates regulated by the board, only the membership may elect to exempt the cooperative from the rate regulation authority of the board.

Sec. 5. Section 476.1B, subsection 1, paragraphs f and l, Code 2018, are amended by striking the paragraphs.

Sec. 6. Section 476.2, subsection 6, Code 2018, is amended by striking the subsection.

Sec. 7. Section 476.4, subsection 1, Code 2018, is amended to read as follows:

1. Every public utility shall file with the board tariffs showing the rates and charges for its public utility services and the rules and regulations under which such services were furnished, on April 1, 1963, which rates and charges shall be subject to investigation by the board as provided in section 476.3, and upon such investigation the burden of establishing the reasonableness of such rates and charges shall be upon the public utility filing the same. These filings shall be made under such rules as the board may prescribe within such time and in such form as the board may designate. In prescribing rules and regulations with respect to the form of tariffs and any other regulations, the board shall, in the case of public utilities subject to regulation by any federal agency, give due regard to any corresponding rules and regulations of such federal agency, to the end that unnecessary duplication of effort and expense may be avoided so far as reasonably possible. Each public utility shall keep copies of its tariffs open to public inspection under such rules as the board may prescribe.

Sec. 8. Section 476.6, subsections 8 and 13, Code 2018, are amended to read as follows:

8. *Automatic adjustments permitted.*

a. This chapter does not prohibit a public utility from making provision for the automatic adjustment of rates and charges for public utility service provided that a schedule showing the automatic adjustment of rates and charges is first filed with and approved by the board.

b. A public utility may automatically adjust rates and charges to recover costs related to transmission incurred by or charged to the public utility consistent with a tariff or agreement that is subject to the jurisdiction of the federal energy regulatory commission, provided that a schedule showing the automatic adjustment of rates and charges is first filed with and approved by the board. The board shall adopt rules regarding the reporting of transmission expenses and transmission-related activity pursuant to this paragraph.

13. *Energy efficiency plans.* Electric and gas public utilities shall offer energy efficiency programs to their customers through energy efficiency plans. An energy efficiency plan as a whole shall be cost-effective. In determining the cost-effectiveness of an energy efficiency plan, the board shall apply the societal test, total resource cost test, utility cost test, rate-payer impact test, and participant test. Energy efficiency programs for qualified low-income persons and for tree planting programs, educational programs, and assessments of consumers' needs for information to make effective choices regarding energy use and energy efficiency need not be cost-effective and shall not be considered in determining cost-effectiveness of plans as a whole. The energy efficiency programs in the plans may be

provided by the utility or by a contractor or agent of the utility. Programs offered pursuant to this subsection by gas and electric utilities that are required to be rate-regulated shall require board approval.

Sec. 9. Section 476.6, subsection 15, paragraph a, Code 2018, is amended to read as follows:

a. (1) (a) Gas and electric Electric utilities required to be rate-regulated under this chapter shall file five-year energy efficiency plans and demand response plans with the board. Gas utilities required to be rate-regulated under this chapter shall file five-year energy efficiency plans with the board. An energy efficiency plan and budget or a demand response plan and budget shall include a range of energy efficiency or demand response programs, tailored to the needs of all customer classes, including residential, commercial, and industrial customers, for energy efficiency opportunities. The plans shall include programs for qualified low-income persons including a cooperative program with any community action agency within the utility's service area to implement countywide or communitywide energy efficiency programs for qualified low-income persons. Rate-regulated gas and electric utilities shall utilize Iowa agencies and Iowa contractors to the maximum extent cost-effective in their energy efficiency plans or demand response plans filed with the board.

(b) The board shall allow a customer of an electric utility that is required to be rate-regulated to request an exemption from participation in any five-year energy efficiency plan offered by an electric utility if the energy efficiency plan and demand response plan, at the time of approval by the board, have a cumulative rate-payer impact test result of less than one. Upon receipt of a request for exemption submitted by a customer, the electric utility shall grant the exemption and, beginning January 1 of the following year, the customer shall no longer be assessed the costs of the plan and shall be prohibited from participating in any program included in such plan until the exemption no longer applies, as determined by the board.

(2) Gas and electric utilities required to be rate-regulated under this chapter may request an energy efficiency plan or demand response plan modification during the course of a five-year plan. A modification may be requested due to changes in funding as a result of public utility customers requesting exemptions from the plan or for any other reason identified by the gas or electric utility. The board shall take action on a modification request made by a gas or electric utility within ninety days after the modification request is filed. If the board fails to take action within ninety days after a modification request is filed, the modification request shall be deemed approved.

(3) The board shall adopt rules pursuant to chapter 17A establishing reasonable processes and procedures for utility customers from any customer class to request exemptions from energy efficiency plans that meet the requirements of subparagraph (1), subparagraph division (b). The rules adopted by the board shall only apply to electric utilities that are required to be rate-regulated.

Sec. 10. Section 476.6, subsection 15, paragraphs c and d, Code 2018, are amended by striking the paragraphs.

Sec. 11. Section 476.6, subsection 15, paragraphs e, f, and g, Code 2018, are amended to read as follows:

e. (1) The board shall conduct contested case proceedings for review of energy efficiency plans, demand response plans, and budgets filed by gas and electric utilities required to be rate-regulated under this chapter.

(2) Notwithstanding the goals developed pursuant to paragraph "b", the board shall not require a gas utility to adopt an energy efficiency plan that results in projected cumulative average annual costs that exceed one and one-half percent of the gas utility's expected annual Iowa retail rate revenue from retail customers in the state, shall not require an electric utility to adopt an energy efficiency plan that results in projected cumulative average annual costs that exceed two percent of the electric utility's expected annual Iowa retail rate revenue from retail customers in the state, and shall not require an electric utility to adopt a demand response plan that results in projected cumulative average annual costs that exceed

two percent of the electric utility's expected annual Iowa retail rate revenue from retail customers in the state. For purposes of determining the two percent threshold amount, the board shall exclude from an electric utility's expected annual Iowa retail rate revenue the revenues expected from customers that have received exemptions from energy efficiency plans pursuant to paragraph "a". This subparagraph shall apply to energy efficiency plans and demand response plans that are effective on or after January 1, 2019.

(3) The board may approve, reject, or modify the plans and budgets. Notwithstanding the provisions of section 17A.19, subsection 5, in an application for judicial review of the board's decision concerning a utility's energy efficiency plan or budget, the reviewing court shall not order a stay.

(4) The board shall approve, reject, or modify a plan filed pursuant to this subsection no later than March 31, 2019. If the board fails to approve, reject, or modify a plan filed by a gas or electric utility on or before such date, any plan filed by the gas or electric utility that was approved by the board prior to the effective date of this Act shall be terminated. The board shall not require a gas or electric utility to implement an energy efficiency plan or demand response plan that does not meet the requirements of this subsection.

(5) ~~Whenever a request to modify an approved plan or budget is filed subsequently by the office of consumer advocate or a gas or electric utility required to be rate-regulated under this chapter, the board shall promptly initiate a formal proceeding if the board determines that any reasonable ground exists for investigating the request. The formal proceeding may be initiated at any time by the board on its own motion. Implementation of board-approved plans or budgets shall be considered continuous in nature and shall be subject to investigation at any time by the board or the office of the consumer advocate.~~

f. Notice to customers of a contested case proceeding for review of energy efficiency plans, demand response plans, and budgets shall be in a manner prescribed by the board.

g. (1) A gas or electric utility required to be rate-regulated under this chapter may recover, through an automatic adjustment mechanism filed pursuant to subsection 8, over a period not to exceed the term of the plan, the costs of an energy efficiency plan or demand response plan approved by the board, including amounts for a plan approved prior to July 1, 1996, in a contested case proceeding conducted pursuant to paragraph "e". Customers that have been granted exemptions from energy efficiency plans pursuant to paragraph "a", shall not be charged for recovery of energy efficiency costs beginning January 1 of the year following the year in which the customer was granted the exemption.

(2) The board shall periodically conduct a contested case proceeding to evaluate the reasonableness and prudence of the utility's implementation of an approved energy efficiency or demand response plan and budget. If a utility is not taking all reasonable actions to cost-effectively implement energy efficiency plan, the board shall not allow the utility to recover from customers costs in excess of those costs that would be incurred under reasonable and prudent implementation and shall not allow the utility to recover future costs at a level other than what the board determines to be reasonable and prudent. If the result of a contested case proceeding is a judgment against a utility, that utility's future level of cost recovery shall be reduced by the amount by which the programs were found to be imprudently conducted. ~~The Beginning January 1, 2019, a gas or electric utility shall not represent energy efficiency and demand response in customer billings as a separate cost or expense unless the board otherwise approves.~~

Sec. 12. Section 476.6, subsection 17, Code 2018, is amended by striking the subsection.

Sec. 13. Section 476.6, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 22. Preapproval of cost recovery for natural gas extensions — rules. The board may adopt rules which provide for a preapproval process for cost recovery for natural gas extensions.

Sec. 14. Section 476.6, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 23. Federal tax reduction — customer benefits. Customers of gas and electric utilities subject to rate regulation by the board shall receive the full benefits of the utilities' reduced federal corporate income taxes as provided in the federal Tax Cuts and Jobs

Act of 2017, Pub. L. No. 115-97, 131 Stat. 2054. Notwithstanding any other provision of law or rule to the contrary, the board shall, no later than June 1, 2018, approve any proposal filed by a rate-regulated gas or electric utility to pass such benefits on to customers. The board may approve rates with provision for adjustments to ensure that the rates are accurate and that customers receive the full benefits.

Sec. 15. Section 476.20, subsection 5, paragraph a, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The board shall establish rules which shall be uniform with respect to all public utilities furnishing gas or electricity relating to deposits which may be required by the public utility for the initiation or reinstatement of service. This subsection shall not apply to municipally owned utilities, which shall be governed by the provisions of section 384.84 with respect to deposits and payment plans for delinquent amounts owed. Municipally owned utilities and electric utilities that are not required to be rate-regulated shall not be subject to the board's rules in regards to deposits and payment plans for delinquent amounts owed and repayment of past due debt. Municipally owned utilities and electric utilities that are not required to be rate-regulated shall be subject to the board's rules in regards to payment plans made prior to the disconnection of services.

Sec. 16. Section 476.21, Code 2018, is amended to read as follows:

476.21 Discrimination prohibited.

A ~~municipality~~, corporation or cooperative association providing electrical or gas service shall not consider the use of renewable energy sources by a customer as a basis for establishing discriminatory rates or charges for any service or commodity sold to the customer or discontinue services or subject the customer to any other prejudice or disadvantage based on the customer's use or intended use of renewable energy sources. As used in this section, "renewable energy sources" includes but is not limited to solar heating, wind power and the conversion of urban and agricultural organic wastes into methane gas and liquid fuels.

Sec. 17. Section 476.33, subsection 4, Code 2018, is amended to read as follows:

4. The board shall adopt rules that require the board, in rate regulatory proceedings under sections 476.3 and 476.6, to utilize either a historic test year or a future test year at the rate-regulated public utility's discretion.

a. For a rate regulatory proceeding utilizing a historic test year, the rules shall require the board to consider the use of the most current test period possible in determining reasonable and just rates, subject only to the availability of existing and verifiable data respecting costs and revenues, and in addition, to consider verifiable data that exists within nine months after the conclusion of the test year, respecting known and measurable changes in costs not associated with a different level of revenue, and known and measurable revenues not associated with a different level of costs, that are to occur at any time within twelve months after the date of commencement of the proceedings. Parties proposing adjustments that are not verifiable at the commencement of the proceedings shall include projected data related to the adjustments in their initial substantive filing with the board. For purposes of this subsection paragraph, a proceeding commences under section 476.6 upon the filing date of new or changed rates, charges, schedules, or regulations. This subsection does not limit the authority of the board to consider other evidence in proceedings under sections 476.3 and 476.6.

b. For a rate regulatory proceeding utilizing a future test year, the rules shall require the board to consider the use of any twelve-month period beginning no later than the date on which a proposed rate change is expected to take effect in determining just and reasonable rates. The rules shall also require the board to conduct a proceeding subsequent to the effective date of a rate resulting from a rate regulatory proceeding utilizing a future test year to determine whether the actual costs and revenues are reasonably consistent with those approved by the board. If the actual costs and revenues are not reasonably consistent with those approved by the board, the board shall adjust the rates accordingly. For a rate regulatory proceeding utilizing a future test year, the board may adopt rules regarding evidence required,

information to support forecasts, and any reporting obligations. The board may also adopt rules regarding the conditions under which a public utility that utilizes a future test year may subsequently utilize a historic test year. A public utility shall not be precluded from filing a rate regulatory proceeding utilizing a future test year prior to the adoption of any rules pursuant to this subsection.

c. This subsection does not limit the authority of the board to consider other evidence in proceedings under sections 476.3 and 476.6.

Sec. 18. Section 476.53, subsection 3, paragraph a, subparagraph (1), subparagraph division (a), Code 2018, is amended by adding the following new subparagraph subdivision:

NEW SUBPARAGRAPH SUBDIVISION. (v) Repowering of an alternate energy production facility. For purposes of this subparagraph subdivision, “*repowering*” shall mean either the complete dismantling and replacement of generation equipment at an existing project site, or the installation of new parts and equipment to an existing alternate energy production facility in order to increase energy production, reduce load, increase service capacity, improve project reliability, or extend the useful life of the facility.

Sec. 19. STUDY OF ELECTRIC VEHICLE INFRASTRUCTURE SUPPORT. The economic development authority, in collaboration with the department of transportation and the Iowa utility industry, shall conduct a study of electric vehicle infrastructure support for both commercial and noncommercial vehicles and make recommendations to the general assembly regarding electric vehicle charging infrastructure. The study shall evaluate the relative costs and benefits associated with various options for electric vehicle infrastructure support. The economic development authority shall submit a report to the general assembly containing the results of the study no later than June 30, 2019.

Sec. 20. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

1. The section of this Act amending section 476.6, subsection 15, paragraphs “e”, “f”, and “g”.
2. The section of this Act enacting section 476.6, subsection 23.

Approved May 4, 2018

CHAPTER 1136

CORPORATIONS — AGRICULTURAL LAND ACQUISITION — DIRECTOR DUTIES AND LIABILITY

S.F. 2314

AN ACT relating to certain corporations doing business in this state, including restrictions and requirements imposed on nonprofit corporations acquiring agricultural land used in farming, and the duties and liabilities of directors of for-profit and nonprofit corporations.

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

DIVISION I NONPROFIT CORPORATIONS ACQUIRING AGRICULTURAL LAND

Section 1. Section 9H.1, subsection 20, Code 2018, is amended to read as follows:

20. “*Nonprofit corporation*” means any of the following:

~~a. Corporations organized under the provisions of chapter 504, Code 1989, or current chapter 504; or~~ A corporation as defined in section 504.141 that is not a foreign corporation as described in paragraph “b”.

~~b. Corporations which qualify under 26 U.S.C. §501(c)(3)~~ A foreign corporation as defined in section 504.141.

Sec. 2. Section 9H.4, subsection 1, paragraph b, subparagraph (3), subparagraph division (a), subparagraph subdivisions (i) and (iv), Code 2018, are amended to read as follows:

(i) The corporation or limited liability company must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation or limited liability company shall not renew a lease. The corporation or limited liability company shall not enter into a lease under this subparagraph subdivision, if the corporation or limited liability company has ever entered into another lease under this subparagraph (3), whether or not the lease is in effect. However, this subparagraph subdivision does not apply to a ~~domestic nonprofit corporation organized under chapter 504, Code 1989, or current chapter 504~~ as defined in section 9H.1, subsection 20, paragraph “a”.

(iv) The corporation or limited liability company must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph division does not apply to a ~~domestic nonprofit corporation organized under chapter 504, Code 1989, or current chapter 504~~ as defined in section 9H.1, subsection 20, paragraph “a”.

Sec. 3. Section 9H.4, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. Agricultural land, including a leasehold ~~interests~~ interest, acquired by a nonprofit corporation ~~organized under the provisions of chapter 504, Code 1989, and current chapter 504~~ as defined in section 9H.1, subsection 20, paragraph “a”, including land acquired and operated by or for a state university for research, experimental, demonstration, foundation seed increase or test purposes and land acquired and operated by or for nonprofit corporations organized specifically for research, experimental, demonstration, foundation seed increase or test purposes in support of or in conjunction with a state university.

Sec. 4. Section 10B.1, subsection 9, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

9. “Nonprofit corporation” means the same as defined in section 9H.1.

DIVISION II CORPORATIONS FOR PECUNIARY PROFIT

Sec. 5. Section 491.16A, Code 2018, is amended to read as follows:

491.16A Directors and officers — duties and liabilities.

Sections 490.830, 490.831, and 490.833, sections 490.840 through 490.842, sections 490.860 through 490.863, and section 490.870 apply to corporations organized under or subject to this chapter.

DIVISION III REVISED IOWA NONPROFIT CORPORATION ACT

Sec. 6. Section 504.832, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. That section 504.202, subsection 2, paragraph “d”, or section 504.901 or the protection afforded by section 504.833 ~~or 504.836~~, if interposed as a bar to the proceeding by the director, does not preclude liability.

Approved May 4, 2018

CHAPTER 1137

ADMINISTRATION OF HEALTH-RELATED SERVICES

H.F. 2445

AN ACT relating to the provision and administration of mental health, disability, and homemaker-home health aide services and the responsibility for other health-related services.

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

DIVISION I

Section 1. NEW SECTION. **230.01 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. “*Administrator*” means the administrator of the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator’s designee.
2. “*Book*”, “*list*”, “*record*”, or “*schedule*” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.
3. “*Department*” means the department of human services.
4. “*Region*” means a mental health and disability services region formed in accordance with section 331.389.
5. “*Regional administrator*” means the same as defined in section 331.388.

Sec. 2. Section 230.1, subsections 1 and 3, Code 2018, are amended to read as follows:

1. The necessary and legal costs and expenses attending the taking into custody, care, investigation, admission, commitment, and support of a person with mental illness admitted or committed to a state hospital shall be paid by ~~a county~~ the regional administrator on behalf of the person’s county of residence or by the state as follows:

a. If the person is eighteen years of age or older, as follows:

(1) The costs attributed to mental illness shall be paid by the regional administrator on behalf of the person’s county of residence.

(2) The costs attributed to a substance-related disorder shall be paid by the person’s county of residence.

(3) The costs attributable to a dual diagnosis of mental illness and a substance-related disorder may be split as provided in section 226.9C.

b. By the state as a state case if such person has no residence in this state, if the person’s residence is unknown, or if the person is under eighteen years of age.

3. ~~A mental health and disability services region or county of residence is not liable for costs and expenses associated with a person with mental illness unless the costs and expenses are for services and other support authorized for the person through the regional administrator for the county. For the purposes of this chapter, “regional administrator” means the same as defined in section 331.388.~~

Sec. 3. Section 230.4, Code 2018, is amended to read as follows:

230.4 Certification to ~~debtor county~~ regional administrator.

A determination of a person’s county of residence made in accordance with section 230.2 or 230.3 shall be sent by the court or the county to the ~~county auditor~~ regional administrator of the person’s county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The ~~auditor~~ regional administrator shall provide the certification to the ~~board of supervisors of the auditor’s county~~ region’s governing board, and it shall be conclusively presumed that the person has residence in a county in the notified county region unless that county regional administrator disputes the finding of residence as provided in section 331.394.

Sec. 4. Section 230.5, Code 2018, is amended to read as follows:

230.5 Nonresidents.

If a person's residence is determined in accordance with section 230.2 or 230.3 to be in a foreign state or country, or is unknown, the court or the ~~county~~ regional administrator of the person's county of residence shall immediately certify the determination to the department's administrator. The certification shall be accompanied by a copy of the evidence supporting the determination. A court order issued pursuant to section 229.13 shall direct that the patient be hospitalized at the appropriate state hospital for persons with mental illness.

Sec. 5. Section 230.9, Code 2018, is amended to read as follows:

230.9 Subsequent discovery of residence.

If, after a person has been received by a state hospital for persons with mental illness as a state case patient whose residence is supposed to be outside this state, the administrator determines that the residence of the person was, at the time of admission or commitment, in a county of this state, the administrator shall certify the determination and charge all legal costs and expenses pertaining to the admission or commitment and support of the person to the regional administrator of the person's county of residence. The certification shall be sent to the regional administrator of the person's county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The costs and expenses shall be collected as provided by law in other cases. If the person's residency status has been determined in accordance with section 331.394, the legal costs and expenses shall be charged to the regional administrator of the person's county of residence or as a state case in accordance with that determination.

Sec. 6. Section 230.10, Code 2018, is amended to read as follows:

230.10 Payment of costs.

All legal costs and expenses attending the taking into custody, care, investigation, and admission or commitment of a person to a state hospital for persons with mental illness under a finding that the person has residency in another county of this state shall be charged against the regional administrator of the person's county of residence.

Sec. 7. Section 230.11, Code 2018, is amended to read as follows:

230.11 Recovery of costs from state.

Costs and expenses attending the taking into custody, care, and investigation of a person who has been admitted or committed to a state hospital, United States department of veterans affairs hospital, or other agency of the United States government, for persons with mental illness and who has no residence in this state or whose residence is unknown, including cost of commitment, if any, shall be paid as a state case as approved by the administrator. The amount of the costs and expenses approved by the administrator is appropriated to the department from any money in the state treasury not otherwise appropriated. Payment shall be made by the department on itemized vouchers executed by the ~~auditor of the~~ regional administrator of the person's county which has paid them, and approved by the administrator.

Sec. 8. Section 230.12, Code 2018, is amended to read as follows:

230.12 Residency disputes.

If a dispute arises between different counties or between the administrator and a regional administrator for a county as to the residence of a person admitted or committed to a state hospital for persons with mental illness, the dispute shall be resolved as provided in section 331.394.

Sec. 9. Section 230.15, subsection 1, Code 2018, is amended to read as follows:

1. A person with mental illness and a person legally liable for the person's support remain liable for the support of the person with mental illness as provided in this section. Persons legally liable for the support of a person with mental illness include the spouse of the person, and any person bound by contract for support of the person, and, with respect to persons with mental illness under eighteen years of age only, the father and mother of the person. ~~The county auditor~~ regional administrator of the person's county of residence, subject to the direction of the region's governing board of supervisors, shall enforce the obligation created in this section as to all sums advanced by the ~~county~~ regional administrator. The liability to the ~~county~~ regional administrator incurred by a person with mental illness or a person legally

liable for the person's support under this section is limited to an amount equal to one hundred percent of the cost of care and treatment of the person with mental illness at a state mental health institute for one hundred twenty days of hospitalization. This limit of liability may be reached by payment of the cost of care and treatment of the person with mental illness subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. After reaching this limit of liability, a person with mental illness or a person legally liable for the person's support is liable to the county regional administrator for the care and treatment of the person with mental illness at a state mental health institute or, if transferred but not discharged as cured, at a county care facility in an amount not in excess of the average minimum cost of the maintenance of an individual who is physically and mentally healthy residing in the individual's own home, which standard shall be established and may from time to time be revised by the department of human services. A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of a person with mental illness.

Sec. 10. Section 230.16, Code 2018, is amended to read as follows:

230.16 Presumption.

In actions to enforce the liability imposed by section 230.15, the certificate from the superintendent to the county auditor regional administrator of the person's county of residence stating the sums charged in such cases, shall be presumptively correct.

Sec. 11. Section 230.17, Code 2018, is amended to read as follows:

230.17 Board may compromise lien.

The board of supervisors of the person's county of residence is hereby empowered to compromise any and all liabilities to the county, created by this chapter, when such compromise is deemed to be for the best interests of the county.

Sec. 12. Section 230.18, Code 2018, is amended to read as follows:

230.18 Expense in county or private hospitals.

The estates of persons with mental illness who may be treated or confined in any county hospital or home, or in any private hospital or sanatorium, and the estates of persons legally bound for their support, shall be liable to the county regional administrator of the person's county of residence for the reasonable cost of such support.

Sec. 13. Section 230.20, Code 2018, is amended to read as follows:

230.20 Billing of patient charges — computation of actual costs — cost settlement.

1. The superintendent of each mental health institute shall compute by February 1 the average daily patient charges and other service charges for which each county regional administrator of a person's county of residence will be billed for services provided to patients the person and chargeable to the county of residence during the fiscal year beginning the following July 1. The department shall certify the amount of the charges and notify the county regional administrator of the person's county of residence of the billing charges.

a. The superintendent shall separately compute by program the average daily patient charge for a mental health institute for services provided in the following fiscal year, in accordance with generally accepted accounting procedures, by totaling the expenditures of the program for the immediately preceding calendar year, by adjusting the expenditures by a percentage not to exceed the percentage increase in the consumer price index for all urban consumers for the immediately preceding calendar year, and by dividing the adjusted expenditures by the total inpatient days of service provided in the program during the immediately preceding calendar year. However, the superintendent shall not include the following in the computation of the average daily patient charge:

(1) The costs of food, lodging, and other maintenance provided to persons not patients of the hospital.

(2) The costs of certain direct medical services identified in administrative rule, which may include but need not be limited to X-ray, laboratory, and dental services.

(3) The costs of outpatient and state placement services.

(4) The costs of the psychiatric residency program.

(5) The costs of the chaplain intern program.

b. The department shall compute the direct medical services, outpatient, and state placement services charges, in accordance with generally accepted accounting procedures, on the basis of the actual cost of the services provided during the immediately preceding calendar year. The direct medical services, outpatient, and state placement services shall be billed directly against the patient who received the services.

2. a. The superintendent shall certify to the department the billings to ~~each county~~ the regional administrator of the person's county of residence for services provided to patients the person and chargeable to the county of residence during the preceding calendar quarter. The county of residence billings shall be based on the average daily patient charge and other service charges computed pursuant to subsection 1, and the number of inpatient days and other service units chargeable to the regional administrator of the person's county of residence. However, a county of residence billing shall be decreased by an amount equal to reimbursement by a third party payor or estimation of such reimbursement from a claim submitted by the superintendent to the third party payor for the preceding calendar quarter. When the actual third party payor reimbursement is greater or less than estimated, the difference shall be reflected in the ~~county~~ billing in the calendar quarter the actual third party payor reimbursement is determined.

b. The per diem costs billed to each ~~mental health and disability services~~ region shall not exceed the per diem costs billed to the region in the fiscal year beginning July 1, 2016.

3. The superintendent shall compute in January the actual per-patient-per-day cost for each mental health institute for the immediately preceding calendar year, in accordance with generally accepted accounting procedures, by totaling the actual expenditures of the mental health institute for the calendar year and by dividing the total actual expenditures by the total inpatient days of service provided during the calendar year.

4. The department shall certify to the ~~counties~~ regional administrator by February 1 the actual per-patient-per-day costs, as computed pursuant to subsection 3, and the actual costs owed by each ~~county~~ regional administrator itemized for each county in the region for the immediately preceding calendar year for patients chargeable to the ~~county~~ regional administrator. If the actual costs owed by the ~~county~~ regional administrator are greater than the charges billed to the ~~county~~ regional administrator pursuant to subsection 2, the department shall bill the ~~county~~ regional administrator for the difference itemized for each county in the region with the billing for the quarter ending June 30. If the actual costs owed by the ~~county~~ regional administrator are less than the charges billed to the ~~county~~ regional administrator pursuant to subsection 2, the department shall credit the ~~county~~ regional administrator for the difference itemized for each county in the region starting with the billing for the quarter ending June 30.

5. An individual statement shall be prepared for a patient on or before the fifteenth day of the month following the month in which the patient leaves the mental health institute, and a general statement shall be prepared at least quarterly for each ~~county~~ regional administrator itemized for each county in the region to which charges are made under this section. Except as otherwise required by sections 125.33 and 125.34, the general statement shall list the name of each patient chargeable to ~~that a county in the region~~ who was served by the mental health institute during the preceding month or calendar quarter, the amount due on account of each patient, and the specific dates for which any third party payor reimbursement received by the state is applied to the statement and billing, and the ~~county~~ regional administrator shall be billed for eighty percent of the stated charge for each patient specified in this subsection. The statement prepared for each ~~county~~ regional administrator shall be certified by the department and ~~a duplicate statement shall be mailed to the auditor of that county.~~

6. All or any reasonable portion of the charges incurred for services provided to a patient, to the most recent date for which the charges have been computed, may be paid at any time by the patient or by any other person on the patient's behalf. Any payment made by the patient or other person, and any federal financial assistance received pursuant to Tit. XVIII or XIX of the federal Social Security Act for services rendered to a patient, shall be credited against the patient's account and, if the charges paid as described in this subsection have previously been billed to a ~~county~~ regional administrator on behalf of the person's county

of residence, reflected in the mental health institute's next general statement to that ~~county~~ regional administrator.

7. A superintendent of a mental health institute may request that the director of human services enter into a contract with a person for the mental health institute to provide consultation or treatment services or for fulfilling other purposes which are consistent with the purposes stated in section 226.1. The contract provisions shall include charges which reflect the actual cost of providing the services or fulfilling the other purposes. Any income from a contract authorized under this subsection may be retained by the mental health institute to defray the costs of providing the services. Except for a contract voluntarily entered into by a county under this subsection, the costs or income associated with a contract authorized under this subsection shall not be considered in computing charges and per diem costs in accordance with the provisions of subsections 1 through 6 ~~of this section~~.

8. The department shall provide a county regional administrator with information, which is not otherwise confidential under law, in the department's possession concerning a patient whose cost of care is chargeable to the county regional administrator, including but not limited to the information specified in section 229.24, subsection 3.

Sec. 14. Section 230.21, Code 2018, is amended to read as follows:

230.21 Duty of county auditor and treasurer Notice to county of residence.

~~The county auditor, upon receipt of the duplicate statement required by section 230.20, shall enter it to the credit of the state in the ledger of state accounts, regional administrator shall furnish to the board of supervisors of the county of residence a list of the names of the persons so certified, and at once issue a notice authorizing the county treasurer to transfer the amount billed to the county by the statement, from the county to the general state revenue, which notice shall be filed by the treasurer as authority for making the transfer who are residents of that county and eligible for mental health and disability services funding. The auditor shall promptly remit the amount so transferred to the treasurer of state, designating the fund to which it belongs.~~

Sec. 15. Section 230.22, Code 2018, is amended to read as follows:

230.22 Penalty.

~~Should any county fail~~ If a regional administrator fails to pay the amount billed by a statement submitted pursuant to section 230.20 within forty-five days from the date the statement is received by the county regional administrator, the department shall charge the delinquent county regional administrator the penalty of one percent per month on and after forty-five days from the date the statement is received by the county regional administrator until paid. Provided, however, that the penalty shall not be imposed if the county regional administrator has notified the department of error or questionable items in the billing, in which event, the department shall suspend the penalty only during the period of negotiation.

Sec. 16. Section 230.25, subsection 1, Code 2018, is amended to read as follows:

1. Upon receipt from the county auditor or the regional administrator for mental health and disability services of the list of names furnished pursuant to section 230.21, the board of supervisors of the county of residence shall make an investigation to determine the ability of each person whose name appears on the list, and also the ability of any person liable under section 230.15 for the support of that person, to pay the expenses of that person's hospitalization. If the board finds that neither the hospitalized person nor any person legally liable for the person's support is able to pay those expenses, ~~they~~ the board shall direct the county auditor or regional administrator not to index the names of any of those persons as would otherwise be required by section 230.26. However the board may review its finding with respect to any person at any subsequent time at which another list is furnished by the ~~auditor~~ county auditor or regional administrator upon which that person's name appears. If the board finds upon review that that person or those legally liable for the person's support are presently able to pay the expenses of that person's hospitalization, that finding shall apply only to charges stated upon the certificate from which the list was drawn up and any subsequent charges similarly certified, unless and until the board again changes its finding.

Sec. 17. Section 230.26, Code 2018, is amended to read as follows:

230.26 Auditor Regional administrator to keep record.

The ~~auditor of each county~~ regional administrator shall keep an accurate account of the cost of the maintenance of any patient kept in any institution as provided for in this chapter and keep an index of the names of the persons admitted or committed from ~~such each county in the region~~. The name of the ~~husband or the wife of such person designating such party as~~ the spouse of the person admitted or committed shall also be indexed in the same manner as the names of the persons admitted or committed are indexed. The book shall be designated as an account book or index, and shall have no reference in any place to a lien.

Sec. 18. Section 230.33, Code 2018, is amended to read as follows:

230.33 Reciprocal agreements.

The administrator may enter into agreements with other states, through their duly constituted authorities, to effect the reciprocal return of persons with mental illness and persons with an intellectual disability to the contracting states, and to effect the reciprocal supervision of persons on convalescent leave.

However, in the case of a proposed transfer of a person with mental illness or an intellectual disability from this state, final action shall not be taken without the approval ~~either of the commission of hospitalization, or of the district court, of the county of admission or commitment.~~

Sec. 19. REPEAL. Sections 230.34 and 232.80, Code 2018, are repealed.

DIVISION II

Sec. 20. Section 35D.9, Code 2018, is amended to read as follows:

35D.9 County of settlement residence upon discharge.

A member of the home does not acquire ~~legal settlement~~ residency in the county in which the home is located unless the member is voluntarily or involuntarily discharged from the home, ~~continuously resides in the county for a period of one year subsequent to the discharge, and during that year is not readmitted to the home or does not receive any services from the home and the member meets county of residence requirements.~~ For purposes of this section, "county of residence" means the same as defined in section 331.394.

Sec. 21. Section 125.2, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. "County of residence" means the same as defined in section 331.394.

Sec. 22. Section 125.2, subsection 13, Code 2018, is amended by striking the subsection.

Sec. 23. Section 139A.12, Code 2018, is amended to read as follows:

139A.12 County liability for care, provisions, and medical attendance.

The local board shall provide proper care, provisions, and medical attendance for any person removed and isolated or quarantined in a separate house or hospital for detention and treatment, and the care, provisions, and medical attendance shall be paid for by the county in which the infected person has ~~a legal settlement~~ residence, if the patient or legal guardian is unable to pay.

Sec. 24. Section 139A.18, Code 2018, is amended to read as follows:

139A.18 Reimbursement from county.

If any person receives services or supplies under this chapter who does not have ~~a legal settlement~~ residence in the county in which the bills were incurred and paid, the amount paid shall be certified to the board of supervisors of the county in which the person claims settlement or owns property, and the board of supervisors of that county shall reimburse the county from which the claim is certified, in the full amount originally paid.

Sec. 25. Section 232.141, subsections 7 and 8, Code 2018, are amended to read as follows:

7. A county charged with the costs and expenses under subsections 2 and 3 may recover the costs and expenses from the ~~county where the child has legal settlement~~ child's custodial parent's county of residence, as defined in section 331.394, by filing verified claims which are payable as are other claims against the county. A detailed statement of the facts upon which a claim is based shall accompany the claim. ~~Any dispute involving the legal settlement of a child for which the court has ordered payment under this section shall be settled pursuant to sections 252.22 and 252.23.~~

8. This subsection applies only to placements in a juvenile shelter care home which is publicly owned, operated as a county or multicounty shelter care home, organized under a chapter 28E agreement, or operated by a private juvenile shelter care home. If the actual and allowable costs of a child's shelter care placement exceed the amount the department is authorized to pay in accordance with law and administrative rule, the unpaid costs may be recovered from the child's custodial parent's county of legal settlement residence. However, the maximum amount of the unpaid costs which may be recovered under this subsection is limited to the difference between the amount the department is authorized to pay and the statewide average of the actual and allowable rates in effect in May of the preceding fiscal year for reimbursement of juvenile shelter care homes. In no case shall the home be reimbursed for more than the home's actual and allowable costs. The unpaid costs are payable pursuant to filing of verified claims against the child's custodial parent's county of legal settlement residence. A detailed statement of the facts upon which a claim is based shall accompany the claim. Any dispute between counties arising from filings of claims pursuant to this subsection shall be settled in the manner provided to determine residency in section 331.394.

Sec. 26. Section 252.24, Code 2018, is amended to read as follows:

252.24 County of settlement residence liable — exception.

1. The county ~~where the settlement is of residence~~, as defined in section 331.394, shall be liable to the county granting assistance for all reasonable charges and expenses incurred in the assistance and care of a poor person.

2. When assistance is furnished by any governmental agency of the county, township, or city, the assistance shall be deemed to have been furnished by the county in which the agency is located and the agency furnishing the assistance shall certify the correctness of the costs of the assistance to the board of supervisors of that county and that county shall collect from the ~~county of the person's settlement~~ county of residence. The amounts collected by the county where the agency is located shall be paid to the agency furnishing the assistance. This statute applies to services and supplies furnished as provided in section 139A.18.

3. ~~Notwithstanding subsection 2, if~~ This section shall apply to assistance or maintenance is provided by a county through the county's mental health and disability services system implemented under chapter 331, ~~liability for the assistance and maintenance is the responsibility of the person's county of residence.~~

Sec. 27. Section 331.502, subsection 14, Code 2018, is amended by striking the subsection.

Sec. 28. Section 331.653, subsection 25, Code 2018, is amended by striking the subsection.

Sec. 29. Section 347.16, subsection 3, Code 2018, is amended to read as follows:

3. Care and treatment may be furnished in a county public hospital to any sick or injured person who has ~~legal settlement~~ residence outside the county which maintains the hospital, subject to such policies and rules as the board of hospital trustees may adopt. If care and treatment is provided under this subsection to a person who is indigent, the ~~county in which that person has legal settlement~~ person's county of residence, as defined in section 331.394, shall pay to the board of hospital trustees the fair and reasonable cost of the care and treatment provided by the county public hospital unless the cost of the indigent person's care and treatment is otherwise provided for. If care and treatment is provided to an indigent person under this subsection, the county public hospital furnishing the care and treatment shall immediately notify, by regular mail, the auditor of the county of ~~legal settlement~~

~~residence of the indigent person of the provision of care and treatment to the indigent person. However, if the including care and treatment is provided by a county through the county's mental health and disability services system implemented under chapter 331, liability for the assistance and maintenance is the responsibility of the person's county of residence.~~

Sec. 30. REPEAL. Sections 252.16, 252.17, 252.18, 252.22, and 252.23, Code 2018, are repealed.

Approved May 4, 2018

CHAPTER 1138

PRESCRIPTION DRUG REGULATION AND REPORTING, SUBSTANCE ABUSE PREVENTION AND TREATMENT, AND DRUG OVERDOSE REPORTING IMMUNITY

H.F. 2377

AN ACT relating to the regulation of certain substances, including the regulation of the practice of pharmacy, providing penalties, and including effective date provisions.

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

DIVISION I REGULATION OF THE PRESCRIPTION MONITORING PROGRAM

Section 1. Section 124.550, subsection 2, Code 2018, is amended to read as follows:

2. "Prescribing practitioner" means a practitioner who has prescribed or is contemplating the authorization of a prescription for the patient about whom information is requested. "Prescribing practitioner" does not include a licensed veterinarian.

Sec. 2. Section 124.550, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 4. "Program" means the information program for drug prescribing and dispensing.

Sec. 3. Section 124.551, subsection 2, Code 2018, is amended to read as follows:

2. a. The program shall collect from pharmacies dispensing information for controlled substances identified pursuant to section 124.554, subsection 1, paragraph "g", and from first responders as defined in section 147A.1, subsection 7, with the exception of emergency medical care providers as defined in section 147A.1, subsection 4, administration information for opioid antagonists. The department of public health shall provide information for the administration of opioid antagonists to the board as prescribed by rule for emergency medical care providers as defined in section 147A.1, subsection 4. The board shall adopt rules requiring the following information to be provided regarding the administration of opioid antagonists:

- (1) Patient identification.
- (2) Identification of the person administering opioid antagonists.
- (3) The date of administration.
- (4) The quantity of opioid antagonists administered.

b. The information collected shall be used by prescribing practitioners and pharmacists on a need-to-know basis for purposes of improving patient health care by facilitating early identification of patients who may be at risk for addiction, or who may be using, abusing, or diverting drugs for unlawful or otherwise unauthorized purposes at risk to themselves and others, or who may be appropriately using controlled substances lawfully prescribed for them but unknown to the practitioner.

Sec. 4. NEW SECTION. 124.551A Prescribing practitioner program registration.

A prescribing practitioner shall register for the program at the same time the prescribing practitioner applies to the board to register or renews registration to prescribe controlled substances as required by the board. Once the prescribing practitioner registers for the program, the prescribing practitioner or the prescribing practitioner's designated agent shall utilize the program database prior to issuing an opioid prescription as prescribed by rules adopted by the prescribing practitioner's licensing board to assist the prescribing practitioner in determining appropriate treatment options and to improve the quality of patient care. A prescribing practitioner shall not be required to utilize the program database to assist in the treatment of a patient receiving inpatient hospice care or long-term residential facility patient care.

Sec. 5. Section 124.552, Code 2018, is amended to read as follows:

124.552 Information reporting.

1. ~~Each~~ Unless otherwise prohibited by federal or state law, each licensed pharmacy that dispenses controlled substances identified pursuant to section 124.554, subsection 1, paragraph "g", to patients in the state, ~~and each licensed pharmacy located in the state that dispenses such controlled substances identified pursuant to section 124.554, subsection 1, paragraph "g", to patients inside or outside the state, unless specifically excepted in this section or by rule, and each prescribing practitioner furnishing, dispensing, or supplying controlled substances to the prescribing practitioner's patient,~~ shall submit the following prescription information to the program:

- a. Pharmacy identification.
- b. Patient identification.
- c. Prescribing practitioner identification.
- d. The date the prescription was issued by the prescribing practitioner.
- e. The date the prescription was dispensed.
- f. An indication of whether the prescription dispensed is new or a refill.
- g. Identification of the drug dispensed.
- h. Quantity of the drug dispensed.
- i. The number of days' supply of the drug dispensed.
- j. Serial or prescription number assigned by the pharmacy.
- k. Type of payment for the prescription.
- l. Other information identified by the board ~~and advisory council~~ by rule.

2. Information shall be submitted electronically in a secure format specified by the board unless the board has granted a waiver and approved an alternate secure format.

3. Information shall be timely transmitted ~~as designated by the board and advisory council by rule~~ within one business day of the dispensing of the controlled substance, unless the board grants an extension. The board may grant an extension if either of the following occurs:

a. The pharmacy or prescribing practitioner suffers a mechanical or electronic failure, or cannot meet the deadline established by the board for other reasons beyond the pharmacy's or practitioner's control.

b. The board is unable to receive electronic submissions.

4. This section shall not apply to ~~a prescribing practitioner furnishing, dispensing, supplying, or administering drugs to the prescribing practitioner's patient, or to dispensing by a licensed pharmacy for the purposes of inpatient hospital care, inpatient hospice care, or long-term residential facility patient care.~~

Sec. 6. Section 124.553, subsection 4, Code 2018, is amended by striking the subsection.

Sec. 7. Section 124.554, subsection 1, paragraphs b, c, d, and g, Code 2018, are amended to read as follows:

b. An electronic format for the submission of information from pharmacies and prescribing practitioners.

c. A waiver to submit information in another format for a pharmacy or prescribing practitioner unable to submit information electronically.

d. An application by a pharmacy or prescribing practitioner for an extension of time for transmitting information to the program.

g. Including all schedule II controlled substances, ~~and~~ those substances in schedules III and IV that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner, and opioid antagonists.

Sec. 8. Section 124.557, Code 2018, is amended to read as follows:

124.557 Drug information program fund.

The drug information program fund is established to be used by the board to fund or assist in funding the program. The board may make deposits into the fund from any source, public or private, including grants or contributions of money or other items of value, which it determines necessary to carry out the purposes of this subchapter. The board may add a surcharge of not more than twenty-five percent to the applicable fee for a registration issued pursuant to section 124.302 and the surcharge shall be deposited into the fund. Moneys received by the board to establish and maintain the program must be used for the expenses of administering this subchapter. Notwithstanding section 8.33, amounts contained in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in future years.

Sec. 9. Section 124.558, subsection 1, Code 2018, is amended to read as follows:

1. *Failure to comply with requirements.* A pharmacist, pharmacy, prescribing practitioner, or agent of a pharmacist or prescribing practitioner who knowingly fails to comply with the confidentiality requirements of this subchapter or who delegates program information access to another individual except as provided in section 124.553, is subject to disciplinary action by the appropriate professional licensing board. A pharmacist, ~~or pharmacy,~~ or prescribing practitioner that knowingly fails to comply with other requirements of this subchapter is subject to disciplinary action by the board. Each licensing board may adopt rules in accordance with chapter 17A to implement the provisions of this section.

DIVISION II
ELECTRONIC PRESCRIPTIONS

Sec. 10. Section 124.308, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

124.308 Prescriptions.

1. Except when dispensed directly by a practitioner to an ultimate user, a prescription drug as defined in section 155A.3 that is a controlled substance shall not be dispensed without a prescription, unless such prescription is authorized by a practitioner and complies with this section, section 155A.27, applicable federal law and regulation, and rules of the board.

2. a. Beginning January 1, 2020, every prescription issued for a controlled substance shall be transmitted electronically as an electronic prescription pursuant to the requirements in subsection 2, paragraph "b", unless exempt under subsection 2, paragraph "c".

b. Except for prescriptions identified in paragraph "c", a prescription that is transmitted pursuant to paragraph "a" shall be transmitted to a pharmacy by a practitioner or the practitioner's authorized agent in compliance with federal law and regulation for electronic prescriptions of controlled substances. The practitioner's electronic prescription system and the receiving pharmacy's dispensing system shall comply with federal law and regulation for electronic prescriptions of controlled substances.

c. Paragraph "b" shall not apply to any of the following:

(1) A prescription for a patient residing in a nursing home, long-term care facility, correctional facility, or jail.

(2) A prescription authorized by a licensed veterinarian.

(3) A prescription dispensed by a department of veterans affairs pharmacy.

(4) A prescription requiring information that makes electronic submission impractical, such as complicated or lengthy directions for use or attachments.

(5) A prescription for a compounded preparation containing two or more components.

(6) A prescription issued in response to a public health emergency in a situation where a non-patient specific prescription would be permitted.

(7) A prescription issued pursuant to an established and valid collaborative practice agreement, standing order, or drug research protocol.

(8) A prescription issued during a temporary technical or electronic failure at the practitioner's or pharmacy's location, provided that a prescription issued pursuant to this subparagraph shall indicate on the prescription that the practitioner or pharmacy is experiencing a temporary technical or electronic failure.

(9) A prescription issued in an emergency situation pursuant to federal law and regulation rules of the board.

d. A practitioner, as defined in section 124.101, subsection 27, paragraph "a", who violates paragraph "a" is subject to an administrative penalty of two hundred fifty dollars per violation, up to a maximum of five thousand dollars per calendar year. The assessment of an administrative penalty pursuant to this paragraph by the appropriate licensing board of the practitioner alleged to have violated paragraph "a" shall not be considered a disciplinary action or reported as discipline. A practitioner may appeal the assessment of an administrative penalty pursuant to this paragraph, which shall initiate a contested case proceeding under chapter 17A. A penalty collected pursuant to this paragraph shall be deposited into the drug information program fund established pursuant to section 124.557. The board shall be notified of any administrative penalties assessed by the appropriate professional licensing board and deposited into the drug information program fund under this paragraph.

e. A pharmacist who receives a written, oral, or facsimile prescription shall not be required to verify that the prescription is subject to an exception under paragraph "c" and may dispense a prescription drug pursuant to an otherwise valid written, oral, or facsimile prescription. However, a pharmacist shall exercise professional judgment in identifying and reporting suspected violations of this section to the board or the appropriate professional licensing board of the practitioner.

3. A prescription issued prior to January 1, 2020, or a prescription that is exempt from the electronic prescription requirement in subsection 2, paragraph "c", may be transmitted by a practitioner or the practitioner's authorized agent to a pharmacy in any of the following ways:

a. Electronically, if transmitted in accordance with the requirements for electronic prescriptions pursuant to subsection 2.

b. By facsimile for a schedule III, IV, or V controlled substance, or for a schedule II controlled substance only pursuant to federal law and regulation and rules of the board.

c. Orally for a schedule III, IV, or V controlled substance, or for a schedule II controlled substance only in an emergency situation pursuant to federal regulation and rules of the board.

d. By providing an original signed prescription to a patient or a patient's authorized representative.

4. If permitted by federal law and in accordance with federal requirements, an electronic or facsimile prescription shall serve as the original signed prescription and the practitioner shall not provide a patient, a patient's authorized representative, or the dispensing pharmacy with a signed, written prescription. An original signed prescription shall be retained for a minimum of two years from the date of the latest dispensing or refill of the prescription.

5. A prescription for a schedule II controlled substance shall not be filled more than six months after the date of issuance. A prescription for a schedule II controlled substance shall not be refilled.

6. A prescription for a schedule III, IV, or V controlled substance shall not be filled or refilled more than six months after the date on which the prescription was issued or be refilled more than five times.

7. A controlled substance shall not be distributed or dispensed other than for a medical purpose.

8. A practitioner, medical group, or pharmacy that is unable to timely comply with the electronic prescribing requirements in subsection 2, paragraph "b", may petition the board for an exemption from the requirements based upon economic hardship, technical limitations that the practitioner, medical group, or pharmacy cannot control, or other exceptional circumstances. The board shall adopt rules establishing the form and specific information to be included in a request for an exemption and the specific criteria to be considered by the

board in determining whether to approve a request for an exemption. The board may approve an exemption for a period of time determined by the board not to exceed one year from the date of approval, and may be renewed annually upon request subject to board approval.

Sec. 11. Section 155A.27, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

155A.27 Requirements for prescription.

1. Except when dispensed directly by a prescriber to an ultimate user, a prescription drug shall not be dispensed without a prescription, authorized by a prescriber, and based on a valid patient-prescriber relationship.

2. *a.* Beginning January 1, 2020, every prescription issued for a prescription drug shall be transmitted electronically as an electronic prescription to a pharmacy by a prescriber or the prescriber's authorized agent unless exempt under paragraph "b".

b. Paragraph "a" shall not apply to any of the following:

(1) A prescription for a patient residing in a nursing home, long-term care facility, correctional facility, or jail.

(2) A prescription authorized by a licensed veterinarian.

(3) A prescription for a device.

(4) A prescription dispensed by a department of veterans affairs pharmacy.

(5) A prescription requiring information that makes electronic transmission impractical, such as complicated or lengthy directions for use or attachments.

(6) A prescription for a compounded preparation containing two or more components.

(7) A prescription issued in response to a public health emergency in a situation where a non-patient specific prescription would be permitted.

(8) A prescription issued for an opioid antagonist pursuant to section 135.190 or a prescription issued for epinephrine pursuant to section 135.185.

(9) A prescription issued during a temporary technical or electronic failure at the location of the prescriber or pharmacy, provided that a prescription issued pursuant to this subparagraph shall indicate on the prescription that the prescriber or pharmacy is experiencing a temporary technical or electronic failure.

(10) A prescription issued pursuant to an established and valid collaborative practice agreement, standing order, or drug research protocol.

(11) A prescription issued in an emergency situation pursuant to federal law and regulation and rules of the board.

c. A practitioner, as defined in section 124.101, subsection 27, paragraph "a", who violates paragraph "a" is subject to an administrative penalty of two hundred fifty dollars per violation, up to a maximum of five thousand dollars per calendar year. The assessment of an administrative penalty pursuant to this paragraph by the appropriate licensing board of the practitioner alleged to have violated paragraph "a" shall not be considered a disciplinary action or reported as discipline. A practitioner may appeal the assessment of an administrative penalty pursuant to this paragraph, which shall initiate a contested case proceeding under chapter 17A. A penalty collected pursuant to this paragraph shall be deposited into the drug information program fund established pursuant to section 124.557. The board shall be notified of any administrative penalties assessed by the appropriate professional licensing board and deposited into the drug information program fund under this paragraph.

d. A pharmacist who receives a written, oral, or facsimile prescription shall not be required to verify that the prescription is subject to an exception under paragraph "b" and may dispense a prescription drug pursuant to an otherwise valid written, oral, or facsimile prescription. However, a pharmacist shall exercise professional judgment in identifying and reporting suspected violations of this section to the board or the appropriate professional licensing board of the prescriber.

3. For prescriptions issued prior to January 1, 2020, or for prescriptions exempt from the electronic prescription requirement in subsection 2, paragraph "b", a prescriber or the prescriber's authorized agent may transmit a prescription for a prescription drug to a pharmacy by any of the following means:

a. Electronically.

b. By facsimile.

c. Orally.

d. By providing an original signed prescription to a patient or a patient's authorized representative.

4. A prescription shall be issued in compliance with this subsection. Regardless of the means of transmission, a prescriber shall provide verbal verification of a prescription upon request of the pharmacy.

a. If written, electronic, or facsimile, each prescription shall contain all of the following:

(1) The date of issue.

(2) The name and address of the patient for whom, or the owner of the animal for which, the drug is dispensed.

(3) The name, strength, and quantity of the drug prescribed.

(4) The directions for use of the drug, medicine, or device prescribed.

(5) The name, address, and written or electronic signature of the prescriber issuing the prescription.

(6) The federal drug enforcement administration number, if required under chapter 124.

b. If electronic, each prescription shall comply with all of the following:

(1) The prescriber shall ensure that the electronic system used to transmit the electronic prescription has adequate security and safeguards designed to prevent and detect unauthorized access, modification, or manipulation of the prescription.

(2) Notwithstanding paragraph "a", subparagraph (5), for prescriptions that are not controlled substances, if transmitted by an authorized agent, the electronic prescription shall not require the written or electronic signature of the prescriber issuing the prescription.

c. If facsimile, in addition to the requirements of paragraph "a", each prescription shall contain all of the following:

(1) The identification number of the facsimile machine which is used to transmit the prescription.

(2) The date and time of transmission of the prescription.

(3) The name, address, telephone number, and facsimile number of the pharmacy to which the prescription is being transmitted.

d. If oral, the prescriber issuing the prescription shall furnish the same information required for a written prescription, except for the written signature and address of the prescriber. Upon receipt of an oral prescription, the recipient shall promptly reduce the oral prescription to a written format by recording the information required in a written prescription.

e. A prescription transmitted by electronic, facsimile, or oral means by a prescriber's agent shall also include the name and title of the prescriber's agent completing the transmission.

5. An electronic, facsimile, or oral prescription shall serve as the original signed prescription and the prescriber shall not provide a patient, a patient's authorized representative, or the dispensing pharmacist with a signed written prescription. Prescription records shall be retained pursuant to rules of the board.

6. This section shall not prohibit a pharmacist, in exercising the pharmacist's professional judgment, from dispensing, at one time, additional quantities of a prescription drug, with the exception of a prescription drug that is a controlled substance as defined in section 124.101, up to the total number of dosage units authorized by the prescriber on the original prescription and any refills of the prescription, not to exceed a ninety-day supply of the prescription drug as specified on the prescription.

7. A prescriber, medical group, institution, or pharmacy that is unable to timely comply with the electronic prescribing requirements in subsection 2, paragraph "a", may petition the board for an exemption from the requirements based upon economic hardship, technical limitations that the prescriber, medical group, institution, or pharmacy cannot control, or other exceptional circumstances. The board shall adopt rules establishing the form and specific information to be included in a request for an exemption and the specific criteria to be considered by the board in determining whether to approve a request for an exemption. The board may approve an exemption for a period of time determined by the board, not to exceed one year from the date of approval, and may be annually renewed subject to board approval upon request.

Sec. 12. Section 155A.29, subsection 4, Code 2018, is amended to read as follows:

4. An authorization to refill a prescription drug order ~~may~~ shall be transmitted to a ~~pharmacist pharmacy~~ by a prescriber or the prescriber's authorized agent ~~through word of mouth, note, telephone, facsimile, or other means of communication initiated by or directed by the practitioner.~~ The transmission shall include the information required pursuant to section 155A.27, except that prescription drug orders for controlled substances shall be transmitted pursuant to section 124.308, and, if not transmitted directly by the practitioner, shall ~~identify by~~ also include the name and title of the practitioner's agent completing the transmission.

DIVISION III PRESCRIBER ACTIVITY REPORTS

Sec. 13. Section 124.553, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. A prescribing practitioner for the issuance of a required report pursuant to section 124.554, subsection 3.

Sec. 14. Section 124.554, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. The issuance annually of a prescribing practitioner activity report compiled from information from the program pursuant to subsection 3.

Sec. 15. Section 124.554, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. Beginning February 1, 2019, and annually by February 1 thereafter, the board shall electronically, and at as low a cost as possible, issue each prescribing practitioner who prescribed a controlled substance reported to the program as dispensed in the preceding calendar year in this state a prescribing practitioner activity report which shall include but not be limited to the following:

(1) A summary of the prescribing practitioner's history of prescribing controlled substances.

(2) A comparison of the prescribing practitioner's history of prescribing controlled substances with the history of other prescribing practitioners of the same profession or specialty.

(3) The prescribing practitioner's history of program use.

(4) General patient risk factors.

(5) Educational updates.

(6) Other pertinent information identified by the board and advisory council by rule.

b. Information provided to a prescribing practitioner in a report required under this subsection is privileged and shall be kept confidential pursuant to section 124.553, subsection 3.

Sec. 16. Section 124.556, Code 2018, is amended to read as follows:

124.556 Education and treatment.

The program ~~for drug prescribing and dispensing~~ shall include education initiatives and outreach to consumers, prescribing practitioners, and pharmacists, and shall also include assistance for identifying substance abuse treatment programs and providers. The program shall also include educational updates and information on general patient risk factors for prescribing practitioners. The board and advisory council shall adopt rules, as provided under section 124.554, to implement this section.

DIVISION IV SUBSTANCE ABUSE PREVENTION

Sec. 17. Section 124.550, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. "*Proactive notification*" means a notification by the board, generated based on factors determined by the board and issued to a specific prescribing

practitioner or pharmacist, indicating that a patient may be practitioner shopping or pharmacy shopping or at risk of abusing or misusing a controlled substance.

Sec. 18. Section 124.553, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. A prescribing practitioner or pharmacist through the use of a targeted distribution of proactive notifications.

Sec. 19. Section 124.553, subsections 2 and 3, Code 2018, are amended to read as follows:

2. The board shall maintain a record of each person that requests information from the program and of all proactive notifications distributed to prescribing practitioners and dispensing pharmacists as provided in subsection 1, paragraph "g". Pursuant to rules adopted by the board ~~and advisory council~~ under section 124.554, the board may use the records to document and report statistical information, and may provide program information for statistical, public research, public policy, or educational purposes, after removing personal identifying information of a patient, prescribing practitioner, dispenser, or other person who is identified in the information.

3. Information contained in the program and any information obtained from it, and information contained in the records of requests for information from the program and information distributed to prescribing practitioners and dispensing pharmacists as provided in subsection 1, paragraph "g", is privileged and strictly confidential information. Such information is a confidential public record pursuant to section 22.7, and is not subject to discovery, subpoena, or other means of legal compulsion for release except as provided in this subchapter. Information from the program shall not be released, shared with an agency or institution, or made public except as provided in this subchapter.

Sec. 20. Section 124.554, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. The establishment of thresholds or other criteria or measures to be used in identifying an at-risk patient as provided in section 124.553, subsection 1, paragraph "g", and the targeted distribution of proactive notifications suggesting review of the patient's prescription history.

Sec. 21. NEW SECTION. 147.162 Rules and directives relating to opioids.

1. Any board created under this chapter that licenses a prescribing practitioner shall adopt rules under chapter 17A establishing penalties for prescribing practitioners that prescribe opioids in dosage amounts exceeding what would be prescribed by a reasonably prudent prescribing practitioner engaged in the same practice.

2. For the purposes of this section, "*prescribing practitioner*" means a licensed health care professional with the authority to prescribe prescription drugs including opioids.

Sec. 22. NEW SECTION. 272C.2C Continuing education minimum requirements — medicine and surgery and osteopathic medicine and surgery, nursing, dentistry, podiatry, and physician assistants.

1. The board of medicine, board of dentistry, board of physician assistants, board of podiatry, and board of nursing shall establish rules requiring a person licensed pursuant to section 148.3, 148C.3, 149.3, or 152.6 or chapter 153 who has prescribed opioids to a patient during the previous licensure cycle to receive continuing education credits regarding the United States centers for disease control and prevention guideline for prescribing opioids for chronic pain, including recommendations on limitations on dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacologic therapy options, as a condition of license renewal. Each licensing board shall have the authority to determine how often a licensee must receive continuing education credits.

2. The rules established pursuant to this section shall include the option for a licensee to attest as part of the license renewal process that the licensee is not subject to the requirement to receive continuing education credits pursuant to this section, due to the fact that the licensee did not prescribe opioids to a patient during the previous licensure cycle.

Sec. 23. RESCISSION OF ADMINISTRATIVE RULES.

1. 653 Iowa administrative code, rule 11.4, subrule (1), paragraph “d”, is rescinded.
2. As soon as practicable, the Iowa administrative code editor shall remove the language of the Iowa administrative rule referenced in subsection 1 of this section from the Iowa administrative code.

DIVISION V
REGISTRATION

Sec. 24. Section 124.302, subsections 1 and 4, Code 2018, are amended to read as follows:

1. Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, shall obtain and maintain a biennial registration issued by the board in accordance with its rules.
4. A separate registration is required for each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses, or conducts research with controlled substances.

Sec. 25. Section 124.304, subsection 1, Code 2018, is amended to read as follows:

1. The board may suspend, revoke, or restrict a registration under section 124.303 to manufacture, distribute, or dispense a controlled substance, or otherwise discipline a registrant, upon a finding that any of the following apply to the registrant:
 - a. The registrant has furnished false or fraudulent material information in any application filed under this chapter or any other chapter which applies to the registrant or the registrant’s practice.
 - b. The registrant has had the registrant’s federal registration to manufacture, distribute, or dispense, or conduct research with controlled substances suspended, revoked, or restricted.
 - c. The registrant has been convicted of a public offense under any state or federal law relating to any controlled substance. For the purpose of this section only, a conviction shall include a plea of guilty, a forfeiture of bail or collateral deposited to secure a defendant’s appearance in court which forfeiture has not been vacated, or a finding of guilt in a criminal action even though the entry of the judgment or sentence has been withheld and the individual placed on probation.
 - d. The registrant has committed such acts as would render the registrant’s registration under section 124.303 inconsistent with the public interest as determined under that section.
 - e. If the registrant is a licensed health care professional, the registrant has had the registrant’s professional license revoked or suspended or has been otherwise disciplined in a way that restricts the registrant’s authority to handle or prescribe controlled substances.

Sec. 26. Section 124.304, subsections 2, 3, and 4, Code 2018, are amended to read as follows:

2. The board may limit revocation, or suspension, or restriction of a registration or discipline of a registrant to the particular controlled substance with respect to which grounds for revocation, or suspension, restriction, or discipline exist.
3. If the board suspends, or revokes, or restricts a registration, or otherwise disciplines a registrant, all controlled substances owned or possessed by the registrant at the time of the suspension, revocation, restriction, or discipline, or at the time of the effective date of the revocation order, may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation an order becoming final, all such controlled substances may be forfeited to the state.
4. The board shall promptly notify the bureau and the department of all orders suspending, or revoking, or restricting a registration and all forfeitures of controlled substances, or otherwise disciplining a registrant.

Sec. 27. Section 124.305, Code 2018, is amended to read as follows:

124.305 ~~Order to show cause~~ Contested case proceedings.

1. ~~Before denying, Prior to suspending, restricting, or revoking a registration, or refusing a renewal of registration, or otherwise disciplining a registrant, the board shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the board at a time and place not less than thirty days after the date of service of the order, but in the case of a denial or renewal of registration the show cause order shall be served not later than thirty days before the expiration of the registration a notice in accordance with section 17A.12, subsection 1. The proceedings shall comply with the contested case procedures in accordance with chapter 17A. These~~ The proceedings shall also be conducted without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

2. The board, ~~without an order to show cause,~~ may suspend any registration while simultaneously with the institution of proceedings under section 124.304, or where renewal of registration is refused, pursuing emergency adjudicative proceedings in accordance with section 17A.18A, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, under the provisions of the Iowa administrative procedure Act, chapter 17A, unless sooner withdrawn by the board or dissolved by the order of the district court or an appellate court.

DIVISION VI CONTROLLED SUBSTANCES — PRECURSOR SUBSTANCES

Sec. 28. Section 124.204, subsection 9, Code 2018, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *t.* Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers. Other names: 5F-ADB; 5F-MDMB-PINACA.

NEW PARAGRAPH. *u.* Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers. Other name: 5F-AMB.

NEW PARAGRAPH. *v.* N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers. Other names: 5F-APINACA, 5F-AKB48.

NEW PARAGRAPH. *w.* N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers. Other name: ADB-FUBINACA.

NEW PARAGRAPH. *x.* Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers. Other names: MDMB-CHMICA, MMB-CHMINACA.

NEW PARAGRAPH. *y.* Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers. Other name: MDMB-FUBINACA.

NEW PARAGRAPH. *z.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: 4-fluoroisobutyryl fentanyl, para-fluoroisobutyryl fentanyl.

NEW PARAGRAPH. *aa.* N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) propionamide. Other names: ortho-fluorofentanyl or 2-fluorofentanyl.

NEW PARAGRAPH. *ab.* N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide. Other name: tetrahydrofuran fentanyl.

NEW PARAGRAPH. *ac.* 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide. Other name: methoxyacetyl fentanyl.

NEW PARAGRAPH. *ad.* N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide. Other names: acryl fentanyl or acryloylfentanyl.

NEW PARAGRAPH. *ae.* Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-

methylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers. Other names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA.

Sec. 29. Section 124.206, subsection 7, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Dronabinol [(-)-delta-9-trans-tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration.

Sec. 30. Section 124B.2, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. ab. Alpha-phenylacetoacetonitrile and its salts, optical isomers, and salts of optical isomers. Other name: APAAN.

Sec. 31. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII GOOD SAMARITAN IMMUNITY

Sec. 32. NEW SECTION. **124.418 Persons seeking medical assistance for drug-related overdose.**

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

a. “*Drug-related overdose*” means a condition of a person for which each of the following is true:

(1) The person is in need of medical assistance.

(2) The person displays symptoms including but not limited to extreme physical illness, pinpoint pupils, decreased level of consciousness including coma, or respiratory depression.

(3) The person’s condition is the result of, or a prudent layperson would reasonably believe such condition to be the result of, the consumption or use of a controlled substance.

b. “*Overdose patient*” means a person who is, or would reasonably be perceived to be, suffering a drug-related overdose and who has not previously received immunity under this section.

c. “*Overdose reporter*” means a person who seeks medical assistance for an overdose patient and who has not previously received immunity under this section.

d. “*Protected information*” means information or evidence collected or derived as a result of any of the following:

(1) An overdose patient’s good-faith actions to seek medical assistance while experiencing a drug-related overdose.

(2) An overdose reporter’s good-faith actions to seek medical assistance for an overdose patient experiencing a drug-related overdose if all of the following are true:

(a) The overdose patient is in need of medical assistance for an immediate health or safety concern.

(b) The overdose reporter is the first person to seek medical assistance for the overdose patient.

(c) The overdose reporter provides the overdose reporter’s name and contact information to medical or law enforcement personnel.

(d) The overdose reporter remains on the scene until assistance arrives or is provided.

(e) The overdose reporter cooperates with medical and law enforcement personnel.

(f) Medical assistance was not sought during the execution of an arrest warrant, search warrant, or other lawful search.

2. Protected information shall not be considered to support probable cause and shall not be admissible as evidence against an overdose patient or overdose reporter for any of the following offenses:

a. Delivery of a controlled substance under section 124.401, subsection 1, if such delivery involved the sharing of the controlled substance without profit.

b. Possession of a controlled substance under section 124.401, subsection 5.

c. Violation of section 124.407.

d. Violation of section 124.414.

3. A person's pretrial release, probation, supervised release, or parole shall not be revoked based on protected information.

4. Notwithstanding any other provision of law to the contrary, a court may consider the act of providing first aid or other medical assistance to someone who is experiencing a drug-related overdose as a mitigating factor in a criminal prosecution.

5. Nothing in this section shall do any of the following:

a. Preclude or prevent an investigation by law enforcement of the drug-related overdose where medical assistance was provided.

b. Be construed to limit or bar the use or admissibility of any evidence or information obtained in connection with the investigation of the drug-related overdose in the investigation or prosecution of other crimes or violations which do not qualify for immunity under this section and which are committed by any person, including the overdose patient or overdose reporter.

c. Preclude the investigation or prosecution of any person on the basis of evidence obtained from sources other than the specific drug-related overdose where medical assistance was provided.

Approved May 14, 2018

CHAPTER 1139

REVISED UNIFORM ATHLETE AGENTS ACT

S.F. 385

AN ACT relating to the revised uniform athlete agents Act and providing remedies and penalties.

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

Section 1. Section 9A.101, Code 2017, is amended to read as follows:

9A.101 Title.

This chapter ~~shall be known~~ may be cited as the "~~Uniform~~ Revised Uniform Athlete Agents Act" Act (2015)".

Sec. 2. Section 9A.102, subsection 1, Code 2017, is amended to read as follows:

1. "*Agency contract*" means an agreement ~~pursuant to~~ in which a student athlete authorizes a person to negotiate or solicit on behalf of the ~~student~~ athlete a professional sports services contract or an¹ endorsement contract.

Sec. 3. Section 9A.102, subsection 2, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. "*Athlete agent*" means an individual, whether or not registered under this chapter, who does any of the following:

(1) Directly or indirectly, recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization.

(2) For compensation or in anticipation of compensation related to a student athlete's participation in athletics does either of the following:

(a) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an

¹ See chapter 1172, §15 herein

educational institution acting exclusively as an employee of the institution for the benefit of the institution.

(b) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes.

(3) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics, does any of the following:

(a) Gives consideration to the student athlete or another person.

(b) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions.

(c) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes.

b. "Athlete agent" does not include an individual who does either of the following:

(1) Acts solely on behalf of a professional sports team or organization.

(2) Is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual does any of the following:

(a) Also recruits or solicits the athlete to enter into an agency contract.

(b) Also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization.

(c) Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

Sec. 4. Section 9A.102, subsection 3, Code 2017, is amended to read as follows:

3. "Athletic director" means ~~an~~ the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

Sec. 5. Section 9A.102, subsection 4, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Educational institution" means a public or private elementary school, secondary school, technical or vocational school, community college, college, or university.

Sec. 6. Section 9A.102, subsection 5, Code 2017, is amended to read as follows:

5. "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the ~~student~~ athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

Sec. 7. Section 9A.102, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.

Sec. 8. Section 9A.102, subsection 6, Code 2017, is amended to read as follows:

6. "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association ~~for the promotion or regulation of that promotes or regulates~~ collegiate athletics.

Sec. 9. Section 9A.102, Code 2017, is amended by adding the following new subsections:
NEW SUBSECTION. 6A. "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges, or universities.

NEW SUBSECTION. 6B. "Licensed, registered, or certified professional" means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance producer, real estate broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

Sec. 10. Section 9A.102, subsections 7 and 8, Code 2017, are amended to read as follows:

7. “*Person*” means an individual, ~~corporation~~ estate, business trust, ~~estate~~, ~~trust~~, ~~partnership~~, ~~limited liability company~~, ~~association~~, ~~joint venture~~ or nonprofit entity, public corporation, government, or governmental subdivision, agency, or instrumentality, ~~public corporation~~, or any other legal or commercial entity.

8. “*Professional sports services contract*” means an agreement under which an individual is employed, as a professional athlete or agrees to render services, as a player on a professional sports team, or with a professional sports organization, ~~or as a professional athlete~~.

Sec. 11. Section 9A.102, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 9A. “*Recruit or solicit*” means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. “*Recruit or solicit*” does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.

NEW SUBSECTION. 10A. “*Sign*” means, with present intent to authenticate or adopt a record, doing any of the following:

- a. Executing or adopting a tangible symbol.
- b. Attaching to or logically associating with the record an electronic symbol, sound, or process.

Sec. 12. Section 9A.102, subsection 12, Code 2017, is amended to read as follows:

12. “*Student athlete*” means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. ~~If “*Student athlete*” does not include an individual is permanently ineligible to participate in a particular interscholastic or intercollegiate sport, the individual is not a student athlete for purposes of that sport.~~

Sec. 13. Section 9A.103, Code 2017, is amended to read as follows:

9A.103 Service of process — subpoenas Secretary of state — authority — procedure.

1. Chapter 17A applies to this chapter. The secretary of state may adopt rules under chapter 17A to implement this chapter.

~~1.~~ 2. By acting as an athlete agent in this state, a nonresident individual appoints the secretary of state as the individual’s agent for service of process in any civil action in this state related to the individual’s individual acting as an athlete agent in this state.

~~2.~~ 3. The secretary of state may issue ~~subpoenas~~ a subpoena for any material that is relevant to the administration of this chapter.

Sec. 14. Section 9A.104, subsections 2 and 3, Code 2017, are amended to read as follows:

2. Before being issued a certificate of registration under this chapter, an individual may act as an athlete agent in this state for all purposes except signing an agency contract, if all of the following occur:

a. A student athlete or another person acting on behalf of the ~~student~~ athlete initiates communication with the individual.

b. ~~Within~~ Not later than seven days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this state.

3. An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

Sec. 15. Section 9A.105, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

9A.105 Registration as athlete agent — application — requirements — reciprocal registration.

1. An applicant for registration as an athlete agent shall submit an application for registration to the secretary of state in a form prescribed by the secretary of state. The

applicant shall be an individual, and the application filed must be signed by the applicant under penalty of perjury. The application shall contain at least all of the following:

a. The name, date, and place of birth of the applicant and the following contact information for the applicant:

(1) The address of the applicant's principal place of business.

(2) Work and mobile telephone numbers.

(3) Any means of communicating electronically, including a facsimile number, electronic mail address, and personal, business, and employer internet sites.

b. The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and the nature of the business.

c. Each social media account with which the applicant or the applicant's business or employer is affiliated.

d. Each business or occupation in which the applicant engaged within five years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time.

e. A description of the applicant, including:

(1) Formal training as an athlete agent.

(2) Practical experience as an athlete agent.

(3) Educational background relating to the applicant's activities as an athlete agent.

f. The name of each student athlete for whom the applicant acted as an athlete agent within five years before the date of the application or, if the student athlete is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team.

g. The name and address of each person that is any of the following:

(1) A partner, member, officer, manager, associate, or profit sharer or directly or indirectly holds an equity interest of five percent or greater of the athlete agent's business if it is not a corporation.

(2) An officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent or greater in the corporation.

h. A description of the status of any application by the applicant, or any person named under paragraph "g", for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license.

i. Whether the applicant, or any person named under paragraph "g", has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state, and, if so, identification of the following:

(1) The crime.

(2) The law enforcement agency involved.

(3) If applicable, the date of the conviction and the fine or penalty imposed.

j. Whether, within fifteen years before the date of application, the applicant, or any person named under paragraph "g", has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding.

k. Whether the applicant, or any person named under paragraph "g", has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application.

l. Whether, within ten years before the date of application, the applicant, or any person named under paragraph "g", was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt.

m. Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph "g", made a false, misleading, deceptive, or fraudulent representation.

n. Each instance in which conduct of the applicant, or any person named under paragraph "g", resulted in the imposition of a sanction, suspension, or declaration of ineligibility to

participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution.

o. Each sanction, suspension, or disciplinary action taken against the applicant, or any person named under paragraph “g”, arising out of occupational or professional conduct.

p. Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph “g”, as an athlete agent in any state.

q. Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent.

r. If the applicant is certified or registered by a professional league or players association, and if so, the following information:

(1) The name of the league or association.

(2) The date of certification or registration, and the date of expiration of the certification or registration, if any.

(3) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration.

s. Any additional information required by the secretary of state by rule.

2. Instead of proceeding under subsection 1, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the secretary of state the following:

a. A copy of the application for registration in another state.

b. A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury.

c. A copy of the certificate of registration from the other state.

3. The secretary of state shall issue a certificate of registration to an individual who applies for registration under subsection 2 if the secretary of state determines the following:

a. The application and registration requirements of the other state are substantially similar to or more restrictive than this chapter.

b. The registration has not been revoked or suspended and no action involving the individual’s conduct as an athlete agent is pending against the individual or the individual’s registration in any state.

4. For purposes of implementing subsection 3, the secretary of state shall do the following:

a. Cooperate with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this chapter.

b. Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

Sec. 16. Section 9A.106, Code 2017, is amended to read as follows:

9A.106 Certificate of registration — issuance or denial — renewal.

1. Except as otherwise provided in subsection 2, the secretary of state shall issue a certificate of registration to an individual applicant for registration who complies with section 9A.105, subsection 1, ~~or whose application has been accepted under section 9A.105, subsection 2.~~

2. The secretary of state may refuse to issue a certificate of registration to an applicant for registration under section 9A.105, subsection 1, if the secretary of state determines that the applicant has engaged in conduct that ~~has a significant adverse effect~~ significantly adversely reflects on the applicant’s fitness to act as an athlete agent. In making the determination, the secretary of state may consider whether the applicant has done the following:

a. ~~Been Pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that, would involve moral turpitude or be a felony if committed in this state, would be a crime involving moral turpitude or a felony.~~

b. Made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent.

c. Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity.

d. Engaged in conduct prohibited by section 9A.114.

e. Had a ~~certificate of registration or licensure~~ as an athlete agent suspended, revoked, or denied ~~or been in any state.~~

f. Been refused renewal of a certificate of registration or licensure as an athlete agent in any state.

f. g. Engaged in conduct ~~which resulted~~ resulting in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, or intercollegiate, or professional athletic event ~~on, of, or by a student athlete or a sanction on an educational institution.~~

~~g. h.~~ Engaged in conduct that ~~significantly~~ adversely reflects on the applicant's credibility, honesty, or integrity.

3. In making a determination under subsection 2, the secretary of state shall consider the following:

a. How recently the conduct occurred.

b. The nature of the conduct and the context in which it occurred.

c. ~~Any other~~ Other relevant conduct of the applicant.

4. An athlete agent registered under subsection 1 may apply to renew a ~~certificate of the~~ registration by submitting an application for renewal in a form prescribed by the secretary of state. ~~An application filed under this section is a public record. The applicant shall sign the application for renewal must be signed by the applicant under penalty of perjury and must contain~~ include current information on all matters required in an original application for registration.

5. ~~An individual who has submitted an application for renewal of a certificate of athlete agent registered under section 9A.105, subsection 3, may renew the registration or licensure in another state, in lieu of submitting an application for renewal in the form prescribed pursuant to by proceeding under subsection 4 or, may file a copy of the application for renewal and a valid certificate of if the registration or licensure from in the other state has been renewed, by submitting to the secretary of state copies of the application for renewal in the other state and the renewed registration from the other state. The secretary of state shall accept the application for renewal from the other state as an application for renewal in this state if the application to the other state complies with~~ renew the registration if the secretary of state determines all of the following:

~~a. Was submitted in the other state within the six-month period immediately preceding the filing in this state and the applicant certifies the information contained in the application for renewal in the other state is current.~~

~~b. a. Contains information~~ The registration requirements of the other state are substantially similar to or more comprehensive restrictive than that required in an application for renewal submitted in this state chapter.

~~c. Was signed by the applicant under penalty of perjury.~~

b. The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

6. ~~An original~~ A certificate of registration or a renewal of a certificate of registration under this chapter is valid for two years.

Sec. 17. Section 9A.107, Code 2017, is amended to read as follows:

9A.107 Suspension, revocation, or refusal to renew registration.

1. The secretary of state may limit, suspend, revoke, or refuse to renew a ~~certificate of~~ registration of an individual registered under section 9A.106, subsection 1, for conduct that would have justified ~~denial of refusal to issue~~ a certificate of registration under section 9A.106, subsection 2.

2. The secretary of state may ~~deny, suspend, or revoke, or refuse to renew a certificate of~~ the registration or licensure only after proper notice and an opportunity for a hearing held in accordance with chapter 17A of an individual registered under section 9A.105, subsection 3, or renewed under section 9A.106, subsection 5, for any reason for which the secretary of state

could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under section 9A.106, subsection 2.

Sec. 18. Section 9A.108, Code 2017, is amended to read as follows:

9A.108 Temporary registration.

The secretary of state may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

Sec. 19. Section 9A.109, Code 2017, is amended to read as follows:

9A.109 Registration and renewal fees.

An application for registration or renewal of registration as an athlete agent shall be accompanied by a reasonable registration or renewal of registration fee sufficient to offset expenses incurred in the administration of this chapter as established by the secretary of state.

Sec. 20. Section 9A.110, Code 2017, is amended to read as follows:

9A.110 Required form of agency contract.

1. An agency contract shall be in a record, signed, ~~or otherwise authenticated~~ by the parties.

2. An agency contract shall contain the following information:

a. A statement that the agent is registered as an athlete agent in this state and a list of any other states in which the agent is registered as an athlete agent.

~~a. b.~~ b. The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or ~~for~~ providing the services.

~~b. c.~~ c. The name of any person not listed in the agent's application for registration or renewal of registration who which will be compensated because the student athlete signed the agency contract.

~~c. d.~~ d. The A description of any expenses that the student athlete agrees to reimburse.

~~d. e.~~ e. The A description of the services to be provided to the student athlete.

~~e. f.~~ f. The duration of the contract.

~~f. g.~~ g. The date of execution ~~of the contract~~.

3. ~~An~~ Subject to subsection 7, an agency contract must contain, ~~in close proximity to the signature of the student athlete,~~ a conspicuous notice in boldface type in capital letters and in substantially the following form stating:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

[1] YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

[2] IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

[3] YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

4. An agency contract ~~that does not conform to this section is voidable~~ must be accompanied by a separate record signed by the student athlete. If a student or, if the athlete voids an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into is a minor, the parent or guardian of the athlete, acknowledging

that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

5. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete, may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

5. 6. The At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete, a copy in a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution of the contract and the separate acknowledgment required by subsection 4.

7. If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection 3 shall be revised accordingly.

Sec. 21. Section 9A.111, Code 2017, is amended to read as follows:

9A.111 Notice to educational institution.

1. In this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.

1. 2. Within Not later than seventy-two hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or at which the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

2. 3. Within Not later than seventy-two hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled or intends to enroll that the student athlete has entered into an agency contract and the name and contact information of the athlete agent.

4. If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the educational institution of the existence of the agency contract not later than seventy-two hours after the agent knew or should have known the athlete enrolled.

5. If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the educational institution, the agent shall notify the educational institution of the relationship not later than ten days after the enrollment if the agent knows or should have known of the enrollment and either of the following applies:

a. The relationship was motivated in whole or part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future.

b. The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

6. An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with either of the following for the following purposes:

a. The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract.

b. Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete, to enter into an agency contract.

7. If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than ten days after the communication or attempt.

8. An educational institution that becomes aware of a violation of this chapter by an athlete agent shall notify the secretary of state and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

Sec. 22. Section 9A.112, Code 2017, is amended to read as follows:

9A.112 Student athlete's right to cancel.

1. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete, may cancel an agency contract by giving notice in a record of the cancellation to the athlete agent in a record within not later than fourteen days after the contract is signed.

2. A student athlete ~~shall~~ or, if the athlete is a minor, the parent or guardian of the athlete, may not waive the right to cancel an agency contract.

3. If a student athlete, parent, or guardian cancels an agency contract, the ~~student athlete, parent, or guardian~~ is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to ~~induce~~ influence the ~~student~~ athlete to enter into the contract.

Sec. 23. Section 9A.113, Code 2017, is amended to read as follows:

9A.113 Required records.

1. An athlete agent shall create and retain the following records for a period of five years records of the following:

a. The name and address of each individual represented by the athlete agent.

b. ~~Any~~ Each agency contract entered into by the athlete agent.

c. ~~Any~~ The direct costs incurred by the athlete agent in the recruitment or solicitation of a each student athlete to enter into an agency contract.

2. Records ~~required to be retained pursuant to~~ described in subsection 1 are open to inspection by the secretary of state during normal business hours.

Sec. 24. Section 9A.114, Code 2017, is amended to read as follows:

9A.114 Prohibited conduct.

1. An athlete agent, with the intent to ~~induce~~ influence a student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete, to enter into an agency contract, shall not ~~do~~ take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:

a. Give ~~any~~ materially false, ~~or misleading, deceptive, or fraudulent~~ information or make a materially false promise or ~~a materially false, misleading, deceptive, or fraudulent~~ representation.

b. Furnish anything of value to ~~a student~~ the athlete before the ~~student~~ athlete enters into the agency contract.

c. Furnish anything of value to ~~any~~ an individual other than the ~~student~~ athlete or another registered athlete agent.

2. An athlete agent shall not intentionally ~~do any of the following or encourage any other individual to do any of the following on behalf of the agent:~~

a. Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to enter an agency agreement unless registered under this chapter.

b. ~~Refuse or fail~~ Fail to create or retain or to permit inspection of the records required to be retained by section 9A.113.

c. Fail to register when required by section 9A.104.

d. Provide materially false or misleading information in an application for registration or renewal of registration.

e. Predate or postdate an agency contract.

f. Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete before the ~~student~~ athlete, parent, or guardian signs ~~or otherwise authenticates~~ an agency contract for a particular sport that the signing ~~or authentication~~ may make the ~~student~~ athlete ineligible to participate as a student athlete in that sport.

Sec. 25. Section 9A.116, subsection 1, Code 2017, is amended to read as follows:

1. An educational institution ~~has a right of~~ or student athlete may bring an action for damages against an athlete agent if the institution or a former student athlete for damages caused is adversely affected by an act or omission of the agent in violation of this chapter. ~~In an action under this section, the court may award costs and reasonable attorney fees to~~

~~the prevailing party.~~ An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution is either of the following:

a. Suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports.

b. Suffers financial damage.

Sec. 26. Section 9A.116, subsections 2 and 3, Code 2017, are amended by striking the subsections and inserting in lieu thereof the following:

2. A plaintiff that prevails in an action under this section may recover actual damages, and costs and reasonable attorney fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

3. A violation of this chapter is an unlawful practice pursuant to section 714.16, subsection 2, paragraph "p". The provisions of section 714.16, including but not limited to provisions relating to investigation, injunctive relief, and penalties, shall apply to this chapter.

Sec. 27. Section 9A.116, subsections 4 and 5, Code 2017, are amended by striking the subsections.

Sec. 28. Section 9A.117, Code 2017, is amended to read as follows:

9A.117 Administrative penalty.

The secretary of state may assess a civil penalty against an athlete agent not to exceed ~~twenty-five~~ fifty thousand dollars for a violation of this chapter.

Sec. 29. Section 9A.118, Code 2017, is amended to read as follows:

9A.118 Uniformity of application and construction.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to the subject matter of this chapter among states that enact the revised uniform athlete agents Act (2015).

Sec. 30. Section 9A.119, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

9A.119 Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. §7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §7003(b).

Sec. 31. NEW SECTION. **9A.120 Severability.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 32. Section 714.16, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *p.* It is an unlawful practice for an athlete agent to violate any of the provisions of chapter 9A.

CHAPTER 1140

PROBATE — ADMINISTRATION OF SMALL ESTATES

S.F. 2099

AN ACT relating to probate and the administration of small estates and including effective date and applicability provisions.

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

Section 1. Section 633.3, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 30A. Probate assets — means a decedent's property subject to administration by a personal representative.

Sec. 2. Section 635.1, Code 2018, is amended to read as follows:

635.1 When applicable.

When the gross value of the probate assets of a decedent subject to the jurisdiction of this state does not exceed ~~one~~ two hundred thousand dollars, and upon a petition as provided in section 635.2 of an authorized petitioner in accordance with sections 633.227 and 633.228, or section 633.290, subsection 1, paragraph "a" or "b", the clerk shall issue letters of appointment for administration to the proposed personal representative named in the petition, if qualified to serve pursuant to section 633.63 or upon court order pursuant to section 633.64. Unless otherwise provided in this chapter, the provisions of chapter 633 apply to an estate ~~probated administered~~ pursuant to this chapter.

Sec. 3. Section 635.2, subsection 5, Code 2018, is amended to read as follows:

5. A statement that the probate ~~property assets~~ assets of the decedent subject to the jurisdiction of this state ~~does~~ do not have an aggregate gross value of more than the amount permitted under the provisions of section 635.1 and the approximate amount of personal property and income for the purposes of setting a bond.

Sec. 4. Section 635.7, Code 2018, is amended to read as follows:

635.7 Report and inventory — value and conversion.

1. The personal representative is required to file the report and inventory for which provision is made in section 633.361, including all probate and nonprobate assets. This chapter does not exempt the personal representative from complying with the requirements of section 422.27, 450.22, 450.58, 633.480, or 633.481, and the administration of an estate whether converted to or from a small estate shall be considered one proceeding pursuant to section 633.330.

2. The report and inventory shall ~~show the gross value of probate assets subject to the jurisdiction of this state~~ separately specify which assets are probate assets subject to the jurisdiction of this state and clearly state their gross value and the sum thereof.

3. If the gross value of probate assets subject to the jurisdiction of this state exceeds the amount permitted for a small estate under section 635.1, the estate shall be administered as provided in chapter 633.

4. If the report and inventory in an estate ~~probated administered~~ administered pursuant to chapter 633 ~~shows~~ separately specifies the gross value of the probate assets subject to the jurisdiction of this state does not exceed the amount permitted under section 635.1, the estate shall be administered as a small estate upon the filing of a statement by the personal representative that the estate is a small estate.

5. If the personal representative files a report to convert the estate administration to or from a small estate based on the gross value of probate assets subject to the jurisdiction of this state, the clerk shall make the conversion without an order of the court.

6. Other interested parties may apply to convert proceedings from a small estate to a regular estate or from a regular estate to a small estate which the court may grant only upon good cause shown with approval from the court.

Sec. 5. Section 635.8, Code 2018, is amended to read as follows:

635.8 Closing by sworn statement.

1. The personal representative shall file with the court a closing statement and proof of service thereof ~~to all interested parties~~ within a reasonable time ~~from the date of issuance of the letters of appointment~~ after the expiration of all times following all notices required in chapter 633. The closing statement shall be verified or affirmed under penalty of perjury ~~stating~~ and shall include all of the following statements and information:

a. To the best knowledge of the personal representative, the gross value of the probate assets subject to the jurisdiction of this state does not exceed the amount permitted under section 635.1.

b. The estate has been fully administered and will be distributed to persons entitled thereto if no objection is filed to the closing statement and the accounting and proposed distribution within thirty days after service thereof.

c. An accounting and proposed distribution ~~of the estate~~ explaining how and to whom the probate assets will be distributed including an accurate description of all the real estate of which the decedent died seized, stating the nature and extent of the interest in the real estate and its disposition.

d. ~~A copy of the closing statement and a notice of an opportunity to object to and request a hearing has been sent, as provided in section 633.40, to all interested parties~~ Notice to all interested parties that the parties have thirty days from the date of service of the closing statement in which to request a hearing by filing an objection with the court.

e. A statement ~~as to whether or not~~ that all statutory requirements pertaining to taxes have been complied with, including whether federal estate tax due has been paid, whether a lien continues to exist for any federal estate tax, and whether inheritance tax was paid or a tax return was filed in this state.

f. A statement that all statutory requirements pertaining to claims have been complied with and a statement describing the resolution of all claims, including charges, and whether a lien continues to exist on any property as security for any claim.

~~f. g.~~ The amount of fees to be paid to the personal representative and the personal representative's attorney with the appropriate documentation showing compliance with subsection 4.

2. If no actions or proceedings involving the estate are pending in the court thirty days after service of the closing statement to all interested parties as provided in section 633.40, the estate shall be distributed according to the closing statement.

3. The estate clerk shall close the estate without order of the court and the personal representative shall be discharged upon the earlier of either of the following:

a. ~~The filing of an affidavit of mailing or other proof of service of the closing statement and a statement of asset distribution by the personal representative~~ Filing an affidavit of mailing or other proof of service of the closing statement and filing proof of asset distribution, including receipts and other evidence of disbursement.

b. Sixty days after the filing of the closing statement and an affidavit of mailing or other proof of service thereof.

4. The fees for the personal representative shall not exceed three percent of the gross value of the probate assets of the estate, unless the personal representative itemizes the personal representative's services to the estate. The personal representative's attorney shall be paid reasonable fees as approved by the court or as agreed to in writing by the personal representative and such writing shall be executed by the time of filing the ~~probate report and~~ inventory. All interested parties shall have the opportunity to object and request a hearing as to all fees reported in the closing statement.

5. If a closing statement is not filed within twelve months of the date of issuance of a letter of appointment, an interlocutory report shall be filed within such time period. Such report shall be provided to all interested parties at least once every six months until the closing statement has been filed unless excused by the court for good cause shown. The provisions of section 633.473 requiring final settlement within three years shall apply to an estate probated pursuant to this chapter. A closing statement filed under this section has the same effect as final settlement of the estate under chapter 633.

Sec. 6. EFFECTIVE DATE. The following take effect July 1, 2018:

The sections of this Act amending sections 633.3, 635.2, 635.7, and 635.8.

Sec. 7. EFFECTIVE DATE. The following takes effect July 1, 2020:
The section of this Act amending section 635.1.

Sec. 8. APPLICABILITY. The following apply July 1, 2018, to estates of decedents dying on or after July 1, 2018, and other estates opened previously and for which administration has not been completed as of July 1, 2018:

The sections of this Act amending sections 633.3, 635.2, and 635.8.

Sec. 9. APPLICABILITY. The following applies July 1, 2018, to estates of decedents dying on or after July 1, 2018:

The section of this Act amending section 635.7.

Sec. 10. APPLICABILITY. The following applies July 1, 2020, to estates of decedents dying on or after July 1, 2020:

The section of this Act amending section 635.1.

Approved May 16, 2018

CHAPTER 1141

REGULATION OF PHARMACY AND WHOLESALE DISTRIBUTION OF DRUGS AND DEVICES

S.F. 2298

AN ACT relating to pharmacy regulation, including the composition of the board of pharmacy and the wholesale distribution of prescription drugs and devices, and including penalties.

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

Section 1. Section 147.14, subsection 1, paragraph e, Code 2018, is amended to read as follows:

e. For pharmacy, five members licensed to practice pharmacy, one member registered as a certified pharmacy technician as defined by the board by rule, and two members who are not licensed to practice pharmacy or registered as a certified pharmacy technician and who shall represent the general public.

Sec. 2. Section 155A.3, subsection 11, Code 2018, is amended to read as follows:

11. “Device” means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, a medical device, as classified by the United States food and drug administration, intended for use by a patient that is required under federal or state law by the United States food and drug administration to be ordered or prescribed for a patient by a practitioner.

Sec. 3. Section 155A.3, subsection 14, Code 2018, is amended by striking the subsection.

Sec. 4. Section 155A.3, subsection 25, Code 2018, is amended to read as follows:

25. “Limited drug and device distributor” means a person operating or maintaining, either within or outside this state, a location at which limited noncontrolled, regardless of the location, where prescription drugs, prescription or devices, and medical gases, are distributed to patients in this state pursuant to a prescription drug order; or a person operating or maintaining a location at which limited quantities of drugs, devices, or medical gases are distributed at wholesale in this state or to a patient pursuant to a prescription drug order, who is not eligible for a wholesale distributor license or pharmacy license. A “limited drug and device distributor” does not include a pharmacy licensed pursuant to this chapter

~~or a drug wholesaler providing prescription drugs to patients in this state pursuant to a drug manufacturer's prescription drug assistance program.~~

Sec. 5. Section 155A.3, subsection 26, Code 2018, is amended by striking the subsection.

Sec. 6. Section 155A.3, Code 2018, is amended by adding the following new subsections:
NEW SUBSECTION. 27A. "*Manufacturer*" means manufacturer as defined by the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq.

NEW SUBSECTION. 27B. "*Medical convenience kit*" means a collection of devices, which may include a product or biological product, assembled in kit form strictly for the convenience of the purchaser or ultimate user.

NEW SUBSECTION. 41A. "*Product*" means the same as defined in 21 U.S.C. §360eee.

NEW SUBSECTION. 42A. "*Repackager*" means a person who owns or operates an establishment that repackages or relabels a product or package for further sale or for distribution without a further transaction.

NEW SUBSECTION. 45A. "*Third-party logistics provider*" means an entity that provides or coordinates warehousing or other logistics services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of a product, but does not take ownership of the product nor have responsibility to direct the sale or other disposition of the product.

Sec. 7. Section 155A.3, subsection 40, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

40. "*Prescription drug*" or "*drug*" means a drug, as classified by the United States food and drug administration, that is required by the United States food and drug administration to be prescribed or administered to a patient by a practitioner prior to dispensation.

Sec. 8. Section 155A.3, subsection 48, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

48. "*Wholesale distribution*" means the distribution of a drug to a person other than a consumer or patient, or the receipt of a drug by a person other than a consumer or patient, but does not include any of the following:

a. Intracompany distribution of any drug between members of an affiliate, as defined in 21 U.S.C. §360eee, or within a manufacturer.

b. The distribution of a drug, or an offer to distribute a drug among hospitals or other health care entities under common control.

c. The distribution of a drug or an offer to distribute a drug for emergency medical reasons, including a public health emergency declaration as defined in 42 U.S.C. §247d, except that for purposes of this paragraph a drug shortage not caused by a public health emergency shall not constitute an emergency medical reason.

d. The dispensing of a drug pursuant to a prescription drug order.

e. The distribution of minimal quantities of a drug by a pharmacy to a practitioner for office use.

f. The distribution of a drug or an offer to distribute a drug by a charitable organization to an affiliate, as defined in 21 U.S.C. §360eee, of the organization that is a nonprofit, to the extent otherwise permitted by law.

g. The purchase or other acquisition of a drug by a dispenser, as defined in 21 U.S.C. §360eee, hospital, or other health care entity for use by such dispenser, hospital, or other health care entity.

h. The distribution of a drug by the manufacturer of such drug.

i. The receipt or transfer of a drug by a third-party logistics provider, provided that such third-party logistics provider does not take ownership of the drug.

j. A common carrier that transports a drug, provided that the common carrier does not take ownership of the drug.

k. The distribution of a drug or an offer to distribute a drug by a repackager that has taken ownership or possession of the drug and repackages it.

l. The return of a saleable product when conducted by a dispenser.

m. The distribution of a medical convenience kit under any of the following circumstances:

(1) The medical convenience kit is assembled in an establishment registered with the United States food and drug administration as a device manufacturer.

(2) The medical convenience kit does not contain a controlled substance.

(3) In the case of a medical convenience kit that includes a product, the person that manufactures the kit does all of the following:

(a) Purchases the product directly from a pharmaceutical manufacturer or from a wholesale distributor that purchased the product directly from the pharmaceutical manufacturer.

(b) Does not alter the primary container or label of the product as purchased from the manufacturer or wholesale distributor.

(4) In the case of a medical convenience kit that includes a product, the product is any of the following:

(a) An intravenous solution intended for the replenishment of fluids and electrolytes.

(b) Intended to maintain the equilibrium of water and minerals in the body.

(c) Intended for irrigation or reconstitution.

(d) An anesthetic.

(e) An anticoagulant.

(f) A vasopressor.

(g) A sympathomimetic.

n. The distribution of an intravenous drug that by its formulation is intended for the replenishment of fluids and electrolytes such as sodium, chloride, and potassium, or calories such as dextrose and amino acids.

o. The distribution of an intravenous drug used to maintain the equilibrium of water and minerals in the body such as a dialysis solution.

p. The distribution of a drug intended for irrigation or sterile water intended for irrigation or for injection.

q. The distribution of a medical gas.

r. The facilitation of the distribution of a product by providing administrative services, including the processing of orders and payments.

s. The transfer of a product by a hospital or other health care entity, or by a wholesale distributor or manufacturer operating at the direction of the hospital or other health care entity, to a repackager for the purpose of repackaging the product for use by that hospital or other health care entity under common control, if the ownership of the product remains with the hospital or other health care entity at all times.

Sec. 9. Section 155A.3, subsection 49, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

49. “*Wholesale distributor*” means a person, other than a manufacturer, a manufacturer’s co-licensed partner, a third-party logistics provider, or repackager, engaged in the wholesale distribution of a drug.

Sec. 10. Section 155A.4, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. A wholesaler limited distributor, third-party logistics provider, or wholesale distributor to distribute prescription drugs or devices as provided by state or federal law.

Sec. 11. Section 155A.4, subsection 2, paragraph h, Code 2018, is amended by striking the paragraph.

Sec. 12. Section 155A.5, Code 2018, is amended to read as follows:

155A.5 Injunction.

Notwithstanding the existence or pursuit of any other remedy the board may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the establishment, conduct, management, or operation of a pharmacy or ~~wholesaler~~, limited distributor, third-party logistics provider, or wholesale distributor without a license, or to prevent the violation of provisions of this chapter. Upon request of the board, the attorney general shall institute the proper

proceedings and the county attorney, at the request of the attorney general, shall appear and prosecute the action when brought in the county attorney's county.

Sec. 13. Section 155A.17, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

155A.17 Wholesale distributor license.

1. A person shall not engage in wholesale distribution without a wholesale distributor license.

2. Wholesale distributors shall comply with the national standards contained in the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq., and national standards promulgated thereunder.

3. The board shall adopt rules establishing requirements for wholesale distributor licenses, licensure fees, and other relevant matters consistent with the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq.

4. The board may deny, suspend, or revoke a wholesale distributor license, or otherwise discipline a wholesale distributor, for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States, or for a violation of this chapter, chapter 124, 124B, 126, or 205, or a rule of the board.

Sec. 14. NEW SECTION. **155A.17A Third-party logistics provider license.**

1. A person shall not operate as a third-party logistics provider in this state without a third-party logistics provider license.

2. Third-party logistics providers shall comply with national standards contained in the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq., and national standards promulgated thereunder.

3. The board shall adopt rules establishing requirements for a third-party logistics provider license, licensure fees, and other relevant matters consistent with the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq.

4. The board may deny, suspend, or revoke a third-party logistics provider license, or otherwise discipline a third-party logistics provider, for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States, or for a violation of this chapter, chapter 124, 124B, 126, or 205, or a rule of the board.

Sec. 15. Section 155A.42, Code 2018, is amended to read as follows:

155A.42 Limited drug and device distributor license.

1. A person other than a wholesale distributor, licensed pharmacy, or practitioner, shall not ~~act as a limited drug and device distributor~~ engage in any of the following activities in this state without a limited distributor license. ~~The license shall be identified as a limited drug and device distributor license.:~~

a. Distribution of a medical gas or device at wholesale or to a patient pursuant to a prescription drug order.

b. Wholesale distribution of a prescription animal drug.

c. Wholesale distribution of a prescription drug, or brokering the distribution of a prescription drug at wholesale, by a manufacturer, a manufacturer's co-licensed partner, or a repackager.

d. Intracompany distribution of a prescription drug, including pharmacy chain distribution centers.

e. Distribution at wholesale of a combination product as defined by the United States food and drug administration, medical convenience kit, intravenous fluid or electrolyte, dialysis solution, radioactive drug, or irrigation or sterile water solution to be dispensed by prescription only.

f. Distribution of a dialysis solution by the manufacturer or the manufacturer's agent to a patient pursuant to a prescription drug order, provided that a licensed pharmacy processes the prescription drug order.

2. The board shall ~~establish, by rule,~~ adopt rules establishing the requirements for a limited distributor license, licensure fees, compliance standards for limited drug and device distributors and may define specific types of limited drug and device distributors, and any

~~other relevant matters. The board may identify, by rule, specific prescription drugs or classes of noncontrolled prescription drugs, which may be distributed by a limited drug and device distributor. A limited distributor shall not be required to have an onsite pharmacist.~~

~~3. The board shall adopt rules pursuant to chapter 17A relating to the issuance of a limited drug and device distributor license. The rules shall provide for conditions of licensure, compliance standards, licensure fees, disciplinary action, and other relevant matters.~~

~~4. 3. The board may deny, suspend, or revoke a limited drug and device distributor's license, or otherwise discipline a limited distributor, for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States relating to prescription drugs or controlled substances, or for a violation of this chapter, chapter 124, 124B, 126, or 205, or 272C, or a rule of the board.~~

Approved May 16, 2018

CHAPTER 1142

ADMINISTRATION AND DISPENSING OF PRESCRIPTION DRUGS AND VACCINES

S.F. 2322

AN ACT relating to the practice of pharmacy, including the administration of certain drugs and vaccines and the establishment of technician product verification programs.

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

Section 1. Section 147.107, subsection 2, Code 2018, is amended to read as follows:

2. *a.* A pharmacist, physician, dentist, podiatric physician, or prescribing psychologist prescriber who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the dispensing is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system; when a pharmacist is utilizing a tech-check-tech program, as defined in section 155A.3; or when a pharmacist is remotely supervising a certified pharmacy technician practicing at a telepharmacy site approved by the board of pharmacy. When using an automated dispensing system, the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. When using a tech-check-tech program or when remotely supervising a certified pharmacy technician practicing at an approved telepharmacy site, the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy, that ensures accuracy for dispensing. Verification of automated dispensing, tech-check-tech, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the board of pharmacy, the board of medicine, the dental board, the board of podiatry, and the board of psychology for their respective licensees.

b. A dentist, physician, podiatric physician, or prescribing psychologist prescriber who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall report the fact that they dispense prescription drugs with the practitioner's respective board at least biennially.

c. A physician, dentist, podiatric physician, or prescribing psychologist prescriber who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall offer to provide the patient with a written prescription, if requested, that may be dispensed from a pharmacy of the patient's choice or offer to transmit the prescription orally, electronically, or by facsimile in accordance with section 155A.27 to a pharmacy of the patient's choice.

d. A pharmacist who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions only when verification of the accuracy and completeness of the dispensing is determined by the pharmacist in the pharmacist's physical presence. The pharmacist's verification of the accuracy of the prescription drug dispensed shall not be required when verified by a certified pharmacy technician in a technician product verification program or a tech-check-tech program as defined in section 155A.3. The pharmacist's physical presence shall not be required when the pharmacist is remotely supervising pharmacy personnel operating in an approved telepharmacy site or when utilizing an automated dispensing system that utilizes an internal quality control assurance plan. When utilizing a technician product verification program or tech-check-tech program, or when remotely supervising pharmacy personnel operating at an approved telepharmacy site, the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy, that ensures accuracy for dispensing. Automated dispensing verification, technician product verification, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board of pharmacy.

Sec. 2. Section 155A.3, Code 2018, is amended by adding the following new subsections:
NEW SUBSECTION. 42A. "Statewide protocol" means a framework developed and issued by the board that specifies the conditions under which pharmacists are authorized to order and administer a medication or category of medications when providing a clinical service.

NEW SUBSECTION. 43A. "Technician product verification" means the process by which a certified pharmacy technician provides the final product verification for prescription drugs or devices filled or prepared by a registered pharmacy technician, pharmacist-intern, or with an automated dispensing system.

Sec. 3. Section 155A.6A, subsection 4, Code 2018, is amended to read as follows:

4. The board shall adopt rules in accordance with chapter 17A on matters pertaining to pharmacy technician registration, application, forms, renewals, fees, termination of registration, tech-check-tech programs, technician product verification programs, national certification, training, and any other relevant matters.

Sec. 4. Section 155A.33, Code 2018, is amended to read as follows:

155A.33 Delegation of technical functions.

A pharmacist may delegate technical dispensing functions to pharmacy technicians, but only if the pharmacist is physically present to verify the accuracy and completeness of the patient's prescription prior to the delivery of the prescription to the patient or the patient's representative. However, the physical presence requirement does not apply when a pharmacist is utilizing an automated dispensing system or a ~~tech-check-tech~~ technician product verification program or when a pharmacist is remotely supervising a certified pharmacy technician practicing at a telepharmacy site approved by the board. When using an automated dispensing system or a ~~tech-check-tech~~ technician product verification program, or when remotely supervising a certified pharmacy technician practicing at an approved telepharmacy site, the pharmacist shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing, ~~tech-check-tech~~ technician product verification, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board.

Sec. 5. NEW SECTION. 155A.33A Technician product verification programs.

1. A pharmacist in charge of a pharmacy located in this state may formally establish a technician product verification program to optimize the provision of pharmacist patient care services. The board may require a pharmacist in charge intending to implement a technician product verification program to submit a program plan for board consideration and approval. The plan shall demonstrate that onsite practice hours for a pharmacist will not be reduced but will be redistributed directly to patient care activities.

2. The board shall adopt rules for the development, implementation, and oversight of technician product verification programs. The rules shall address program policy and procedures, pharmacist and pharmacy technician training, program quality assurance and evaluation, recordkeeping, redistribution of pharmacist activities, and other matters necessary for the development, implementation, and oversight of the program.

Sec. 6. Section 155A.34, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

155A.34 Transfer of prescriptions.

Any prescription transfer shall be from a licensed pharmacy to another licensed pharmacy and be performed in accordance with rules adopted by the board.

Sec. 7. NEW SECTION. **155A.46 Statewide protocols.**

1. a. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and consistent with subsection 2, order and administer the following to patients ages eighteen years and older:

(1) Naloxone.

(2) Nicotine replacement tobacco cessation products.

(3) An immunization or vaccination recommended by the United States centers for disease control and prevention advisory committee on immunization practices in its approved vaccination schedule for adults.

(4) An immunization or vaccination recommended by the United States centers for disease control and prevention for international travel.

(5) A Tdap (tetanus, diphtheria, acellular pertussis) vaccination in a booster application.

(6) Other emergency immunizations or vaccinations in response to a public health emergency.

b. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and consistent with subsection 2, order and administer the following to patients ages six months and older:

(1) A vaccine or immunization for influenza.

(2) Other emergency immunizations or vaccines in response to a public health emergency.

c. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and consistent with subsection 2, order and administer the final two doses in a course of vaccinations for HPV to patients ages eleven years and older.

d. Prior to the ordering and administration of a vaccination or immunization authorized by this subsection, pursuant to statewide protocols, a licensed pharmacist shall consult and review the statewide immunization registry or health information network. The board shall adopt rules requiring the reporting of the administration of vaccines and immunizations authorized by this subsection to a patient's primary health care provider, primary physician, and a statewide immunization registry or health information network.

2. A pharmacist ordering or administering a prescription drug, product, test, or treatment pursuant to subsection 1 shall do all of the following:

a. Maintain a record of all prescription drugs, products, tests, and treatments administered pursuant to this section.

b. Notify the patient's primary health care provider of any prescription drugs, products, tests, or treatments administered to the patient, or enter such information in a patient record system also used by the primary health care provider, as permitted by the primary health care provider. If the patient does not have a primary health care provider, the pharmacist shall provide the patient with a written record of the prescription drugs, products, tests, or treatment provided to the patient and shall advise the patient to consult a physician.

c. Complete continuing pharmacy education related to statewide protocols recognized and approved by the board.

Sec. 8. FUTURE REPEAL. Section 155A.44, Code 2018, is repealed effective July 1, 2019.

CHAPTER 1143**WORKFORCE DEVELOPMENT — MISCELLANEOUS CHANGES***S.F. 2353*

AN ACT relating to the membership and duties of the state and local workforce development boards and related responsibilities of the department of workforce development and including effective date provisions.

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

Section 1. Section 84A.1A, subsection 5, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

5. A member of the workforce development board shall not do any of the following:

- a. Vote on a matter under consideration by the board that concerns the provision of services by the member or by an entity that the member represents.
- b. Vote on a matter under consideration by the board that would provide direct financial benefit to the member or the immediate family of the member.
- c. Engage in any other activity determined by the governor to constitute a conflict of interest as specified in the state workforce development plan.

Sec. 2. Section 84A.1A, Code 2018, is amended by adding the following new subsections:
NEW SUBSECTION. 7. In addition to meeting the requirements of chapter 22, the workforce development board shall make available to the public, on a regular basis through electronic means and, if applicable, through open meetings in accordance with chapter 21, information regarding the activities of the board, including all of the following:

- a. Information regarding the state workforce development plan, as required under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, prior to submission of the state workforce development plan or modification of the plan.
- b. Information regarding the membership of the board.
- c. The bylaws of the board.

NEW SUBSECTION. 8. Sections 69.16 and 69.16A shall apply only to those members of the board appointed by the governor pursuant to subsection 1, paragraph “a”, subparagraph (8).

Sec. 3. Section 84A.1B, subsection 1, Code 2018, is amended to read as follows:

1. Develop and coordinate the implementation of a four-year comprehensive state workforce development plan of specific needs, goals, strategies, and policies for the state. This plan shall be updated every two years and revised as necessary. All other state agencies involved in workforce development activities and the local workforce development boards shall submit to the board for its review and potential inclusion in the plan their needs, goals, strategies, and policies.

Sec. 4. NEW SECTION. **84A.2 Definitions.**

For purposes of this chapter:

1. “*Chief elected official*” means any of the following:
 - a. The chief elected executive officer of a unit of general local government in a local workforce development area.
 - b. If a local workforce development area includes more than one unit of general local government, the individuals designated under the agreement described in section 84A.4, subsection 2, paragraph “h”, subparagraph (2).
2. “*Community-based organization*” means a private nonprofit organization, which may include a faith-based organization, that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.
3. “*Competitive integrated employment*” means work that is performed on a full-time or part-time basis, including self-employment, to which all of the following apply:
 - a. All of the following apply to the individual performing the work:

- (1) The individual is compensated at a rate in accordance with all of the following:
 - (a) If the individual is not self-employed, all of the following apply:
 - (i) The rate of compensation shall not be less than the higher of the applicable federal or state minimum wage.
 - (ii) The rate of compensation shall not be less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills.
 - (b) If the individual is self-employed, the rate of compensation yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills.
- (2) The individual is eligible for the level of benefits provided to other employees.
 - b. The work is at a location where the individual interacts with other persons who are not individuals with disabilities, not including supervisory personnel or individuals who are providing services to such individual, to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons.
 - c. The work, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.
4. “*Cooperative agreement*” means an agreement entered into by a state-designated agency or state-designated unit under section 101(a)(11)(A) of the federal Rehabilitation Act of 1973.
5. “*Core program*” means a program authorized under any of the following:
 - a. Chapters 2 and 3 of subtitle B of Tit. I of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, relating to youth workforce investment activities and adult and dislocated worker employment and training activities.
 - b. Tit. II of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, relating to adult education and literacy activities.
 - c. Sections 1 to 13 of the federal Wagner-Peyser Act, as codified at 29 U.S.C. §49 et seq., relating to employment services.
 - d. Tit. I of the federal Rehabilitation Act of 1973, as codified at 29 U.S.C. §720 et seq., relating to vocational rehabilitation services, excluding 29 U.S.C. §732 and 741.
6. a. “*Demonstrated experience and expertise*”, for purposes of the state workforce development board, means the expertise had by an individual with documented leadership in developing or implementing workforce development, human resources, training and development, or a core program function. “*Demonstrated experience and expertise*” may include individuals with experience in education or training of individuals with a barrier to employment.
 - b. “*Demonstrated experience and expertise*”, for purposes of a local workforce development board, means the expertise had by an individual to whom any of the following apply:
 - (1) The individual is a workplace learning advisor.
 - (2) The individual contributes to the field of workforce development, human resources, training and development, or a core program function.
 - (3) The individual has been recognized by the local workforce development board for valuable contributions in education or workforce development-related fields.
7. “*Economic development agency*” includes a local workforce development planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.
8. “*Eligible youth*” means an in-school or out-of-school youth, except as provided in subtitles C and D of Tit. I of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128.
 9. a. “*In-demand industry sector or occupation*” means any of the following:
 - (1) An industry sector that has a substantial current or potential impact, including through jobs that lead to economic self-sufficiency and opportunities for advancement, on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

(2) An occupation that currently has or is projected to have a number of positions, including positions that lead to economic self-sufficiency and opportunities for advancement, in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate.

b. The determination of whether an industry sector or occupation is an “*in-demand industry sector or occupation*” shall be made by the state workforce development board or local workforce development board, as appropriate, using state and regional business and labor market projections, including the use of labor market information.

10. “*Individual with a barrier to employment*” means a member of one or more of the following populations:

a. Displaced homemakers.

b. Low-income individuals.

c. Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §166.

d. Individuals with disabilities, including youth who are individuals with disabilities.

e. Individuals fifty-five years of age or older.

f. Ex-offenders.

g. Homeless individuals as defined in 34 U.S.C. §12473, or homeless children and youths as defined in 34 U.S.C. §11434a(2).

h. Youth who are in or have aged out of the foster care system.

i. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.

j. Eligible migrant and seasonal farmworkers, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §167(i).

k. Individuals within two years of exhausting lifetime eligibility under part A of Tit. IV of the Social Security Act, as codified in 42 U.S.C. §601 et seq.

l. Single parents and single pregnant women.

m. Long-term unemployed individuals.

n. Such other groups as the governor determines to have a barrier to employment.

11. “*Individual with a disability*” means an individual with a disability as defined in 42 U.S.C. §12102. “*Individuals with disabilities*” means more than one individual with a disability.

12. a. “*Industry or sector partnership*” means a workforce collaborative, convened by or acting in partnership with the state workforce development board or a local workforce development board, that organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership, all of the following:

(1) Representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable.

(2) One or more representatives of a recognized state labor organization or central labor council, or another labor representative, as appropriate.

(3) One or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster.

b. “*Industry or sector partnership*” may include representatives of state or local government, state or local,¹ the state workforce development board, local workforce development boards, the department of workforce development or another entity providing employment services, state or local agencies, business or trade associations, economic development organizations, nonprofit organizations, community-based organizations, philanthropic organizations, industry associations, and other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

13. “*In-school youth*” means youth described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(a)(1)(C).

14. “*Institution of higher education*” means the same as defined in 20 U.S.C. §1001 and 1002(a)(1).

15. “*Offender*” means any of the following:

¹ According to Act; the phrase “state or local economic development agencies” probably intended

a. An adult or juvenile who is or has been subject to any stage of the criminal or juvenile justice process, and for whom workforce services may be beneficial.

b. An adult or juvenile who requires assistance overcoming an artificial barrier to employment resulting from a record of arrest or conviction.

16. “*One-stop center*” means a site described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(e)(2).

17. “*One-stop operator*” means one or more entities designated or certified under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(d).

18. “*Optimum policymaking authority*” means the authority of an individual who can reasonably be expected to speak affirmatively on behalf of the entity the individual represents and to commit that entity to a chosen course of action.

19. “*Out-of-school youth*” means a youth described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(a)(1)(B).

20. “*Unit of general local government*” means a county or city.

21. “*Workforce investment activity*” means an employment and training activity or a youth workforce investment activity.

22. “*Workforce learning advisor*” means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.

Sec. 5. NEW SECTION. **84A.3 Local workforce development plans.**

1. A local workforce development board shall, in partnership with the chief elected official, develop a comprehensive four-year local workforce development plan. The local workforce development board shall submit the workforce development plan to the department of workforce development in the manner and form determined by the department. The local workforce development plan shall support the strategy described in the state workforce development plan in accordance with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §102(b)(1)(E), and shall otherwise be consistent with the state workforce development plan. If the local workforce development area is part of a planning region as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(48), the local workforce development board shall comply with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §106(c), in the preparation and submission of a regional plan.

2. At the end of the first two-year period of the local workforce development plan, a local workforce development board shall review the local workforce development plan and, in partnership with the chief elected official, prepare and submit to the department of workforce development modifications to the local workforce development plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local workforce development plan.

3. The local workforce development plan shall include the contents required by the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §108(b), and such other information as the department of workforce development or the state workforce development board may require.

Sec. 6. Section 84A.4, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

84A.4 Local workforce development boards.

1. *Establishment.* Except as provided in subsection 3, paragraph “a”, the department of workforce development shall establish and certify a local workforce development board in each local workforce development area of the state to carry out the functions described in subsection 4 and any functions specified for the local workforce development board under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, or the provisions establishing a core program for such local workforce development area.

2. *Membership.*

a. State criteria. The governor, in partnership with the state workforce development board, shall establish criteria for use by chief elected officials in the local workforce development areas for appointment of members of the local workforce development boards in such areas in accordance with the requirements of paragraph “b”.

b. Composition. The membership criteria for a local workforce development board shall include, at a minimum, all of the following:

(1) A majority of the membership of each local workforce development board shall be representatives of business in the local workforce development area appointed from among individuals nominated by local business organizations and business trade associations, to whom all of the following shall apply:

(a) The members shall be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking authority or hiring authority.

(b) The members shall represent businesses, including small businesses, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local workforce development area, or organizations representing such businesses.

(2) (a) Not less than twenty percent of the membership of a local workforce development board shall be representatives of the workforce within the local workforce development area, to whom all of the following shall apply:

(i) For a local workforce development area in which employees are represented by labor organizations, the members shall include representatives of labor organizations or persons who have been nominated by local labor federations. For a local workforce development area in which employees are not represented by such organizations, the members shall include other representatives of employees;

(ii) The members shall include a representative who is a member of a labor organization or a training director, a representative from a joint labor-management apprenticeship program, or, if no such joint program exists in the area, a representative of an apprenticeship program in the area, if such a program exists.

(b) The membership of a local workforce development board described in subparagraph division (a) may include one or more of the following:

(i) Representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with a barrier to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities.

(ii) Representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

(3) (a) The membership of a local workforce development board shall include representatives of entities administering education and training activities in the local workforce development area, to whom all of the following apply:

(i) The members shall include a representative of eligible providers administering adult education and literacy activities under Tit. II of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128.

(ii) The members shall include a representative of institutions of higher education, including community colleges, providing workforce investment activities.

(iii) If multiple eligible providers are serving the local workforce development area by administering adult education and literacy activities under Tit. II of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, or multiple institutions of higher education serving the local workforce development area by providing workforce investment activities, each representative thereof on the local workforce development board, respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

(b) The membership may include representatives of local educational agencies and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with a barrier to employment.

(4) (a) The membership of a local workforce development board shall include representatives of governmental and economic and community development entities serving the local workforce development area, to whom all of the following apply:

(i) The members shall include a representative of economic and community development entities.

(ii) The members shall include at least one appropriate representative from the state employment service office under the federal Wagner-Peyser Act, as codified at 29 U.S.C. §49 et seq., serving the local workforce development area and nominated by the director of the department of workforce development.

(iii) The members shall include at least one appropriate representative of the programs carried out under Tit. I of the federal Rehabilitation Act of 1973, as codified at 29 U.S.C. §720 et seq., relating to vocational rehabilitation services, excluding 29 U.S.C. §732 and 741, serving the local workforce development area and nominated by the administrator of the division of vocational rehabilitation services of the department of education or director of the department for the blind, as appropriate.

(b) The members may include one or more of the following:

(i) Representatives of agencies or entities administering programs serving the local workforce development area relating to transportation, housing, and public assistance.

(ii) Representatives of philanthropic organizations serving the local workforce development area.

(5) The membership of a local workforce development board may include such other individuals or representatives of entities as the chief elected official in the local workforce development area may determine to be appropriate.

c. Political affiliation and gender balance. Sections 69.16 and 69.16A shall apply to the total membership of a local workforce development board excluding members required under paragraph “b”, subparagraph (4), subparagraph division (a), subparagraph subdivisions (ii) and (iii).

d. Chairperson. The members of a local workforce development board shall elect a chairperson from among the representatives of business described in paragraph “b”, subparagraph (1).

e. Standing committees. A local workforce development board may designate and direct the activities of standing committees to provide information and to assist the local workforce development board in carrying out activities under this section. Such standing committees shall be chaired by a member of the local workforce development board. Such standing committees may include other members of the local workforce development board and shall include other individuals appointed by the local workforce development board who are not members of the local workforce development board and who the local workforce development board determines have appropriate experience and expertise. At a minimum, the local workforce development board may designate each of the following standing committees:

(1) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include as members representatives of the one-stop partners.

(2) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth.

(3) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with 29 U.S.C. §3248, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990, codified at 42 U.S.C. §12101 et seq., regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

(4) Additional committees in the discretion of the local workforce development board.

f. Additional membership requirements. Members of the local workforce development board that represent organizations, agencies, or other entities shall be individuals with

optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas within the local workforce development area.

g. Chief elected officials.

(1) The chief elected official in a local workforce development area may appoint the members of the local workforce development board for such area, in accordance with the state criteria established by the governor in partnership with the state workforce development board.

(2) (a) If a local workforce development area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials relating to all of the following:

(i) Appointing the members of the local workforce development board from the individuals nominated or recommended to be such members in accordance with the criteria established in this subsection.

(ii) Carrying out any other responsibilities assigned to such officials under Tit. I of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, and this section.

(b) If, after a reasonable effort, the chief elected officials are unable to reach such an agreement, the governor may appoint the members of the local workforce development board from individuals so nominated or recommended.

3. Certification procedures.

a. Certification. Once every two years, the department of workforce development shall certify one local workforce development board for each local workforce development area in the state. Such certification shall be based on the extent to which the local workforce development board has ensured that workforce investment activities carried out in the local workforce development area have enabled the local workforce development area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in 29 U.S.C. §3121(e)(2).

b. Failure to achieve certification. Failure of a local workforce development board to achieve certification shall result in appointment and certification of a new local workforce development board for the local workforce development area pursuant to the process described in subsection 2 and this subsection.

c. Decertification.

(1) Notwithstanding paragraph “a”, the department of workforce development may decertify a local workforce development board for any of the following reasons at any time after providing notice and an opportunity for comment:

(a) Fraud or abuse.

(b) Failure to carry out the functions specified for the local workforce development board in subsection 4.

(2) Notwithstanding paragraph “a”, the department of workforce development may decertify a local workforce development board if the local workforce development area fails to meet the local performance accountability measures for the local workforce development area in accordance with 29 U.S.C. §3141(c) for two consecutive program years.

(3) If the department of workforce development decertifies a local workforce development board for a local workforce development area, the department of workforce development may require that a new local workforce development board be appointed and certified for the local workforce development area pursuant to a reorganization plan developed by the governor, in consultation with the chief elected official in the local workforce development area and in accordance with the criteria established under this section and Tit. I of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128.

4. Functions. Consistent with section 84A.3 and section 108 of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, the functions of a local workforce development board shall include all of the following:

a. Local workforce development plan. The local workforce development board, in partnership with the chief elected official for the local workforce development area, shall develop and submit a local workforce development plan to the department of workforce development that meets the requirements of section 84A.3. If the local workforce development area is part of a planning region that includes other local workforce

development areas, the local workforce development board shall collaborate with the other local workforce development boards and chief elected officials from such other local workforce development areas in the preparation and submission of a regional plan as described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §106(c).

b. Workforce research and regional labor market analysis. In order to assist in the development and implementation of the local workforce development plan, the local workforce development board shall do all of the following:

(1) Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities, including education and training, in the region described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §108(b)(1)(D), and regularly update such information.

(2) Assist the department of workforce development in developing the statewide workforce and labor market information system described in 29 U.S.C. §491-2(e), specifically in the collection, analysis, and utilization of workforce and labor market information for the region.

(3) Conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.

c. Convening, brokering, and leveraging. The local workforce development board shall convene local workforce development system stakeholders to assist in the development of the local workforce development plan under section 84A.3 and in identifying non-federal expertise and resources to leverage support for workforce development activities. The local workforce development board, including its standing committees, may engage such stakeholders in carrying out the functions described in this subsection.

d. Employer engagement. The local workforce development board shall lead efforts to engage with a diverse range of employers and with entities in the region involved to do all of the following:

(1) Promote business representation on the local workforce development board, particularly representatives with optimal policymaking authority or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region.

(2) Develop effective linkages, including the use of intermediaries, with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities.

(3) Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

(4) Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers, such as the establishment of industry or sector partnerships. Such strategies shall provide the skilled workforce needed by employers in the region and expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

e. Career pathways development. The local workforce development board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local workforce development area to develop and implement career pathways within the local workforce development area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with a barrier to employment.

f. Proven and promising practices. The local workforce development board shall lead efforts in the local workforce development area to do all of the following:

(1) Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers, including individuals with a barrier to employment, in the local workforce development system, including providing physical and programmatic accessibility, in accordance with 29 U.S.C. §3248, if applicable, applicable

provisions of chapter 216, and applicable provisions of the Americans with Disabilities Act of 1990, codified at 42 U.S.C. §12101 et seq., to the one-stop delivery system.²

g. Technology. The local workforce development board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and jobseekers, by doing all of the following:

(1) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local workforce development area.

(2) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas.

(3) Identifying strategies for better meeting the needs of individuals with a barrier to employment, including strategies that augment traditional service delivery and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills.

(4) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with a barrier to employment.

h. Program oversight. The local workforce development board, in partnership with the chief elected official for the local workforce development area, shall do all of the following:

(1) (a) Conduct oversight for local youth workforce investment activities authorized under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(c), local employment and training activities authorized under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §134(c) and (d), and the one-stop delivery system in the local workforce development area.

(b) Ensure the appropriate use and management of the funds provided under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, Tit. I, subtitle B, for the activities and system described in subparagraph division (a).

(2) For workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §116.

i. Negotiation of local performance accountability measures. The local workforce development board, the chief elected official, and the department of workforce development shall negotiate and reach agreement on local performance accountability measures as described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §116(c).

j. Selection of one-stop operators. Consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(d), the local workforce development board, with the agreement of the chief elected official for the local workforce development area, shall designate or certify one-stop operators as described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(d)(2)(A). The local workforce development board, with the agreement of the chief elected official for the local workforce development area, may terminate for cause the eligibility of such operators.

k. Selection of youth providers. Consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §123, the local workforce development board shall identify eligible providers of youth workforce investment activities in the local workforce development area by awarding grants or contracts on a competitive basis, except as provided in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §123(b), based on the recommendations of the youth standing committee, if such a committee is established for the local workforce development area. When identifying eligible providers, the local workforce development board shall consider community-based and governmental organizations as possible eligible providers. The local workforce development board may terminate for cause the eligibility of such providers.

l. Identification of eligible providers of training services. Consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §122, the local workforce development board shall identify eligible providers of training services in the local workforce development area.

² See chapter 1172, §17 herein

m. Identification of eligible providers of career services. If the one-stop operator does not provide career services described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §134(c)(2), in a local workforce development area, the local workforce development board shall identify eligible providers of those career services in the local workforce development area by awarding contracts. When identifying eligible providers, the local workforce development board shall consider community-based and governmental organizations as possible eligible providers.

n. Consumer choice requirements. Consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §122 and 134(c)(2) and (3), the local workforce development board shall work with the state to ensure sufficient numbers and types of providers of career services and training services are serving the local workforce development area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with a disability. Such providers shall include eligible providers with expertise in assisting individuals with a disability and eligible providers with expertise in assisting adults in need of adult education and literacy activities.

o. Coordination with education providers.

(1) The local workforce development board shall coordinate activities with education and training providers in the local workforce development area, including providers of workforce investment activities, providers of adult education and literacy activities under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, Tit. II, providers of career and technical education as defined in 20 U.S.C. §2302, and local agencies administering plans under Tit. I of the federal Rehabilitation Act of 1973, as codified at 29 U.S.C. §720 et seq., relating to vocational rehabilitation services, excluding 29 U.S.C. §732 and 741.

(2) The coordination described in subparagraph (1) shall include, consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §232, all of the following:

(a) Reviewing the applications to provide adult education and literacy activities under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, Tit. II, for the local workforce development area, submitted under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §232, to the eligible agency by eligible providers, to determine whether such applications are consistent with the local workforce development plan.

(b) Making recommendations to the eligible agency to promote alignment with such plan.

(3) The coordination described in subparagraph (1) shall also include replicating cooperative agreements in accordance with 29 U.S.C. §721(a)(11)(B), and implementing cooperative agreements in accordance with 29 U.S.C. §721(a)(11) with the local agencies administering plans under Tit. I of the federal Rehabilitation Act of 1973, as codified at 29 U.S.C. §720 et seq., relating to vocational rehabilitation services, excluding 29 U.S.C. §732 and 741, and subject to the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(f), with respect to efforts that will enhance the provision of services to individuals with a disability and other individuals, such as cross-training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

p. Budget and administration.

(1) *Budget.* The local workforce development board shall develop a budget for the activities of the local workforce development board in the local workforce development area, consistent with the local workforce development plan and the duties of the local workforce development board under this section, subject to the approval of the chief elected official.

(2) *Administration.*

(a) The chief elected official in a local workforce development area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local workforce development area under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §128 and 133, unless the chief elected official reaches an agreement with the department of workforce development for the department to act as the local grant

³ According to Act; a reference to Pub. L. No. 113-128 probably intended

recipient and bear such liability. In order to assist in administration of the grant funds, the chief elected official or the department, where the department serves as the local grant recipient for a local workforce development area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the department of the liability for any misuse of grant funds. The local grant recipient or designated entity shall disburse the grant funds for workforce investment activities at the direction of the local workforce development board, pursuant to the requirements of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, Tit. I. The local grant recipient or designated entity shall disburse the funds immediately upon receiving such direction from the local workforce development board.

(b) The local workforce development board may solicit and accept grants and donations from sources other than federal or state funds.

(c) For purposes of carrying out duties under this section, a local workforce development board may incorporate and may operate as an entity described in section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of the Internal Revenue Code.

q. Accessibility for individuals with disabilities. The local workforce development board shall annually assess the physical and programmatic accessibility, in accordance with 29 U.S.C. §3248, if applicable, applicable provisions of chapter 216, and applicable provisions of the Americans with Disabilities Act of 1990, codified at 42 U.S.C. §12101 et seq., of all one-stop centers in the local workforce development area.

r. Statewide workforce development initiatives. The local workforce development board shall participate in statewide workforce development initiatives in accordance with guidance and oversight by the state workforce development board or department of workforce development.

5. Limitations.

a. Training services.

(1) Except as provided in subparagraph (2), a local workforce development board shall not provide training services.

(2) The department of workforce development may, pursuant to a request from a local workforce development board, grant a written waiver of the prohibition set forth in subparagraph (1) for a program of training services, if the local workforce development board does all of the following:

(a) Submits to the governor a proposed request for the waiver that includes satisfactory evidence that an insufficient number of eligible providers of such a program of training services is available to meet local demand in the local workforce development area; information demonstrating that the board meets the requirements for an eligible provider of training services under section 122 of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128; and information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local workforce development area.

(b) Makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than thirty days.

(c) Includes in the final request for the waiver the evidence and information described in subparagraph division (a) and the comments received pursuant to subparagraph division (b).

(3) A waiver granted to a local workforce development board under subparagraph (2) shall apply for a period that shall not exceed the duration of the local workforce development plan. The waiver may be renewed for additional periods under subsequent local plans, not to exceed the durations of such subsequent plans, pursuant to requests from the local workforce development board, if the board meets the requirements of subparagraph (2) in making the requests.

(4) The department of workforce development may revoke the waiver during the appropriate period described in subparagraph (3) if the department determines the waiver is no longer needed or that the local workforce development board involved has engaged in a pattern of inappropriate referrals to training services operated by the local workforce development board.

b. *Career services; designation or certification as one-stop operators.* A local workforce development board may provide career services described in section 134(c)(2) of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official in the local workforce development area and the department of workforce development.

c. *Limitation on authority.* This section shall not be construed to provide a local workforce development board with the authority to mandate curricula for schools.

6. *Conflict of interest.* A member of a local workforce development board, or a member of a standing committee, shall not do any of the following:

a. Vote on a matter under consideration by the board or committee that concerns the provision of services by the member or by an entity that the member represents.

b. Vote on a matter under consideration by the board or committee that would provide direct financial benefit to the member or the immediate family of the member.

c. Engage in any other activity determined by the governor to constitute a conflict of interest as specified in the state workforce development plan.

7. *Public information.* In addition to meeting the requirements of chapter 22, local workforce development boards shall make available to the public, on a regular basis through electronic means and, if applicable, through open meetings in accordance with chapter 21, information regarding the activities of the board, including all of the following:

a. Information regarding the local workforce development plan, as required under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, prior to submission of the local workforce development plan or modification of the plan.

b. Information regarding local workforce development board membership, including the name and affiliation of each member.

c. The bylaws of the board.

d. Designation and certification of one-stop operators.

e. Award of grants or contracts to eligible training providers of workforce investment activities, including providers of youth investment activities.

Sec. 7. Section 84A.5, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 12. The department of education, in collaboration with the department of workforce development, is responsible for the development and oversight of industry and sector partnerships in the state.

NEW SUBSECTION. 13. The department of workforce development is responsible for the administration of the state list of eligible providers and programs under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §122.

NEW SUBSECTION. 14. The department of workforce development is responsible for the review of local workforce development plans under section 84A.4. The department may approve a local workforce development plan, conditionally approve a local workforce development plan with requests for additional information and recommended changes, or reject a local workforce development plan and request the submission of a new local workforce development plan. The department may create templates, policies, and procedures regarding the submission, format, and contents of local workforce development plans.

NEW SUBSECTION. 15. The department of workforce development shall provide oversight, guidance, and technical assistance to local workforce development areas, including but not limited to local workforce development boards, local fiscal agents, youth providers, and eligible providers of career services.

Sec. 8. TRANSITION PROVISIONS.

1. Chief elected officials may appoint members serving on local workforce development boards prior to the effective date of this Act pursuant to section 84A.4, subsection 1, Code 2018, for membership on local workforce development boards on and after the effective date of this Act if such individuals continue to be eligible for membership on the boards pursuant to section 84A.4, subsection 2, paragraph "b", as enacted by this Act.

2. Members serving on a local workforce development board prior to the effective date of this Act pursuant to section 84A.4, subsection 1, Code 2018, shall continue to constitute

the membership of the board until a meeting of the board is held at which a majority of the members of the board appointed pursuant to section 84A.4, subsection 2, as enacted by this Act, are present.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 16, 2018

CHAPTER 1144

REGULATION OF HOTEL SANITATION, HOME BAKERIES, FOOD ESTABLISHMENTS, AND FOOD PROCESSING PLANTS

S.F. 2390

AN ACT relating to licensure and regulation for the hotel sanitation code, home bakeries, and food establishments and food processing plants, modifying fees and penalties, and including effective date provisions.

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

DIVISION I HOTEL SANITATION CODE

Section 1. Section 137C.6, subsection 3, paragraph b, Code 2018, is amended by striking the paragraph.

Sec. 2. Section 137C.7, Code 2018, is amended to read as follows:

137C.7 License required.

~~No~~ A person shall not open or operate a hotel until the regulatory authority has inspected the hotel and issued a license has been obtained from the regulatory authority and until the hotel has been inspected by the regulatory authority to the person. The regulatory authority shall conduct inspections in accordance with standards adopted by the department by rule pursuant to chapter 17A. Each license shall expire one year from the date of issue. A license is renewable. All licenses issued under ~~the Iowa hotel sanitation code~~ this chapter that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent of the license fee per month if the license is renewed at a later date. A license is not transferable.

Sec. 3. Section 137C.9, subsection 1, Code 2018, is amended to read as follows:

1. Either the department or the municipal corporation shall collect the following annual license fees:

- a. For a hotel containing ~~fifteen~~ thirty guest rooms or less, ~~twenty-seven~~ fifty dollars.
- b. For a hotel containing more than ~~fifteen~~ thirty but less than ~~thirty-one~~ one hundred one guest rooms, ~~forty dollars and fifty cents~~ one hundred dollars.
- c. For a hotel containing more than ~~thirty~~ but less than seventy-six one hundred one guest rooms, ~~fifty-four~~ one hundred fifty dollars.
- d. For a hotel containing more than ~~seventy-five~~ but less than one hundred fifty guest rooms, ~~fifty-seven dollars and fifty cents~~.
- e. For a hotel containing ~~one hundred fifty or more~~ guest rooms, ~~one hundred one dollars and twenty-five cents~~.

DIVISION II
HOME BAKERIES

Sec. 4. Section 137D.2, subsection 1, Code 2018, is amended to read as follows:

1. A person shall not open or operate a home bakery until a license has been obtained from the department of inspections and appeals. The department shall collect a fee of ~~thirty-three~~ fifty dollars ~~and seventy-five cents~~ for a license. After collection, the fees shall be deposited in the general fund of the state. A license shall expire one year from date of issue. A license is renewable.

DIVISION III
FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS

Sec. 5. Section 137F.1, Code 2018, is amended by adding the following new subsections:
NEW SUBSECTION. 4A. “*Event*” means a significant occurrence or happening sponsored by a civic, business, governmental, community, or veterans organization and may include an athletic contest.

NEW SUBSECTION. 15A. “*Time/temperature control for safety food*” means a food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

Sec. 6. Section 137F.1, subsection 7, unnumbered paragraph 1, Code 2018, is amended to read as follows:

“*Food establishment*” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school, ~~or the Iowa juvenile home.~~ “*Food establishment*” does not include the following:

Sec. 7. Section 137F.1, subsection 7, paragraphs b, e, and f, Code 2018, are amended to read as follows:

b. An establishment that offers only prepackaged foods that are ~~nonpotentially hazardous~~ not time/temperature control for safety foods.

e. Premises where a person operates a farmers market, if ~~potentially hazardous food is~~ time/temperature control for safety foods are not sold or distributed from the premises.

f. Premises of a residence in which food that is ~~nonpotentially hazardous~~ not a time/temperature control for safety food is sold for consumption off the premises to a consumer customer, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food.

Sec. 8. Section 137F.1, subsections 11 and 12, Code 2018, are amended by striking the subsections.

Sec. 9. Section 137F.1, subsections 13, 15, 16, and 17, Code 2018, are amended to read as follows:

13. “*Pushcart*” means a non-self-propelled vehicle food establishment limited to serving ~~nonpotentially hazardous foods~~ foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

15. “*Temporary food establishment*” means a food establishment that operates for a period of no more than fourteen consecutive days in conjunction with a single event ~~or celebration.~~

16. “*Vending machine*” means a ~~food establishment which is~~ a self-service device that, upon insertion of a coin, paper currency, token, card, or key, ~~or by optional manual operation,~~ dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

17. “*Vending machine location*” means the ~~physical site~~ room, enclosure, space, or area where a ~~one or more~~ one or more vending ~~machine is~~ machines are installed and operated, including the

~~storage and servicing areas on the premises that are used in conjunction with to service and maintain the vending machine.~~

Sec. 10. Section 137F.3, subsection 4, Code 2018, is amended to read as follows:

4. A municipal corporation that is responsible for enforcing this chapter within its jurisdiction pursuant to an agreement shall ~~make an annual report to the director providing the following information:~~

~~a. The total number of licenses granted or renewed by the municipal corporation under this chapter during the year.~~

~~b. The number of licenses granted or renewed by the municipal corporation under this chapter during the year in each of the following categories:~~

~~(1) Food establishments.~~

~~(2) Food processing plants.~~

~~(3) Mobile food units and pushcarts.~~

~~(4) Temporary food establishments.~~

~~(5) Vending machines.~~

~~c. The amount of money collected in license fees during the year.~~

~~d. The amount expended to perform the functions required under the agreement, submitted on a form prescribed by the department.~~

~~e. Other information the director requests use the data system prescribed by the director for activities governed by an agreement executed pursuant to this section.~~

Sec. 11. Section 137F.4, Code 2018, is amended to read as follows:

137F.4 License required.

A person shall not operate a food establishment or food processing plant to provide goods or services to the general public, or open a food establishment to the general public, until the appropriate license has been obtained from the regulatory authority. Sale of products at wholesale to outlets not owned by a commissary owner requires a food processing plant license. A license shall expire one year from the date of issue. A license is renewable if application for renewal is made prior to expiration of the license or within sixty days of the expiration date of the license. All licenses issued under this chapter that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent per month of the license fee if the license is renewed at a later date.

Sec. 12. Section 137F.5, Code 2018, is amended to read as follows:

137F.5 Application for license.

1. An application form prescribed by the department for a license under this chapter shall be obtained from the department or from a municipal corporation which is a regulatory authority. A completed application shall be submitted to the appropriate regulatory authority.

2. A person conducting an event shall submit a license application and an application fee of fifty dollars to the appropriate regulatory authority at least sixty days in advance of the event. An "event" for purposes of this subsection does not include a function with ten or fewer temporary food establishments, a fair as defined in section 174.1, or a farmers market.

~~2.~~ 3. The dominant form of business shall determine the type of license for establishments which engage in operations covered under both the definition of a food establishment and of a food processing plant.

~~3.~~ 4. The regulatory authority where the unit is domiciled shall issue a license for a mobile food unit.

~~4. An application for renewal of a license shall be made at least thirty days before the expiration of the existing license.~~

Sec. 13. Section 137F.6, subsection 1, Code 2018, is amended to read as follows:

1. The regulatory authority shall collect the following annual license fees:

a. For a mobile food unit or pushcart, ~~twenty-seven~~ two hundred fifty dollars.

b. For a temporary food establishment per fixed location for a single event, thirty-three dollars and ~~fifty cents~~ fifty dollars.

c. For a temporary food establishment for multiple nonconcurrent events during a calendar year, one annual license fee of two hundred dollars for each establishment on a countywide basis.

e. ~~d.~~ For a vending machine, ~~twenty~~ twenty five dollars for the first machine and ~~five~~ ten dollars for each additional machine.

~~d. e.~~ For a food establishment which prepares or serves food for individual portion service intended for consumption on-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows:

(1) Annual gross sales of ~~under fifty~~ less than one hundred thousand dollars, ~~sixty-seven dollars and fifty cents~~ one hundred fifty dollars.

(2) Annual gross sales of at least ~~fifty~~ one hundred thousand dollars but less than ~~one~~ five hundred thousand dollars, ~~one hundred fourteen dollars and fifty cents~~ three hundred dollars.

(3) Annual gross sales of at least ~~one~~ five hundred thousand dollars but less than ~~two hundred fifty thousand~~ two hundred thirty-six dollars and ~~twenty-five cents~~ or more, four hundred dollars.

(4) Annual gross sales of ~~two hundred fifty thousand~~ two hundred thousand dollars but less than ~~five hundred thousand~~ two hundred seventy-five dollars.

(5) Annual gross sales of ~~five hundred thousand~~ three hundred thousand dollars or more, ~~three hundred three dollars and seventy-five cents~~.

e. ~~f.~~ For a food establishment which sells food or food products to consumer customers intended for preparation or consumption off-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows:

(1) Annual gross sales of ~~under ten~~ less than two hundred fifty thousand dollars, ~~forty dollars and fifty cents~~ one hundred fifty dollars.

(2) Annual gross sales of at least ~~ten~~ two hundred fifty thousand dollars but less than ~~two seven hundred fifty thousand~~ two hundred thousand dollars, ~~one hundred one dollar and twenty-five cents~~ three hundred dollars.

(3) Annual gross sales of at least ~~two seven hundred fifty thousand~~ two hundred thousand dollars but less than ~~five hundred thousand~~ one hundred fifty-five dollars and ~~twenty-five cents~~ or more, four hundred dollars.

(4) Annual gross sales of at least ~~five hundred thousand~~ two hundred thousand dollars but less than ~~seven hundred fifty thousand~~ two hundred thousand dollars, ~~two hundred two dollars and fifty cents~~.

(5) Annual gross sales of ~~seven hundred fifty thousand~~ three hundred thousand dollars or more, ~~three hundred three dollars and seventy-five cents~~.

f. ~~g.~~ For a food processing plant, the annual license fee shall correspond to the annual gross food and beverage sales of the food processing plant, as follows:

(1) Annual gross sales of ~~under fifty~~ less than two hundred thousand dollars, ~~sixty-seven dollars and fifty cents~~ one hundred fifty dollars.

(2) Annual gross sales of at least ~~fifty~~ two hundred thousand dollars but less than ~~two hundred fifty thousand~~ two hundred thousand dollars, ~~one hundred thirty-five~~ three hundred dollars.

(3) Annual gross sales of at least ~~two hundred fifty thousand~~ two hundred thousand dollars but less than ~~five hundred thousand~~ two hundred thousand dollars, ~~two hundred two dollars and fifty cents~~ or more, five hundred dollars.

(4) Annual gross sales of ~~five hundred thousand~~ three hundred thousand dollars or more, ~~three hundred thirty-seven dollars and fifty cents~~.

g. ~~h.~~ For a farmers market where ~~potentially hazardous~~ time/temperature control for safety food is sold or distributed, one annual license fee of one hundred fifty dollars for each vendor on a countywide basis.

i. For a certificate of free sale or sanitation, ~~thirty-five~~ thirty-five dollars for the first certificate and ten dollars for each additional identical certificate requested at the same time.

h. ~~j.~~ For a food establishment covered by both paragraphs "~~d~~" "~~e~~" and "~~e~~" "~~f~~", the license fees assessed shall be an amount not to exceed ~~seventy-five~~ seventy-five percent of the total fees applicable under ~~both paragraphs~~ applicant shall pay the licensee fee based on the dominant form of business plus one hundred fifty dollars.

k. For an unattended food establishment, the annual license fee shall correspond to the annual gross food and beverage sales, as follows:

(1) Annual gross sales of less than one hundred thousand dollars, ~~seventy-five~~ seventy-five dollars.

(2) Annual gross sales of one hundred thousand dollars or more, one hundred fifty dollars.

Sec. 14. Section 137F.6, subsection 2, Code 2018, is amended by striking the subsection.

Sec. 15. REPEAL. Section 137F.17, Code 2018, is repealed.

DIVISION IV
EFFECTIVE DATE

Sec. 16. EFFECTIVE DATE. This Act takes effect January 1, 2019.

Approved May 16, 2018

CHAPTER 1145
MUNICIPAL RISK PROTECTION
S.F. 2400

AN ACT relating to municipal risk protection and the classification of library districts as municipalities for the purpose of joining a local government risk pool and including effective date provisions.

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

Section 1. Section 670.7, subsection 1, Code 2018, is amended to read as follows:

1. The governing body of a municipality may purchase a policy of liability insurance insuring against all or any part of liability which might be incurred by the municipality or its officers, employees, and agents under section 670.2 and section 670.8 and may similarly purchase insurance covering torts specified in section 670.4. The governing body of a municipality may adopt a self-insurance program, including but not limited to the investigation and defense of claims, the establishment of a reserve fund for claims, the payment of claims, and the administration and management of the self-insurance program, to cover all or any part of the liability. The governing body of a municipality may join and pay funds into a local government risk pool to protect itself the municipality against any or all liability, loss of property, or any other risk associated with the operation of the municipality. The governing body of a municipality may enter into insurance agreements obligating the municipality to make payments beyond its current budget year to provide or procure the policies of insurance, self-insurance program, or local government risk pool. The premium costs of the insurance, the costs of a self-insurance program, the costs of a local government risk pool, and the amounts payable under the insurance agreements may be paid out of the general fund or any available funds or may be levied in excess of any tax limitation imposed by statute. However, for school districts, the costs shall be included in the district management levy as provided in section 296.7 if the district has certified a district management levy. If the district has not certified a district management levy, the cost shall be paid from the general fund. Any independent or autonomous board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly enter into insurance agreements, procure liability insurance, adopt a self-insurance program, or join a local government risk pool within the field of its operation.

Sec. 2. Section 670.7, subsection 4, Code 2018, is amended to read as follows:

4. The association of Iowa fairs or a fair as defined in section 174.1 and a library district established pursuant to section 336.2 shall each be deemed ~~to be~~ a municipality as defined in

this chapter only for the purpose of joining a local government risk pool as provided in this section.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 16, 2018

CHAPTER 1146

SALES AND USE TAX — REBATES TO RACEWAY FACILITY OWNERS OR OPERATORS

S.F. 2407

AN ACT modifying the rebate of sales and use tax to the owner or operator of a raceway facility and including effective date and retroactive applicability provisions.

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

Section 1. Section 423.2, subsection 11, paragraph b, subparagraph (7), Code 2018, is amended to read as follows:

(7) Beginning the first day of the quarter following July 1, 2014, transfer to the raceway facility tax rebate fund created in section 423.4, subsection 11, paragraph “e”, that portion of the sales tax receipts collected and remitted upon sales of tangible personal property or services furnished by retailers at a raceway facility meeting the qualifications of section 423.4, subsection 11, that remains after the transfers required in subparagraphs (1) through (6) of this paragraph “b”. This subparagraph is repealed June 30, 2025, or thirty days following the date on which an amount of total rebates specified in section 423.4, subsection 11, paragraph “c”, subparagraph (4) (3), subparagraph division (a) or (b), whichever is applicable, has been provided or thirty days following the date on which rebates cease as provided in section 423.4, subsection 11, paragraph “c”, subparagraph (5) (4), whichever is earliest.

Sec. 2. Section 423.4, subsection 11, paragraphs b, c, d, e, and g, Code 2018, are amended to read as follows:

b. The owner or operator of a raceway facility may apply to the department for a rebate of the following:

(1) ~~Sales~~ sales tax imposed and collected by retailers upon sales of tangible personal property or services furnished to purchasers at the raceway facility. Notwithstanding the state sales tax imposed in section 423.2, a sales tax rebate issued pursuant to this subparagraph shall not exceed the amounts transferred to the raceway facility tax rebate fund pursuant to section 423.2, subsection 11, paragraph “b”, subparagraph (7).

(2) ~~(a) Sales or use tax upon the sales price of all tangible personal property, or from services furnished to a contractor, used in the fulfillment of a written contract with the owner or operator if the property becomes an integral part of the project under contract and at the completion of the project becomes part of the raceway facility.~~

~~(b) The rebate available under this subparagraph shall be limited to one project per raceway facility. If such a project is undertaken, the owner or operator of the raceway facility shall notify the department upon completion of the project.~~

~~(c) Notwithstanding the state sales tax imposed in section 423.2, a sales tax rebate issued pursuant to this subparagraph shall not exceed the amounts remaining after the transfers required under section 423.2, subsection 11, paragraph “b”, subparagraphs (1) through (6), have been made from the total amount of sales tax for which the rebate is requested.~~

~~(d) Notwithstanding the state use tax imposed in section 423.5, a use tax rebate issued pursuant to this subparagraph shall not exceed the amounts remaining after the transfers~~

~~required under section 423.43, subsection 1, have been made from the total amount of use tax for which the rebate is requested.~~

c. The rebate may be obtained only in the following amounts and manner and only under the following conditions:

~~(1) For rebates pursuant to paragraph “b”, subparagraph (1), on forms furnished by the department within the time period provided by the department by rule, which time period shall not be longer than quarterly in this subparagraph. As prescribed in subparagraph (3), subparagraph division (a), the amount of a rebate shall be limited by and calculated according to the amount of project costs incurred and paid by the owner or operator on or after the effective date of this Act. A rebate claim calculated according to an amount of project costs shall be considered timely only if the form upon which the rebate is requested is filed with the department within ninety days of the date the project cost is paid by the owner or operator.~~

~~(2) For rebates pursuant to paragraph “b”, subparagraph (2), on forms furnished by the department within the time period provided by the department by rule, but not more than one year after the final settlement has been made.~~

~~(3) (2) The owner or operator shall provide information as deemed necessary by the department, including but not limited to information to substantiate the project costs incurred and paid by the owner or operator.~~

~~(4) (3) The transactions described in paragraph “b” for which sales or use tax was collected and the rebate is sought occurred on or after January 1, 2015, but before January 1, 2025. However, the total amount of rebates provided pursuant to this subsection shall not exceed the lesser of the following amounts:~~

~~(a) Twenty-five percent of the project costs, as determined by the department, if such a project is undertaken by the owner or operator. The amount of project costs incurred and paid by the owner or operator on or after the effective date of this Act. For purposes of this subparagraph division subsection, “project costs” means costs incurred and paid by the owner or operator in connection with the planning, design, construction, and installation of new property or of modifications to existing property that becomes an integral part of the project under contract which project if such property upon completion of one or more projects becomes or remains part of the raceway facility, and other costs incurred by the owner or operator in connection with the project that are customarily associated with the and constitutes the renovation, remodeling, reconstruction, expansion, equipping, or improvement of real property that comprises the raceway facility. Project costs shall be determined after the department receives notification of completion of the project pursuant to paragraph “b”, subparagraph (2), subparagraph division (b) “Project costs” does not include any amount of cost that is not substantiated to the department pursuant to subparagraphs (1) and (2) within ninety days of the date it is paid by the owner or operator. However, if rebates cease because of a change of control of the raceway facility as provided in paragraph “c”, subparagraph (5), project costs shall be determined as of the date the change of control occurs.~~

~~(b) Two One million eight hundred thousand dollars.~~

~~(5) (4) Notwithstanding subparagraph (4) (3), the rebate of sales or use tax shall cease for transactions occurring on or after the date of the change of control of the raceway facility.~~

~~(6) (5) The raceway facility has not received or shall not receive any grants under the community attraction and tourism program pursuant to chapter 15F, subchapter II, or the vision Iowa program pursuant to chapter 15F, subchapter III.~~

d. To assist the department in determining the amount of the rebate, the following shall occur:

~~(1) For rebates pursuant to paragraph “b”, subparagraph (1), the owner or operator shall identify to the department retailers located at the raceway facility who will be collecting sales tax. The department shall verify such identity and ensure that all proper permits have been issued. For purposes of this subsection, advance ticket and admissions sales shall be considered occurring at the raceway facility regardless of where the transactions actually occur.~~

~~(2) For rebates pursuant to paragraph “b”, subparagraph (2), the contractor shall state under oath, on forms provided by the department, the amount of such sales of tangible personal property, or services furnished and used in the performance of a contract, and~~

~~upon which sales or use tax has been paid, and shall file such forms with the owner or operator which has made any written contract for performance by the contractor. The forms shall be filed by the contractor with the owner or operator before final settlement is made. Any contractor who willfully makes a false report of tax paid under the provisions of this subsection is guilty of a simple misdemeanor and in addition shall be liable for the payment of the tax and any applicable penalty and interest.~~

e. There is established within the state treasury under the control of the department a raceway facility tax rebate fund consisting of the amount of state sales tax revenues transferred pursuant to section 423.2, subsection 11, paragraph “b”, subparagraph (7). An account is created within the fund for each raceway facility meeting the qualifications of this subsection. Moneys in the fund shall only be used to provide rebates of state sales tax pursuant to paragraph “b”, ~~subparagraph (1)~~. The total amount of rebates paid from the fund shall not exceed the amount specified in paragraph “c”, subparagraph (4) ~~(3)~~, subparagraph division (a) or (b), whichever is applicable ~~less~~. Any moneys in the fund which represent state sales tax revenue for which the time period in paragraph “c” for receiving a rebate has expired, or which otherwise represent state sales tax revenue that has become ineligible for rebate pursuant to this subsection shall immediately revert to the general fund of the state.

g. This subsection is repealed June 30, 2025, or thirty days following the date on which an amount of total rebates specified in paragraph “e”, subparagraph (4), subparagraph division (a) or (b), whichever is applicable, has one million eight hundred thousand dollars in total rebates have been provided and no overpayment of rebates exists, or thirty days following the date on which rebates cease as provided in paragraph “c”, subparagraph ~~(5)~~ (4), and no overpayment of rebates exists, whichever is earliest.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2015, for sales occurring on or after that date.

Approved May 16, 2018

CHAPTER 1147

SALE OF MERCHANDISE AT CHILDREN’S BENEFIT ON CAPITOL GROUNDS

S.J.R. 2011

A JOINT RESOLUTION authorizing the temporary sale of merchandise at a toy benefit for Iowa children on the state capitol complex grounds.

WHEREAS, A Brotherhood Aimed Towards Education (ABATE) of Iowa District 4 holds a motorcycle rally toy run in October of each year to collect toys for Iowa children; and

WHEREAS, all donations from this toy run benefit Iowa children; and

WHEREAS, ABATE of Iowa wishes to sell commemorative t-shirts, sweatshirts, lapel pins, and patches for the further benefit of Iowa children and to defray the costs of a police escort; and

WHEREAS, ABATE of Iowa District 4 plans to hold a toy run on or around October 14, 2018; and

WHEREAS, because 11 IAC 100.4(4) and 11 IAC 100.5(2) prohibit sales to state employees or to the public on the state capitol complex grounds without prior approval, ABATE of Iowa District 4 may not be permitted to sell commemorative t-shirts, sweatshirts, lapel pins, and patches for the benefit of Iowa children during its toy run; NOW THEREFORE,

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

Section 1. Notwithstanding the prior approval requirements of 11 IAC 100.4(4) and 11 IAC 100.5(2), the department of administrative services shall permit ABATE of Iowa District 4 to sell commemorative t-shirts, sweatshirts, lapel pins, and patches on the state capitol complex grounds during the toy run held on or around October 14, 2018, provided that ABATE of Iowa District 4 shall first provide the department of administrative services with a copy of an Iowa sales tax permit for the location of the sales, or proof of application for such a permit.

Approved May 16, 2018

CHAPTER 1148

FORECLOSURE PROCEEDINGS AND JUDGMENTS ON CLAIMS FOR RENT

H.F. 2234

AN ACT relating to shortening the periods of time for redeeming real property from foreclosure and delaying sale of foreclosed property and relating to the statute of limitations period for executing judgments on claims for rent.

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

Section 1. Section 535.8, subsection 4, paragraph e, subparagraph (1), Code 2018, is amended to read as follows:

(1) Notwithstanding section 628.3 when a foreclosure of a mortgage on real property results from the enforcement of a due-on-sale clause, the mortgagor may redeem the real property at any time within ~~three years~~ eighteen months from the day of sale under the levy, and the mortgagor shall, in the meantime, be entitled to the possession thereof; and for the first ~~thirty~~ fifteen months thereafter such right of redemption is exclusive. Any real property redeemed by the debtor shall thereafter be free and clear from any liability for any unpaid portion of the judgment under which the real property was sold. The right of redemption established by this paragraph is not subject to waiver by the mortgagor and the period of redemption established by this paragraph shall not be reduced. The times for redemption by creditors provided in sections 628.5, 628.15, and 628.16 shall be extended to ~~thirty-three~~ sixteen months in any case in which the mortgagor's period for redemption is extended by this paragraph. This paragraph does not apply to foreclosure of a mortgage if for any reason other than enforcement of a due-on-sale clause. As used in this paragraph, "due-on-sale clause" means any type of covenant which gives the mortgagee the right to demand payment of the outstanding balance or a major part thereof upon a transfer by the mortgagor to a third party of an interest of the mortgagor in property covered by the mortgage. This paragraph applies to any foreclosure occurring on or after May 10, 1980. However, this paragraph does not apply if the lender establishes, based on reasonable criteria which are not more restrictive than those used to evaluate new mortgage-loan applications, that the security interest or the likelihood of repayment is impaired as a result of the transfer of interest.

Sec. 2. Section 615.1A, Code 2018, is amended to read as follows:

615.1A Execution on judgment — claim for rent.

After the expiration of a period of ~~five ten~~ five years from the date of entry of judgment of a court not of record, or twenty years from the date of entry of judgment of a court of record, in an action on a claim for rent, exclusive of any time during which execution on the judgment was stayed pending a bankruptcy action or order of court, such judgment shall be null and void, all liens shall be extinguished, and no execution shall be issued. However, in the event that the judgment or the right to collect thereon is sold or otherwise assigned for value to a third party other than a state or federally chartered bank or credit union, such judgment shall be null and void, all liens shall be extinguished, and no execution shall be issued after the

expiration of two years from the date of entry of the judgment, exclusive of any time during which execution on the judgment was stayed pending a bankruptcy action or order of court.

Sec. 3. Section 628.26, Code 2018, is amended to read as follows:

628.26 Agreement to reduce period of redemption.

The mortgagor and the mortgagee of real property consisting of less than ten acres in size may agree and provide in the mortgage instrument that the period of redemption after sale on foreclosure of said mortgage as set forth in section 628.3 be reduced to six months, or reduced to three months if the property is not used for an agricultural purpose as defined in section 535.13, provided in all cases under this section that the mortgagee waives in the foreclosure action any rights to a deficiency judgment against the mortgagor which might arise out of the foreclosure proceedings. In such event the debtor will, in the meantime, be entitled to the possession of said real property; and if such redemption period is so reduced, for the first ~~three~~ two months after sale such right of redemption shall be exclusive to the debtor, and the time periods in sections 628.5, 628.15, and 628.16, shall be reduced to ~~four~~ three months.

Sec. 4. Section 654.20, subsection 1, Code 2018, is amended to read as follows:

1. If the mortgaged property is not used for an agricultural purpose as defined in section 535.13, the plaintiff in an action to foreclose a real estate mortgage may include in the petition an election for foreclosure without redemption. The election is effective only if the first page of the petition contains the following notice in capital letters of the same type or print size as the rest of the petition:

NOTICE

THE PLAINTIFF HAS ELECTED FORECLOSURE WITHOUT REDEMPTION. THIS MEANS THAT THE SALE OF THE MORTGAGED PROPERTY WILL OCCUR PROMPTLY AFTER ENTRY OF JUDGMENT UNLESS YOU FILE WITH THE COURT A WRITTEN DEMAND TO DELAY THE SALE. IF YOU FILE A WRITTEN DEMAND, THE SALE WILL BE DELAYED UNTIL ~~TWELVE~~ SIX MONTHS (or ~~SIX~~ THREE MONTHS if the petition includes a waiver of deficiency judgment) FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING OR UNTIL TWO MONTHS FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS YOUR RESIDENCE BUT NOT A ONE-FAMILY OR TWO-FAMILY DWELLING. YOU WILL HAVE NO RIGHT OF REDEMPTION AFTER THE SALE. THE PURCHASER AT THE SALE WILL BE ENTITLED TO IMMEDIATE POSSESSION OF THE MORTGAGED PROPERTY. YOU MAY PURCHASE AT THE SALE.

Sec. 5. Section 654.21, Code 2018, is amended to read as follows:

654.21 Demand for delay of sale.

At any time prior to entry of judgment, the mortgagor may file a demand for delay of sale. If the demand is filed, the sale shall be held promptly after the expiration of two months from entry of judgment. However, if the demand is filed and the mortgaged property is the residence of the mortgagor and is a one-family or two-family dwelling, the sale shall be held promptly after the expiration of ~~twelve~~ six months, or ~~six~~ three months if the petition includes a waiver of deficiency judgment, from entry of judgment. If the demand is filed, the mortgagor and mortgagee subsequently may file a stipulation that the sale may be held promptly after the stipulation is filed and that the mortgagee waives the right to entry of a deficiency judgment. If the stipulation is filed, the sale shall be held promptly after the filing. At any time prior to judgment, the mortgagor may pay the plaintiff the amount claimed in the petition and, if paid, the foreclosure action shall be dismissed. At any time after judgment and before the sale, the

mortgagor may pay the plaintiff the amount of the judgment and, if paid, the judgment shall be satisfied of record and the sale shall not be held.

Approved May 16, 2018

CHAPTER 1149

PROGRAMS AND ACTIVITIES ADMINISTERED BY THE SECRETARY OF STATE

H.F. 2252

AN ACT relating to programs and activities administered by the secretary of state, including the safe at home program, special election dates, candidate and voter registration filing requirements, election audits, voting systems, and civil office vacancies, and including effective date provisions.

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

Section 1. Section 9E.2, subsection 6, paragraph b, Code 2018, is amended to read as follows:

b. For purposes of this subsection, a person determined to be a sexually violent predator pursuant to section 229A.7, a person required to register as a sex offender under chapter 692A, or a person determined to be a sexually violent predator or required to register as a sex offender pursuant to similar law laws of another state is not an eligible person.

Sec. 2. Section 39.2, subsection 4, paragraph c, Code 2018, is amended to read as follows:

c. For a school district or merged area, in the odd-numbered year, the first Tuesday in February, the first Tuesday in April, the last Tuesday in June, or the second Tuesday in September. For a school district or merged area, in the even-numbered year, the first Tuesday in February, the first Tuesday in April, the second Tuesday in September, or the ~~first~~ second Tuesday in December.

Sec. 3. Section 44.4, subsection 2, paragraph a, subparagraph (1), Code 2018, is amended to read as follows:

(1) Those filed with the state commissioner, not less than ~~seventy-four~~ sixty-eight days before the date of the election.

Sec. 4. Section 48A.2, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. “*Document*” means, for purposes of satisfying proof of residence under this chapter, information that is inscribed on a tangible medium or that is stored in an electronic record and is retrievable in perceivable form.

Sec. 5. Section 48A.30, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. The registered voter dies. For the purposes of this subsection, the commissioner may accept as evidence of death a notice from the state registrar of vital statistics forwarded by the state registrar of voters, a written statement from a ~~member of the registered voter’s household~~ person related to the registered voter within the second degree of consanguinity or first degree of affinity, an obituary in a newspaper or that appears on the internet site of a funeral establishment licensed under chapter 156 or by the proper authority of another state, a written statement from an election official or personal representative of the registered voter’s estate, or a notice from the county recorder of the county where the registered voter died.

Sec. 6. Section 48A.7A, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. In lieu of paragraph “b”, a person wishing to vote may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct. Before signing an oath under this paragraph, the attesting registered voter shall present to the precinct election official proof of the voter’s identity, as described in section 49.78, subsection 2 or 3. The registered voter’s oath shall attest to the stated identity of the person wishing to vote and that the person is a current resident of the precinct. The oath must be signed by the attesting registered voter in the presence of the appropriate precinct election official. A registered voter who has signed an oath on election day attesting to a person’s identity and residency as provided in this paragraph is prohibited from signing any further oaths as provided in this paragraph on that day.

Sec. 7. Section 49.78, subsection 5, Code 2018, is amended to read as follows:

5. The form of the written oath required of a registered voter attesting to the identity and residency of the voter unable to present a form of identification shall read as follows:

I, (name of attesting registered voter), do solemnly swear or affirm all of the following:

I am a preregistered voter in this precinct or I registered to vote in this precinct today, and a registered voter did not sign an oath on my behalf. ~~I have not signed~~ will not sign more than ~~one oath~~ two oaths attesting to the identity and residence of any other person in this election.

I am a resident of the ... precinct, ... ward or township, city of, county of, Iowa.

I reside at (street address) in (city or township).

I personally know (name of voter), and I personally know that (name of voter) is a resident of the ... precinct, ward or township, city of, county of, Iowa.

I understand that any false statement in this oath is a class “D” felony punishable by no more than five years in confinement and a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

.....

Signature of Attesting Registered Voter

Subscribed and sworn before me on (date).

.....

Signature of Precinct Election Official

Sec. 8. Section 50.51, subsection 2, Code 2018, is amended to read as follows:

2. The state commissioner shall determine the number of counties and precincts to be audited and shall select the precincts to be audited by lot. The absentee ballot and special voters precinct for each county, established pursuant to section 53.20, shall be included with all other precincts of the county for selection by lot. In every precinct selected, the commissioner shall conduct a hand count of all ballots cast in the preceding general election for president of the United States or governor, as the case may be. The hand count ~~shall be observed by a representative selected by each of the two political parties whose candidates received the highest number of votes statewide in the preceding general election~~ may be of less than all ballots cast, in accordance with rules adopted by the state commissioner.

a. A representative selected by each of the two political parties whose candidates received the highest number of votes statewide in the preceding general election shall be invited to observe the hand count. The commissioner shall notify the county chairperson of each political party a minimum of two days before the hand count of the time and place of the hand count.

b. If an invited representative does not appear at the hand count, the commissioner shall notify the state commissioner.

Sec. 9. Section 52.4, subsection 2, Code 2018, is amended to read as follows:

2. At least one of the examiners shall have been trained in computer programming and operations or cybersecurity. The other two members shall be directly involved in the administration of elections and shall have experience in the use of optical scan voting systems.

Sec. 10. Section 53.10, subsection 2, Code 2018, is amended to read as follows:

2. a. Each person who wishes to vote by absentee ballot at the commissioner's office shall first sign an application for a ballot including the following information: name, current address, voter verification number, and the election for which the ballot is requested. The person may report a change of address or other information on the person's voter registration record at that time. The registered voter shall immediately mark the ballot; enclose the ballot in a secrecy envelope, if necessary, and seal it in the envelope marked with the affidavit; subscribe to the affidavit on the reverse side of the envelope; and return the absentee ballot to the commissioner. The commissioner shall record the numbers appearing on the application and affidavit envelope along with the name of the registered voter.

b. For purposes of this subsection, "voter verification number" means the registered voter's driver's license number or nonoperator's identification card number assigned to the voter by the department of transportation or the registered voter's identification number assigned to the voter by the state commissioner pursuant to section 47.7, subsection 2.

Sec. 11. Section 69.2, subsection 1, paragraph f, Code 2018, is amended to read as follows:

f. The conviction of the incumbent of a felony, ~~an aggravated misdemeanor~~, or of any public offense involving the violation of the incumbent's oath of office.

Sec. 12. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 16, 2018

CHAPTER 1150

SEIZURE AND DISPOSITION OF PROPERTY BY THE DEPARTMENT OF NATURAL RESOURCES

H.F. 2342

AN ACT relating to the seizure and disposition of property by the department of natural resources and requiring a report.

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

Section 1. Section 481A.11, Code 2018, is amended to read as follows:

481A.11 Confiscated or accidentally killed game.

Except as provided in section 481A.13 or 481A.13A, any game or fish seized by the commission under section 481A.12 or any game accidentally killed by a motor vehicle on a public highway shall, when salvageable, be disposed of as determined by the commission or its designee.

Sec. 2. Section 481A.12, Code 2018, is amended to read as follows:

481A.12 Seizure of wildlife taken or handled illegally.

The director or any peace officer shall seize with or without warrant and take possession of, or direct the disposal of, any fish, furs, birds, or animals, or mussels, clams, or frogs, which have been caught, taken, or killed at a time, in a manner, or for a purpose, or had in possession or under control, or offered for shipment, or illegally transported in the state or to

a point beyond its borders, contrary to the Code. All fish, furs, birds, or animals, or mussels, clams, or frogs seized under this section ~~may~~ shall be relinquished to a representative of the commission, ~~or~~ disposed of, or kept as provided in section 481A.13.

Sec. 3. Section 481A.13, Code 2018, is amended to read as follows:

481A.13 Search warrants.

Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that any fish, mussels, clams, frogs, birds, furs, or animals caught, taken, killed, had in possession, under control, or shipped, contrary to the Code, or hidden or concealed in any place, shall issue a search warrant and cause a search to be made in any place therefor. The property so seized under warrant shall be safely kept under the direction of the court so long as necessary for the purpose of being used as evidence in any trial, and if a trial results in a conviction the property seized shall be confiscated by the director or the director's officers. If the trial does not result in a conviction, the property shall be returned to the person pursuant to section 481A.13A unless the property is fish or wildlife that is illegal to possess, including fish or wildlife that was taken, possessed, or transported unlawfully.

Sec. 4. NEW SECTION. 481A.13A Conviction required for property confiscation — return of property.

1. The state shall not confiscate property seized under section 481A.12 or 481A.13 unless the person from whom the property was seized is convicted of the violation for which the property was seized. However, the state shall not return any fish or wildlife that is illegal to possess, including fish or wildlife that was taken, possessed, or transported unlawfully.

2. If the person from whom the property was seized is not convicted of the violation for which the property was seized, the department, law enforcement agency, or other governmental agency in possession of the seized property shall return the seized property to the person within thirty days of any of the following:

a. The date the person is found not guilty of the violation.

b. The date the action involving the violation is dismissed.

c. The date the statute of limitations expires for the alleged violation for which the property was seized.

3. For purposes of this section, "convicted" includes a finding of guilt, payment of a scheduled fine, a plea of guilty, deferred judgment, deferred or suspended sentence, adjudication of delinquency, or circumstance where a person is not charged with a criminal offense related to the violation based in whole or in part on the person's agreement to provide information regarding the criminal activity of another person.

Sec. 5. Section 483A.32, Code 2018, is amended to read as follows:

483A.32 Public nuisance.

1. Any ~~Subject to subsection 2,~~ any device, contrivance, or material used to violate a rule adopted by the commission, or any other provision of this chapter or chapter 481A, 481B, 482, 484A, or 484B, is a public nuisance and may be condemned by the state. The director, the director's officers, or any peace officer, shall seize the devices, contrivances, or materials used as a public nuisance, without warrant or process, and deliver them to a magistrate having jurisdiction. An automobile shall not be construed to be a public nuisance under this section.

2. The state may only condemn property seized as a public nuisance if the person from whom the property was seized is convicted of the violation for which the property was seized as a public nuisance.

3. If the person from whom the property was seized is not convicted of the violation for which the property was seized, the department, law enforcement agency, or other governmental agency in possession of the seized property shall return the seized property to the person within thirty days of any of the following:

a. The date the person is found not guilty of the violation.

b. The date the action involving the violation is dismissed.

c. The date the statute of limitations expires for the alleged violation for which the property was seized.

4. For purposes of this section, “convicted” means the same as in section 481A.13A, subsection 3.

Sec. 6. Section 483A.33, subsection 3, paragraph a, Code 2018, is amended to read as follows:

a. The person from whom the property was seized may make application for its return in the office of the clerk of the district court for the county in which the property was seized. The application shall be filed within thirty days after the receipt of the notice of condemnation or the person is convicted of the violation for which the property was seized, whichever occurs later. Failure to file the application within this time period terminates the interest of the person and the ownership of the property shall be transferred to the state, except that a person who is not convicted of the violation for which the property was seized is not required to file an application and is entitled to the return of the property in accordance with section 483A.32.

Sec. 7. Section 483A.33, subsection 4, Code 2018, is amended to read as follows:

4. If an application for return of condemnable property is timely and of sufficient grounds, the claim shall be set for hearing. The hearing shall be held not less than ten nor more than thirty days after the ~~filing of the claim~~ claim is filed or the person is convicted for the violation for which the property was seized as a public nuisance, whichever occurs later. The proceeding shall be conducted by a magistrate or a district associate judge. All claims to the same property shall be heard in one proceeding, unless it is shown that the proceeding would result in prejudice to one or more of the parties.

Sec. 8. Section 483A.33, subsection 5, Code 2018, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. On or before December 31, 2018, and on or before December 1 each year thereafter, the department shall report to the general assembly’s standing committees on government oversight regarding the amount of the proceeds deposited to the state fish and game protection fund pursuant to this subsection. The report shall also contain all information recorded pursuant to paragraph “d”.

NEW PARAGRAPH. d. A seizing public agency that has custody of any property that is seized pursuant to a provision of this subchapter shall adopt and comply with a written internal control policy that does all of the following:

(1) Provides for keeping detailed records as to the amount of property acquired by the agency and the date property was acquired.

(2) Provides for keeping detailed records of the disposition of the property, which shall include the manner in which the property was disposed, the date of disposition, and detailed financial records concerning any property sold. The records shall not identify or enable identification of the individual officer who seized any item of property or the name of any person or entity who received any item of property.

NEW PARAGRAPH. e. The records kept under the internal control policy shall be open to public inspection during the agency’s regular business hours. The policy adopted under this section is a public record open for inspection under chapter 22.

Sec. 9. Section 483A.33, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 6. a. An employee of the seizing public agency or a member of the immediate family of the employee shall not purchase a fish, fur, bird, animal, mussel, clam, or frog seized pursuant to section 481A.12, a device, contrivance, or material condemned pursuant to section 483A.32, or a weapon seized pursuant to section 483A.32 and disposed of pursuant to this section or section 809.21. For purposes of this subsection, “*member of the immediate family*” means a spouse, child, stepchild, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister, parent, parent-in-law, or stepparent of an employee of the seizing public agency who resides in the same household in the same principal residence of the employee of the seizing public agency.

b. The department shall provide a form on which a person purchasing property seized pursuant to section 481A.12 or 483A.32 shall declare that the person is not an employee of the seizing public agency or a member of the immediate family of an employee of the seizing public agency.

NEW SUBSECTION. 7. For purposes of this section, “*convicted*” means the same as in section 481A.13A, subsection 3.

Approved May 16, 2018

CHAPTER 1151

COUNTY SUPERVISOR REPRESENTATION AND DISTRICTING PLANS

H.F. 2372

AN ACT concerning county supervisor representation and districting plans and including effective date provisions.

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

DIVISION I

SELECTION OF COUNTY SUPERVISOR REPRESENTATION PLANS

Section 1. Section 331.206, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 331.207. A plan selected by the board shall remain in effect for at least six years ~~unless it is~~ and shall only be changed by a special election as provided in section 331.207.

Sec. 2. Section 331.207, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Notwithstanding any provision of this section to the contrary, a county with a population of sixty thousand or more based on the most recent federal decennial census that elects supervisors under plan “three” shall not change from plan “three” to plan “one” or plan “two” pursuant to a special election under this section unless a plan “one” or plan “two” representation plan is adopted by a two-thirds vote of the ballots cast in the special election.

DIVISION II

COUNTY SUPERVISOR REPRESENTATION DISTRICTING PLANS

Sec. 3. Section 68B.32A, subsection 16, Code 2018, is amended to read as follows:

16. Establish an expedited procedure for reviewing complaints forwarded by the state commissioner of elections to the board for a determination as to whether a supervisor district plan adopted pursuant to section 331.210A that differs from a supervisor district plan prepared by the legislative services agency was drawn for improper political reasons as described in section 42.4, subsection 5. The expedited procedure shall be substantially similar to the process used for other complaints filed with the board except that the provisions of section 68B.32D shall not apply.

Sec. 4. Section 331.209, subsection 4, Code 2018, is amended to read as follows:

4. Each temporary county redistricting commission shall notify the state commissioner of elections when the boundaries of supervisor districts are changed, shall provide a map delineating the new boundary lines, and shall certify to the state commissioner of elections the populations of the new supervisor districts as determined under the latest federal decennial census. Upon failure of a temporary county redistricting commission to make the required changes by the dates specified by this section and sections 331.203 and 331.204 as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county

the expenses incurred in so doing. ~~The~~ Except for a representation plan drawn pursuant to section 331.210A, subsection 2, paragraph “f”, the state commissioner of elections may request the services of personnel and materials available to the legislative services agency to assist the state commissioner in making required changes in supervisor district boundaries which become the state commissioner’s responsibility.

Sec. 5. Section 331.210A, subsection 2, paragraph f, subparagraph (1), Code 2018, is amended to read as follows:

(1) ~~(a) Notwithstanding the provisions of this section to the contrary, for~~ For purposes of this paragraph “f”, “qualifying county” means a county that elects supervisors under plan “three” as defined in section 331.206, or a county with a population of one hundred eighty thousand or more that has adopted a charter for a city-county consolidated form of government or a community commonwealth form of government and which charter provides for representation by districts.

~~(b) Notwithstanding any provision of this section to the contrary, for a qualifying county, the legislative services agency, and not the temporary county redistricting commission, shall draw a representation plan as provided by paragraph “a” pursuant to a contract executed with the county.~~

(c) A county subject to the requirements of this paragraph “f” shall notify the state commissioner of elections that a representation plan to be drawn pursuant to this paragraph “f” is required and shall submit to the state commissioner of elections the precinct plan to be used to draw the representation plan. Upon notification and submission of a precinct plan, the state commissioner of elections shall review and approve the precinct plan to be used. Following approval of the precinct plan to be used, the state commissioner of elections shall notify the legislative council which shall direct the legislative services agency to prepare a representation plan for the county.

(d) The plan drawn by the legislative services agency shall be based upon the precinct plan adopted and approved for use by the county and shall be drawn in accordance with section 42.4, to the extent applicable. After the legislative services agency has drawn the plan, the legislative services agency shall at the earliest feasible time make available to the public all of the information required to be made public by paragraph “b”.

DIVISION III EFFECTIVE DATE

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 16, 2018

CHAPTER 1152

WATER QUALITY AND WATER QUALITY PROGRAMS

H.F. 2440

AN ACT relating to certain water quality programs and other provisions properly related to water quality, making appropriations, and including effective date provisions.

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

Section 1. Section 16.1, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 18A. “*Iowa nutrient reduction strategy*” means the same as defined in section 455B.171, as amended by 2018 Iowa Acts, Senate File 512,¹ section 18.

Sec. 2. Section 16.134, subsection 4, paragraph f, as enacted by 2018 Iowa Acts, Senate File 512,² section 4, is amended to read as follows:

f. Priority shall also be given to communities that employ technology to address the ~~latest version goals of the “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology~~ Iowa nutrient reduction strategy.

Sec. 3. Section 16.134, subsection 4, Code 2017, as amended by 2018 Iowa Acts, Senate File 512,³ section 4, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0g. Priority shall also be given to communities whose drinking water facilities and systems use as a supply, or to projects whose completion will improve, surface waters on the state’s impaired waters list as described in section 455B.194 and 455B.195.

Sec. 4. Section 16.142, subsection 2, as enacted by 2018 Iowa Acts, Senate File 512,⁴ section 6, is amended to read as follows:

2. “*Eligible entity*” means a municipality or a landowner, as determined by the authority, a public utility as defined in section 476.1, a specified industry, or a rural water district or rural water association as defined in section 357A.1.

Sec. 5. Section 16.142, as enacted by 2018 Iowa Acts, Senate File 512,⁵ section 6, is amended by adding the following new subsection:

NEW SUBSECTION. 7. “*Specified industry*” means any of the following:

a. An entity engaged in an industry identified in the Iowa nutrient reduction strategy, as determined by the authority, which industry is or will be required pursuant to the Iowa nutrient reduction strategy to collect data on the source, concentration, and mass of total nitrogen or total phosphorus in its effluent, and to evaluate alternatives for reducing the amount of nutrients in its discharge.

b. An entity implementing technology or operational improvements to reduce nutrients in its discharge.

Sec. 6. Section 16.144, subsection 4, as enacted by 2018 Iowa Acts, Senate File 512,⁶ section 8, is amended to read as follows:

4. By October 1, ~~2018~~ 2019, and by October 1 of each year thereafter, the authority shall submit a report to the governor and the general assembly itemizing expenditures from the fund, if any, during the previous fiscal year.

Sec. 7. Section 16.145, subsection 1, paragraph a, as enacted by 2018 Iowa Acts, Senate File 512,⁷ section 9, is amended to read as follows:

a. The plan includes one or more projects that improve water quality in the local area or watershed. Projects shall use practices identified in the ~~latest version of the document entitled “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology~~ Iowa nutrient reduction strategy. ~~A drainage or levee district established under chapter 468 shall utilize the installation of edge-of-field infrastructure as described in section 466B.43.~~

¹ Chapter 1001 herein

² Chapter 1001 herein

³ Chapter 1001 herein

⁴ Chapter 1001 herein

⁵ Chapter 1001 herein

⁶ Chapter 1001 herein

⁷ Chapter 1001 herein

Sec. 8. Section 16.145, subsection 2, as enacted by 2018 Iowa Acts, Senate File 512,⁸ section 9, is amended to read as follows:

2. The authority shall review and approve or deny applications for financial assistance. The provision of financial assistance under the program shall take into account, as applicable, the number of municipalities, landowners, public utilities, specified industries, rural water districts, or rural water associations comprising an eligible entity and the eligible entity's financing capacity. The authority shall score applications for financial assistance according to rules adopted pursuant to this part. The authority shall only provide financial assistance to eligible entities that have sufficient financing capacity and that submit an appropriate plan designed to improve water quality.

Sec. 9. Section 466B.2, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. "*Iowa nutrient reduction strategy*" means the same as defined in section 455B.171, as amended by 2018 Iowa Acts, Senate File 512,⁹ section 18.

Sec. 10. Section 466B.2, subsection 3, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A rural improvement zone established pursuant to chapter 357H.

Sec. 11. Section 466B.3, subsection 3, paragraph c, Code 2017, as amended by 2018 Iowa Acts, Senate File 512,¹⁰ section 21, is amended to read as follows:

c. Whether the funds, programs, and regulatory efforts coordinated by the council eventually result in a long-term improvement to the quality of surface water in Iowa. To evaluate the progress achieved over time toward the goals of the Iowa nutrient reduction strategy, ~~as defined in section 455B.171~~, and the United States environmental protection agency gulf hypoxia action plan, the baseline condition shall be calculated for the time period from 1980 to 1996.

Sec. 12. Section 466B.42, Code 2017, as amended by 2018 Iowa Acts, Senate File 512,¹¹ section 22, is amended to read as follows:

466B.42 Water quality initiative.

The division shall establish a water quality initiative in order to assess and reduce nutrients in this state's watersheds, including subwatersheds and regional watersheds, and for implementing its responsibilities under the Iowa nutrient reduction strategy ~~as defined in section 455B.171~~. The division shall establish and administer projects to reduce nutrients in surface waters from nonpoint sources in a scientific, reasonable, and cost-effective manner. The division shall utilize a pragmatic, strategic, and coordinated approach with the goal of accomplishing reductions over time. To evaluate the progress achieved over time toward the goals of the Iowa nutrient reduction strategy and the United States environmental protection agency gulf hypoxia action plan, the baseline condition shall be calculated for the time period from 1980 to 1996.

Sec. 13. Section 466B.43, subsection 2, as enacted by 2018 Iowa Acts, Senate File 512,¹² section 23, is amended to read as follows:

2. The purpose of the programs is to support projects for the installation of infrastructure, including conservation structures, practices, or other measures that reduce contributing nutrient loads, associated sediment, or contaminants from sources to surface waters including but not limited to surface waters on the impaired waters list of the state that are used as a drinking water supply. The programs shall be administered in a manner that is consistent with the latest version of the "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology Iowa nutrient reduction strategy.

⁸ Chapter 1001 herein

⁹ Chapter 1001 herein

¹⁰ Chapter 1001 herein

¹¹ Chapter 1001 herein

¹² Chapter 1001 herein

Sec. 14. Section 466B.43, subsection 6, as enacted by 2018 Iowa Acts, Senate File 512,¹³ section 23, is amended to read as follows:

6. By October 1, ~~2018~~ 2019, and each October 1, thereafter, the division shall submit a report to the governor and the general assembly itemizing expenditures, by hydrologic unit code 8 watershed, under the programs during the previous fiscal year, if any.

Sec. 15. Section 466B.44, subsections 2 and 7, as enacted by 2018 Iowa Acts, Senate File 512,¹⁴ section 24, are amended to read as follows:

2. The purpose of the program is to support watershed projects and advance implementation of the ~~latest version of the “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology~~ Iowa nutrient reduction strategy, which program support may include demonstration projects that decrease erosion, precipitation-induced surface runoff, and storm water discharges and that increase water infiltration rates. The program’s projects shall be based on Iowa’s storm water management manual published by the department of natural resources.

7. By October 1, ~~2018~~ 2019, and by October 1 of each year thereafter, the division shall submit a report to the governor and the general assembly itemizing expenditures under the program, if any, during the previous fiscal year.

Sec. 16. 2018 Iowa Acts, Senate File 512,¹⁵ section 25, subsections 1 and 3, are amended to read as follows:

1. The legislative council is requested to establish a study committee for the ~~2017~~ 2018 interim to identify and comprehensively review the financial and other challenges faced by small cities in complying with the various state and federal clean water standards, and to consider options for addressing those challenges.

3. The interim committee shall submit its findings and recommendations to the general assembly for consideration during the ~~2018~~ 2019 legislative session.

Sec. 17. 2015 Iowa Acts, chapter 132, section 18, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0b. The soil conservation and water quality division of the department of agriculture and land stewardship, in cooperation with Iowa state university of science and technology, shall use moneys appropriated in paragraph “a” to administer education and outreach programs that provide information regarding in-field agricultural practices, and their value, in order to further enhance the rate that such practices are adopted.

Sec. 18. 2015 Iowa Acts, chapter 132, section 18, subsection 1, paragraph b, is amended to read as follows:

b. Notwithstanding section 8.33, moneys appropriated in paragraph “a” that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, ~~2017~~ 2019.

Sec. 19. EFFECTIVE UPON ENACTMENT. The sections of this Act amending 2015 Iowa Acts, chapter 132, section 18, take effect upon enactment.

Approved May 16, 2018

¹³ Chapter 1001 herein

¹⁴ Chapter 1001 herein

¹⁵ Chapter 1001 herein

CHAPTER 1153**JUVENILE DELINQUENCY — OFFENSES INCLUDED, PROCEEDINGS, RECORDS***H.F. 2443*

AN ACT relating to the delinquency jurisdiction of the juvenile court and the confidentiality and disclosure of certain juvenile court records.

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

Section 1. Section 232.2, subsection 12, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* The violation of sections 716.7 and 716.8, which is committed by a child.

Sec. 2. Section 232.2, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 32A. “*Juvenile diversion program*” means an organized effort to coordinate services for a child who is alleged to have committed a delinquent act, when the organized effort results in the dismissal of a complaint alleging the commission of the delinquent act or results in informally proceeding without a complaint being filed against the child, and which does not result in an informal adjustment agreement involving juvenile court services or the filing of a delinquency petition.

Sec. 3. Section 232.8, subsection 2, Code 2018, is amended to read as follows:

2. *a.* A case involving a person charged in a court other than the juvenile court with the commission of a public offense not exempted by law from the jurisdiction of the juvenile court and who is within the provisions of subsection 1 of this section shall immediately be transferred to the juvenile court. The transferring court shall order a transfer and shall forward the transfer order together with all papers, documents and a transcript of all testimony filed or admitted into evidence in connection with the case to the clerk of the juvenile court. The jurisdiction of the juvenile court shall attach immediately upon the signing of an order of transfer. From the time of transfer, the custody, shelter care and detention of the person alleged to have committed a delinquent act shall be in accordance with the provisions of this chapter and the case shall be processed in accordance with the provisions of this chapter.

b. Upon completion of the transfer to juvenile court, the court shall file an order dismissing the charge in the transferring court and directing the clerk of court to seal all records of the charge initiated in the transferring court.

Sec. 4. Section 232.44, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. A hearing shall be held within ~~forty-eight hours, excluding Saturdays, Sundays, and legal holidays,~~ two working days of the time of the child’s admission to a shelter care facility, and within ~~twenty-four hours, excluding Saturdays, Sundays, and legal holidays,~~ one working day of the time of a child’s admission to a detention facility. If the hearing is not held within the time specified in this paragraph, except for good cause shown, the child shall be released from shelter care or detention.

Sec. 5. Section 232.147, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Official juvenile court records in all cases except those alleging delinquency shall be confidential and are not public records. Confidential records may be inspected and their contents shall be disclosed to the following without court order, provided that a person or entity who inspects or receives a confidential record under this subsection shall not disclose the confidential record or its contents unless required by law:

a. The judge and professional court staff, including juvenile court officers.

b. The child and the child’s counsel.

c. The child’s parent, guardian or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16

or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

d. The county attorney, the county attorney's assistants, or the attorney representing the state in absence of the county attorney.

e. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department of human services, juvenile officer, or intake officer.

f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.

g. The child's foster parent or an individual providing preadoptive care to the child.

h. The state public defender.

i. The statistical analysis center for the purposes stated in section 216A.136.

j. The department of human services.

Sec. 6. Section 232.147, subsections 2 and 3, Code 2018, are amended to read as follows:

2. Official juvenile court records in all cases alleging the commission of a delinquent act except those alleging the commission of a delinquent act that would be a forcible felony if committed by an adult shall be confidential and are not public records. Unless an order sealing such confidential records in a delinquency proceeding has been entered pursuant to section 232.150, confidential records may be inspected and their contents shall be disclosed to the following without court order, provided that a person or entity who inspects or receives a confidential record under this ~~section~~ subsection shall not disclose the confidential record or its contents unless required by law:

a. The judge and professional court staff, including juvenile court officers.

b. The child and the child's counsel.

c. The child's parent, guardian or custodian, court appointed special advocate, ~~and~~ guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

d. The county attorney, and the county attorney's assistants, or the attorney representing the state in absence of the county attorney.

e. An agency, individual, association, facility, or institution which has custody of the child, or is legally responsible for the care, treatment, or supervision of the child, including but not limited to the department of human services pursuant to a court order or voluntary placement agreement with the department of human services, juvenile court officer, or intake officer.

f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court delinquency proceeding.

g. ~~The child's foster parent or an individual providing preadoptive care to the child.~~

~~h. g.~~ The state public defender.

h. The department of human services.

i. The department of corrections.

j. A judicial district department of correctional services.

k. The board of parole.

l. The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.

m. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.

n. The statistical analysis center for the purposes stated in section 216A.136.

o. A state or local law enforcement agency.

p. The alleged victim of the delinquent act.

q. An individual involved in the operation of a juvenile diversion program, who may also receive from a state or local law enforcement agency police reports and related information that assist in the operation of the juvenile diversion program.

3. Official juvenile court records containing a petition or complaint alleging the commission of a delinquent act that would be a forcible felony if committed by an adult shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150. However, such official records shall not be available to the public or any governmental agency through the internet or in an electronic customized data report unless the child has been adjudicated delinquent in the matter. However, such official juvenile court records shall be disclosed through the internet or in an electronic customized data report prior to the child being adjudicated delinquent to the following without court order:

- a. The judge and professional court staff, including juvenile court officers.
- b. ~~The child and the child's counsel or guardian ad litem.~~
- c. The child's parent, guardian or custodian, court-appointed special advocate, guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.
- ~~e.~~ d. The county attorney, ~~and the county attorney's assistants,~~ or the attorney representing the state in absence of the county attorney.
- ~~d.~~ e. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.
- f. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department of human services, juvenile court officer, or intake officer.
- ~~e.~~ g. A state or local law enforcement agency.
- ~~f.~~ h. The state public defender.
- ~~g.~~ i. The statistical analysis center for the purposes stated in section 216A.136.
- ~~h.~~ j. The department of human services.
- ~~i.~~ k. The department of corrections.
- ~~j.~~ l. A judicial district department of correctional services.
- ~~k.~~ m. The board of parole.
- n. The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.
- o. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.
- p. The alleged victim of the delinquent act.
- q. An individual involved in the operation of a juvenile diversion program, who may also receive from a state or local law enforcement agency police reports and related information that assist in the operation of the juvenile diversion program.

Sec. 7. Section 232.147, subsection 16, Code 2018, is amended to read as follows:

16. A provision in this section or section 232.149A shall not limit or prohibit individuals from performing any duties or responsibilities as required by section 123.47B, 124.415, 232.47, ~~or 232.49, or 321J.2B.~~

Sec. 8. Section 232.149, subsection 2, Code 2018, is amended to read as follows:

2. Records and files of a criminal or juvenile justice agency, an intake officer, or a juvenile court officer concerning a child involved in a delinquent act are confidential. The records are subject to sealing under section 232.150 unless the juvenile court waives its jurisdiction over the child so that the child may be prosecuted as an adult for a public offense. A criminal or juvenile justice agency may disclose to individuals involved in the operation of a juvenile diversion program police reports and related information that assist in the operation of the juvenile diversion program.

Sec. 9. Section 232.149, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding subsections 2 and 5, information from such records and files may be disclosed by a juvenile justice agency, intake officer, or juvenile court officer, when making referrals for placement of the child, to an agency, individual,

association, facility, or institution that will have physical custody of the child, or will become responsible for the care, treatment, or supervision of the child upon placement.

Sec. 10. Section 232.150, subsection 4, paragraph a, Code 2018, is amended to read as follows:

a. All agencies and persons having custody of records which are named therein, shall send such records to the court issuing the order. Maintenance or destruction of these records shall be prescribed by the state court administrator.

Sec. 11. Section 232.151, Code 2018, is amended to read as follows:

232.151 Criminal penalties.

1. Any person who knowingly discloses, receives, or makes use or permits the use of information derived directly or indirectly from the records concerning a child referred to in sections 232.147 through 232.150, except as provided by those sections or section 13B.4B, subsection 2, paragraph "c", shall be guilty of a serious misdemeanor.

2. This section does not apply to a person or entity authorized to receive or inspect the contents of confidential official juvenile court records, or the confidential records of a criminal or juvenile justice agency, juvenile court officer, or juvenile intake officer, when such person or entity discloses such information to another person or entity also authorized to receive or inspect the confidential information, or discloses to a witness or other interested person the date, time, and nature of a court proceeding concerning the child in order to secure the appearance of the witness or other interested person at the proceeding.

Sec. 12. Section 692.2, subsection 1, paragraph b, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) Absent an order determining official juvenile court records to be public records entered pursuant to section 232.149B, adjudication and custody data that are deemed or ordered to be confidential pursuant to section 232.147, 232.149, or 232.149A, or that are sealed by court order pursuant to section 232.150, shall not be provided by the department, except as necessary for the purpose of administering chapter 692A.

Sec. 13. Section 803.1, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If it is determined that charges were erroneously filed in district court against an individual under the age of eighteen and the juvenile court holds exclusive jurisdiction, the court shall file an order dismissing the charge in district court and directing the clerk of court to seal all records of the charge initiated in district court.

Sec. 14. Section 803.6, subsection 4, Code 2018, is amended to read as follows:

4. If after the hearing the court transfers jurisdiction over the defendant to the juvenile court for the alleged commission of the public offense, the court shall forward the transfer order together with all papers, documents, and a transcript of all testimony filed or admitted into evidence in connection with the case to the clerk of the juvenile court in the same manner as provided in section 232.8, subsection 2, and the clerk shall seal all records initiated in district court.

Approved May 16, 2018

CHAPTER 1154**GOVERNMENTAL ETHICS — GIFTS — LOBBYISTS***H.F. 2475*

AN ACT relating to governmental ethics and the regulation of lobbyists and gifts and including effective date provisions.

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

Section 1. Section 68B.2, subsection 13, paragraph b, subparagraph (7), Code 2018, is amended to read as follows:

(7) An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation, or organization who ~~either~~ is not paid compensation ~~or~~ and is not specifically designated as provided in paragraph “a”, subparagraph (1) or (2).

Sec. 2. Section 68B.22, subsection 4, paragraph p, unnumbered paragraph 1, Code 2018, is amended to read as follows:

~~Gifts of food~~ Food, beverages, travel, or lodging received by a public official or public employee if all of the following apply:

Sec. 3. Section 68B.22, subsection 4, paragraph s, Code 2018, is amended to read as follows:

s. ~~Gifts of food~~ Food, beverage, and entertainment received at a function where every member of the general assembly has been invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a registration prior to the function taking place identifying the sponsor and the date, time, and location of the function. The registration shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board. After a function takes place, the sponsor of the function shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board within twenty-eight calendar days following the date of the function.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 16, 2018

CHAPTER 1155**SALES TAX — CONSTRUCTION MACHINERY, EQUIPMENT, ATTACHMENTS, AND REPLACEMENT PARTS***H.F. 2478*

AN ACT amending the sales tax imposed on certain machinery, equipment, attachments, and replacement parts used in construction.

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

Section 1. Section 423.3, subsection 2, Code 2018, is amended to read as follows:

2. The sales price of sales for resale of tangible personal property or taxable services, or for resale of tangible personal property in connection with the furnishing of taxable services

~~except for sales, other than leases or rentals, which are sales of machinery, equipment, attachments, and replacement parts specifically enumerated in subsection 37 and used in the manner described in subsection 37 or the purchase of tangible personal property, the leasing or rental of which is exempted from tax by subsection 49.~~

Approved May 16, 2018

CHAPTER 1156

PRACTICE OF COSMETOLOGY ARTS AND SCIENCES — TEMPORARY PERMITS

H.F. 2488

AN ACT concerning the issuance of temporary permits to practice cosmetology arts and sciences under certain circumstances, and including effective date provisions.

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

Section 1. Section 157.4, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 3. Notwithstanding section 157.13, subsection 1, the board may issue a temporary permit to practice in the cosmetology arts and sciences for the purpose of demonstrating cosmetology arts and sciences services to the public, or for providing cosmetology arts and sciences services to the public at not-for-profit events. A permit issued pursuant to this subsection shall be subject to the following requirements:

- a. The permit shall be issued for a specific event and may be issued to a salon, school of cosmetology arts and sciences, or person.
- b. The permit shall be posted and visible to the public at the location where the cosmetology arts and sciences services are provided.
- c. The permit shall be valid for no longer than twelve days.
- d. An applicant for a temporary permit shall submit a completed application on a form provided by the board at least thirty days in advance of the intended use date.
- e. An applicant shall submit an application fee determined by the board by rule.
- f. The board shall issue no more than four permits to an applicant during a calendar year.
- g. A person providing cosmetology arts and sciences services at a not-for-profit event shall hold a current license to practice cosmetology arts and sciences.

Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 16, 2018

CHAPTER 1157**WORKFORCE HOUSING TAX INCENTIVES PROGRAM — LIMITED DEADLINE
EXTENSIONS***H.F. 2500*

AN ACT relating to the workforce housing tax incentives program by providing for limited extensions of completion deadlines for housing projects, and including applicability provisions.

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

Section 1. Section 15.354, subsection 3, paragraph c, Code 2018, is amended to read as follows:

c. (1) A Except as provided in subparagraph (2), a housing business shall complete its housing project within three years from the date the housing project is registered by the authority.

(2) The authority may for good cause within the discretion of the authority extend a housing project's completion deadline once by up to twelve months upon application by the housing business, which application shall be made prior to the expiration of the three-year completion deadline in subparagraph (1) in the manner and form prescribed by the authority.

Sec. 2. EXTENSION APPLICATIONS MADE PRIOR TO AUGUST 1, 2018. Notwithstanding section 15.354, subsection 3, paragraph “c”, subparagraph (2), as enacted in this Act, which requires that a housing business make a housing project completion deadline extension application prior to the expiration of the housing project's three-year completion deadline, a written request by a housing business to extend a housing project's completion deadline shall be considered a timely application under section 15.354, subsection 3, paragraph “c”, subparagraph (2), if the written request is received by the economic development authority prior to August 1, 2018, and if the housing business provides any additional information requested by the economic development authority.

Sec. 3. APPLICABILITY. This Act applies to housing projects registered by the economic development authority under the workforce housing tax incentives program prior to, on, or after July 1, 2018.

Approved May 16, 2018

CHAPTER 1158**ASSESSMENT AND TAXATION OF TELEPHONE AND TELEGRAPH COMPANY
PROPERTY***S.F. 2388*

AN ACT relating to the assessment and taxation of telephone and telegraph company property for certain assessment years and including effective date and applicability provisions.

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

Section 1. Section 29C.24, subsection 3, paragraph a, subparagraph (6), Code 2018, is amended to read as follows:

(6) The assessment of property taxes by the department of revenue under sections 428.24 through 428.26, 428.28, and 428.29, or chapters 433, 434, 435, and 437 through 438, or by a local assessor under another provision of law, on property brought into the state to aid in the

performance of disaster or emergency-related work during a disaster response period if such property does not remain in the state after the conclusion of the disaster response period.

Sec. 2. Section 331.401, subsection 1, paragraph k, Code 2018, is amended to read as follows:

k. Levy taxes as certified to it by tax-certifying bodies in the county, in accordance with the statutes authorizing the levies and in accordance with chapter 24 and sections 444.1 to 444.8, and levy taxes as required in chapters 433, 434, 437, and 438.

Sec. 3. Section 331.427, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 9I.11, 101A.3, 101A.7, 123.36, 123.143, 142D.9, 176A.8, 321.105, 321.152, 321G.7, 321I.8, section 331.554, subsection 6, sections 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329, 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the following:

Sec. 4. Section 331.512, subsection 7, Code 2018, is amended by striking the subsection.

Sec. 5. Section 331.559, subsection 17, Code 2018, is amended by striking the subsection.

Sec. 6. Section 427.1, subsection 2, Code 2018, is amended to read as follows:

2. *Municipal and military property.* The property of a county, township, city, school corporation, levee district, drainage district, district organized under chapter 357E, or the Iowa national guard, when devoted to public use and not held for pecuniary profit, except property of a municipally owned electric utility held under joint ownership and property of an electric power facility financed under chapter 28F or 476A that shall be subject to taxation under chapter 437A and facilities of a municipal utility that are used for the provision of local exchange services pursuant to chapter 476, but only to the extent such facilities are used to provide such services, ~~which shall be subject to taxation under chapter 433, except that section 433.11 shall not apply.~~ The exemption for property owned by a city or county also applies to property which is operated by a city or county as a library, art gallery or museum, conservatory, botanical garden or display, observatory or science museum, or as a location for holding athletic contests, sports or entertainment events, expositions, meetings or conventions, or leased from the city or county for any such purposes, or leased from the city or county by the Iowa national guard or by a federal agency for the benefit of the Iowa national guard when devoted for public use and not for pecuniary profit. Food and beverages may be served at the events or locations without affecting the exemptions, provided the city has approved the serving of food and beverages on the property if the property is owned by the city or the county has approved the serving of food and beverages on the property if the property is owned by the county. The exemption for property owned by a city or county also applies to property which is located at an airport and leased to a fixed base operator providing aeronautical services to the public.

Sec. 7. Section 427.1, subsection 40, paragraph a, Code 2018, is amended to read as follows:

a. The owner of broadband infrastructure shall be entitled to an exemption from taxation to the extent provided in this subsection for assessment years beginning before January 1, 2022. For the purposes of this subsection, “*broadband infrastructure*” and “*targeted service area*” mean the same as defined in section 8B.1.

Sec. 8. Section 427.1, subsection 40, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. This subsection is repealed July 1, 2024.

Sec. 9. Section 427A.1, subsection 1, paragraphs c and d, Code 2018, are amended to read as follows:

c. Buildings, structures or improvements, any of which are constructed on or in the land, attached to the land, or placed upon a foundation whether or not attached to the foundation. However, property taxed under chapter 435, ~~and property that is a concrete batch plant as that term is defined in subsection 4,~~ and to the extent provided in subsection 6A, property that is transmission property shall not be assessed and taxed as real property.

d. Buildings, structures, equipment, machinery or improvements, any of which are attached to the buildings, structures, or improvements defined in paragraph “c” of this subsection. However, to the extent provided in subsection 6A, property that is transmission property shall not be assessed and taxed as real property.

Sec. 10. Section 427A.1, subsection 1, paragraph h, Code 2018, is amended to read as follows:

h. Property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, 437B, and 438.

Sec. 11. Section 427A.1, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. a. For purposes of this section, “*transmission property*” means cable and wire facilities, poles, aerial cable, underground cable, buried cable, intrabuilding network cable, or aerial wire within the meaning of and for purposes of the uniform system of accounts for telecommunication companies in 47 C.F.R. pt. 32, in effect on the effective date of this Act.¹ “*Transmission property*” also includes lines, electronic equipment, headend electronics, poles, aerial cable, cable drops, lasers, fiber optics, underground cable, and any electronics attached thereto used to provide telecommunications service, cable television signals, or internet service to subscribers. “*Transmission property*” does not include a tower as defined in section 8C.2.

b. Transmission property that is not subject to assessment and taxation under chapter 433, shall be subject to assessment and taxation as follows:

(1) For the assessment year beginning January 1, 2019, at seventy-five percent of the transmission property’s actual value.

(2) For the assessment year beginning January 1, 2020, at fifty percent of the transmission property’s actual value.

(3) For the assessment year beginning January 1, 2021, at thirty percent of the transmission property’s actual value.

(4) For the assessment year beginning January 1, 2022, and each subsequent assessment year, transmission property shall not be assessed and taxed as real property.

Sec. 12. Section 427B.17, subsection 8, paragraph a, Code 2018, is amended to read as follows:

a. This section shall not apply to property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, 437B, and 438, and such property shall not receive the benefits of this section.

Sec. 13. Section 429.1, Code 2018, is amended to read as follows:

429.1 Notice of assessment.

The department of revenue shall, at the time of making the assessment of property as provided in chapters 428, 433, 434, 437, and 438, inform the person assessed, by mail, of the valuation put upon the taxpayer’s property. The notice shall contain a notice of the taxpayer’s right of appeal to the director of revenue as provided in section 429.2.

Sec. 14. Section 433.4, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For the assessment years beginning January 1, 2019, January 1, 2020, and January 1, 2021, following the partial exemption from taxation under subsection 2, each company assessed for taxation under this chapter shall receive an additional exemption from taxation on the value of the company’s property as provided in this subsection.

¹ According to Act; the phrase “effective date of this section of this Act” probably intended

a. For the assessment year beginning January 1, 2019, the amount of the additional exemption for each company shall be equal to twenty-five percent of the amount of the company's actual value, as determined under subsection 1, remaining following application of the exemption under subsection 2 for the assessment year.

b. For the assessment year beginning January 1, 2020, the amount of the additional exemption for each company shall be equal to fifty percent of the amount of the company's actual value, as determined under subsection 1, remaining following application of the exemption under subsection 2 for the assessment year.

c. For the assessment year beginning January 1, 2021, the amount of the additional exemption for each company shall be equal to seventy percent of the amount of the company's actual value, as determined under subsection 1, remaining following application of the exemption under subsection 2 for the assessment year.

Sec. 15. Section 433.5, subsection 2, Code 2018, is amended to read as follows:

2. The department of revenue shall ascertain the exemption value per mile of the property of each company within this state by dividing the amount of the total exemption for that company determined under section 433.4, ~~subsection~~ subsections 2 and 3, by the number of miles of line of such company within the state, and the result shall be deemed and held to be the exemption value per mile of line for that company.

Sec. 16. NEW SECTION. 433.16 Applicability — future repeal.

1. This chapter applies to the assessment and taxation of telephone and telegraph company property for assessment years beginning before January 1, 2022.

2. This chapter is repealed on July 1, 2024.

Sec. 17. Section 437.15, Code 2018, is amended to read as follows:

437.15 Reassessment — procedure and requirements.

Sections 433.14, and 433.15, Code 2018, and sections 439.1, and 439.2 shall apply to the property of transmission lines which are referred to in section 437.2.

Sec. 18. Section 441.19, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. Supplemental and optional to the procedure for the assessment of property by the assessor as provided in this chapter, the assessor may require from all persons required to list their property for taxation as provided by sections 428.1 and 428.2, a supplemental return to be prescribed by the director of revenue upon which the person shall list the person's property. The supplemental return shall be in substantially the same form as now prescribed by law for the assessment rolls used in the listing of property by the assessors. However, for assessment years beginning on or after January 1, 2018, and unless otherwise required for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438, a supplemental return shall not request, and a person shall not be otherwise required to provide to the assessor for property assessment purposes, sales or receipts data, expense data, balance sheets, bank account information, or other data related to the financial condition of a business operating in whole or in part on the property if the property is both classified as commercial or industrial property and owned and used by the owner of the business. Every person required to list property for taxation shall make a complete listing of the property upon supplemental forms and return the listing to the assessor as promptly as possible. The return shall be verified over the signature of the person making the return and section 441.25 applies to any person making such a return. The assessor shall make supplemental return forms available as soon as practicable after the first day of January of each year. The assessor shall make supplemental return forms available to the taxpayer by mail, or at a designated place within the taxing district.

Sec. 19. Section 441.21, subsection 2, Code 2018, is amended to read as follows:

2. In the event market value of the property being assessed cannot be readily established in the foregoing manner, then the assessor may determine the value of the property using the other uniform and recognized appraisal methods including its productive and earning capacity, if any, industrial conditions, its cost, physical and functional depreciation

and obsolescence and replacement cost, and all other factors which would assist in determining the fair and reasonable market value of the property but the actual value shall not be determined by use of only one such factor. The following shall not be taken into consideration: Special value or use value of the property to its present owner, and the goodwill or value of a business which uses the property as distinguished from the value of the property as property. In addition, for assessment years beginning on or after January 1, 2018, and unless otherwise required for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438, the assessor shall not take into consideration and shall not request from any person sales or receipts data, expense data, balance sheets, bank account information, or other data related to the financial condition of a business operating in whole or in part on the property if the property is both classified as commercial or industrial property and owned and used by the owner of the business. However, in assessing property that is rented or leased to low-income individuals and families as authorized by section 42 of the Internal Revenue Code, as amended, and which section limits the amount that the individual or family pays for the rental or lease of units in the property, the assessor shall, unless the owner elects to withdraw the property from the assessment procedures for section 42 property, use the productive and earning capacity from the actual rents received as a method of appraisal and shall take into account the extent to which that use and limitation reduces the market value of the property. The assessor shall not consider any tax credit equity or other subsidized financing as income provided to the property in determining the assessed value. The property owner shall notify the assessor when property is withdrawn from section 42 eligibility under the Internal Revenue Code or if the owner elects to withdraw the property from the assessment procedures for section 42 property under this subsection. The property shall not be subject to section 42 assessment procedures for the assessment year for which section 42 eligibility is withdrawn or an election is made. This notification must be provided to the assessor no later than March 1 of the assessment year or the owner will be subject to a penalty of five hundred dollars for that assessment year. The penalty shall be collected at the same time and in the same manner as regular property taxes. An election to withdraw from the assessment procedures for section 42 property is irrevocable. Property that is withdrawn from the assessment procedures for section 42 property shall be classified and assessed as multiresidential property unless the property otherwise fails to meet the requirements of section 441.21, subsection 13. Upon adoption of uniform rules by the department of revenue or succeeding authority covering assessments and valuations of such properties, the valuation on such properties shall be determined in accordance with such rules and in accordance with forms and guidelines contained in the real property appraisal manual prepared by the department as updated from time to time for assessment purposes to assure uniformity, but such rules, forms, and guidelines shall not be inconsistent with or change the foregoing means of determining the actual, market, taxable, and assessed values.

Sec. 20. Section 441.21, subsection 5, paragraph a, Code 2018, is amended to read as follows:

a. For valuations established as of January 1, 1979, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be considered as one class of property and shall be assessed as a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1978 by the department of revenue, plus ten percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1978, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1979. For valuations established as of January 1, 1980, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed at a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established

for 1979 by the department of revenue, plus eight percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1979, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1980. For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value at which property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to ten percent in this subsection shall be eight percent. For valuations established on or after January 1, 2013, property valued by the department of revenue pursuant to chapter 434 shall be assessed at a percentage of its actual value equal to the percentage of actual value at which property assessed as commercial property is assessed under paragraph “b” for the same assessment year.

Sec. 21. Section 441.21, subsections 9 and 10, Code 2018, are amended to read as follows:

9. Not later than November 1, 1979, and November 1 of each subsequent year, the director shall certify to the county auditor of each county the percentages of actual value at which residential property, agricultural property, commercial property, industrial property, multiresidential property, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 in each assessing jurisdiction in the county shall be assessed for taxation. The county auditor shall proceed to determine the assessed values of agricultural property, residential property, commercial property, industrial property, multiresidential property, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 by applying such percentages to the current actual value of such property, as reported to the county auditor by the assessor, and the assessed values so determined shall be the taxable values of such properties upon which the levy shall be made.

10. The percentage of actual value computed by the department of revenue for agricultural property, residential property, commercial property, industrial property, multiresidential property, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 and used to determine assessed values of those classes of property does not constitute a rule as defined in section 17A.2, subsection 11.

Sec. 22. Section 441.73, subsection 1, Code 2018, is amended to read as follows:

1. A litigation expense fund is created in the state treasury. The litigation expense fund shall be used for the payment of litigation expenses incurred by the state to defend property valuations established by the director of revenue pursuant to section 428.24 and chapters 433, 434, 437, 437A, 437B, and 438, and for the payment of litigation expenses incurred by the state to defend the imposition of replacement taxes and statewide property taxes under chapters 437A and 437B.

Sec. 23. Section 476.1D, subsection 10, Code 2018, is amended by striking the subsection.

Sec. 24. FUTURE ASSESSMENT YEARS. Telephone and telegraph company property subject to assessment under chapter 433 for assessment years beginning before January 1, 2022, shall be, for assessment years beginning on or after January 1, 2022, assessed by local assessors under chapters 427, 427A, 427B, 428, and 441, and any other applicable provision of law in the same manner and on the same basis as other commercial property located in the assessing jurisdiction where situated.

Sec. 25. SAVINGS PROVISION. Except as specifically provided, this Act, pursuant to section 4.13, does not affect the operation of, or prohibit the application of, prior provisions of chapter 433, or rules adopted under chapter 17A to administer prior provisions of chapter 433, for assessment years beginning before January 1, 2022, and for duties, powers, protests, appeals, proceedings, actions, or remedies attributable to an assessment year beginning before January 1, 2022.

Sec. 26. IMPLEMENTATION. Section 25B.7 shall not apply to this Act.

Sec. 27. EFFECTIVE DATE. The following take effect July 1, 2021:

1. The section of this Act amending section 476.1D.

Sec. 28. EFFECTIVE DATE. The following take effect July 1, 2024:

1. The section of this Act amending section 29C.24.
2. The section of this Act amending section 331.401.
3. The section of this Act amending section 331.427.
4. The section of this Act amending section 331.512.
5. The section of this Act amending section 331.559.
6. The section of this Act amending section 427.1, subsection 2.
7. The section of this Act amending section 427A.1, subsection 1, paragraph “h”.
8. The section of this Act amending section 427B.17.
9. The section of this Act amending section 429.1.
10. The section of this Act amending section 437.15.
11. The section of this Act amending section 441.19.
12. The section of this Act amending section 441.21, subsection 2.
13. The section of this Act amending section 441.21, subsection 5.
14. The section of this Act amending section 441.21, subsections 9 and 10.
15. The section of this Act amending section 441.73.

Sec. 29. APPLICABILITY. The following apply to assessment years beginning on or after January 1, 2022:

1. The section of this Act amending section 476.1D.

Approved May 17, 2018

CHAPTER 1159

HUNTING, FISHING, AND TRAPPING LICENSES AND RELATED FEES

H.F. 631

AN ACT relating to the establishment of certain licenses and fees by rules adopted by the natural resource commission and including coordinating and transition provisions, and effective date provisions.

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

DIVISION I LICENSES AND FEES — RULES

Section 1. Section 483A.1, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

483A.1 Licenses — fees — rules.

1. Except as otherwise provided in this chapter, a person shall not fish, trap, hunt, pursue, catch, kill, take in any manner, use, have possession of, sell, or transport all or a part of any wild animal, bird, game, turtle, or fish, the protection and regulation of which is desirable for the conservation of resources of the state, without first obtaining a license for that purpose, and the payment of a fee as established by rules adopted by the commission pursuant to chapter 17A.

2. *a.* The fees established by rule pursuant to subsection 1 shall be periodically evaluated by the department, but not less often than once every three years, to ensure that the fees paid are sufficient to meet the needs of natural resource management and the public.

b. By December 15 of each year on and after December 15, 2019, that an evaluation of the license fees is completed, the department shall file a written report with the commission and the general assembly which shall include the evaluation and recommendations for changes, if any. Any fee increase proposed in such a report shall not take effect until on or after December 15 of the year succeeding the report and an individual license fee shall not be increased in any calendar year in an amount that exceeds five percent.

Sec. 2. Section 483A.3, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. A resident or nonresident person required to have a hunting or fur harvester license shall not hunt or trap unless the person purchases a hunting or fur harvester license that includes the wildlife habitat fee, in an amount established by rules adopted by the commission pursuant to section 483A.1.

Sec. 3. Section 483A.3, subsection 1, paragraph c, Code 2018, is amended by striking the paragraph.

Sec. 4. Section 483A.3, subsection 1, paragraphs d and e, Code 2018, are amended to read as follows:

d. All wildlife habitat fees shall be administered in the same manner as hunting and fur harvester licenses except all revenue derived from wildlife habitat fees shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund, except as provided in subsection 2. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land, or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section 427.1, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes, which shall be paid from those the income generated from those lands or, if no such income is generated, from the wildlife habitat fee revenues. In addition the revenue may be used for the development and enhancement of wildlife lands and habitat areas.

e. Not less than ~~fifty percent of all revenue~~ three dollars from each wildlife habitat fees fee shall be allocated as specified in section 483A.3B and not less than fifty percent of the balance of each fee shall be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. ~~The~~ However, the state share of funding of those agreements provided by the revenue from wildlife habitat fees shall not exceed seventy-five percent.

Sec. 5. Section 483A.3, subsections 3 and 4, Code 2018, are amended to read as follows:

3. Notwithstanding subsections 1 and 2, any increase in wildlife habitat fee revenues ~~received~~ collected on or after July 1, 2007 December 15, 2018, pursuant to this section as a result of wildlife habitat fee increases pursuant to 2007 Iowa Acts, ch. 194 established by rules adopted pursuant to section 483A.1, shall be used by the commission only for the purpose of the game bird habitat development program as provided for any of the purposes set forth in this section or in section 483A.3B, except that such increases in revenues collected shall not be used by the commission for the purpose of land acquisition. The commission shall not reduce on an annual basis for these purposes the amount of other funds being expended as of ~~July 1, 2007~~ December 15, 2018.

4. A ~~three-year multi-year~~ multi-year hunting license purchased pursuant to section ~~483A.1, subsection 1, paragraph "j"~~ 483A.9A, includes the payment of a wildlife habitat fee for each of the ~~three~~ three years for which the license is valid and those fees shall be used as provided in this section.

Sec. 6. Section 483A.3A, Code 2018, is amended to read as follows:

483A.3A Fish habitat development funding.

Three dollars from each resident and nonresident annual and seven-day fishing license and nine dollars from each resident ~~three-year~~ multi-year fishing license sold shall be deposited in the state fish and game protection fund and shall be used within this state for fish habitat

development. Not less than fifty percent of this amount shall be used by the commission to enter into agreements with county conservation boards to carry out the purposes of this section.

Sec. 7. Section 483A.3B, subsection 1, Code 2018, is amended to read as follows:

1. *Allocation of revenue — accounts.* All revenue collected from ~~increases in~~ wildlife habitat fees as provided in section 483A.3, subsection 3 1, paragraph “e”, that is deposited in the state fish and game protection fund and that is allocated pursuant to this section shall be allocated as follows:

a. ~~Two~~ Not less than two dollars of each wildlife habitat fee collected shall be allocated to the game bird wetlands conservation account.

b. ~~One~~ Not less than one dollar of each wildlife habitat fee collected shall be allocated to the game bird buffer strip assistance account.

c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys collected from wildlife habitat fees that are deposited in each account created under this section shall be credited to that account. Notwithstanding section 8.33 or section 456A.17, moneys credited to each account created under this section shall not revert to the state general fund at the close of a fiscal year.

d. All revenue ~~generated by increases in the~~ collected from wildlife habitat fee fees as provided in section 483A.3, subsection 3 1, paragraph “e”, that is allocated pursuant to this section shall be used as provided in this section, except for that part which is specified by the department for use in paying administrative expenses as provided in section 456A.17.

Sec. 8. **NEW SECTION. 483A.6B Nonresident five-day hunting license — fee.**

1. A nonresident may be issued a five-day hunting license that costs an amount as set by rules adopted pursuant to section 483A.1, including the wildlife habitat fee. A nonresident hunting with a license issued under this section shall be otherwise qualified to hunt in this state.

2. This section is repealed on December 15, 2021.

Sec. 9. Section 483A.8, subsection 7, Code 2018, is amended to read as follows:

7. A person who is issued a youth deer hunting license ~~and does not take a deer during the youth deer hunting season~~ may use the deer hunting license and unused tag during any other ~~firearm established deer hunting season that is established by the commission to take a deer of either sex using the method of take authorized by rule for each season being hunted.~~ firearm established deer hunting season that is established by the commission to take a deer of either sex using the method of take authorized by rule for each season being hunted. If the tag is filled during one of the seasons, the license will not be valid in subsequent seasons.

Sec. 10. Section 483A.17, Code 2018, is amended to read as follows:

483A.17 Tenure of license.

Every license, except as otherwise provided in this chapter, is valid from the date issued to January 10 of the succeeding calendar year for which it is issued. A license shall not be issued prior to December 15 for the subsequent calendar year except for a ~~three-year~~ multi-year fishing license or a ~~three-year~~ multi-year hunting license issued to a resident pursuant to rules adopted pursuant to section 483A.1, subsection 1.

Sec. 11. Section 483A.24, subsection 2, paragraphs b and c, Code 2018, are amended to read as follows:

b. Upon written application on forms furnished by the department, the department shall issue annually without fee one wild turkey license to the owner of a farm unit or to a member of the owner’s family, but not to both, and to the tenant or to a member of the tenant’s family, but not to both. The wild turkey hunting ~~license~~ licenses issued shall be valid only on the farm unit for which an applicant qualifies pursuant to this subsection and shall be equivalent to the least restrictive license issued under section 481A.38. The owner or the tenant need not reside on the farm unit to qualify for a free license to hunt on that farm unit. The free turkey hunting licenses issued pursuant to this paragraph shall be valid and may be used during any bow or firearm turkey hunting season.

c. Upon written application on forms furnished by the department, the department shall issue annually without fee two deer hunting licenses, one antlered or any sex deer hunting

license and one antlerless deer only deer hunting license, to the owner of a farm unit or a member of the owner's family, but only a total of two licenses for both, and to the tenant of a farm unit or a member of the tenant's family, but only a total of two licenses for both. The deer hunting licenses issued shall be valid only for use on the farm unit for which the applicant applies pursuant to this paragraph. The owner or the tenant need not reside on the farm unit to qualify for the free deer hunting licenses to hunt on that farm unit. The free deer hunting licenses issued pursuant to this paragraph shall be valid and may be used during any ~~shotgun~~ bow or firearm deer hunting season. The licenses may be used to harvest deer in two different seasons. In addition, a person who receives a free deer hunting license pursuant to this paragraph shall pay a one dollar fee for each license that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

DIVISION II COORDINATING PROVISIONS

Sec. 12. Section 331.605, subsection 1, paragraph b, subparagraph (1), Code 2018, is amended to read as follows:

(1) The fees specified in rules adopted pursuant to section 483A.1.

Sec. 13. Section 331.605, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. A state migratory game bird fee as provided in rules adopted pursuant to section 483A.1.

Sec. 14. Section 481A.93, subsection 2, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) The totally blind person is accompanied and aided by a person who is at least eighteen years of age and whose vision is not seriously impaired. The accompanying person must purchase a hunting license that includes the wildlife habitat fee as provided in rules adopted pursuant to section 483A.1 if applicable. If the accompanying person is not required to have a hunting license the person is not required to pay the wildlife habitat fee. During the hunt, the accompanying adult must be within arm's reach of the totally blind person, and must be able to identify the target and the location of the laser sight beam on the target. A person other than the totally blind person shall not shoot the laser sight-equipped gun or bow.

Sec. 15. Section 483A.1A, subsection 10, paragraph c, Code 2018, is amended to read as follows:

c. Is a student who qualifies as a resident pursuant to paragraph "b" only for the purpose of purchasing any resident license specified in rules adopted pursuant to section 483A.1.

Sec. 16. Section 483A.7, subsection 3, paragraph b, Code 2018, is amended to read as follows:

b. The commission shall assign one preference point to a nonresident whose application for a nonresident wild turkey hunting license is denied due to limitations on the number of nonresident wild turkey hunting licenses available for issuance that year. An additional preference point shall be assigned to that person each subsequent year the person's license application is denied for that reason. A nonresident may purchase additional preference points pursuant to rules adopted pursuant to section 483A.1, ~~subsection 2, paragraph "j"~~. The first nonresident wild turkey hunting license drawing each year shall be made from the pool of applicants with the most preference points and continue to pools of applicants with successively fewer preference points until all available nonresident wild turkey hunting licenses have been issued. If a nonresident applicant receives a wild turkey hunting license, all of the applicant's assigned preference points at that time shall be removed.

Sec. 17. Section 483A.8, subsection 3, paragraphs a, b, and e, Code 2018, are amended to read as follows:

a. A nonresident hunting deer is required to purchase a nonresident annual hunting license that includes the wildlife habitat fee and a nonresident deer hunting license. In addition, a nonresident who purchases a deer hunting license shall pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

b. A nonresident who purchases an antlered or any sex deer hunting license pursuant to rules adopted pursuant to section 483A.1, subsection 2, paragraph "i", is required to purchase an antlerless deer only deer hunting license at the same time, pursuant to rules adopted pursuant to section 483A.1, subsection 2, paragraph "k".

e. The commission shall assign one preference point to a nonresident whose application for a nonresident antlered or any sex deer hunting license is denied due to limitations on the number of nonresident antlered or any sex deer hunting licenses available for issuance that year. An additional preference point shall be assigned to that person each subsequent year the person's license application is denied for that reason. A nonresident may purchase additional preference points pursuant to rules adopted pursuant to section 483A.1, subsection 2, paragraph "j". The first nonresident antlered or any sex deer hunting license drawing each year shall be made from the pool of applicants with the most preference points and continue to pools of applicants with successively fewer preference points until all available nonresident antlered or any sex deer hunting licenses have been issued. If a nonresident applicant receives an antlered or any sex deer hunting license, all of the applicant's assigned preference points at that time shall be removed.

Sec. 18. Section 483A.8, subsections 4 and 6, Code 2018, are amended to read as follows:

4. The commission may provide, by rule, for the issuance of an additional antlerless deer hunting license to a person who has been issued an antlerless deer hunting license. The rules shall specify the number of additional antlerless deer hunting licenses which may be issued, and the season and zone in which the license is valid. The fee for an additional antlerless deer hunting license shall be ~~ten dollars~~ an amount established by rules adopted pursuant to section 483A.1 for residents.

6. The commission shall provide by rule for the annual issuance to a nonresident of a nonresident antlerless deer hunting license that is valid for use only during the period beginning on December 24 and ending at sunset on January 2 of the following year and costs ~~seventy-five dollars~~ an amount established by rules adopted pursuant to section 483A.1. A nonresident hunting deer with a license issued under this subsection shall be otherwise qualified to hunt deer in this state and shall purchase a nonresident annual hunting license that includes the wildlife habitat fee, and pay the one dollar fee for the purpose of deer herd population management as provided in subsection 3. Pursuant to this subsection, the commission shall make available for issuance only the remaining nonresident antlerless deer hunting licenses allocated under subsection 3 that have not yet been issued for the current year's nonresident antlerless deer hunting seasons.

Sec. 19. Section 483A.9A, subsection 3, Code 2018, is amended to read as follows:

3. The commission shall offer to residents a combination package of an annual fishing license and an annual hunting license, as provided in rules adopted pursuant to section 483A.1, subsection 1, the cost of which includes the wildlife habitat fee.

Sec. 20. Section 483A.24, subsection 2, paragraph d, Code 2018, is amended to read as follows:

d. In addition to the free deer hunting licenses received pursuant to paragraph "c", an owner of a farm unit or a member of the owner's family and the tenant or a member of the tenant's family may purchase a deer hunting license for any option offered to paying deer hunting licensees. An owner of a farm unit or a member of the owner's family and the tenant or a member of the tenant's family may also purchase two additional antlerless deer hunting

licenses which are valid only on the farm unit for a fee of ~~ten dollars each~~ established by rules adopted pursuant to section 483A.1.

Sec. 21. Section 483A.24, subsection 3, paragraph a, Code 2018, is amended to read as follows:

a. Fifty of the nonresident deer hunting licenses shall be allocated as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.8. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident annual hunting license that includes the wildlife habitat fee and the purchase of a nonresident deer hunting license. The licenses are valid in all zones open to deer hunting. The hunter education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Sec. 22. Section 483A.24, subsection 4, paragraph a, Code 2018, is amended to read as follows:

a. Fifty of the nonresident wild turkey hunting licenses shall be allocated as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.7. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident annual hunting license that includes the wildlife habitat fee and the purchase of a nonresident wild turkey hunting license. The licenses are valid in all zones open to wild turkey hunting. The hunter education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Sec. 23. Section 483A.24, subsection 16, Code 2018, is amended to read as follows:

16. Upon payment of the fee of ~~five dollars~~ established by rules adopted pursuant to section 483A.1 for a lifetime fishing license or lifetime hunting and fishing combined license, the department shall issue a lifetime fishing license or lifetime hunting and fishing combined license to a resident of Iowa who has served in the armed forces of the United States on federal active duty and who was disabled or was a prisoner of war during that veteran's military service. The department shall prepare an application to be used by a person requesting a lifetime fishing license or lifetime hunting and fishing combined license under this subsection. The department of veterans affairs shall assist the department in verifying the status or claims of applicants under this subsection. As used in this subsection, "*disabled*" means entitled to a service connected rating under 38 U.S.C. ch. 11.

Sec. 24. Section 483A.28, subsection 4, Code 2018, is amended to read as follows:

4. Any person who is issued a valid fishing license pursuant to this chapter may fish with a third line as provided in section 481A.72 only upon the annual purchase of a third line fishing permit as provided in rules adopted pursuant to section 483A.1.

Sec. 25. Section 717F.7, subsection 3, Code 2018, is amended to read as follows:

3. A person who keeps falcons, if the person has been issued a falconry license by the department of natural resources pursuant to rules adopted pursuant to section 483A.1.

Sec. 26. Section 805.8B, subsection 3, paragraph o, unnumbered paragraph 1, Code 2018, is amended to read as follows:

For violations of rules adopted pursuant to section 483A.1 relating to licenses and permits, the scheduled fines are as follows:

DIVISION III
TRANSITION PROVISIONS AND EFFECTIVE DATES

Sec. 27. RULEMAKING. The natural resource commission shall submit a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to section 17A.4, subsection 1, not later than July 14, 2018, for the adoption of rules establishing fees pursuant to section 483A.1, subsection 1, as enacted by this Act. Such rules shall be effective December 15, 2018.

Sec. 28. EFFECTIVE DATES — TRANSITION.

1. Divisions I and II of this Act take effect December 15, 2018. A license issued or in effect prior to December 15, 2018, is subject to the provisions of Code 2018. This Act does not affect the validity of a license issued prior to December 15, 2018.

2. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 17, 2018

CHAPTER 1160

REGULATION OF PUBLIC UTILITIES

H.F. 2446

AN ACT relating to matters under the purview of the utilities division of the department of commerce, providing fees, and making penalties applicable.

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

Section 1. Section 474.1, subsection 2, Code 2018, is amended to read as follows:

2. a. The utilities board shall organize by appointing an executive secretary, who shall take the same oath as the members. The board shall set the salary of the executive secretary within the limits of the pay plan for exempt positions provided for in section 8A.413, subsection 3, unless otherwise provided by the general assembly. The board may employ additional personnel as it finds necessary. Subject to confirmation by the senate, the governor shall appoint a member as the chairperson of the board. The chairperson shall be the administrator of the utilities division. The appointment as chairperson shall be for a two-year term which begins and ends as provided in section 69.19.

b. The board shall appoint a chief operating officer to manage the operations of the utilities division as directed by the board. The board shall set the salary of the chief operating officer within the limits of the pay plan for exempt positions provided for in section 8A.413, subsection 3, unless otherwise provided by the general assembly. The board may employ additional personnel as it finds necessary.

Sec. 2. Section 474.2, Code 2018, is amended to read as follows:

474.2 Certain persons barred from office.

No person in the employ of any common carrier or other public utility, or owning any bonds, stock or property in any ~~railroad company or other~~ public utility shall be eligible to the office of utilities board member or ~~secretary~~ chief operating officer of the utilities board; and the entering into the employ of any common carrier or other public utility or the acquiring of

any stock or other interest in any common carrier or other public utility by such member or secretary chief operating officer after appointment shall disqualify the member or secretary chief operating officer to hold the office or perform the duties thereof.

Sec. 3. Section 474.8, Code 2018, is amended to read as follows:

474.8 Office — time employed — expenses.

The utilities board shall have an office at the seat of government and each member shall devote the member's whole time to the duties of the office, and the members ~~and secretary,~~ chief operating officer, and other employees shall receive their actual necessary traveling expenses while in the discharge of their official duties away from the general offices.

Sec. 4. Section 476.1, subsections 4 and 6, Code 2018, are amended by striking the subsections.

Sec. 5. Section 476.1B, subsection 3, Code 2018, is amended to read as follows:

3. Unless otherwise specifically provided by statute, a municipally owned utility providing local exchange services is not subject to regulation by the board under this chapter except for regulatory action pertaining to the enforcement of sections ~~476.11, 476.29, 476.95, 476.96, 476.95A, 476.95B,~~ 476.100, ~~476.101,~~ and 476.102.

Sec. 6. Section 476.1D, subsection 4, Code 2018, is amended to read as follows:

4. Upon deregulation, all investment, revenues, and expenses associated with the service or facility shall be removed from the telephone utility's regulated operations and shall not be considered by the board in setting rates for the telephone utility unless they continue to affect the utility's regulated operations. If the board considers investment, revenues, and expenses associated with unregulated services or facilities in setting rates for the telephone utility, the board shall not use any profits or costs from such unregulated services or facilities to determine the rates for regulated services or facilities. ~~This section does not preclude the board from considering the investment, revenues, and expenses associated with the sale of classified directory advertising by a telephone utility in determining rates for the telephone utility.~~

Sec. 7. Section 476.1D, subsection 10, Code 2018, is amended by striking the subsection.

Sec. 8. Section 476.2, subsection 6, Code 2018, is amended by striking the subsection.

Sec. 9. Section 476.6, subsection 2, Code 2018, is amended to read as follows:

2. *Written notice of increase.* All public utilities, except those exempted from rate regulation by section 476.1 and telecommunications service providers registered pursuant to section 476.95A, shall give written notice of a proposed increase of any rate or charge to all affected customers served by the public utility no more than sixty-two days prior to and prior to the time the application for the increase is filed with the board. Public utilities exempted from rate regulation by section 476.1, ~~except telecommunications service providers registered pursuant to section 476.95A~~, shall give written notice of a proposed increase of any rate or charge to all affected customers served by the public utility at least thirty days prior to the effective date of the increase. If the public utility is subject to rate regulation, the notice to affected customers shall also state that the customer has a right to file a written objection to the rate increase and that the affected customers may request the board to hold a public hearing to determine if the rate increase should be allowed. The board shall prescribe the manner and method that the written notice to each affected customer of the public utility shall be served.

Sec. 10. Section 476.6, subsection 21, Code 2018, is amended by striking the subsection.

Sec. 11. Section 476.9, subsections 1, 2, and 3, Code 2018, are amended to read as follows:

1. Every public utility, except telecommunications service providers registered pursuant to section 476.95A, shall keep and render to the board in the manner and form prescribed by the board uniform accounts of all business transacted.

2. Every public utility engaged directly or indirectly in any other business than that of the production, transmission, or furnishing of heat, light, water, or power, or the collection and treatment of sanitary sewage or storm water, ~~or the furnishing of communications services to~~ for the public shall, if required by the board, keep and render separately to the board in like manner and form the accounts of all such other business, in which case all the provisions of this chapter shall apply to the books, accounts, papers and records of such other business and all profits and losses may be taken into consideration by the board if deemed relevant to the general fiscal condition of the public utility.

3. Every public utility, except telecommunications service providers registered pursuant to section 476.95A, is required to keep and render its books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the board, and to comply with all directions of the board relating to such books, accounts, papers and records.

Sec. 12. Section 476.10, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. In order to carry out the duties imposed upon it by law, the board may, at its discretion, allocate and charge directly the expenses attributable to its duties to the person bringing a proceeding before the board, ~~or to persons participating in matters before the board, or to persons subject to inspection by the board.~~ The board shall ascertain the certified expenses incurred and directly chargeable by the consumer advocate division of the department of justice in the performance of its duties. The board and the consumer advocate separately may decide not to charge expenses to persons who, without expanding the scope of the proceeding or matter, intervene in good faith in a board proceeding initiated by a person subject to the board's jurisdiction, the consumer advocate, or the board on its own motion. For assessments in any proceedings or matters before the board, the board and the consumer advocate separately may consider the financial resources of the person, the impact of assessment on participation by intervenors, the nature of the proceeding or matter, and the contribution of a person's participation to the public interest. The board may present a bill for expenses under this subsection to the person, either at the conclusion of a proceeding or matter, or from time to time during its progress. Presentation of a bill for expenses under this subsection constitutes notice of direct assessment and request for payment in accordance with this section.

Sec. 13. Section 476.20, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 6. This section shall not apply to telecommunications service providers registered pursuant to section 476.95A.

Sec. 14. Section 476.51, subsection 5, Code 2018, is amended to read as follows:

5. Civil penalties collected pursuant to this section from utilities providing water, electric, or gas service shall be forwarded by the ~~executive secretary~~ chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the division of community action agencies of the department of human rights. Civil penalties collected pursuant to this section from utilities providing telecommunications service shall be forwarded to the treasurer of state to be credited to the department of commerce revolving fund created in section 546.12 to be used only for consumer education programs administered by the board. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

Sec. 15. Section 476.53, subsection 3, paragraph c, subparagraph (2), Code 2018, is amended to read as follows:

(2) The rate-regulated public utility has demonstrated to the board that the public utility has considered other sources for long-term electric supply and that the facility or lease is reasonable when compared to other feasible alternative sources of supply. ~~The rate-regulated public utility may satisfy the requirements of this subparagraph through a~~

~~competitive bidding process, under rules adopted by the board, that demonstrate the facility or lease is a reasonable alternative to meet its electric supply needs.~~

Sec. 16. Section 476.54, Code 2018, is amended to read as follows:

476.54 Delayed payment charges.

A public utility shall not apply delayed payment charges on a customer's account if the scheduled payment was made by the customer within twenty days from the date the billing was sent to the customer. Delayed payment charges on a customer's account shall not exceed one and one-half percent per month of the past-due amount. This section shall not apply to telecommunications service providers registered pursuant to section 476.95A.

Sec. 17. Section 476.95, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

476.95 Internet protocol-enabled service and voice over internet protocol service — regulation.

1. For purposes of this section:

a. "*Internet protocol-enabled service*" means any service, capability, functionality, or application that uses internet protocol or any successor protocol and enables an end user to send or receive voice, data, or video communications in internet protocol format or a successor format.

b. "*Political subdivision*" means the same as defined in section 145A.2.

c. "*Voice over internet protocol service*" means an internet protocol-enabled service that facilitates real-time, two-way voice communication that originates from, or terminates at, a user's location and permits the user to receive a call that originates from the public switched telephone network and to terminate a call on the public switched telephone network.

2. Notwithstanding any other provision of law to the contrary, a department, agency, board, or political subdivision of the state shall not regulate, by rule, order, or other means directly or indirectly, the entry, rates, terms, or conditions for internet protocol-enabled service or voice over internet protocol service.

3. This section shall not be construed to affect, modify, limit, or expand any of the following:

a. The authority of the attorney general to take any action pursuant to chapter 537 or section 714.16.

b. The application or enforcement of any law that is intended to have general application to the conduct of business in this state.

c. Any entity's obligation under section 251 or 252 of the federal Telecommunications Act of 1996.

d. Any authority of the board over wholesale telecommunications services, rates, agreements, interconnection, providers, or tariffs.

e. Any authority of the board to address or affect the resolution of a dispute regarding intercarrier compensation.

f. Any authority of the board, in accordance with state and federal law, to assess voice over internet protocol service for any of the following:

(1) Surcharges for 911 emergency services under section 34A.7.

(2) Assessments for dual party relay service under section 477C.7.

(3) Direct costs under section 476.10 and a share of remainder assessments that reflect the service's lesser degree of regulation.

g. Any authority of the board to regulate internet protocol-enabled service or voice over internet protocol service pursuant to section 476.91.

Sec. 18. NEW SECTION. **476.95A Annual registration for telecommunications service providers.**

1. A provider of telecommunications service, as defined in section 476.103, offering telephone numbers to retail customers in this state shall register annually with the board.

2. An applicant shall complete an application for registration on a form provided by the board. The form shall include contact information, the approximate number of service lines provided in the state, and any other information deemed necessary by the board.

3. Within five business days of the receipt of a completed application for registration, the board shall issue a nonexclusive acknowledgment of compliance with this section. The acknowledgment shall authorize the registrant to obtain telephone numbers, interconnect with other telecommunications service providers, cross railroad rights-of-way pursuant to section 476.27, and provide telecommunications service in this state. An acknowledgment may be transferred by filing a new or updated registration form.

4. A registrant shall submit to the board corrections to the information supplied in the registration form within a reasonable time after a change in circumstances, which circumstances would be required to be reported in an application for registration form.

5. Refusal to file and maintain an annual registration pursuant to this section is a violation of this chapter and may subject a telecommunications service provider to a civil penalty pursuant to section 476.51.

6. Notwithstanding this subsection, the board shall continue to recognize the validity of, and the rights conferred upon, a certificate of public convenience and necessity issued to a telecommunications service provider by the board prior to July 1, 2018.

Sec. 19. NEW SECTION. **476.95B Applicability of authority.**

1. The board may exercise any powers reserved or delegated to the state by the federal Telecommunications Act of 1996 or any other federal law, rule, or order thereunder, and may hear and resolve any dispute arising thereunder, including but not limited to intercarrier compensation, interconnection, and number portability.

2. In proceedings under 47 U.S.C. §251-254, the board shall allocate the costs and expenses of the proceedings to persons identified as parties in the proceeding who are engaged in or who seek to engage in providing telecommunications service or other persons identified as participants in the proceeding. The funds received for the costs and the expenses shall be remitted to the treasurer of state for deposit in the department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 20. Section 476.102, subsection 2, paragraph d, Code 2018, is amended to read as follows:

d. The plan should be based on other principles as the board determines are necessary and appropriate for the protection of the public interest, convenience, and necessity and consistent with the purposes of ~~sections 476.95 through 476.101 and~~ this section.

Sec. 21. Section 476.103, subsection 4, paragraph c, Code 2018, is amended to read as follows:

c. A civil penalty collected pursuant to this subsection shall be forwarded by the ~~executive secretary~~ chief operating officer of the board to the treasurer of state to be credited to the department of commerce revolving fund created in section 546.12 and to be used only for consumer education programs administered by the board.

Sec. 22. Section 477A.3, subsection 1, paragraph f, Code 2018, is amended to read as follows:

f. Documentation that the applicant possesses sufficient managerial, technical, and financial capability to provide the cable service or video service proposed in the service area. ~~An applicant or its subsidiary which has been issued a certificate of public convenience and necessity to provide telephone service pursuant to section 476.29 shall be exempt from the provisions of this paragraph.~~

Sec. 23. Section 477C.7, Code 2018, is amended to read as follows:

477C.7 Funding.

1. The board shall impose an ~~annual~~ assessment to fund the programs described in this chapter upon all ~~telecommunications~~ wireless carriers and wire-line local exchange carriers providing telecommunications service in the state in the amount of three cents per month for each telecommunications service phone number provided in this state.

2. ~~The total assessment shall be allocated as follows:~~

~~a. Wireless communications service providers shall be assessed three cents per month for each wireless communications service number provided in this state.~~

~~b. (1) The remainder of the assessment shall be allocated one-half to local exchange telephone utilities and one-half to the following:~~

- ~~(a) Interexchange carriers.~~
- ~~(b) Centralized equal access providers.~~
- ~~(c) Alternative operator services companies.~~

~~(2) The assessment shall be allocated proportionally based upon revenues from all intrastate regulated, deregulated, and exempt telephone services under sections 476.1 and 476.1D.~~

~~3. 2. The telecommunications carriers entities subject to assessment shall remit the assessed amounts quarterly to a special fund, as defined under section 8.2, subsection 9. The moneys in the fund are appropriated solely to plan, establish, administer, and promote the relay service and equipment distribution programs.~~

~~4. 3. The telecommunications carriers entities subject to assessment shall provide the information requested by the board necessary for implementation of the assessment.~~

~~5. 4. The Wire-line local exchange telephone utilities carriers shall not recover from intrastate access charges any portion of such utilities assessment imposed under this section.~~

Sec. 24. Section 478.29, subsection 1, Code 2018, is amended to read as follows:

1. A person who violates a provision of this chapter is subject to a civil penalty, which may be levied by the board, of not more than one hundred dollars per violation or one thousand dollars per day of a continuing violation, whichever is greater. Civil penalties collected pursuant to this section shall be forwarded by the ~~executive secretary~~ chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and appropriated to the division of community action agencies of the department of human rights for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 25. Section 479.14, Code 2018, is amended to read as follows:

479.14 Inspection fee.

~~A pipeline company shall pay an annual inspection fee of fifty cents per mile of pipeline or fraction thereof for each inch of diameter of the pipeline located in the state, the inspection fee to be paid to the board for the calendar year in advance between January 1 and February 1 of each year. The board may, in accordance with section 476.10, charge a pipeline company with an annual inspection fee that is directly attributable to the costs of conducting annual inspections pursuant to this chapter.~~

Sec. 26. Section 479.31, subsection 1, Code 2018, is amended to read as follows:

1. A person who violates this chapter or any rule or order issued pursuant to this chapter shall be subject to a civil penalty levied by the board not to exceed one hundred thousand dollars for each violation. Each day that the violation continues shall constitute a separate offense. However, the maximum civil penalty shall not exceed one million dollars for any related series of violations. Civil penalties collected pursuant to this section shall be forwarded by the ~~executive secretary~~ chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and appropriated to the division of community action agencies of the department of human rights for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 27. Section 479.46, subsection 6, Code 2018, is amended to read as follows:

6. The pipeline company shall pay all costs of the assessment made by the commissioners and reasonable attorney fees and costs incurred by the landowner as determined by the commissioners if the award of the commissioners exceeds one hundred ten percent of the final offer of the pipeline company prior to the determination of damages; ~~if the award does not exceed one hundred ten percent, the landowners shall pay the fees and costs incurred by the pipeline company.~~ The pipeline company shall file with the sheriff an affidavit setting forth the most recent offer made to the landowner. Commissioners shall receive a per diem of fifty dollars and actual and necessary expenses incurred in the performance of their official duties. The pipeline company shall also pay all costs occasioned by the appeal, including reasonable attorney fees to be taxed by the court, unless on the trial of the appeal

the same or a lesser amount of damages is awarded than was allowed by the commission from which the appeal was taken.

Sec. 28. Section 479B.4, unnumbered paragraph 5, Code 2018, is amended to read as follows:

The notice shall set forth the following: the name of the applicant, the applicant's principal place of business, the general description and purpose of the proposed project, the general nature of the right-of-way desired, a map showing the route or location of the proposed project, that the landowner has a right to be present at the meeting and to file objections with the board, and a designation of the time and place of the meeting. The notice shall be ~~sent by restricted certified mail and shall be published once in a newspaper of general circulation in the county not less than thirty days before the date set for the meeting served by certified mail with return receipt requested not less than thirty days previous to the time set for the meeting, and shall be published once in a newspaper of general circulation in the county.~~ The publication shall be considered notice to landowners whose residence is not known and to each person in possession of or residing on the property provided a good faith effort to notify can be demonstrated by the pipeline company.

Sec. 29. Section 479B.21, subsection 1, Code 2018, is amended to read as follows:

1. A person who violates this chapter or any rule or order issued pursuant to this chapter shall be subject to a civil penalty levied by the board in an amount not to exceed one thousand dollars for each violation. Each day that the violation continues shall constitute a separate offense. However, the maximum civil penalty shall not exceed two hundred thousand dollars for any related series of violations. Civil penalties collected pursuant to this section shall be forwarded by the ~~executive secretary~~ chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and appropriated to the division of community action agencies of the department of human rights for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 30. Section 479B.30, subsection 6, Code 2018, is amended to read as follows:

6. The pipeline company shall pay all costs of the assessment made by the commissioners and reasonable attorney fees and costs incurred by the landowner as determined by the commissioners if the award of the commissioners exceeds one hundred ten percent of the final offer of the pipeline company prior to the determination of damages; ~~if the award does not exceed one hundred ten percent, the landowners shall pay the fees and costs incurred by the pipeline company.~~ The pipeline company shall file with the sheriff an affidavit setting forth the most recent offer made to the landowner. Commissioners shall receive a per diem of fifty dollars and actual and necessary expenses incurred in the performance of their official duties. The pipeline company shall also pay all costs occasioned by the appeal, including reasonable attorney fees to be taxed by the court, unless on the trial of the appeal the same or a lesser amount of damages is awarded than was allowed by the commission from which the appeal was taken.

Sec. 31. Section 714H.4, subsection 1, paragraph d, Code 2018, is amended to read as follows:

d. The provision of local exchange carrier telephone service ~~pursuant to a certificate issued under section 476.29.~~

Sec. 32. REPEAL. Sections 476.11, 476.57, 476.96, and 476.101, Code 2018, are repealed.

Approved May 17, 2018

CHAPTER 1161

STATE AND LOCAL TAXATION, REVENUE, AND FINANCE

S.F. 2417

AN ACT relating to state and local revenue and finance by modifying the individual and corporate income taxes, the franchise tax, tax credits, the sales and use taxes and local option sales tax, the hotel and motel excise tax, the automobile rental excise tax, the Iowa educational savings plan trust, providing for other properly related matters, making penalties applicable, and including immediate and contingent effective date and retroactive and other applicability provisions.

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

DIVISION I

INTEREST ACCRUAL ON CERTAIN TAX REFUNDS

Section 1. Section 15.335, subsection 8, Code 2018, is amended to read as follows:

8. Any credit in excess of the tax liability for the taxable year shall be refunded with interest ~~computed under section 422.25~~ in accordance with section 421.60, subsection 2, paragraph "e". In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on its final, completed return credited to the tax liability for the following year.

Sec. 2. **NEW SECTION. 421.6 Definition of return.**

For purposes of this title, unless the context otherwise requires, "return" means any tax or information return, amended return, declaration of estimated tax, or claim for refund that is required by, provided for, or permitted under, the provisions of this title and which is filed with the department by, on behalf of, or with respect to any person. "Return" includes any amendment or supplement to these items, including supporting schedules, attachments, or lists which are supplemental to or part of the filed return.

Sec. 3. Section 421.60, subsection 2, paragraph e, Code 2018, is amended to read as follows:

e. ~~Unless otherwise provided by law, all~~ All Iowa taxes which are administered by the department and which result in a refund shall accrue interest at the rate in effect under section 421.7 from the first day of the second calendar month following the date of payment or the date the return upon which the refund is claimed was due to be filed, including any extensions, or was filed, whichever is the latest.

Sec. 4. Section 422.10, subsection 4, Code 2018, is amended to read as follows:

4. Any credit in excess of the tax liability imposed by section 422.5 less the amounts of nonrefundable credits allowed under this division for the taxable year shall be refunded with interest ~~computed under section 422.25~~ in accordance with section 421.60, subsection 2, paragraph "e". In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following taxable year.

Sec. 5. Section 422.16, subsection 9, Code 2018, is amended to read as follows:

9. The amount of any overpayment of the individual income tax liability of the employee taxpayer, nonresident, or other person which may result from the withholding and payment of withheld tax by the employer or withholding agent to the department under subsections 1 and 12, as compared to the individual income tax liability of the employee taxpayer, nonresident, or other person properly and correctly determined under the provisions of section 422.4, to and including section 422.25, may be credited against any income tax or installment thereof then due the state of Iowa and any balance of one dollar or more shall be refunded to the employee taxpayer, nonresident, or other person with interest ~~at the rate in effect under section 421.7 for each month or fraction of a month, the interest to begin to accrue on the first day of the second calendar month following the date the return was due to be filed or was filed, whichever is the later date~~ in accordance with section 421.60, subsection 2, paragraph

“e”. Amounts less than one dollar shall be refunded to the taxpayer, nonresident, or other person only upon written application, in accordance with section 422.73, and only if the application is filed within twelve months after the due date of the return. Refunds in the amount of one dollar or more provided for by this subsection shall be paid by the treasurer of state by warrants drawn by the director of the department of administrative services, or an authorized employee of the department, and the taxpayer’s return of income shall constitute a claim for refund for this purpose, except in respect to amounts of less than one dollar. There is appropriated, out of any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this subsection.

Sec. 6. Section 422.25, subsection 3, Code 2018, is amended to read as follows:

3. a. If the amount of the tax as determined by the department is less than the amount paid, the excess shall be refunded with interest, ~~the interest to begin to accrue on the first day of the second calendar month following the date of payment or the date the return was due to be filed, or the extended due date by which the return was due to be filed if ninety percent of the tax was paid by the original due date, or was filed, whichever is the latest, at the rate in effect under section 421.7 counting each fraction of a month as an entire month under the rules prescribed by the director. If an overpayment of tax results from a net operating loss or net capital loss which is carried back to a prior year, the overpayment, for purposes of computing interest on refunds, shall be considered as having been made on the date a claim for refund or amended return carrying back the net operating loss or net capital loss is filed with the department or on the first day of the second calendar month following the date of the actual payment of the tax, whichever is later. However, in accordance with section 421.60, subsection 2, paragraph “e”.~~

b. Notwithstanding section 421.60, subsection 2, paragraph “e”, and paragraph “a” of this subsection, when the net operating loss or net capital loss carryback to a prior year eliminates or reduces an underpayment of tax due for an earlier year, the full amount of the underpayment of tax shall bear interest at the rate in effect under section 421.7 for each month counting each fraction of a month as an entire month from the due date of the tax for the earlier year to the last day of the taxable year in which the net operating loss or net capital loss occurred.

Sec. 7. Section 422.28, Code 2018, is amended to read as follows:

422.28 Revision of tax.

A taxpayer may appeal to the director for revision of the tax, interest, or penalties assessed at any time within sixty days from the date of the notice of the assessment of tax, additional tax, interest, or penalties. The director shall grant a hearing and if, upon the hearing, the director determines that the tax, interest, or penalties are excessive or incorrect, the director shall revise them according to the law and the facts and adjust the computation of the tax, interest, or penalties accordingly. The director shall notify the taxpayer by mail of the result of the hearing and shall refund to the taxpayer the amount, if any, paid in excess of the tax, interest, or penalties found by the director to be due, with interest accruing ~~from the first day of the second calendar month following the date of payment by the taxpayer at the rate in effect under section 421.7 for each month or fraction of a month in accordance with section 421.60, subsection 2, paragraph “e”.~~

Sec. 8. Section 422.33, subsection 5, paragraph f, Code 2018, is amended to read as follows:

f. Any credit in excess of the tax liability for the taxable year shall be refunded with interest ~~computed under section 422.25 in accordance with section 421.60, subsection 2, paragraph “e”~~. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on its final, completed return credited to the tax liability for the following taxable year.

Sec. 9. Section 422.33, subsection 9, paragraph a, Code 2018, is amended to read as follows:

a. The taxes imposed under this division shall be reduced by an assistive device tax credit. A small business purchasing, renting, or modifying an assistive device or making workplace modifications for an individual with a disability who is employed or will be employed by the

small business is eligible, subject to availability of credits, to receive this assistive device tax credit which is equal to fifty percent of the first five thousand dollars paid during the tax year for the purchase, rental, or modification of the assistive device or for making the workplace modifications. Any credit in excess of the tax liability shall be refunded with interest ~~computed under section 422.25~~ in accordance with section 421.60, subsection 2, paragraph "e". In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following tax year. If the small business elects to take the assistive device tax credit, the small business shall not deduct for Iowa tax purposes any amount of the cost of an assistive device or workplace modifications which is deductible for federal income tax purposes.

Sec. 10. Section 422.91, Code 2018, is amended to read as follows:

422.91 Credit for estimated tax.

1. Any amount of estimated tax paid is a credit against the amount of tax due on a final, completed return, and any overpayment of five dollars or more shall be refunded to the taxpayer with interest, ~~the interest to begin to accrue on the first day of the second calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the latest, at the rate established under section 421.7~~ in accordance with section 421.60, subsection 2, paragraph "e", and the return constitutes a claim for refund for this purpose. Amounts less than five dollars shall be refunded to the taxpayer only upon written application in accordance with section 422.73, and only if the application is filed within twelve months after the due date for the return.

2. In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on its final, completed return for the taxable year credited to the tax liability for the following taxable year.

Sec. 11. Section 423.4, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. Refunds authorized under this subsection shall accrue interest ~~at the rate in effect under section 421.7 from the first day of the second calendar month following the date the refund claim is received by the department~~ in accordance with section 421.60, subsection 2, paragraph "e".

Sec. 12. Section 423.4, subsection 6, paragraph c, subparagraph (2), Code 2018, is amended to read as follows:

(2) Refunds authorized under this subsection shall accrue interest ~~at the rate in effect under section 421.7 from the first day of the second calendar month following the date the refund claim is received by the department~~ in accordance with section 421.60, subsection 2, paragraph "e".

Sec. 13. Section 450.94, subsection 3, Code 2018, is amended to read as follows:

3. If the amount paid is greater than the correct tax, penalty, and interest due, the department shall refund the excess with interest. ~~Interest shall be computed at the rate in effect under section 421.7, under the rules prescribed by the director counting each fraction of a month as an entire month and the interest shall begin to accrue on the first day of the second calendar month following the date of payment or on the date the return was due to be filed or was filed, whichever is the latest~~ in accordance with section 421.60, subsection 2, paragraph "e". However, the director shall not allow a claim for refund or credit that has not been filed with the department within three years after the tax payment upon which a refund or credit is claimed became due, or one year after the tax payment was made, whichever time is later. A determination by the department of the amount of tax, penalty, and interest due, or the amount of refund for excess tax paid, is final unless the person aggrieved by the determination appeals to the director for a revision of the determination within sixty days from the date of the notice of determination of tax, penalty, and interest due or refund owing or unless the taxpayer contests the determination by paying the tax, interest, and penalty and timely filing a claim for refund. The director shall grant a hearing, and upon the hearing the director shall determine the correct tax, penalty, and interest or refund due, and notify the appellant of the decision by mail. The decision of the director is final unless the

appellant seeks judicial review of the director's decision under section 450.59 within sixty days after the date of the notice of the director's decision.

Sec. 14. Section 452A.65, subsection 1, Code 2018, is amended to read as follows:

1. In addition to the tax or additional tax, the taxpayer shall pay a penalty as provided in section 421.27. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7 counting each fraction of a month as an entire month, computed from the date the return was required to be filed. If the amount of the tax as determined by the appropriate state agency is less than the amount paid, the excess shall be refunded with interest, ~~the interest to begin to accrue on the first day of the second calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the latest, at the rate in effect under section 421.7 counting each fraction of a month as an entire month under the rules prescribed by the appropriate state agency in accordance with section 421.60, subsection 2, paragraph "e".~~ Claims for refund filed under sections 452A.17 and 452A.21 shall accrue interest beginning with the first day of the second calendar month following the date the refund claim is received by the department.

Sec. 15. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 16. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2018, for tax years beginning on or after that date, and for refunds issued on or after that date.

DIVISION II TAX PENALTIES

Sec. 17. Section 421.27, subsection 6, Code 2018, is amended to read as follows:

6. ~~Improper receipt of refund or credit payments.~~ A person who makes an erroneous application for refund, ~~or credit, reimbursement, rebate, or other payment~~ shall be liable for any overpayment received or tax liability reduced plus interest at the rate in effect under section 421.7. In addition, a person who willfully makes a false or frivolous application for refund, ~~or credit, reimbursement, rebate, or other payment~~ with intent to evade tax or with intent to receive a refund, ~~or credit, reimbursement, rebate, or other payment~~ to which the person is not entitled is guilty of a fraudulent practice and is liable for a penalty equal to seventy-five percent of the refund, ~~or credit, reimbursement, rebate, or other payment~~ being claimed. Payments, penalties, and interest due under this subsection may be collected and enforced in the same manner as the tax imposed.

Sec. 18. Section 425.29, Code 2018, is amended to read as follows:

425.29 False claim — penalty.

A person who makes a false affidavit for the purpose of obtaining credit or reimbursement provided for in this division or who knowingly receives the credit or reimbursement without being legally entitled to it or makes claim for the credit or reimbursement in more than one county in the state without being legally entitled to it is guilty of a fraudulent practice. The claim for credit or reimbursement shall be disallowed in full and if the claim has been paid the amount shall be recovered in the manner provided in section 425.27. The department of revenue may impose penalties under section 421.27. The department of revenue shall send a notice of disallowance of the claim.

Sec. 19. LEGISLATIVE INTENT. It is the intent of the general assembly that the provisions of this division of this Act are conforming amendments consistent with current state law, and that the amendments do not change the application of current law but instead reflect current law both before and after the enactment of this division of this Act.

Sec. 20. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III
MISCELLANEOUS TAX PROVISIONS

Sec. 21. Section 34A.7B, subsection 13, Code 2018, is amended to read as follows:

13. The department shall transfer all ~~remitted~~ reported prepaid wireless 911 surcharges to the treasurer of state for deposit in the 911 emergency communications fund created under section 34A.7A, subsection 2, within thirty days of receipt after deducting an amount, not to exceed two percent of collected surcharges, that shall be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless 911 surcharges.

Sec. 22. Section 421.17, subsection 2, paragraph d, Code 2018, is amended to read as follows:

d. To facilitate uniformity and equalization of assessments throughout the state of Iowa and to facilitate transfers of funds to local governments, the director may use geographic information system technology and may require assessing authorities and local governments that have adopted compatible technology to provide information to the department electronically using electronic geographic information system file formats. The department of revenue shall act on behalf of political subdivisions and the state to deliver a consolidated response to the boundary and annexation survey and provide legal boundary geography data to the United States census bureau. The department shall coordinate with political subdivisions and the state to ensure that consistent, accurate, and integrated geography is provided to the United States census bureau. The office of the chief information officer shall provide geographic information system and technical support to the department to facilitate the exchange.

Sec. 23. Section 421.19, Code 2018, is amended to read as follows:

421.19 Counsel.

1. It shall be the duty of the attorney general and of the county attorneys in their respective counties to commence and prosecute actions, prosecutions, and complaints, when so directed by the director of revenue and to represent the director in any litigation arising from the discharge of the director's duties.

2. If the department has information that indicates a taxpayer intentionally filed a false claim, affidavit, return, or other information with intent to evade tax or to obtain a refund, credit, or other benefit from the department, the department may notify federal, state, or local law enforcement and may disclose state returns, state return information, state investigative or audit information, or any other state information to such law enforcement, notwithstanding sections 422.20 and 422.72.

3. Notwithstanding sections 422.20 and 422.72, the department may disclose state returns, state return information, state investigative or audit information, or any other state information under this section.

Sec. 24. **NEW SECTION. 421.71 Class actions — implied right of action — private cause of action immunity.**

1. *Class actions prohibited.* No class action may be brought against the department, a taxpayer, or a person required to collect any tax imposed under this title, in any court, agency, or other adjudicative body, or in any other forum, based on any act or omission arising from or related to any provision of this title.

2. *No implied right of action.* Nothing in this title shall be construed as creating or providing an implied private right of action or any private common law claim against any taxpayer, or against any person required to collect any tax imposed under this title, in any court, agency, or other adjudicative body, or in any other forum. This subsection shall not apply to or otherwise limit any claim, action, mandate, power, remedy, or discretion of the department, or an agent or designee of the department.

3. *Private cause of action immunity for overpayment of certain taxes.*

a. A taxpayer, or any person required to collect taxes imposed under chapters 423, 423A, 423B, 423C, and 423D, and chapter 423G, as enacted in 2018 Iowa Acts, Senate File 512, shall be immune from any private cause of action arising from or related to the overpayment

of taxes imposed under chapters 423, 423A, 423B, 423C, and 423D, and chapter 423G, as enacted in 2018 Iowa Acts, Senate File 512, that are collected and remitted to the department.

b. Nothing in this subsection shall apply to or otherwise limit any of the following:

(1) Any claim, action, mandate, power, remedy, or discretion of the department, or an agent or designee of the department.

(2) A taxpayer's right to seek a refund from the department related to taxes imposed under chapters 423, 423A, 423B, 423C, and 423D, and chapter 423G, as enacted in 2018 Iowa Acts, Senate File 512, that are collected from or paid by the taxpayer.

Sec. 25. Section 423G.5, subsection 1, as enacted by 2018 Iowa Acts, Senate File 512,¹ section 15, is amended to read as follows:

1. The director of revenue shall administer the water service tax as nearly as possible in conjunction with the administration of the state sales and use tax law, except that portion of the law that implements the streamlined sales and use tax agreement. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting water service tax liability, and for ease of administration may require water service tax liability to be identified, reported, and remitted to the department as sales and use tax liability, provided the department has the ability to properly identify such amounts as water service tax revenues upon receipt.

Sec. 26. Section 423G.6, subsection 2, paragraphs a, b, and c, as enacted by 2018 Iowa Acts, Senate File 512,² section 16, are amended to read as follows:

a. For revenues ~~collected~~ reported on or after July 1, 2018, but before August 1, 2019, one-twelfth of the revenues to the water quality infrastructure fund created in section 8.57B, and one-twelfth of the revenues to the water quality financial assistance fund created in section 16.134A.

b. For revenues ~~collected~~ reported on or after August 1, 2019, but before August 1, 2020, one-sixth of the revenues to the water quality infrastructure fund created in section 8.57B, and one-sixth of the revenues to the water quality financial assistance fund created in section 16.134A.

c. For revenues ~~collected~~ reported on or after August 1, 2020, one-half of the revenues to the water quality financial assistance fund created in section 16.134A.

Sec. 27. IOWA ELECTION CAMPAIGN FUND TAX CHECKOFF AND CONTRIBUTIONS — CREDIT TO GENERAL FUND. Notwithstanding section 68A.601 or 422.12J, or any other provision of law to the contrary, any amount of contribution to the Iowa election campaign fund in section 68A.602 designated on an individual income tax return for any tax year and filed on or after January 1, 2018, is void and shall be disregarded, and such contribution amount shall be credited to the general fund and not to the Iowa election campaign fund.

Sec. 28. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act relating to the Iowa election campaign fund tax checkoff and contributions.

2. The section of this division of this Act enacting section 421.71.

Sec. 29. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2018, for individual income tax returns filed on or after that date:

The section of this division of this Act relating to the Iowa election campaign fund tax checkoff and contributions.

¹ Chapter 1001 herein

² Chapter 1001 herein

DIVISION IV
TAX CREDITS

Sec. 30. Section 15E.52, subsection 8, Code 2018, is amended to read as follows:

8. The board shall not certify an innovation fund after June 30, ~~2018~~ 2023.

Sec. 31. Section 403.19A, subsection 3, paragraph c, subparagraph (2), Code 2018, is amended to read as follows:

(2) The pilot project city and the economic development authority shall not enter into a withholding agreement after June 30, ~~2018~~ 2019.

Sec. 32. Section 422.10, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0a.* An individual shall only be eligible for the credit provided in this section if the business conducting the research meets all of the following requirements:

(1) (a) The business is engaged in the manufacturing, life sciences, software engineering, or aviation and aerospace industry.

(b) Persons that shall not be considered to be engaged in the manufacturing, life sciences, software engineering, or aviation and aerospace industry, and thus are not eligible for the credit, include but are not limited to all of the following:

(i) A person engaged in agricultural production as defined in section 423.1.

(ii) A person who is a contractor, subcontractor, builder, or a contractor-retailer that engages in commercial and residential repair and installation, including but not limited to heating or cooling installation and repair, plumbing and pipe fitting, security system installation, and electrical installation and repair. For purposes of this subparagraph subdivision, “*contractor-retailer*” means a business that makes frequent retail sales to the public or to other contractors and that also engages in the performance of construction contracts.

(iii) A finance or investment company.

(iv) A retailer.

(v) A wholesaler.

(vi) A transportation company.

(vii) A publisher.

(viii) An agricultural cooperative association as defined in section 502.102.

(ix) A real estate company.

(x) A collection agency.

(xi) An accountant.

(xii) An architect.

(2) The business claims and is allowed a research credit for such qualified research expenses under section 41 of the Internal Revenue Code for the same taxable year as it is claiming the credit provided in this section.

Sec. 33. Section 422.10, subsection 3, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0a.* For purposes of this section, “*base amount*” means the product of the fixed-based percentage times the average annual gross receipts of the taxpayer for the four taxable years preceding the taxable year for which the credit is being determined, but in no event shall the base amount be less than fifty percent of the qualified research expenses for the credit year.

Sec. 34. Section 422.10, subsection 3, paragraph a, Code 2018, is amended to read as follows:

a. For purposes of this section, “~~*base amount*~~”, “*basic research payment*”, and “*qualified research expense*” mean the same as defined for the federal credit for increasing research activities under section 41 of the Internal Revenue Code, except that for the alternative simplified credit such amounts are for research conducted within this state.

Sec. 35. Section 422.11S, subsection 6, paragraph a, Code 2018, is amended to read as follows:

a. “*Eligible student*” means a student who is a member of a household whose total annual income during the calendar year before the student receives a tuition grant for purposes of this section does not exceed an amount equal to ~~three~~ four times the most recently published federal poverty guidelines in the federal register by the United States department of health and human services.

Sec. 36. Section 422.11S, subsection 8, paragraph a, subparagraph (2), Code 2018, is amended to read as follows:

(2) “*Total approved tax credits*” means for the tax year beginning in the 2006 calendar year, two million five hundred thousand dollars, for the tax year beginning in the 2007 calendar year, five million dollars, for tax years beginning on or after January 1, 2008, but before January 1, 2012, seven million five hundred thousand dollars, for tax years beginning on or after January 1, 2012, but before January 1, 2014, eight million seven hundred fifty thousand dollars, and for tax years beginning on or after January 1, 2014, but before January 1, 2019, twelve million dollars, and for tax years beginning on or after January 1, 2019, thirteen million dollars.

Sec. 37. Section 422.33, subsection 5, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0e.* A corporation shall only be eligible for the credit provided in this subsection if the business conducting the research meets all of the following requirements:

(1) (a) The business is engaged in the manufacturing, life sciences, software engineering, or aviation and aerospace industry.

(b) Persons that shall not be considered to be engaged in the manufacturing, life sciences, software engineering, or aviation and aerospace industry, and thus are not eligible for the credit, include but are not limited to all of the following:

(i) A person engaged in agricultural production as defined in section 423.1.

(ii) A person who is a contractor, subcontractor, builder, or a contractor-retailer that engages in commercial and residential repair and installation, including but not limited to heating or cooling installation and repair, plumbing and pipe fitting, security system installation, and electrical installation and repair. For purposes of this subparagraph subdivision, “*contractor-retailer*” means a business that makes frequent retail sales to the public or to other contractors and that also engages in the performance of construction contracts.

(iii) A finance or investment company.

(iv) A retailer.

(v) A wholesaler.

(vi) A transportation company.

(vii) A publisher.

(viii) An agricultural cooperative association as defined in section 502.102.

(ix) A real estate company.

(x) A collection agency.

(xi) An accountant.

(xii) An architect.

(2) The business claims and is allowed a research credit for such qualified research expenses under section 41 of the Internal Revenue Code for the same taxable year as it is claiming the credit provided in this subsection.

Sec. 38. Section 422.33, subsection 5, paragraph e, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (01) For purposes of this section, “*base amount*” means the product of the fixed-based percentage times the average annual gross receipts of the taxpayer for the four taxable years preceding the taxable year for which the credit is being determined, but in no event shall the base amount be less than fifty percent of the qualified research expenses for the credit year.

Sec. 39. Section 422.33, subsection 5, paragraph e, subparagraph (1), Code 2018, is amended to read as follows:

(1) For purposes of this subsection, “~~base amount~~”, “*basic research payment*”, and “*qualified research expense*” mean the same as defined for the federal credit for increasing research activities under section 41 of the Internal Revenue Code, except that for the alternative simplified credit such amounts are for research conducted within this state.

Sec. 40. 2019 INTERIM TAX CREDIT STUDY.

1. The legislative council is requested to authorize a study committee to evaluate tax credits available under Iowa law, including Iowa’s utilization of tax credits as a tool for promoting and supporting economic growth and development. The study committee shall also consider new or different tax credits or incentive programs, or tax rate or structure changes, that will foster economic growth and improve Iowa’s overall tax and economic development climate. The study committee shall make recommendations that the committee believes will improve predictability for the state’s budget, improve accountability to the taxpayers of Iowa, maximize flexibility in utilization, and place Iowa in the best position for attracting and retaining workers and businesses in the future. In developing recommendations, the study committee shall place significant emphasis on directing tax credits, incentive programs, or tax rate or structure changes toward Iowa workers and programs to strengthen Iowa’s workforce by incentivizing efforts to expand Iowans’ skills and capabilities in high-demand career fields.

2. The study committee shall consist of five members of the senate, three of whom shall be appointed by the majority leader of the senate and two of whom shall be appointed by the minority leader of the senate, and five members of the house of representatives, three of whom shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the minority leader of the house of representatives.

3. The study committee shall meet during the 2019 legislative interim to make recommendations for consideration during the 2020 legislative session in a report submitted to the general assembly.

Sec. 41. LEGISLATIVE INTENT. It is the intent of the general assembly that the provisions of this division of this Act enacting section 422.10, subsection 3, paragraph “0a”, amending section 422.10, subsection 3, paragraph “a”, enacting section 422.33, subsection 5, paragraph “e”, subparagraph (01), and amending section 422.33, subsection 5, paragraph “e”, subparagraph (1), are conforming amendments consistent with current state law, and that the amendments do not change the application of current law but instead reflect current law both before and after the enactment of this division of this Act.

Sec. 42. REPEAL. Sections 422.10A and 422.11I, Code 2018, are repealed.

Sec. 43. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 15E.52, subsection 8.
2. The section of this division of this Act enacting section 422.10, subsection 1, paragraph “0a”.
3. The section of this division of this Act enacting section 422.10, subsection 3, paragraph “0a”.
4. The section of this division of this Act amending section 422.10, subsection 3, paragraph “a”.
5. The section of this division of this Act enacting section 422.33, subsection 5, paragraph “0e”.
6. The section of this division of this Act enacting section 422.33, subsection 5, paragraph “e”, subparagraph (01).
7. The section of this division of this Act amending section 422.33, subsection 5, paragraph “e”, subparagraph (1).
8. The section of this division of this Act entitled “legislative intent” which describes the intent of the general assembly with respect to certain amendments in this division of this Act to sections 422.10 and 422.33.

Sec. 44. EFFECTIVE DATE. The following take effect January 1, 2019:

1. The sections of this division of this Act amending section 422.11S.
2. The section of this division of this Act repealing sections 422.10A and 422.11I.

Sec. 45. RETROACTIVE APPLICABILITY. The following apply retroactively to January 1, 2017, for tax years beginning on or after that date:

1. The section of this division of this Act enacting section 422.10, subsection 1, paragraph "0a".
2. The section of this division of this Act enacting section 422.33, subsection 5, paragraph "0e".

Sec. 46. APPLICABILITY. The following applies to tax years beginning on or after January 1, 2019, and to qualified geothermal heat pump property installations occurring on or after January 1, 2019:

The section of this division of this Act repealing sections 422.10A and 422.11I.

DIVISION V TAXPAYERS TRUST FUND AND TAXPAYERS TRUST FUND TAX CREDIT

Sec. 47. Section 8.55, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the ~~taxpayers trust~~ taxpayer relief fund created in section 8.57E.

Sec. 48. Section 8.57E, Code 2018, is amended to read as follows:

8.57E ~~Taxpayers trust~~ Taxpayer relief fund.

1. A ~~taxpayers trust~~ taxpayer relief fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

2. Moneys in the ~~taxpayers trust~~ taxpayer relief fund shall only be used pursuant to appropriations or transfers made by the general assembly for tax relief, including but not limited to increases in the general retirement income exclusion under section 422.7, subsection 31, or reductions in income tax rates. ~~During each fiscal year beginning on or after July 1, 2014, in which the balance of the taxpayers trust fund equals or exceeds thirty million dollars, there is transferred from the taxpayers trust fund to the Iowa taxpayers trust fund tax credit fund created in section 422.11E, the entire balance of the taxpayers trust fund to be used for the Iowa taxpayers trust fund tax credit in accordance with section 422.11E, subsection 5.~~

3. a. Moneys in the ~~taxpayers trust~~ taxpayer relief fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

b. Except as provided in section 8.58, the ~~taxpayers trust~~ taxpayer relief fund shall be considered a special account for the purposes of section 8.53 in determining the cash position of the general fund of the state for the payment of state obligations.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the ~~taxpayers trust~~ taxpayer relief fund shall be credited to the fund.

Sec. 49. Section 8.58, Code 2018, is amended to read as follows:

8.58 Exemption from automatic application.

1. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, Iowa economic emergency fund, ~~taxpayers trust taxpayer relief~~ fund, and state bond repayment fund shall not be considered in the application of any formula,

index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of the Code notwithstanding.

2. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, Iowa economic emergency fund, ~~taxpayers trust~~ taxpayer relief fund, and state bond repayment fund shall not be considered by an arbitrator or in negotiations under chapter 20.

Sec. 50. Section 257.21, subsection 2, Code 2018, is amended to read as follows:

2. The instructional support income surtax shall be imposed on the state individual income tax for the calendar year during which the school's budget year begins, or for a taxpayer's fiscal year ending during the second half of that calendar year and after the date the board adopts a resolution to participate in the program or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the school district on the last day of the applicable tax year. As used in this section, "state individual income tax" means the taxes computed under section 422.5, less the amounts of nonrefundable credits allowed under chapter 422, division II, ~~except for the Iowa taxpayers trust fund tax credit allowed under section 422.11E.~~

Sec. 51. Section 422D.2, Code 2018, is amended to read as follows:

422D.2 Local income surtax.

A county may impose by ordinance a local income surtax as provided in section 422D.1 at the rate set by the board of supervisors, of up to one percent, on the state individual income tax of each individual residing in the county at the end of the individual's applicable tax year. However, the cumulative total of the percents of income surtax imposed on any taxpayer in the county shall not exceed twenty percent. The reason for imposing the surtax and the amount needed shall be set out in the ordinance. The surtax rate shall be set to raise only the amount needed. For purposes of this section, "state individual income tax" means the tax computed under section 422.5, less the amounts of nonrefundable credits allowed under chapter 422, division II, ~~except for the Iowa taxpayers trust fund tax credit allowed under section 422.11E.~~

Sec. 52. REPEAL. Section 422.11E, Code 2018, is repealed.

Sec. 53. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 54. RETROACTIVE APPLICABILITY. The following apply retroactively to January 1, 2018, for tax years beginning on or after that date:

1. The section of this division of this Act amending section 257.21.
2. The section of this division of this Act repealing section 422.11E.
3. The section of this division of this Act amending section 422D.2.

DIVISION VI
TAXPAYERS TRUST FUND TRANSFER CAP

Sec. 55. Section 8.55, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. ~~The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund created in section 8.57E.~~

Sec. 56. EFFECTIVE DATE. This division of this Act takes effect July 1, 2019.

Sec. 57. APPLICABILITY. This division of this Act is first applicable to calculate the state general fund expenditure limitation for the fiscal year beginning July 1, 2020.

DIVISION VII
INDIVIDUAL INCOME TAX CHANGES BEGINNING IN TAX YEAR 2018

Sec. 58. Section 422.7, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 51. *a.* Notwithstanding any other provision of law to the contrary, the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 115-97, §13101, applies in computing net income for state tax purposes for tax years beginning on or after January 1, 2018, subject to the limitations in this subsection for tax years beginning prior to January 1, 2020.

b. If the taxpayer has taken the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 115-97, §13101, for purposes of computing federal adjusted gross income for tax years beginning on or after January 1, 2018, but before January 1, 2020, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes for the same tax year:

(1) Add the total amount of expense deduction taken on section 179 property allowable for federal tax purposes under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 115-97, §13101.

(2) (a) For tax years beginning on or after January 1, 2018, but before January 1, 2019, subtract the amount of expense deduction on section 179 property allowable for federal tax purposes under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 115-97, §13101, not to exceed seventy thousand dollars. The subtraction in this subparagraph division shall be reduced, but not below zero, by the amount by which the total cost of section 179 property placed in service by the taxpayer during the tax year exceeds two hundred eighty thousand dollars.

(b) For tax years beginning on or after January 1, 2019, but before January 1, 2020, subtract the amount of expense deduction on section 179 property allowable for federal tax purposes under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 115-97, §13101, not to exceed one hundred thousand dollars. The subtraction in this subparagraph division shall be reduced, but not below zero, by the amount by which the total cost of section 179 property placed in service by the taxpayer during the tax year exceeds four hundred thousand dollars.

(3) Any other adjustments to gains or losses necessary to reflect adjustments made in subparagraphs (1) and (2).

c. The director shall adopt rules pursuant to chapter 17A to administer this subsection.

NEW SUBSECTION. 52. *a.* For tax years beginning on or after January 1, 2018, but before January 1, 2020, a taxpayer may elect to take advantage of this subsection in lieu of subsection 51, but only if the taxpayer's total expensing allowance deduction for federal tax purposes under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 115-97, §13101, that is allocated to the taxpayer from one or more partnerships, S corporations, or limited liability companies electing to have the income taxed directly to the individual exceeds seventy thousand dollars for a tax year beginning during the 2018 calendar year, or exceeds one hundred thousand dollars for a tax year beginning during the 2019 calendar year, and would, except as provided in this subsection, be limited for purposes of computing net income for state tax purposes pursuant to subsection 51.

b. A taxpayer who elects to take advantage of this subsection shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

(1) Add the total amount of section 179 expense deduction allocated to the taxpayer from all partnerships, S corporations, or limited liability companies electing to have the income taxed directly to the individual, to the extent the allocated amount was allowed as a deduction to the taxpayer for federal tax purposes for the tax year under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 115-97, §13101.

(2) From the amount added in subparagraph (1), do the following:

(a) For tax years beginning on or after January 1, 2018, but before January 1, 2019, subtract the first seventy thousand dollars of expensing allowance deduction on section 179 property.

(b) For tax years beginning on or after January 1, 2019, but before January 1, 2020, subtract the first one hundred thousand dollars of expensing allowance deduction on section 179 property.

(3) The remaining amount, equal to the difference between the amount added in subparagraph (1), and the amount subtracted in subparagraph (2), may be deducted by the taxpayer but such deduction shall be amortized equally over five tax years beginning in the following tax year.

(4) Any other adjustments to gains or losses necessary to reflect adjustments made in subparagraphs (1) through (3).

c. A taxpayer who elects to take advantage of this subsection shall not take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 115-97, §13101, for any section 179 property placed in service by the taxpayer in computing adjusted gross income for state tax purposes. If the taxpayer has taken any such deduction for purposes of computing federal adjusted gross income, the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

(1) Add the total amount of expense deduction for federal tax purposes taken on section 179 property placed in service by the taxpayer under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 115-97, §13101.

(2) Subtract the amount of depreciation allowable on such property under the modified accelerated cost recovery system described in section 168 of the Internal Revenue Code, without regard to section 168(k) of the Internal Revenue Code. The taxpayer shall continue to take depreciation on the applicable property in future tax years to the extent allowed under the modified accelerated cost recovery system described in section 168 of the Internal Revenue Code, without regard to section 168(k) of the Internal Revenue Code.

(3) Any other adjustments to gains or losses necessary to reflect the adjustments made in subparagraphs (1) and (2).

d. The election made under this subsection is for one tax year and the taxpayer may elect or not elect to take advantage of this subsection in any subsequent tax year. However, not electing to take advantage of this subsection in a subsequent tax year shall not affect the taxpayer's ability to claim the tax deduction under paragraph "b", subparagraph (3), that originated from a previous tax year.

e. The director shall adopt rules pursuant to chapter 17A to administer this subsection.

Sec. 59. Section 422.9, subsection 2, paragraph h, Code 2018, is amended to read as follows:

h. For purposes of calculating the deductions in this subsection that are authorized under the Internal Revenue Code, and to the extent that any of such deductions is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, subsections 39, 39A, 39B, 51, 52, and 53.

Sec. 60. TAX-FREE IRA DISTRIBUTIONS TO CERTAIN PUBLIC CHARITIES FOR INDIVIDUALS SEVENTY AND ONE-HALF YEARS OF AGE OR OLDER. Notwithstanding any other provision of law to the contrary, for tax years beginning during the 2018 calendar year, the exclusion from federal adjusted gross income for certain qualified charitable distributions from an individual retirement plan provided in section 408(d)(8) of the Internal Revenue Code, as amended by Pub. L. No. 114-113, division Q, §112, applies in computing net income for state tax purposes.

Sec. 61. STATE SALES AND USE TAX DEDUCTION.

Notwithstanding any other provision of law to the contrary, for tax years beginning during the 2018 calendar year, a taxpayer who elects to itemize deductions for state tax purposes under section 422.9, subsection 2, is allowed to take the deduction for state sales and use tax in lieu of the deduction for state and local income taxes under section 164(b)(5) of the Internal Revenue Code, as amended by Pub. L. No. 114-113, division Q, §106, in computing taxable income for state tax purposes, but only if the taxpayer elected to deduct state sales and use taxes in lieu of state and local income taxes for federal tax purposes for the same tax year.

Sec. 62. EARNED INCOME TAX CREDIT FOR 2018.

Notwithstanding the definition of "Internal Revenue Code" in section 422.3, for tax years beginning during the 2018 calendar year, any reference to the term "Internal Revenue Code" in section 422.12B shall mean the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended and in effect on January 1, 2016, but shall not be construed to include any amendment to the Internal Revenue Code enacted after January 1, 2016, including any amendment with retroactive applicability or effectiveness.

Sec. 63. ACCOUNTING METHOD AND OTHER MISCELLANEOUS COUPLING PROVISIONS FOR TAX YEAR 2018. Notwithstanding any other provision of law to the contrary, amendments to the Internal Revenue Code enacted in Pub. L. No. 115-97, §13102, §13221, §13504, §13541, §13543, §13611, and §13613, apply in calculating federal adjusted gross income or federal taxable income, as applicable, for state tax purposes for purposes of chapter 422 for tax years beginning during the 2018 calendar year to the extent those amendments affect the calculation of federal adjusted gross income or federal taxable income, as applicable, for federal tax purposes for tax years beginning during the 2018 calendar year.

Sec. 64. TEACHER EXPENSE DEDUCTION. Notwithstanding any other provision of law to the contrary, for tax years beginning during the 2018 calendar year, a taxpayer is allowed to take the deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code, as amended by Pub. L. No. 114-113, division Q, §104, in computing net income for state tax purposes.

Sec. 65. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 66. RETROACTIVE APPLICABILITY. Except as otherwise provided in this division of this Act, this division of this Act applies retroactively to January 1, 2018, for tax years beginning on or after that date, but before January 1, 2019.

Sec. 67. RETROACTIVE APPLICABILITY. The following apply retroactively to January 1, 2018, for tax years beginning on or after that date:

1. The section of this division of this Act enacting section 422.7, subsections 51 and 52.
2. The section of this division of this Act amending section 422.9, subsection 2, paragraph "h".

DIVISION VIII

INDIVIDUAL AND CORPORATE INCOME TAX AND FRANCHISE TAX CHANGES BEGINNING IN TAX YEAR 2019

Sec. 68. Section 15.335, subsection 7, paragraph b, Code 2018, is amended by striking the paragraph and inserting in lieu thereof the following:

b. For purposes of this section, "*Internal Revenue Code*" means the same as defined in section 422.3.

Sec. 69. Section 422.3, subsection 5, Code 2018, is amended to read as follows:

5. "*Internal Revenue Code*" means one of the following:

a. For tax years beginning during the 2019 calendar year, "*Internal Revenue Code*" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended and in effect on ~~January 1, 2015~~ March 24, 2018. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

b. For tax years beginning on or after January 1, 2020, "*Internal Revenue Code*" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue

Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986, as amended.

Sec. 70. Section 422.4, subsection 16, Code 2018, is amended to read as follows:

16. The words “taxable income” mean the net income as defined in section 422.7 minus the deductions allowed by section 422.9, in the case of individuals; in the case of estates or trusts, the words “taxable income” mean the taxable income ~~(without a deduction for personal exemption)~~ as computed for federal income tax purposes under the Internal Revenue Code, but with the following adjustments specified in section 422.7 plus the Iowa income tax deducted in computing the federal taxable income and minus federal income taxes as provided in section 422.9.:

a. Add back the personal exemption deduction taken in computing federal taxable income.
b. Make the adjustments specified in section 422.7.
c. Add back Iowa income tax deducted in computing federal taxable income.
d. Subtract federal income taxes as provided in section 422.9.
e. Add back the following percentage of the qualified business income deduction under section 199A of the Internal Revenue Code taken in calculating federal taxable income for the applicable tax year:

(1) For tax years beginning on or after January 1, 2019, but before January 1, 2021, seventy-five percent.

(2) For tax years beginning during the 2021 calendar year, fifty percent.

(3) For tax years beginning on or after January 1, 2022, twenty-five percent.

Sec. 71. Section 422.5, subsection 1, Code 2018, is amended to read as follows:

1. a. A tax is imposed upon every resident and nonresident of the state which tax shall be levied, collected, and paid annually upon and with respect to the entire taxable income as defined in this division at rates as follows: provided in section 422.5A.

a. On all taxable income from zero through one thousand dollars, thirty-six hundredths of one percent.

b. On all taxable income exceeding one thousand dollars but not exceeding two thousand dollars, seventy-two hundredths of one percent.

c. On all taxable income exceeding two thousand dollars but not exceeding four thousand dollars, two and forty-three hundredths percent.

d. On all taxable income exceeding four thousand dollars but not exceeding nine thousand dollars, four and one-half percent.

e. On all taxable income exceeding nine thousand dollars but not exceeding fifteen thousand dollars, six and twelve hundredths percent.

f. On all taxable income exceeding fifteen thousand dollars but not exceeding twenty thousand dollars, six and forty-eight hundredths percent.

g. On all taxable income exceeding twenty thousand dollars but not exceeding thirty thousand dollars, six and eight-tenths percent.

h. On all taxable income exceeding thirty thousand dollars but not exceeding forty-five thousand dollars, seven and ninety-two hundredths percent.

i. On all taxable income exceeding forty-five thousand dollars, eight and ninety-eight hundredths percent.

j. b. (1) The tax imposed upon the taxable income of a nonresident shall be computed by reducing the amount determined pursuant to paragraphs “a” through “i” paragraph “a” by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the nonresident’s net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph “a”, is the numerator and the nonresident’s total net income computed under section 422.7 is the denominator. This provision also applies to individuals who are residents of Iowa for less than the entire tax year.

(2) (a) The tax imposed upon the taxable income of a resident shareholder in an S corporation or of an estate or trust with a situs in Iowa that is a shareholder in an S corporation, which S corporation has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state, may be computed by reducing the amount determined pursuant to paragraphs “a” through

“i” paragraph “a” by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the resident’s or estate’s or trust’s net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph “b”, is the numerator and the resident’s or estate’s or trust’s total net income computed under section 422.7 is the denominator. If a resident shareholder, or an estate or trust with a situs in Iowa that is a shareholder, has elected to take advantage of this subparagraph (2), and for the next tax year elects not to take advantage of this subparagraph, the resident or estate or trust shareholder shall not reelect to take advantage of this subparagraph for the three tax years immediately following the first tax year for which the shareholder elected not to take advantage of this subparagraph, unless the director consents to the reelection. This subparagraph also applies to individuals who are residents of Iowa for less than the entire tax year.

(b) This subparagraph (2) shall not affect the amount of the taxpayer’s checkoffs under this division, the credits from tax provided under this division, and the allocation of these credits between spouses if the taxpayers filed separate returns or separately on combined returns.

Sec. 72. Section 422.5, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. There is imposed upon every resident and nonresident of this state, including estates and trusts, the greater of the tax determined in subsection 1, paragraphs “a” through “j”, or the state alternative minimum tax equal to seventy-five percent of the maximum state individual income tax rate for the tax year, rounded to the nearest one-tenth of one percent, times the state alternative minimum taxable income of the taxpayer as computed under this subsection.

Sec. 73. **NEW SECTION. 422.5A Tax rates.**

The tax imposed in section 422.5 shall be calculated at the following rates:

1. On all taxable income from 0 through \$1,000, the rate of 0.33 percent.
2. On all taxable income exceeding \$1,000 but not exceeding \$2,000, the rate of 0.67 percent.
3. On all taxable income exceeding \$2,000 but not exceeding \$4,000, the rate of 2.25 percent.
4. On all taxable income exceeding \$4,000 but not exceeding \$9,000, the rate of 4.14 percent.
5. On all taxable income exceeding \$9,000 but not exceeding \$15,000, the rate of 5.63 percent.
6. On all taxable income exceeding \$15,000 but not exceeding \$20,000, the rate of 5.96 percent.
7. On all taxable income exceeding \$20,000 but not exceeding \$30,000, the rate of 6.25 percent.
8. On all taxable income exceeding \$30,000 but not exceeding \$45,000, the rate of 7.44 percent.
9. On all taxable income exceeding \$45,000, the rate of 8.53 percent.

Sec. 74. Section 422.5, subsection 6, Code 2018, is amended to read as follows:

6. Upon determination of the latest cumulative inflation factor, the director shall multiply each dollar amount set forth in subsection 1, paragraphs “a” through “i” section 422.5A by this cumulative inflation factor, shall round off the resulting product to the nearest one dollar, and shall incorporate the result into the income tax forms and instructions for each tax year.

Sec. 75. Section 422.7, subsection 39A, unnumbered paragraph 1, Code 2018, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

Sec. 76. Section 422.7, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 59. *a.* The rules for nonrecognition of gain or loss from exchanges of real property held for productive use or investment and not held primarily for sale, as provided in section 1031 of the Internal Revenue Code, apply for state income tax purposes with regard to exchanges of real property.

b. (1) The rules for nonrecognition of gain or loss from exchanges of property other than real property held for productive use or investment as provided in section 1031 of the Internal Revenue Code, as amended up to and including December 21, 2017, apply for state income tax purposes for tax years beginning during the 2019 calendar year, notwithstanding any other provision of law to the contrary. If the taxpayer's federal adjusted gross income includes gain or loss from property, other than real property described in paragraph "a", and the taxpayer elects to have this paragraph apply, the following adjustments shall be made:

(a) (i) Subtract the total amount of gain related to the sale or exchange of the property as properly reported for federal tax purposes under the Internal Revenue Code.

(ii) Add back any gain related to the sale or exchange of the property to the extent such gain does not qualify for deferral under section 1031 of the Internal Revenue Code, as amended up to and including December 21, 2017, which gain shall be calculated using the taxpayer's adjusted basis in the property for state tax purposes.

(b) (i) Add the total amount of loss related to the sale or exchange of the property as properly reported for federal tax purposes under the Internal Revenue Code.

(ii) Subtract any loss related to the sale or exchange of the property to the extent such loss does not qualify for deferral under section 1031 of the Internal Revenue Code, as amended up to and including December 21, 2017, which loss shall be calculated using the taxpayer's adjusted basis in the property for state tax purposes.

(c) Any other adjustments to gains, losses, deductions, or tax basis for the property given up or received in the sale or exchange pursuant to rules adopted by the director.

(2) The director shall adopt rules pursuant to chapter 17A to administer this paragraph.

c. This subsection is repealed January 1, 2020, for tax years beginning on or after that date.

Sec. 77. Section 422.8, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. Nonresident's net income allocated to Iowa is the net income, or portion of net income, which is derived from a business, trade, profession, or occupation carried on within this state or income from any property, trust, estate, or other source within Iowa. However, income derived from a business, trade, profession, or occupation carried on within this state and income from any property, trust, estate, or other source within Iowa shall not include distributions from pensions, including defined benefit or defined contribution plans, annuities, individual retirement accounts, and deferred compensation plans or any earnings attributable thereto so long as the distribution is directly related to an individual's documented retirement and received while the individual is a nonresident of this state. If a business, trade, profession, or occupation is carried on partly within and partly without the state, only the portion of the net income which is fairly and equitably attributable to that part of the business, trade, profession, or occupation carried on within the state is allocated to Iowa for purposes of section 422.5, subsection 1, paragraph "j" "b", and section 422.13 and income from any property, trust, estate, or other source partly within and partly without the state is allocated to Iowa in the same manner, except that annuities, interest on bank deposits and interest-bearing obligations, and dividends are allocated to Iowa only to the extent to which they are derived from a business, trade, profession, or occupation carried on within the state. Net income described in section 29C.24, subsection 3, paragraph "a", subparagraph (3), and paragraph "b", subparagraph (2), shall not be allocated and apportioned to the state, as provided in section 29C.24.

Sec. 78. Section 422.9, unnumbered paragraph 1, Code 2018, is amended to read as follows:

In computing taxable income of individuals, there shall be deducted from net income the larger of the following amounts: computed under subsection 1 or 2, plus the amount computed under subsection 2A.

Sec. 79. Section 422.9, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. a. The following percentage of the qualified business income deduction under section 199A of the Internal Revenue Code taken in calculating federal taxable income for the applicable tax year:

(1) For tax years beginning on or after January 1, 2019, but before January 1, 2021, twenty-five percent.

(2) For tax years beginning during the 2021 calendar year, fifty percent.

(3) For tax years beginning on or after January 1, 2022, seventy-five percent.

b. Notwithstanding paragraph “a”, and section 422.4, subsection 16, paragraph “e”, for an entity electing or required to file a composite return under section 422.13, subsection 5, the deduction allowed under this subsection for purposes of the composite return shall be an amount equal to the applicable percentage described in paragraph “a” of the deduction that would be allowable for federal income tax purposes under section 199A of the Internal Revenue Code by an individual taxpayer reporting the same items of income and loss that are included in the composite return.

Sec. 80. Section 422.9, subsection 2, paragraph i, Code 2018, is amended to read as follows:

i. The deduction for state sales and use taxes is allowable only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. A deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code. This paragraph applies to taxable years beginning after ~~December 31, 2003, and before January 1, 2008, and to taxable years beginning after December 31, 2009, and before January 1, 2015~~ December 31, 2018.

Sec. 81. Section 422.9, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. l. The limitation on the deduction of certain taxes in section 164(b)(6) of the Internal Revenue Code does not apply in computing taxable income for state tax purposes. A taxpayer is allowed to deduct taxes in computing taxable income as otherwise provided in this subsection without regard to section 164(b)(6), as enacted by Pub. L. No. 115-97, §11042.

Sec. 82. Section 422.9, subsection 3, paragraph d, Code 2018, is amended to read as follows:

d. Notwithstanding paragraph “a”, for a taxpayer who is engaged in the trade or business of farming as defined in section 263A(e)(4) of the Internal Revenue Code and has a loss from farming as defined in section ~~172(b)(1)(F)~~ 172(b)(1)(B) of the Internal Revenue Code including modifications prescribed by rule by the director, the Iowa loss from the trade or business of farming is a net operating loss which may be carried back five taxable years prior to the taxable year of the loss.

Sec. 83. Section 422.9, subsection 5, Code 2018, is amended to read as follows:

5. A taxpayer affected by section 422.8 shall, ~~if the optional standard deduction is not used,~~ be permitted to deduct only such portion of the total referred to in ~~subsection~~ subsections 2 above and 2A as is fairly and equitably allocable to Iowa under the rules prescribed by the director.

Sec. 84. Section 422.9, subsections 6 and 7, Code 2018, are amended by striking the subsections.

Sec. 85. Section 422.10, subsection 3, paragraph b, Code 2018, is amended by striking the paragraph.

Sec. 86. Section 422.11B, Code 2018, is amended to read as follows:

422.11B Minimum tax credit.

1. *a.* There is allowed as a credit against the tax determined in section 422.5, subsection 1, paragraphs “a” through “j” for a tax year an amount equal to the minimum tax credit for that tax year.

b. The minimum tax credit for a tax year is the excess, if any, of the net minimum tax imposed for all prior tax years beginning on or after January 1, 1987, over the amount allowable as a credit under this section for those prior tax years.

2. *a.* The allowable credit under subsection 1 for a tax year shall not exceed the excess, if any, of the tax determined in section 422.5, subsection 1, paragraphs “a” through “j” over the state alternative minimum tax as determined in section 422.5, subsection 2.

b. The net minimum tax for a tax year is the excess, if any, of the tax determined in section 422.5, subsection 2, for the tax year over the tax determined in section 422.5, subsection 1, paragraphs “a” through “j” for the tax year.

Sec. 87. Section 422.32, subsection 1, paragraph h, Code 2018, is amended to read as follows:

h. “*Internal Revenue Code*” means one of the following:

(1) For tax years beginning during the 2019 calendar year, “*Internal Revenue Code*” means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended and in effect on January 1, 2015 March 24, 2018. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

(2) For tax years beginning on or after January 1, 2020, “*Internal Revenue Code*” means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986, as amended.

Sec. 88. Section 422.33, subsection 1, paragraphs a, b, c, and d, Code 2018, are amended to read as follows:

a. On the first twenty-five thousand dollars of taxable income, or any part thereof, the rate of six percent for tax years beginning prior to January 1, 2021, and the rate of five and one-half percent for tax years beginning on or after January 1, 2021.

b. On taxable income between twenty-five thousand dollars and one hundred thousand dollars or any part thereof, the rate of eight percent for tax years beginning prior to January 1, 2021, and the rate of five and one-half percent for tax years beginning on or after January 1, 2021.

c. On taxable income between one hundred thousand dollars and two hundred fifty thousand dollars or any part thereof, the rate of ten percent for tax years beginning prior to January 1, 2021, and the rate of nine percent for tax years beginning on or after January 1, 2021.

d. On taxable income of two hundred fifty thousand dollars or more, the rate of twelve percent for tax years beginning prior to January 1, 2021, and the rate of nine and eight-tenths percent for tax years beginning on or after January 1, 2021.

Sec. 89. Section 422.33, subsection 4, paragraph a, Code 2018, is amended to read as follows:

a. In addition to all taxes imposed under this division, there is imposed upon each corporation doing business within the state the greater of the tax determined in subsection 1, paragraphs “a” through “d” or the state alternative minimum tax equal to sixty percent of the maximum state corporate income tax rate for the tax year, rounded to the nearest one-tenth of one percent, of the state alternative minimum taxable income of the taxpayer computed under this subsection.

Sec. 90. Section 422.33, subsection 4, paragraph b, subparagraph (1), Code 2018, is amended to read as follows:

(1) Add items of tax preference included in federal alternative minimum taxable income under section 57, except subsections (a)(1) and (a)(5), of the Internal Revenue Code, make

the adjustments included in federal alternative minimum taxable income under section 56, except subsections (a)(4) and (d), of the Internal Revenue Code, and add losses as required by section 58 of the Internal Revenue Code. In making the adjustment under section 56(c)(1) of the Internal Revenue Code, interest and dividends from federal securities and interest and dividends from state and other political subdivisions and from regulated investment companies exempt from federal income tax under the Internal Revenue Code, net of amortization of any discount or premium, shall be subtracted. For purposes of this subparagraph, "Internal Revenue Code" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended and in effect on December 21, 2017. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

Sec. 91. Section 422.33, subsection 4, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. This subsection is repealed January 1, 2021, for tax years beginning on or after that date.

Sec. 92. Section 422.33, subsection 5, paragraph e, subparagraph (2), Code 2018, is amended by striking the subparagraph.

Sec. 93. Section 422.33, subsection 7, Code 2018, is amended to read as follows:

7. a. (1) ~~There~~ For tax years beginning before January 1, 2022, there is allowed as a credit against the tax determined in subsection 1 for a tax year an amount equal to the minimum tax credit for that tax year.

(2) The minimum tax credit for a tax year is the excess, if any, of the net minimum tax imposed for all prior tax years beginning on or after January 1, 1987, but before January 1, 2021, over the amount allowable as a credit under this subsection for those prior tax years.

b. (1) The allowable credit under paragraph "a" for a tax year beginning before January 1, 2021, shall not exceed the excess, if any, of the tax determined in subsection 1 over the state alternative minimum tax as determined in subsection 4. The allowable credit under paragraph "a" for a tax year beginning in the 2021 calendar year shall not exceed the tax determined in subsection 1.

(2) The net minimum tax for a tax year is the excess, if any, of the tax determined in subsection 4 for the tax year over the tax determined in subsection 1 for the tax year.

c. This subsection is repealed January 1, 2022, for tax years beginning on or after that date.

Sec. 94. Section 422.35, subsection 4, Code 2018, is amended to read as follows:

4. a. ~~Subtract~~ For tax years beginning before January 1, 2022, subtract fifty percent of the federal income taxes paid or accrued, ~~as the case may be~~, during the tax year to the extent payment is for a tax year beginning prior to January 1, 2021, adjusted by any federal income tax refunds; ~~and add the Iowa income tax deducted in computing said taxable income to the extent the tax was deducted for a tax year beginning prior to January 1, 2021.~~

b. Add the Iowa income tax deducted in computing federal taxable income.

Sec. 95. Section 422.35, Code 2018, is amended by adding the following new subsections:
NEW SUBSECTION. 14. a. The increased expensing allowance under section 179 of the Internal Revenue Code applies in computing net income for state tax purposes for tax years beginning on or after January 1, 2019, subject to the limitations in this subsection for tax years beginning on or after January 1, 2019, but before January 1, 2020.

b. If the taxpayer has taken the increased expensing allowance under section 179 of the Internal Revenue Code for purposes of computing federal taxable income for tax years beginning on or after January 1, 2019, but before January 1, 2020, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes for the same tax year:

(1) Add the total amount of expense deduction taken on section 179 property allowable for federal tax purposes under section 179 of the Internal Revenue Code.

(2) Subtract the amount of expense deduction on section 179 property allowable for federal tax purposes under section 179 of the Internal Revenue Code, not to exceed one hundred thousand dollars. The subtraction in this subparagraph shall be reduced, but not below zero, by the amount by which the total cost of section 179 property placed in service by the taxpayer during the tax year exceeds four hundred thousand dollars.

(3) Any other adjustments to gains or losses necessary to reflect adjustments made in subparagraphs (1) and (2).

c. The director shall adopt rules pursuant to chapter 17A to administer this subsection.

NEW SUBSECTION. 15. a. For tax years beginning on or after January 1, 2019, but before January 1, 2020, a taxpayer may elect to take advantage of this subsection in lieu of subsection 14, but only if the taxpayer's total expensing allowance deduction for federal tax purposes under section 179 of the Internal Revenue Code that is allocated to the taxpayer from one or more partnerships or limited liability companies electing to have the income taxed directly to the owners exceeds one hundred thousand dollars and would, except as provided in this subsection, be limited for purposes of computing net income for state tax purposes pursuant to subsection 14.

b. A taxpayer who elects to take advantage of this subsection shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

(1) Add the total amount of section 179 expense deduction allocated to the taxpayer from all partnerships or limited liability companies electing to have the income taxed directly to the owners, to the extent the allocated amount was allowed as a deduction to the taxpayer for federal tax purposes for the tax year under section 179 of the Internal Revenue Code.

(2) From the amount added in subparagraph (1), subtract the first one hundred thousand dollars of expensing allowance deduction on section 179 property.

(3) The remaining amount, equal to the difference between the amount added in subparagraph (1), and the amount subtracted in subparagraph (2), may be deducted by the taxpayer but such deduction shall be amortized equally over five tax years beginning in the following tax year.

(4) Any other adjustments to gains or losses necessary to reflect adjustments made in subparagraphs (1) through (3).

c. A taxpayer who elects to take advantage of this subsection shall not take the increased expensing allowance under section 179 of the Internal Revenue Code for any section 179 property placed in service by the taxpayer in computing taxable income for state tax purposes. If the taxpayer has taken any such deduction for purposes of computing federal taxable income, the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

(1) Add the total amount of expense deduction for federal tax purposes taken on section 179 property placed in service by the taxpayer under section 179 of the Internal Revenue Code.

(2) Subtract the amount of depreciation allowable on such property under the modified accelerated cost recovery system described in section 168 of the Internal Revenue Code, without regard to section 168(k) of the Internal Revenue Code. The taxpayer shall continue to take depreciation on the applicable property in future tax years to the extent allowed under the modified accelerated cost recovery system described in section 168 of the Internal Revenue Code, without regard to section 168(k) of the Internal Revenue Code.

(3) Any other adjustments to gains or losses necessary to reflect the adjustments made in subparagraphs (1) and (2).

d. The director shall adopt rules pursuant to chapter 17A to administer this subsection.

Sec. 96. Section 422.35, subsection 19A, unnumbered paragraph 1, Code 2018, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

Sec. 97. EFFECTIVE DATE. This division of this Act takes effect January 1, 2019.

Sec. 98. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2019.

DIVISION IX
FUTURE CONTINGENT INCOME AND CORPORATE TAX AND FRANCHISE TAX
CHANGES

Sec. 99. Section 12D.9, subsection 2, Code 2018, is amended to read as follows:

2. State income tax treatment of the Iowa educational savings plan trust shall be as provided in section 422.7, subsections 18, 32, and 33.

Sec. 100. Section 217.39, Code 2018, is amended to read as follows:

217.39 Persecuted victims of World War II — reparations — heirs.

Notwithstanding any other law of this state, payments paid to and income from lost property of a victim of persecution for racial, ethnic, or religious reasons by Nazi Germany or any other Axis regime or as an heir of such victim which is ~~exempt from state income tax as provided~~ described in section 422.7, subsection 35, Code 2018, shall not be considered as income or an asset for determining the eligibility for state or local government benefit or entitlement programs. The proceeds are not subject to recoupment for the receipt of governmental benefits or entitlements, and liens, except liens for child support, are not enforceable against these sums for any reason.

Sec. 101. Section 422.4, subsection 1, paragraphs b and c, Code 2018, are amended to read as follows:

b. “*Cumulative inflation factor*” means the product of the annual inflation factor for the ~~1988~~ calendar year beginning on January 1 of the calendar year that this division of this Act takes effect and all annual inflation factors for subsequent calendar years as determined pursuant to this subsection. The cumulative inflation factor applies to all tax years beginning on or after January 1 of the calendar year for which the latest annual inflation factor has been determined.

c. The annual inflation factor for the ~~1988~~ calendar year beginning on January 1 of the calendar year that this division of this Act takes effect is one hundred percent.

Sec. 102. Section 422.4, subsection 2, Code 2018, is amended by striking the subsection.

Sec. 103. Section 422.4, subsection 16, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

16. “*Taxable income*” means, in the case of individuals, the net income as defined in section 422.7 minus the deduction allowed by section 422.9, if available. “*Taxable income*” means, in the case of estates or trusts, the taxable income without a deduction for personal exemption as computed for federal income tax purposes under the Internal Revenue Code, but with the adjustments specified in section 422.7, and the deduction allowed by section 422.9, if available.

Sec. 104. Section 422.5, subsection 1, paragraph j, subparagraph (2), subparagraph division (b), Code 2018, is amended to read as follows:

(b) This subparagraph (2) shall not affect the amount of the taxpayer’s checkoffs under this division, the credits from tax provided under this division, and the allocation of these credits between spouses if the taxpayers filed separate returns ~~or separately on combined returns.~~

Sec. 105. Section 422.5, subsection 2, Code 2018, is amended by striking the subsection.

Sec. 106. Section 422.5, subsections 3 and 3B, Code 2018, are amended to read as follows:

3. a. The tax shall not be imposed on a resident or nonresident whose net income, as defined in section 422.7, is thirteen thousand five hundred dollars or less in the case of married persons filing jointly ~~or filing separately on a combined return,~~ heads of household,

and surviving spouses or nine thousand dollars or less in the case of all other persons; but in the event that the payment of tax under this division would reduce the net income to less than thirteen thousand five hundred dollars or nine thousand dollars as applicable, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of thirteen thousand five hundred dollars or nine thousand dollars as applicable. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part of the net income not allocated to Iowa, shall be taken into account. For purposes of this subsection, net income includes all amounts of pensions or other retirement income, except for military retirement pay excluded under section 422.7, subsection 31A, paragraph "a", or section 422.7, subsection 31B, paragraph "a", received from any source which is not taxable under this division as a result of the government pension exclusions in section 422.7, or any other state law. In calculating net income for purposes of this subsection, any amount of itemized or standard deduction, personal exemption deduction, or qualified business income deduction that was allowed as a deduction in computing federal taxable income under the Internal Revenue Code shall be added back. If the combined net income of a husband and wife exceeds thirteen thousand five hundred dollars, neither of them shall receive the benefit of this subsection, and it is immaterial whether they file a joint return or separate returns. However, if a husband and wife file separate returns and have a combined net income of thirteen thousand five hundred dollars or less, neither spouse shall receive the benefit of this paragraph, if one spouse has a net operating loss and elects to carry back or carry forward the loss as provided under the Internal Revenue Code or in section 422.9, ~~subsection 3~~. A person who is claimed as a dependent by another person as defined in section 422.12 shall not receive the benefit of this subsection if the person claiming the dependent has net income exceeding thirteen thousand five hundred dollars or nine thousand dollars as applicable or the person claiming the dependent and the person's spouse have combined net income exceeding thirteen thousand five hundred dollars or nine thousand dollars as applicable.

b. In lieu of the computation in subsection 1 ~~or 2~~, or in paragraph "a" of this subsection, if the married persons', filing jointly ~~or filing separately on a combined return~~, head of household's, or surviving spouse's net income exceeds thirteen thousand five hundred dollars, the regular tax imposed under this division shall be the lesser of the maximum state individual income tax rate times the portion of the net income in excess of thirteen thousand five hundred dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the husband and wife. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward ~~the a net operating loss as provided under the Internal Revenue Code or in section 422.9, subsection 3~~.

3B. a. The tax shall not be imposed on a resident or nonresident who is at least sixty-five years old on December 31 of the tax year and whose net income, as defined in section 422.7, is thirty-two thousand dollars or less in the case of married persons filing jointly ~~or filing separately on a combined return~~, heads of household, and surviving spouses or twenty-four thousand dollars or less in the case of all other persons; but in the event that the payment of tax under this division would reduce the net income to less than thirty-two thousand dollars or twenty-four thousand dollars as applicable, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of thirty-two thousand dollars or twenty-four thousand dollars as applicable. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part of the net income not allocated to Iowa, shall be taken into account. For purposes of this subsection, net income includes all amounts of pensions or other retirement income, except for military retirement pay excluded under section 422.7, subsection 31A, paragraph "a", or section 422.7, subsection 31B, paragraph "a", received from any source which is not taxable under this division as a result of the government pension exclusions in section 422.7, or any other state law. In calculating net income for purposes of this subsection, any amount of itemized or standard deduction, personal exemption deduction, or qualified business income deduction that was allowed as a deduction in computing federal taxable income under the Internal Revenue Code shall be added back. If the combined net income of a husband and wife exceeds thirty-two thousand dollars, neither of them shall receive the benefit of this

subsection, and it is immaterial whether they file a joint return or separate returns. However, if a husband and wife file separate returns and have a combined net income of thirty-two thousand dollars or less, neither spouse shall receive the benefit of this paragraph, if one spouse has a net operating loss and elects to carry back or carry forward the loss as provided under the Internal Revenue Code or in section 422.9, ~~subsection 3~~. A person who is claimed as a dependent by another person as defined in section 422.12 shall not receive the benefit of this subsection if the person claiming the dependent has net income exceeding thirty-two thousand dollars or twenty-four thousand dollars as applicable or the person claiming the dependent and the person's spouse have combined net income exceeding thirty-two thousand dollars or twenty-four thousand dollars as applicable.

b. In lieu of the computation in subsection 1, ~~2~~, or 3, if the married persons', filing jointly or filing separately on a combined return, head of household's, or surviving spouse's net income exceeds thirty-two thousand dollars, the regular tax imposed under this division shall be the lesser of the maximum state individual income tax rate times the portion of the net income in excess of thirty-two thousand dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the husband and wife. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward the a net operating loss as provided under the Internal Revenue Code or in section 422.9, ~~subsection 3~~.

c. This subsection applies even though one spouse has not attained the age of sixty-five, if the other spouse is at least sixty-five at the end of the tax year.

Sec. 107. Section 422.5A, as enacted in this Act, is amended by striking the section and inserting in lieu thereof the following:

422.5A Tax rates.

1. The tax imposed in section 422.5 shall be calculated at the following rates in the case of a married couple filing jointly:

a. On all taxable income from 0 through \$12,000, the rate of 4.40 percent.

b. On all taxable income exceeding \$12,000 but not exceeding \$60,000, the rate of 4.82 percent.

c. On all taxable income exceeding \$60,000 but not exceeding \$150,000, the rate of 5.70 percent.

d. On all taxable income exceeding \$150,000, the rate of 6.50 percent.

2. The tax imposed in section 422.5 shall be calculated at the following rates in the case of any taxpayer other than a married couple filing jointly:

a. On all taxable income from 0 through \$6,000, the rate of 4.40 percent.

b. On all taxable income exceeding \$6,000 but not exceeding \$30,000, the rate of 4.82 percent.

c. On all taxable income exceeding \$30,000 but not exceeding \$75,000, the rate of 5.70 percent.

d. On all taxable income exceeding \$75,000, the rate of 6.50 percent.

Sec. 108. Section 422.7, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The term "net income" means the ~~adjusted gross income before the net operating loss deduction~~ taxable income as properly computed for federal income tax purposes under section 63 of the Internal Revenue Code, with the following adjustments:

Sec. 109. Section 422.7, Code 2018, is amended by adding the following new subsections:
NEW SUBSECTION. 4. Add any federal net operating loss deduction carried over from a taxable year beginning prior to January 1 of the calendar year that this division of this Act takes effect.

NEW SUBSECTION. 6. a. For tax years beginning in the calendar year that this division of this Act takes effect, subtract the amount of federal income taxes paid during the tax year to the extent payment is for a tax year beginning prior to January 1 of the calendar year that this division of this Act takes effect, and add any federal income tax refunds received during

the tax year to the extent the federal income tax was deducted for a tax year beginning prior to January 1 of the calendar year that this division of this Act takes effect. Where married persons who have filed a joint federal income tax return file separately for state tax purposes, such total shall be divided between them according to the portion of the total paid by each. Federal income taxes paid for a tax year in which an Iowa return was not required to be filed shall not be subtracted.

b. Notwithstanding any other provision of law to the contrary, amounts subtracted or added pursuant to this subsection shall not be included in the calculation of net income for purposes of section 422.5, subsection 3 or 3B, or section 422.13.

Sec. 110. Section 422.7, subsection 5, Code 2018, is amended to read as follows:

5. Individual taxpayers and married taxpayers who file a joint federal income tax return and who elect to file a joint return, ~~or separate returns, or separate filing on a combined return~~ for Iowa income tax purposes, may avail themselves of the disability income exclusion and shall compute the amount of the disability income exclusion subject to the limitations for joint federal income tax return filers provided by section 105(d) of the Internal Revenue Code. The disability income exclusion provided in section 105(d) of the Internal Revenue Code, as amended up to and including December 31, 1982, continues to apply for state income tax purposes for tax years beginning on or after January 1, 1984.

Sec. 111. Section 422.7, subsection 13, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

13. Subtract, to the extent included, the amount of social security benefits taxable under section 86 of the Internal Revenue Code.

Sec. 112. Section 422.7, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 18. Add, to the extent deducted for federal tax purposes, charitable contributions under section 170 of the Internal Revenue Code to the extent such contribution was made to an organization for the purpose of deposit in the Iowa education savings plan trust established in chapter 12D, and the taxpayer designated that any part of the contribution be used for the direct benefit of any dependent of the taxpayer or any other single beneficiary designated by the taxpayer.

NEW SUBSECTION. 19. a. Subtract, to the extent included, income resulting from the payment by an employer of the taxpayer, whether paid to the taxpayer or to a lender, of principal or interest on any qualified education loan incurred by the taxpayer.

b. If the taxpayer has a deduction in computing federal taxable income under section 221 of the Internal Revenue Code for interest on a qualified education loan, the taxpayer shall recompute for purposes of this subsection the amount of the deduction under paragraph "a" by not subtracting any amount of income resulting from the employer's payment of interest on a qualified education loan that was also deducted by the taxpayer under section 221 of the Internal Revenue Code.

c. For purposes of this subsection, "qualified education loan" means the same as defined in section 221 of the Internal Revenue Code.

Sec. 113. Section 422.7, subsection 21, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

21. a. For purposes of this subsection:

(1) "Farming business" means the raising and harvesting of crops or forest or fruit trees, the rearing, feeding, and management of livestock, or horticulture, all for intended profit.

(2) "Held" shall be determined with reference to the holding period provisions of section 1223 of the Internal Revenue Code and the federal regulations pursuant thereto.

(3) "Materially participated" means the same as "material participation" in section 469(h) of the Internal Revenue Code.

(4) (a) "Real property used in a farming business" means all tracts of land and the improvements and structures located on them which are in good faith used primarily for agricultural purposes except buildings which are primarily used or intended for human habitation. Land and the nonresidential improvements and structures located on it shall be considered to be used primarily for agricultural purposes if its principal use is devoted to the

raising and harvesting of crops or forest or fruit trees, the rearing, feeding, and management of livestock, or horticulture, all for intended profit. Woodland, wasteland, and pastureland shall qualify but only if such land is held or operated in conjunction with real property that otherwise meets the requirements of this paragraph.

(b) Real property classified as agricultural property for Iowa property tax purposes, except real property described in section 441.21, subsection 12, paragraphs “a” or “b”, shall be presumed to be real property used in a farming business. This presumption is rebuttable by the department by a preponderance of evidence that the real property did not meet the requirements of subparagraph division (a).

(5) “Relative” means an individual that satisfies one or more of the following conditions:

(a) The individual is related to the taxpayer by consanguinity within the second degree as determined by common law.

(b) The individual is a lineal descendent of the taxpayer. For purposes of this subparagraph division, “lineal descendent” means children of the taxpayer, including legally adopted children and biological children, stepchildren, grandchildren, great-grandchildren, and any other lineal descendent of the taxpayer.

b. Subtract the net capital gain from the sale of real property used in a farming business if all of the following conditions are satisfied:

(1) The taxpayer has materially participated in the farming business for a minimum of ten years immediately preceding the sale.

(2) The taxpayer has held the real property used in a farming business for a minimum of ten years immediately preceding the sale.

(3) The real property used in a farming business is sold to a relative of the taxpayer.

c. (1) If the relative to whom the taxpayer sold the real property used in a farming business that qualified for the deduction in this subsection subsequently sells or otherwise transfers all or part of said real property to a person who is not a relative of the taxpayer within five years of the original sale, the subsequent sale or transfer shall be considered prima facie evidence that the original sale was entered into by the taxpayer primarily to obtain the tax benefits provided in this subsection, and the deduction under this subsection for the original sale shall be disallowed for the taxpayer with respect to that real property subsequently sold or transferred by the relative.

(2) The prima facie determination in subparagraph (1) may be rebutted by the taxpayer by a preponderance of evidence showing that at the time of the original sale by the taxpayer of the real property used in a farming business, all of the following conditions were satisfied:

(a) The taxpayer had a substantial purpose for entering into the sale transaction apart from the state tax benefits.

(b) The taxpayer did not intend that the real property would subsequently be sold or transferred to a person who is not a relative of the taxpayer.

(c) The taxpayer had no actual or constructive knowledge of the buyer’s intent to subsequently sell or transfer the real property to a person who is not a relative of the taxpayer.

(3) Notwithstanding section 422.25, subsection 1, paragraph “a”, the period of limitation for examination and determination of tax with regard to the deduction provided in this subsection shall be one of the following dates, whichever occurs later:

(a) The date which is three years after the date that the return upon which the deduction in this subsection is claimed is filed.

(b) The date which is three years after the date that the return upon which the deduction in this subsection is claimed is due, including any extensions.

(c) The date which is six years after the date of the sale of the real property used in a farming business for which the deduction in this subsection is claimed.

d. To the extent otherwise allowed, the deduction provided in this subsection is not allowed for purposes of computing the income for the taxable year or years for which a net operating loss is deducted under the Internal Revenue Code or under subsection³ 422.9.

³ According to Act; the word “section” probably intended

Sec. 114. Section 422.7, subsection 29, Code 2018, is amended to read as follows:

29. a. Subtract For a taxpayer who is sixty-five years of age or older and whose net income is less than one hundred thousand dollars, subtract, to the extent not otherwise deducted in computing adjusted gross federal taxable income, the amounts paid by the taxpayer for the purchase of health benefits coverage or insurance for the taxpayer or taxpayer's spouse or dependent.

b. For purposes of this subsection, "net income" means net income as properly computed under this section without regard to the deduction in this subsection and with the following additional adjustments:

(1) Add back any amount of pensions or other retirement income received from any source which is not taxable under this division, including but not limited to amounts deductible under subsections 13, 31, 31A, and 31B.

(2) Add back any amount of itemized or standard deduction, personal exemption deduction, or qualified business income deduction that was allowed as a deduction from federal adjusted gross income in computing federal taxable income under the Internal Revenue Code.

Sec. 115. Section 422.7, subsection 31, Code 2018, is amended to read as follows:

31. For a person who is disabled, or is fifty-five years of age or older, or is the surviving spouse of an individual or a survivor having an insurable interest in an individual who would have qualified for the exemption under this subsection for the tax year, subtract, to the extent included, the total amount of a governmental or other pension or retirement pay, including, but not limited to, defined benefit or defined contribution plans, annuities, individual retirement accounts, plans maintained or contributed to by an employer, or maintained or contributed to by a self-employed person as an employer, and deferred compensation plans or any earnings attributable to the deferred compensation plans, up to a maximum of six thousand dollars for a person, other than a husband or wife, who files a separate state income tax return and up to a maximum of twelve thousand dollars for a husband and wife who file a joint state income tax return. However, a surviving spouse who is not disabled or fifty-five years of age or older can only exclude the amount of pension or retirement pay received as a result of the death of the other spouse. A husband and wife filing separate state income tax returns ~~or separately on a combined state return~~ are allowed a combined maximum exclusion under this subsection of up to twelve thousand dollars. The twelve thousand dollar exclusion shall be allocated to the husband or wife in the proportion that each spouse's respective pension and retirement pay received bears to total combined pension and retirement pay received.

Sec. 116. Section 422.7, subsection 41, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0e. Add, to the extent deducted for federal tax purposes, interest, taxes, and other miscellaneous expenses to the extent such amounts are eligible home costs in connection with a qualified home purchase that were paid or reimbursed from funds in a first-time homebuyer savings account.

Sec. 117. Section 422.7, subsection 47, Code 2018, is amended to read as follows:

47. Subtract, to the extent not otherwise deducted in computing adjusted gross federal taxable income, the amounts paid by the taxpayer to the department of veterans affairs for the purpose of providing grants under the injured veterans grant program established in section 35A.14. Amounts subtracted under this subsection shall not be used by the taxpayer in computing the amount of charitable contributions as defined by section 170 of the Internal Revenue Code.

Sec. 118. Section 422.7, subsections 3, 7, 8, 9, 10, 11, 14, 15, 16, 20, 22, 24, 25, 26, 30, 35, 36, 37, 39, 39B, 40, 43, 45, 49, 53, 55, 56, 57, and 58, Code 2018, are amended by striking the subsections.

Sec. 119. Section 422.8, subsection 4, Code 2018, is amended by striking the subsection.

Sec. 120. Section 422.9, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

422.9 Carry over of Iowa net operating loss.

Any Iowa net operating loss carried over from a taxable year beginning prior to January 1 of the calendar year that this division of this Act takes effect may be deducted as provided in section 422.9, subsection 3, Code 2018.

Sec. 121. Section 422.11B, Code 2018, is amended to read as follows:

422.11B Minimum tax credit.

1. a. There For tax years beginning before January 1 of the calendar year following the calendar year that this division of this Act takes effect, there is allowed as a credit against the tax determined in section 422.5, subsection 1, paragraphs “a” through “j” for a tax year an amount equal to the minimum tax credit for that tax year.

b. The minimum tax credit for a tax year is the excess, if any, of the net minimum tax imposed for all prior tax years beginning on or after January 1, 1987, but before January 1 of the calendar year that this division of this Act takes effect, over the amount allowable as a credit under this section for those prior tax years.

2. a. The allowable credit under subsection 1 for a tax year beginning before January 1 of the calendar year that this division of this Act takes effect shall not exceed the excess, if any, of the tax determined in section 422.5, subsection 1, paragraphs “a” through “j” over the state alternative minimum tax as determined in section 422.5, subsection 2, Code 2018. The allowable credit under subsection 1 for a tax year beginning in the calendar year that this division of this Act takes effect shall not exceed the tax determined under section 422.5, subsection 1.

b. The net minimum tax for a tax year is the excess, if any, of the tax determined in section 422.5, subsection 2, Code 2018, for the tax year over the tax determined in section 422.5, subsection 1, paragraphs “a” through “j” for the tax year.

3. This section is repealed January 1 of the calendar year following the calendar year that this division of this Act takes effect, for tax years beginning on or after January 1 of the calendar year following the calendar year that this division of this Act takes effect.

Sec. 122. Section 422.11S, subsection 4, Code 2018, is amended to read as follows:

4. Married taxpayers who file separate returns ~~or file separately on a combined return form~~ must determine the tax credit under subsection 1 based upon their combined net income and allocate the total credit amount to each spouse in the proportion that each spouse’s respective net income bears to the total combined net income. Nonresidents or part-year residents of Iowa must determine their tax credit in the ratio of their Iowa source net income to their all source net income. Nonresidents or part-year residents who are married and elect to file separate returns ~~or to file separately on a combined return form~~ must allocate the tax credit between the spouses in the ratio of each spouse’s Iowa source net income to the combined Iowa source net income of the taxpayers.

Sec. 123. Section 422.12B, subsection 2, Code 2018, is amended to read as follows:

2. Married taxpayers electing to file separate returns ~~or filing separately on a combined return~~ may avail themselves of the earned income credit by allocating the earned income credit to each spouse in the proportion that each spouse’s respective earned income bears to the total combined earned income. Taxpayers affected by the allocation provisions of section 422.8 shall be permitted a deduction for the credit only in the amount fairly and equitably allocable to Iowa under rules prescribed by the director.

Sec. 124. Section 422.12C, subsection 4, Code 2018, is amended to read as follows:

4. Married taxpayers who have filed joint federal returns electing to file separate returns ~~or to file separately on a combined return form~~ must determine the child and dependent care credit under subsection 1 or the early childhood development tax credit under subsection 2 based upon their combined net income and allocate the total credit amount to each spouse in the proportion that each spouse’s respective net income bears to the total combined net income. Nonresidents or part-year residents of Iowa must determine their Iowa child and dependent care credit in the ratio of their Iowa source net income to their all source net

income. Nonresidents or part-year residents who are married and elect to file separate returns or to file separately on a combined return form must allocate the Iowa child and dependent care credit between the spouses in the ratio of each spouse's Iowa source net income to the combined Iowa source net income of the taxpayers.

Sec. 125. Section 422.13, subsection 1, paragraph c, Code 2018, is amended by striking the paragraph.

Sec. 126. Section 422.16, subsection 1, paragraph f, Code 2018, is amended by striking the paragraph.

Sec. 127. Section 422.21, subsections 2, 5, and 7, Code 2018, are amended to read as follows:

2. An individual in the armed forces of the United States serving in an area designated by the president of the United States or the United States Congress as a combat zone or as a qualified hazardous duty area, or deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the United States secretary of defense as a contingency operation as defined in 10 U.S.C. §101(a)(13), or which became such a contingency operation by the operation of law, or an individual serving in support of those forces, is allowed the same additional time period after leaving the combat zone or the qualified hazardous duty area, or ceasing to participate in such contingency operation, or after a period of continuous hospitalization, to file a state income tax return or perform other acts related to the department, as would constitute timely filing of the return or timely performance of other acts described in section 7508(a) of the Internal Revenue Code. An individual on active duty federal military service in the armed forces, armed forces military reserve, or national guard who is deployed outside the United States in other than a combat zone, qualified hazardous duty area, or contingency operation is allowed the same additional period of time described in section 7508(a) of the Internal Revenue Code to file a state income tax return or perform other acts related to the department. For the purposes of this subsection, "other acts related to the department" includes filing claims for refund for any tax administered by the department, making tax payments other than withholding payments, filing appeals on the tax matters, filing other tax returns, and performing other acts described in the department's rules. The additional time period allowed applies to the spouse of the individual described in this subsection to the extent the spouse files jointly or separately on the combined return form with the individual or when the spouse is a party with the individual to any matter for which the additional time period is allowed.

5. The director shall determine for the 1989 calendar year that this division of this Act takes effect and each subsequent calendar year the annual and cumulative inflation factors for each calendar year to be applied to tax years beginning on or after January 1 of that calendar year. The director shall compute the new dollar amounts as specified to be adjusted in section 422.5 by the latest cumulative inflation factor and round off the result to the nearest one dollar. The annual and cumulative inflation factors determined by the director are not rules as defined in section 17A.2, subsection 11. ~~The director shall determine for the 1990 calendar year and each subsequent calendar year the annual and cumulative standard deduction factors to be applied to tax years beginning on or after January 1 of that calendar year. The director shall compute the new dollar amounts of the standard deductions specified in section 422.9, subsection 1, by the latest cumulative standard deduction factor and round off the result to the nearest ten dollars. The annual and cumulative standard deduction factors determined by the director are not rules as defined in section 17A.2, subsection 11.~~

7. If married taxpayers file a joint return or file separately on a combined return in accordance with rules prescribed by the director, both spouses are jointly and severally liable for the total tax due on the return, except when one spouse is considered to be an innocent spouse under criteria established pursuant to section 6015 of the Internal Revenue Code.

Sec. 128. Section 422.35, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The term “*net income*” means the taxable income ~~before the net operating loss deduction~~, as properly computed for federal income tax purposes under the Internal Revenue Code, with the following adjustments:

Sec. 129. Section 422.35, subsection 11, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

11. a. Add any federal net operating loss deduction carried over from a taxable year beginning prior to January 1 of the calendar year that this division of this Act takes effect.

b. Any Iowa net operating loss carried over from a taxable year beginning prior to January 1 of the calendar year that this division of this Act takes effect may be deducted as provided in section 422.35, subsection 11, Code 2018.

Sec. 130. Section 422.35, subsections 3, 4, 5, 7, 8, 10, 16, 17, 18, 19, 19B, 20, 22, and 24, Code 2018, are amended by striking the subsections.

Sec. 131. Section 541B.3, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. A married couple electing to file a joint Iowa individual income tax return may establish a joint first-time homebuyer savings account. Married taxpayers electing to file separate tax returns ~~or separately on a combined tax return~~ for Iowa tax purposes shall not establish or maintain a joint first-time homebuyer savings account.

Sec. 132. Section 541B.6, Code 2018, is amended to read as follows:

541B.6 Tax considerations.

The state income tax treatment of a first-time homebuyer savings account shall be as provided in section 422.7, subsection 41, ~~and section 422.9, subsection 2, paragraph “k”~~.

Sec. 133. CONTINGENT EFFECTIVE DATE — NET GENERAL FUND REVENUES CALCULATION — ANNUAL REPORTS.

1. This division of this Act takes effect on January 1, 2023, if both of the following conditions are satisfied:

a. The net general fund revenues for the fiscal year ending June 30, 2022, equal or exceed eight billion three hundred fourteen million six hundred thousand dollars.

b. The net general fund revenues for the fiscal year ending June 30, 2022, equal or exceed one hundred and four percent of the net general fund revenues for the fiscal year ending June 30, 2021.

2. If the provisions of subsection 1 are not satisfied and this division of this Act does not take effect on January 1, 2023, then this division of this Act shall take effect on January 1 following the first fiscal year for which both of the following conditions are satisfied:

a. The net general fund revenues for that fiscal year ending June 30 equal or exceed eight billion three hundred fourteen million six hundred thousand dollars.

b. The net general fund revenues for that fiscal year ending June 30 equal or exceed one hundred and four percent of the net general fund revenues for the fiscal year ending June 30 immediately preceding that fiscal year.

3. a. For purposes of this section, “net general fund revenues” means total appropriated general fund revenues excluding transfers from reserve funds, less the sum of tax and other refunds and school infrastructure transfers, all made on an accrual basis as computed for purposes of the comprehensive annual financial reports of the state.

b. Net general fund revenues shall be calculated by the department of management, in consultation with the department of revenue, for each fiscal year beginning on or after July 1, 2020, until such time as this division of this Act takes effect, in accordance with rules adopted by the department of management. The department of management shall adopt rules pursuant to chapter 17A for calculating net general fund revenues as defined in paragraph “a”, including rules defining “total appropriated general fund revenues”, “transfers from reserve funds”, “tax and other refunds”, and “school infrastructure transfers”, and including the types

and categories of receipts that will be included within each definition and in the calculation of net general fund revenues.

c. The department of management shall submit an annual report to the governor and general assembly by November 1 following the close of each fiscal year beginning on or after July 1, 2020, until such time as this division of this Act takes effect, which report shall identify the net general fund revenues for the fiscal year and shall include a detailed description of the net general fund revenues calculation made by the department of management.

Sec. 134. APPLICABILITY. This division of this Act applies to tax years beginning on or after the effective date of this division of this Act.

DIVISION X
CHANGES TO IOWA EDUCATIONAL SAVINGS PLAN TRUST AND IOWA ABLE SAVINGS
PLAN TRUST

Sec. 135. Section 12D.1, Code 2018, is amended to read as follows:

12D.1 Purpose and definitions.

1. The general assembly finds that the general welfare and well-being of the state are directly related to educational levels and skills of the citizens of the state, and that a vital and valid public purpose is served by the creation and implementation of programs which encourage and make possible the attainment of higher formal education by the greatest number of citizens of the state. ~~The state has limited resources to provide additional programs for higher education funding and the continued operation and maintenance of the state's public institutions of higher education and the general welfare of the citizens of the state will be enhanced by establishing a program which allows citizens of the state to invest money in a public trust for future application to the payment of higher education costs qualified education expenses.~~ The creation of the means of encouragement for citizens to invest in such a program represents the carrying out of a vital and valid public purpose. In order to make available to the citizens of the state an opportunity to fund future higher formal education needs, it is necessary that a public trust be established in which moneys may be invested for future educational use.

2. As used in this chapter, unless the context otherwise requires:

a. "Account balance limit" means the maximum allowable aggregate balance of accounts established for the same beneficiary. Account earnings, if any, are included in the account balance limit.

b. "Administrative fund" means the administrative fund established under section 12D.4.

c. "Beneficiary" means the individual designated by a participation agreement to benefit from advance payments of higher education costs qualified education expenses on behalf of the beneficiary.

d. "Benefits" means the payment of higher education costs qualified education expenses on behalf of a beneficiary by the trust during the beneficiary's attendance at ~~an institution of higher education~~ a qualified educational institution.

e. ~~"Higher education costs" means the same as "qualified higher education expenses" as defined in section 529(e)(3) of the Internal Revenue Code.~~

f. e. "Institution of higher education" means an institution described in section 481 of the federal Higher Education Act of 1965, 20 U.S.C. §1088, which is eligible to participate in the United States department of education's student aid programs.

g. f. "Internal Revenue Code" means the same as defined in section 12I.1.

h. g. "Iowa educational savings plan trust" or "trust" means the trust created under section 12D.2.

i. h. "Participant" means an individual, individual's legal representative, trust, estate, or an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under section 501(a) of the Internal Revenue Code, that has entered into a participation agreement under this chapter for the advance payment of higher education costs qualified education expenses on behalf of a beneficiary.

j. i. "Participation agreement" means an agreement between a participant and the trust entered into under this chapter.

~~k.~~ j. “*Program fund*” means the program fund established under section 12D.4.

k. “*Qualified education expenses*” means the same as “*qualified higher education expenses*” as defined in section 529(e)(3) of the Internal Revenue Code, as amended by Pub. L. No. 115-97, and shall include elementary and secondary school expenses for tuition described in section 529(c)(7) of the Internal Revenue Code, subject to the limitations imposed by section 529(e)(3)(A) of the Internal Revenue Code.

l. “*Qualified educational institution*” means an institution of higher education, or any elementary or secondary public, private, or religious school described in section 529(c)(7) of the Internal Revenue Code.

~~l. m.~~ “Tuition and fees” “*Tuition*” means the quarter, or semester, or annual charges imposed to attend an institution of higher education a qualified educational institution and required as a condition of enrollment or attendance.

Sec. 136. Section 12D.2, subsections 2, 5, 9, and 14, Code 2018, are amended to read as follows:

2. Enter into agreements with any ~~institution of higher education~~ qualified educational institution, the state, or any federal or other state agency, or other entity as required to implement this chapter.

5. Carry out studies and projections so the treasurer of state may advise participants regarding present and estimated future ~~higher education costs~~ qualified education expenses and levels of financial participation in the trust required in order to enable participants to achieve their educational funding objectives.

9. Make payments to ~~institutions of higher education~~ qualified educational institutions, participants, or beneficiaries, pursuant to participation agreements on behalf of beneficiaries.

14. Establish, impose, and collect administrative fees and charges in connection with transactions of the trust, and provide for reasonable service charges, ~~including penalties for cancellations and late payments with respect to participation agreements~~.

Sec. 137. Section 12D.3, subsections 1 and 2, Code 2018, are amended to read as follows:

1. ~~a.~~ Each participation agreement may require a participant to agree to invest a specific amount of money in the trust for a specific period of time for the benefit of a specific beneficiary. A participant shall not be required to make an annual contribution on behalf of a beneficiary. The maximum contribution that may be deducted for Iowa income tax purposes shall not exceed two thousand dollars per beneficiary per year adjusted annually to reflect increases in the consumer price index. The treasurer of state shall set an account balance limit to maintain compliance with section 529 of the Internal Revenue Code. A contribution shall not be permitted to the extent it causes the aggregate balance of all accounts established for the same beneficiary under the trust to exceed the applicable account balance limit.

~~b.~~ Participation agreements may be amended to provide for adjusted levels of payments based upon changed circumstances or changes in educational plans.

2. The execution of a participation agreement by the trust shall not guarantee in any way that ~~higher education costs~~ qualified education expenses will be equal to projections and estimates provided by the trust or that the beneficiary named in any participation agreement will attain any of the following:

a. Be admitted to an ~~institution of higher education~~ a qualified educational institution.

b. If admitted, be determined a resident for tuition purposes by the ~~institution of higher education~~ qualified educational institution.

c. Be allowed to continue attendance at the ~~institution of higher education~~ qualified educational institution following admission.

d. Graduate from the ~~institution of higher education~~ qualified educational institution.

Sec. 138. Section 12D.3, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A participant may designate a successor in accordance with rules adopted by the treasurer of state. The designated successor shall succeed to the ownership of the account in the event of the death of the participant. In the event a participant dies and has not designated a successor to the account, the following criteria shall apply:

a. The beneficiary of the account, if eighteen years of age or older, shall become the owner of the account as well as remain the beneficiary upon filing the appropriate forms in accordance with rules adopted by the treasurer of state.

b. If the beneficiary of the account is under the age of eighteen, account ownership shall be transferred to the first surviving parent or other legal guardian of the beneficiary to file the appropriate forms in accordance with rules adopted by the treasurer of state.

Sec. 139. Section 12D.4, Code 2018, is amended to read as follows:

12D.4 Program and administrative funds — investment and payments.

1. a. The treasurer of state shall segregate moneys received by the trust into two funds: the program fund and the administrative fund.

b. All moneys paid by participants in connection with participation agreements shall be deposited as received into separate accounts within the program fund.

c. Contributions to the trust made by participants may only be made in the form of cash.

d. A participant or beneficiary ~~shall not provide investment direction regarding program contributions or earnings held by the trust~~ may, directly or indirectly, direct the investment of any contributions to the trust or any earnings thereon no more than two times in a calendar year.

e. The amount of cash distributions from the trust and all other qualified state tuition programs under section 529 of the Internal Revenue Code to a beneficiary during any taxable year shall, in the aggregate, include no more than ten thousand dollars in expenses for tuition in connection with enrollment at an elementary or secondary public, private, or religious school incurred during the taxable year.

2. Moneys accrued by participants in the program fund of the trust may be used for payments to any ~~institution of higher education~~ qualified educational institution. Payments can be made to the qualified educational institution, the participant, or the beneficiary.

Sec. 140. Section 12D.6, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. A participant retains ownership of all payments made under a participation agreement up to the date of utilization for payment of ~~higher education costs~~ qualified education expenses for the beneficiary.

Sec. 141. Section 12D.6, subsections 2, 3, and 5, Code 2018, are amended to read as follows:

2. In the event the program is terminated prior to payment of ~~higher education costs~~ qualified education expenses for the beneficiary, the participant is entitled to a refund of the participant's account balance.

3. The ~~institution of higher education~~ qualified educational institution shall obtain ownership of the payments made for the ~~higher education costs~~ qualified education expenses paid to the institution at the time each payment is made to the institution.

5. A participant may transfer ownership rights to another ~~eligible individual, including a gift of the ownership rights to a minor beneficiary~~ participant, or may transfer funds to another plan under the trust or to an ABLE account as permitted under section 529(c)(3)(C) of the Internal Revenue Code. The transfer shall be made and the property distributed in accordance with rules adopted by the treasurer of state or with the terms of the participation agreement.

Sec. 142. Section 12D.7, Code 2018, is amended to read as follows:

12D.7 Effect of payments on determination of need and eligibility for student financial aid.

A student loan program, student grant program, or other program administered by any agency of the state, except as may be otherwise provided by federal law or the provisions of any specific grant applicable to that law, shall not take into account and shall not consider amounts available for the payment of ~~higher education costs~~ qualified education expenses pursuant to the Iowa educational savings plan trust in determining need and eligibility for student aid.

Sec. 143. Section 12D.9, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. Pursuant to section 12D.3, subsection 1, paragraph “a”, a participant may make contributions to an account which is established for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account.

Sec. 144. Section 422.7, subsection 32, paragraph c, Code 2018, is amended by striking the paragraph and inserting in lieu thereof the following:

c. (1) Add, to the extent previously deducted as a contribution to the trust, the amount resulting from a withdrawal or transfer made by the taxpayer from the Iowa educational savings plan trust for purposes other than any of the following:

(a) The payment of qualified higher education expenses.

(b) The payment of tuition to an elementary or secondary school if the tuition amounts are qualified education expenses.

(c) A change in beneficiaries under, or transfer to another account within, the Iowa educational savings plan trust, or a transfer to the Iowa ABLE savings plan trust, provided such change or transfer is permitted under section 12D.6, subsection 5.

(2) For purposes of this paragraph:

(a) “*Elementary or secondary school*” means an elementary or secondary school in this state which is accredited under section 256.11, and adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216.

(b) “*Qualified education expenses*” and “*tuition*” all mean the same as defined in section 12D.1, subsection 2.

(c) (i) “*Qualified higher education expenses*” means the same as defined in section 529(e)(3) of the Internal Revenue Code.

(ii) For purposes of this subparagraph division (c), “*Internal Revenue Code*” means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended and in effect on January 1, 2018. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

Sec. 145. Section 422.7, subsection 34, Code 2018, is amended to read as follows:

34. a. (1) Subtract the amount contributed during the tax year on behalf of a designated beneficiary that is a resident of this state to the Iowa ABLE savings plan trust or to the qualified ABLE program with which the state has contracted pursuant to section 12I.10, not to exceed the maximum contribution level established in section 12I.3, subsection 1, paragraph “d”, or section 12I.10, subsection 2, paragraph “a”, as applicable.

(2) This paragraph “a” shall not apply to any amount of contribution that represents a transfer from the Iowa educational savings plan trust created in chapter 12D that meets the requirements of subsection 32, paragraph “c”, subparagraph (1), subparagraph division (c), and that was previously deducted as a contribution to the Iowa educational savings plan trust.

b. Add the amount resulting from the cancellation of a participation agreement refunded to the taxpayer as an account owner in the Iowa ABLE savings plan trust or the qualified ABLE program with which the state has contracted pursuant to section 12I.10 to the extent previously deducted pursuant to this subsection by the taxpayer or any other person as a contribution to the trust or qualified ABLE program, or to the extent the amount was previously deducted by the taxpayer or any other person pursuant to subsection 32, paragraph “a”, and qualified as a transfer under paragraph “a”, subparagraph (2), of this subsection.

c. Add the amount resulting from a withdrawal made by a taxpayer from the Iowa ABLE savings plan trust or the qualified ABLE program with which the state has contracted pursuant to section 12I.10 for purposes other than the payment of qualified disability expenses to the extent previously deducted pursuant to this subsection by the taxpayer or any other person as a contribution to the trust or qualified ABLE program, or to the extent the amount was previously deducted by the taxpayer or any other person pursuant to

subsection 32, paragraph “a”, and qualified as a transfer under paragraph “a”, subparagraph (2), of this subsection.

Sec. 146. Section 627.6, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 17. The debtor’s interest, whether as participant or beneficiary, in contributions and assets, including the accumulated earnings and market increases in value, held in an account in the Iowa educational savings plan trust organized under chapter 12D.

Sec. 147. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 148. RETROACTIVE APPLICABILITY.

1. Except as provided in subsection 2, this division of this Act applies retroactively to January 1, 2018, for withdrawals from the Iowa educational savings plan trust made on or after that date.

2. The sections of this division of this Act amending section 422.7 apply retroactively to January 1, 2018, for tax years beginning on or after that date, and for withdrawals from the Iowa educational savings plan trust made on or after that date.

DIVISION XI SALES AND USE TAXES

Sec. 149. Section 15J.4, subsection 3, paragraph f, Code 2018, is amended to read as follows:

f. The total aggregate amount of state sales tax revenues and state hotel and motel tax revenues that may be approved by the board for remittance to all municipalities and that may be transferred to the state reinvestment district fund under section ~~423.2, subsection 11,~~ 423.2A or section 423A.6, and remitted to all municipalities having a reinvestment district under this chapter shall not exceed one hundred million dollars.

Sec. 150. Section 15J.5, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. The department shall calculate quarterly the amount of new state sales tax revenues for each district established in the state to be deposited in the state reinvestment district fund created in section 15J.6, pursuant to section ~~423.2, subsection 11, paragraph “b”~~ 423.2A, subsection 2, subject to remittance limitations established by the board pursuant to section 15J.4, subsection 3.

Sec. 151. Section 15J.6, subsection 1, Code 2018, is amended to read as follows:

1. A state reinvestment district fund is established in the state treasury under the control of the department consisting of the new state sales tax revenues collected within each district and deposited in the fund pursuant to section ~~423.2, subsection 11, paragraph “b”~~ 423.2A, subsection 2, and the new state hotel and motel tax revenues collected within each district and deposited in the fund pursuant to section 423A.6. Moneys deposited in the fund are appropriated to the department for the purposes of this section. Moneys in the fund shall only be used for the purposes of this section.

Sec. 152. Section 418.11, subsection 1, Code 2018, is amended to read as follows:

1. The department of revenue shall calculate quarterly the amount of increased sales tax revenues for each governmental entity approved to use sales tax increment revenues and the amount of such revenues to be transferred to the sales tax increment fund pursuant to section ~~423.2, subsection 11, paragraph “b”~~ 423.2A, subsection 2.

Sec. 153. Section 418.12, subsection 1, Code 2018, is amended to read as follows:

1. A sales tax increment fund is established as a separate and distinct fund in the state treasury under the control of the department of revenue consisting of the amount of the increased state sales and services tax revenues collected by the department of revenue within each applicable area specified in section 418.11, subsection 3, and deposited in the

fund pursuant to section ~~423.2, subsection 11, paragraph “b”~~ 423.2A, subsection 2. Moneys deposited in the fund are appropriated to the department of revenue for the purposes of this section. Moneys in the fund shall only be used for the purposes of this section.

Sec. 154. Section 421.26, Code 2018, is amended to read as follows:

421.26 Personal liability for tax due.

If a licensee or other person under section 452A.65, a retailer or purchaser under chapter 423A, 423B, 423C, 423D, or 423E, or section 423.14, 423.14A, 423.29, 423.31, 423.32, or 423.33, ~~or a retailer or purchaser under section 423.32~~, or a user under section 423.34, or a permit holder or licensee under section 453A.13, 453A.16, or 453A.44 fails to pay a tax under those sections when due, an officer of a corporation or association, notwithstanding section 489.304, a member or manager of a limited liability company, or a partner of a partnership, having control or supervision of or the authority for remitting the tax payments and having a substantial legal or equitable interest in the ownership of the corporation, association, limited liability company, or partnership, who has intentionally failed to pay the tax is personally liable for the payment of the tax, interest, and penalty due and unpaid. However, this section shall not apply to taxes on accounts receivable. The dissolution of a corporation, association, limited liability company, or partnership shall not discharge a person's liability for failure to remit the tax due.

Sec. 155. Section 423.1, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 22A. “Information services” means delivering or providing access to databases or subscriptions to information through any tangible or electronic medium. “Information services” includes but is not limited to database files, research databases, genealogical information, and other similar information.

Sec. 156. Section 423.1, subsection 24, paragraph a, Code 2018, is amended to read as follows:

a. “Lease or rental” means any transfer of possession or control of, or access to, tangible personal property or specified digital products for a fixed or indeterminate term for consideration. A “lease or rental” may include future options to purchase or extend.

Sec. 157. Section 423.1, subsection 37, Code 2018, is amended to read as follows:

37. “Place of business” means any warehouse, store, place, office, building, or structure where goods, wares, or merchandise tangible personal property, specified digital products, or services are offered for sale at retail or where any taxable amusement is conducted, or each office where gas, water, heat, communication, or electric services are offered for sale at retail. When a retailer or amusement operator sells merchandise by means of vending machines or operates music or amusement devices by coin-operated machines at more than one location within the state, the office, building, or place where the books, papers, and records of the taxpayer are kept shall be deemed to be the taxpayer's place of business.

Sec. 158. Section 423.1, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 36A. “Personal property” includes but is not limited to tangible personal property and specified digital products.

Sec. 159. Section 423.1, subsection 43, paragraph a, subparagraph (3), Code 2018, is amended to read as follows:

(3) Taking possession or making first use of ~~digital goods~~ specified digital products, whichever comes first.

Sec. 160. Section 423.1, subsection 47, Code 2018, is amended to read as follows:

47. “Retailer” means and includes every person engaged in the business of selling tangible personal property, specified digital products, or taxable services at retail, or the furnishing of gas, electricity, water, or communication service, and tickets or admissions to places of amusement and athletic events or operating amusement devices or other forms of commercial amusement from which revenues are derived. However, when in the opinion of the director it is necessary for the efficient administration of this chapter to regard any agent or affiliate of

a retailer as a retailer for purposes of this chapter, the director may so regard them, or when it is necessary for the efficient administration of this chapter to regard any salespersons, representatives, truckers, peddlers, or canvassers, or other persons as agents of the dealers, distributors, supervisors, employers, or persons under whom they operate or from whom they obtain tangible personal property, services, or specified digital products sold by them irrespective of whether or not they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, employers, or persons, the director may so regard them, and may regard such dealers, distributors, supervisors, employers, or persons as retailers for the purposes of this chapter. "Retailer" includes a seller obligated to collect sales or use tax, including any person obligated to collect sales and use tax pursuant to section 423.14A.

Sec. 161. Section 423.1, subsection 48, paragraph a, Code 2018, is amended to read as follows:

a. "Retailer maintaining a place of business in this state" or any like term includes any of the following:

(1) A retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, or other place of business, or any representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether that place of business or representative is located here permanently or temporarily, or whether the retailer or subsidiary is admitted to do business within this state pursuant to chapter 490.

(2) A person obligated to collect sales and use tax pursuant to section 423.14A.

Sec. 162. Section 423.1, subsection 48, paragraph b, subparagraph (1), unnumbered paragraph 1, Code 2018, is amended to read as follows:

A retailer shall be presumed to be maintaining a place of business in this state, ~~as defined in for purposes of~~ paragraph "a", subparagraph (1), if any person that has substantial nexus in this state, other than a person acting in its capacity as a common carrier, does any of the following:

Sec. 163. Section 423.1, subsection 48, paragraph b, subparagraph (1), subparagraph division (b), Code 2018, is amended to read as follows:

(b) Maintains an office, distribution facility, warehouse, storage place, or similar place of business in this state to facilitate the delivery of personal property or services sold by the retailer to the retailer's customers.

Sec. 164. Section 423.1, subsection 50, Code 2018, is amended to read as follows:

50. "Sales" or "sale" means any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for consideration, including but not limited to any such transfer, exchange, or barter on a subscription basis.

Sec. 165. Section 423.1, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 55A. "Sold at retail in the state" and other references to sales "in the state" or "in this state" includes but is not limited to sales sourced to this state under this chapter.

Sec. 166. Section 423.1, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 55B. a. "Specified digital products" means electronically transferred digital audio-visual works, digital audio works, digital books, or other digital products.

b. For purposes of this subsection:

(1) "Digital audio-visual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds, including but not limited to ringtones. For purposes of this subparagraph, "ringtones" means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital books" means works that are generally recognized in the ordinary and usual sense as books.

(4) “*Electronically transferred*” means obtained or accessed by the purchaser by means other than tangible storage media, including but not limited to a specified digital product purchased through a computer software application, commonly referred to as an in-app purchase, or through another specified digital product, or through any other means.

(5) “*Other digital products*” means greeting cards, images, video or electronic games or entertainment, news or information products, and computer software applications.

Sec. 167. Section 423.1, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 57A. “Subscription” means any arrangement in which a person has the right or ability to access, receive, use, obtain, purchase, or otherwise acquire tangible personal property, specified digital products, or services on a permanent or less than permanent basis, regardless of whether the person actually accesses, receives, uses, obtains, purchases, or otherwise acquires such tangible personal property, specified digital product, or service.

Sec. 168. Section 423.1, subsections 62, 63, and 64, Code 2018, are amended to read as follows:

62. “*Use*” means and includes the exercise by any person of any right or power over or access to tangible personal property or a specified digital product incident to the ownership of that property, or any right or power over or access to the product or result of a service. A retailer’s or building contractor’s sale of manufactured housing for use in this state, whether in the form of tangible personal property or of realty, is a use of that property for the purposes of this chapter.

63. “*Use tax*” means the tax levied under subchapter III of this chapter ~~for which the retailer collects and remits tax to the department.~~

64. “*User*” means the immediate recipient of the personal property or services who is entitled to exercise a right of or power over or access to the personal property, or the product or result of such services.

Sec. 169. Section 423.2, subsection 1, paragraph a, subparagraph (1), Code 2018, is amended to read as follows:

(1) Sales of engraving, ~~photography, retouching,~~ printing, and binding services.

Sec. 170. Section 423.2, subsection 6, Code 2018, is amended to read as follows:

6. ~~a.~~ The sales price of any of the following enumerated services is subject to the tax imposed by subsection 5:

a. alteration Alteration and garment repair; ~~armored.~~

b. Armored car; ~~vehicle.~~

c. Vehicle repair; ~~battery.~~

d. Battery, tire, and allied; ~~investment.~~

e. Investment counseling; ~~service.~~

f. Service charges of all financial institutions; ~~barber.~~ For the purposes of this paragraph, “*financial institutions*” means all national banks, federally chartered savings and loan associations, federally chartered savings banks, federally chartered credit unions, banks organized under chapter 524, credit unions organized under chapter 533, and all banks, savings banks, credit unions, and savings and loan associations chartered or otherwise created under the laws of any state and doing business in Iowa.

g. Barber and beauty; ~~boat.~~

h. Boat repair; ~~vehicle.~~

i. Vehicle wash and wax; ~~campgrounds; carpentry; roof.~~

j. Campgrounds.

k. Carpentry.

l. Roof, shingle, and glass repair; ~~dance.~~

m. Dance schools and dance studios; ~~dating.~~

n. Dating services; ~~dry.~~

o. Dry cleaning, pressing, dyeing, and laundering excluding the use of self-pay washers and dryers; ~~electrical.~~

p. Electrical and electronic repair and installation; ~~excavating.~~

- q. Excavating and grading; ~~farm.~~
r. Farm implement repair of all kinds; ~~flying.~~
s. Flying service; ~~furniture.~~
t. Furniture, rug, carpet, and upholstery repair and cleaning; ~~fur.~~
u. Fur storage and repair; ~~golf.~~
v. Golf and country clubs and all commercial recreation; ~~gun.~~
w. Gun and camera repair; ~~house.~~
x. House and building moving; ~~household.~~
y. Household appliance, television, and radio repair; ~~janitorial.~~
z. Janitorial and building maintenance or cleaning; ~~jewelry.~~
aa. Jewelry and watch repair; ~~lawn.~~
ab. Lawn care, landscaping, and tree trimming and removal;
ac. Personal transportation service, including but not limited to taxis, driver service, ride sharing service, rides for hire, and limousine service, including driver; ~~machine.~~
ad. Machine operator; ~~machine.~~
ae. Machine repair of all kinds; ~~motor.~~
af. Motor repair; ~~motorcycle.~~
ag. Motorcycle, scooter, and bicycle repair; ~~oilers.~~
ah. Oilers and lubricators; ~~office.~~
ai. Office and business machine repair; ~~painting.~~
aj. Painting, papering, and interior decorating; ~~parking.~~
ak. Parking facilities; ~~pay.~~
al. Pay television; ~~pet~~, including but not limited to streaming video, video on-demand, and pay-per-view.
am. Pet grooming; ~~pipe.~~
an. Pipe fitting and plumbing; ~~wood.~~
ao. Wood preparation; ~~executive.~~
ap. Executive search agencies; ~~private.~~
aq. Private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; reflexology; security.
ar. Reflexology.
as. Security and detective services, excluding private security and detective services furnished by a peace officer with the knowledge and consent of the chief executive officer of the peace officer's law enforcement agency; ~~sewage.~~
at. Sewage services for nonresidential commercial operations; ~~sewing.~~
au. Sewing and stitching; ~~shoe.~~
av. Shoe repair and shoeshine; ~~sign.~~
aw. Sign construction and installation; ~~storage.~~
ax. Storage of household goods, mini-storage, and warehousing of raw agricultural products; ~~swimming.~~
ay. Swimming pool cleaning and maintenance; ~~tanning.~~
az. Tanning beds or salons; ~~taxidermy.~~
ba. Taxidermy services; ~~telephone.~~
bb. Telephone answering service; ~~test.~~
bc. Test laboratories, including mobile testing laboratories and field testing by testing laboratories, and excluding tests on humans or animals and excluding environmental testing services; ~~termite.~~
bd. Termite, bug, roach, and pest eradicators; ~~tin.~~
be. Tin and sheet metal repair; ~~transportation.~~
bf. Transportation service consisting of the rental of recreational vehicles or recreational boats, or the rental of vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less, or the rental of aircraft for a period of sixty days or less;
bg. Turkish baths, massage, and reducing salons, excluding services provided by massage therapists licensed under chapter 152C; ~~water.~~
bh. Water conditioning and softening; ~~weighing; welding; well.~~

bi. Weighing.

bj. Welding.

bk. Well drilling; wrapping.

bl. Wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl, and vegetables; wrecking.

bm. Wrecking service; wrecker.

bn. Wrecker and towing.

~~b. For the purposes of this subsection, “financial institutions” means all national banks, federally chartered savings and loan associations, federally chartered savings banks, federally chartered credit unions, banks organized under chapter 524, credit unions organized under chapter 533, and all banks, savings banks, credit unions, and savings and loan associations chartered or otherwise created under the laws of any state and doing business in Iowa.~~

bo. Photography.

bp. Retouching.

bq. Storage of tangible or electronic files, documents, or other records.

br. Information services.

bs. Services arising from or related to installing, maintaining, servicing, repairing, operating, upgrading, or enhancing specified digital products.

bt. Video game services and tournaments.

bu. Software as a service.

Sec. 171. Section 423.2, subsection 8, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* A transaction that otherwise meets the definition of “bundled transaction” as defined in this subsection is not a bundled transaction if it is any of the following:

(1) The retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service.

(2) The retail sale of services where one service is provided that is essential to the use or receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service.

(3) (a) A transaction that includes taxable products and nontaxable products and the purchase price or sales price of the taxable products is *de minimis*.

(b) For purposes of this subparagraph, “*de minimis*” means the seller’s purchase or sales price of the taxable products is ten percent or less of the total purchase price or sales price of the bundled products. Sellers shall use either the purchase price or the sale price of the products to determine if the taxable products are *de minimis*. Sellers may not use a combination of the purchase price and sales price of the products to determine if the taxable products are *de minimis*.

(4) The retail sale of exempt tangible personal property and taxable tangible personal property where all of the following apply:

(a) The transaction includes food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, prosthetic devices, or medical supplies.

(b) The seller’s purchase price or sales price of the taxable tangible personal property is fifty percent or less of the total purchase price or sales price of the bundled tangible personal property. Sellers may not use a combination of the purchase price and sales price of the tangible personal property when making the fifty percent determination for a transaction.

Sec. 172. Section 423.2, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. *a.* A tax of six percent is imposed on the sales price of specified digital products sold at retail in the state. The tax applies whether the purchaser obtains permanent use or less than permanent use of the specified digital product, whether the sale is conditioned or not conditioned upon continued payment from the purchaser, and whether the sale is on a subscription basis or is not on a subscription basis.

b. The sale of a digital code that may be used to obtain or access a specified digital product shall be taxed in the same manner as the specified digital product. For purposes of this paragraph, “digital code” means a method that permits a purchaser to obtain or access at a later date a specified digital product.

Sec. 173. Section 423.2, subsections 10, 11, and 12, Code 2018, are amended by striking the subsections.

Sec. 174. **NEW SECTION. 423.2A Deposit and transfer of revenues.**

1. a. All revenues arising under the operation of the provisions of this subchapter II shall be deposited into the general fund of the state.

b. Subsequent to the deposit into the general fund of the state, the director shall credit an amount equal to the product of the sales tax rate imposed in section 423.2 times the sales price of the tangible personal property or services furnished to purchasers at a baseball and softball complex that has received an award under section 15F.207 and that meets the qualifications of section 423.4, subsection 10, into the baseball and softball complex sales tax rebate fund created under section 423.4, subsection 10, paragraph “e”. The director shall credit the moneys beginning the first day of the quarter following July 1, 2016. This paragraph is repealed thirty days following the date on which five million dollars in total rebates have been provided under section 423.4, subsection 10.

2. Subsequent to the deposit into the general fund of the state pursuant to subsection 1, the department shall do the following in the order prescribed:

a. Transfer the revenues collected under chapter 423B.

b. Transfer from the remaining revenues the amounts required under Article VII, section 10, of the Constitution of the State of Iowa to the natural resources and outdoor recreation trust fund created in section 461.31, if applicable.

c. Transfer one-sixth of the remaining revenues to the secure an advanced vision for education fund created in section 423F.2. This paragraph “c” is repealed December 31, 2029.

d. Transfer to the baseball and softball complex sales tax rebate fund that portion of the sales tax receipts described in subsection 1, paragraph “b”, remaining after the transfers required under paragraphs “a”, “b”, and “c” of this subsection 2. This paragraph is repealed thirty days following the date on which five million dollars in total rebates have been provided under section 423.4, subsection 10.

e. Beginning the first day of the calendar quarter beginning on the reinvestment district’s commencement date, subject to remittance limitations established by the economic development authority board pursuant to section 15J.4, subsection 3, transfer to a district account created in the state reinvestment district fund for each reinvestment district established under chapter 15J, the amount of new state sales tax revenue, determined in section 15J.5, subsection 1, paragraph “b”, in the district, that remains after the prior transfers required under this subsection 2. Such transfers shall cease pursuant to section 15J.8.

f. Subject to the limitation on the calculation and deposit of sales tax increment revenues in section 418.12, beginning the first day of the quarter following adoption of the resolution pursuant to section 418.4, subsection 3, paragraph “d”, transfer to the account created in the sales tax increment fund for each governmental entity approved to use sales tax increment revenues under chapter 418, that portion of the increase in sales tax revenue, determined in section 418.11, subsection 2, paragraph “d”, in the applicable area of the governmental entity, that remains after the other transfers required under this subsection 2.

g. Beginning the first day of the quarter following July 1, 2014, transfer to the raceway facility tax rebate fund created in section 423.4, subsection 11, paragraph “e”, that portion of the sales tax receipts collected and remitted upon sales of tangible personal property or services furnished by retailers at a raceway facility meeting the qualifications of section 423.4, subsection 11, that remains after the transfers required in paragraphs “a” through “f” of this subsection 2. This paragraph is repealed June 30, 2025, or thirty days following the date on which an amount of total rebates specified in section 423.4, subsection 11, paragraph “c”, subparagraph (4), subparagraph division (a) or (b), whichever is applicable, has been provided or thirty days following the date on which rebates cease as provided in section 423.4, subsection 11, paragraph “c”, subparagraph (5), whichever is earliest.

3. Of the amount of sales tax revenue actually transferred per quarter pursuant to subsection 2, paragraphs “e” and “f”, the department shall retain an amount equal to the actual cost of administering the transfers under subsection 2, paragraphs “e” and “f”, or twenty-five thousand dollars, whichever is less. The amount retained by the department pursuant to this subsection shall be divided pro rata each quarter between the amounts that would have been transferred pursuant to subsection 2, paragraphs “e” and “f”, without the deduction made by operation of this subsection. Revenues retained by the department pursuant to this subsection shall be considered repayment receipts as defined in section 8.2.

Sec. 175. Section 423.3, subsections 1 and 17, Code 2018, are amended to read as follows:

1. The sales price from sales of tangible personal property, specified digital products, and services furnished which this state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

17. The sales price of all ~~goods, wares, or merchandise~~, tangible personal property, specified digital products, or services, used for educational purposes sold to any private nonprofit educational institution in this state. For the purpose of this subsection, “*educational institution*” means an institution which primarily functions as a school, college, or university with students, faculty, and an established curriculum. The faculty of an educational institution must be associated with the institution and the curriculum must include basic courses which are offered every year. “*Educational institution*” includes an institution primarily functioning as a library.

Sec. 176. Section 423.3, subsection 18, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The sales price of tangible personal property or specified digital products sold, or of services furnished, to the following nonprofit corporations:

Sec. 177. Section 423.3, subsections 20, 21, 22, 23, 26, 27, 28, and 31, Code 2018, are amended to read as follows:

20. The sales price of tangible personal property or specified digital products sold, or of services furnished, to nonprofit legal aid organizations.

21. The sales price of ~~goods, wares, or merchandise~~, tangible personal property, of specified digital products, or of services, used for educational, scientific, historic preservation, or aesthetic purpose sold to a nonprofit private museum.

22. The sales price from sales of ~~goods, wares, or merchandise~~, tangible personal property, of specified digital products, or from services furnished, to a nonprofit private art center to be used in the operation of the art center.

23. The sales price of tangible personal property or specified digital products sold, or of services furnished, by a fair organized under chapter 174.

26. The sales price of tangible personal property or specified digital products sold, or of services furnished, to a statewide nonprofit organ procurement organization, as defined in section 142C.2.

27. The sales price of tangible personal property or specified digital products sold, or of services furnished, to a nonprofit hospital licensed pursuant to chapter 135B to be used in the operation of the hospital.

28. The sales price of tangible personal property or specified digital products sold, or of services furnished, to a freestanding nonprofit hospice facility which operates a hospice program as defined in 42 C.F.R. ch. IV, §418.3, which property or services are to be used in the hospice program.

31. ~~a.~~ The sales price of ~~goods, wares, or merchandise~~ tangible personal property or specified digital products sold to and of services furnished, and used for public purposes sold to a tax-certifying or tax-levying body of the state or a governmental subdivision of the state, including regional transit systems, as defined in section 324A.1, the state board of regents, department of human services, state department of transportation, any municipally owned solid waste facility which sells all or part of its processed waste as fuel to a municipally owned public utility, and all divisions, boards, commissions, agencies, or instrumentalities of

state, federal, county, or municipal government which have no earnings going to the benefit of an equity investor or stockholder, except any of the following:

(1) a. The sales price of goods, wares, or merchandise tangible personal property or specified digital products sold to, or of services furnished, and used by or in connection with the operation of any municipally owned public utility engaged in selling gas, electricity, heat, pay television service, or communication service to the general public.

(2) b. The sales price of furnishing of sewage services to a county or municipality on behalf of nonresidential commercial operations.

(3) c. The furnishing of solid waste collection and disposal service to a county or municipality on behalf of nonresidential commercial operations located within the county or municipality.

~~b. The exemption provided by this subsection shall also apply to all such sales of goods, wares, or merchandise or of services furnished and subject to use tax.~~

Sec. 178. Section 423.3, subsection 32, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The sales price of tangible personal property or specified digital products sold, or of services furnished, by a county or city. This exemption does not apply to any of the following:

Sec. 179. Section 423.3, subsection 36, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The sales price from sales of tangible personal property or specified digital products or of the sale or furnishing of electrical energy, natural or artificial gas, or communication service to another state or political subdivision of another state if the other state provides a similar reciprocal exemption for this state and political subdivision of this state.

Sec. 180. Section 423.3, subsection 39, paragraph a, subparagraphs (1) and (2), Code 2018, are amended to read as follows:

(1) Sales of tangible personal property or specified digital products, or the furnishing of services, of a nonrecurring nature, by the owner, if the seller, at the time of the sale, is not engaged for profit in the business of selling tangible personal property, specified digital products, or services taxed under section 423.2.

(2) The sale of all or substantially all of the tangible personal property, or specified digital products, or services held or used by a seller in the course of the seller's trade or business for which the seller is required to hold a sales tax permit when the seller sells or otherwise transfers the trade or business to another person who shall engage in a similar trade or business.

Sec. 181. Section 423.3, subsection 39, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The exemption under this subsection does not apply to sales for which a person is required pursuant to section 423.14A to collect sales and use tax.

Sec. 182. Section 423.3, subsection 47, paragraph d, subparagraph (1), Code 2018, is amended to read as follows:

(1) "*Commercial enterprise*" ~~includes means~~ means businesses and manufacturers conducted for profit ~~and centers for data processing services to, for-profit and nonprofit insurance companies, and for-profit and nonprofit financial institutions, businesses, and manufacturers,~~ but excludes other nonprofits and professions and occupations ~~and nonprofit organizations.~~

Sec. 183. Section 423.3, subsection 47, paragraph d, subparagraph (4), Code 2018, is amended by striking the subparagraph and inserting in lieu thereof the following:

(4) (a) "*Manufacturer*" means a business that primarily purchases, receives, or holds personal property of any description for the purpose of adding to its value by a process of manufacturing with a view to selling the property for gain or profit.

(b) "*Manufacturer*" includes contract manufacturers. A contract manufacturer is a manufacturer that otherwise falls within the definition of manufacturer, except that a

contract manufacturer does not sell the tangible personal property the contract manufacturer processes on behalf of other manufacturers.

(c) “*Manufacturer*” does not include persons who are not commonly understood as manufacturers, including but not limited to persons engaged in any of the following activities:

- (i) Construction contracting.
- (ii) Repairing tangible personal property or real property.
- (iii) Providing health care.
- (iv) Farming, including cultivating agricultural products and raising livestock.
- (v) Transporting for hire.

(d) For purposes of this subparagraph:

(i) “*Business*” means those businesses conducted for profit, but excludes professions and occupations and nonprofit organizations.

(ii) “*Manufacturing*” means those activities commonly understood within the ordinary meaning of the term, and shall include:

- (A) Refining.
- (B) Purifying.
- (C) Combining of different materials.
- (D) Packing of meats.

(E) Activities subsequent to the extractive process of quarrying or mining, such as crushing, washing, sizing, or blending of aggregate materials.

(iii) “*Manufacturing*” does not include activities occurring on premises primarily used to make retail sales.

Sec. 184. Section 423.3, subsection 63, Code 2018, is amended to read as follows:

63. The sales price from the sale of tangible personal property, specified digital products, or services which will be given as prizes to players in games of skill, games of chance, raffles, and bingo games as defined in chapter 99B.

Sec. 185. Section 423.3, subsections 65, 66, and 67, Code 2018, are amended by striking the subsections.

Sec. 186. Section 423.3, subsection 78, paragraph a, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The sales price from ~~sales or rental~~ the sale of tangible personal property, specified digital products, or services rendered by any entity where the profits from the ~~sales or rental sale~~ of the tangible personal property, specified digital products, or services rendered, are used by or donated to a nonprofit entity that is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code, a government entity, or a nonprofit private educational institution, and where the entire proceeds from the ~~sales, rental, sale~~ or services are expended for any of the following purposes:

Sec. 187. Section 423.3, subsection 79, Code 2018, is amended to read as follows:

79. The sales price from the sale ~~or rental~~ of tangible personal property or specified digital products, or from services furnished, to a recognized community action agency as provided in section 216A.93 to be used for the purposes of the agency.

Sec. 188. Section 423.3, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 103. a. The sales price of specified digital products and of prewritten computer software sold, and of enumerated services described in section 423.2, subsection 6, paragraphs “*bq*”, “*br*”, “*bs*”, and “*bu*” furnished, to a commercial enterprise for use exclusively by the commercial enterprise. The use of prewritten computer software, a specified digital product, or service fails to qualify as a use exclusively by the commercial enterprise if its use for noncommercial purposes is more than de minimis.

b. For purposes of this subsection:

(1) “*Commercial enterprise*” means the same as defined in section 423.3, subsection 47, paragraph “*d*”, subparagraph (1), but also includes professions and occupations.

(2) “*De minimis*” and “*noncommercial purposes*” shall be defined by the director by rule.

NEW SUBSECTION. 104. The sales price of specified digital products sold to a non-end user. For purposes of this subsection, “non-end user” means a person who receives by contract a specified digital product for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution, or exhibition of the product, in whole or in part, to another person.

NEW SUBSECTION. 105. The sales price for transportation services furnished by emergency or nonemergency medical transportation, by a paratransit service, and by a public transit system as defined in section 324A.1.

Sec. 189. Section 423.4, subsection 3, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A relief agency may apply to the director for refund of the amount of sales or use tax imposed and paid upon sales to it of any ~~goods, wares, merchandise,~~ tangible personal property or specified digital products, or services furnished, used for free distribution to the poor and needy.

Sec. 190. Section 423.4, subsection 3, paragraph a, subparagraph (1), Code 2018, is amended to read as follows:

(1) On forms furnished by the department, and filed within the time as the director shall provide by rule, the relief agency shall report to the department the total amount or amounts, valued in money, expended directly or indirectly for ~~goods, wares, merchandise,~~ tangible personal property or specified digital products, or services furnished, used for free distribution to the poor and needy.

Sec. 191. Section 423.4, subsection 10, paragraph e, Code 2018, is amended to read as follows:

e. There is established within the state treasury under the control of the department a baseball and softball complex sales tax rebate fund consisting of the amount of state sales tax revenues transferred pursuant to section ~~423.2, subsection 11, paragraph “b”, subparagraph (4)~~ 423.2A, subsection 2, paragraph “d”. An account is created within the fund for each baseball and softball complex receiving an award under section 15F.207 and meeting the qualifications of this subsection. Moneys in the fund shall only be used to provide rebates of state sales tax pursuant to this subsection, and only the state sales tax revenues in the baseball and softball complex rebate fund are subject to rebate under this subsection. The amount of rebates paid from each baseball and softball complex’s account within the fund shall not exceed the amount of the award under section 15F.207, and not more than five million dollars in total rebates shall be paid from the fund. Any moneys in the fund which represent state sales tax revenue for which the time period in paragraph “c” for receiving a rebate has expired, or which otherwise represent state sales tax revenue that has become ineligible for rebate pursuant to this subsection, shall immediately revert to the general fund of this state.

Sec. 192. Section 423.4, subsection 11, paragraph b, subparagraph (1), Code 2018, is amended to read as follows:

(1) Sales tax imposed and collected by retailers upon sales of tangible personal property or services furnished to purchasers at the raceway facility. Notwithstanding the state sales tax imposed in section 423.2, a sales tax rebate issued pursuant to this subparagraph shall not exceed the amounts transferred to the raceway facility tax rebate fund pursuant to section ~~423.2, subsection 11, paragraph “b”, subparagraph (7)~~ 423.2A, subsection 2, paragraph “g”.

Sec. 193. Section 423.4, subsection 11, paragraph b, subparagraph (2), subparagraph division (c), Code 2018, is amended to read as follows:

(c) Notwithstanding the state sales tax imposed in section 423.2, a sales tax rebate issued pursuant to this subparagraph shall not exceed the amounts remaining after the transfers required under section ~~423.2, subsection 11, paragraph “b”, subparagraphs (1) through (6)~~ 423.2A, subsection 2, paragraphs “a” through “f”, have been made from the total amount of sales tax for which the rebate is requested.

Sec. 194. Section 423.4, subsection 11, paragraph e, Code 2018, is amended to read as follows:

e. There is established within the state treasury under the control of the department a raceway facility tax rebate fund consisting of the amount of state sales tax revenues transferred pursuant to section ~~423.2, subsection 11, paragraph "b", subparagraph (7)~~ 423.2A, subsection 2, paragraph "g". An account is created within the fund for each raceway facility meeting the qualifications of this subsection. Moneys in the fund shall only be used to provide rebates of state sales tax pursuant to paragraph "b", subparagraph (1). The total amount of rebates paid from the fund shall not exceed the amount specified in paragraph "c", subparagraph (4), subparagraph division (a) or (b), whichever is applicable. Any moneys in the fund which represent state sales tax revenue for which the time period in paragraph "c" for receiving a rebate has expired, or which otherwise represent state sales tax revenue that has become ineligible for rebate pursuant to this subsection shall immediately revert to the general fund of the state.

Sec. 195. Section 423.5, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. The use in this state of tangible personal property as defined in section 423.1, including aircraft subject to registration under section 328.20, purchased for use in this state. For the purposes of this subchapter, the furnishing or use of the following services is also treated as the use of tangible personal property: optional service or warranty contracts, except residential service contracts regulated under chapter 523C, vulcanizing, recapping, or retreading services, engraving, ~~photography, retouching,~~ printing, or binding services, and communication service when furnished or delivered to consumers or users within this state.

Sec. 196. Section 423.5, subsection 1, paragraph d, Code 2018, is amended to read as follows:

d. Purchases of tangible personal property or specified digital products made from the government of the United States or any of its agencies by ultimate consumers shall be subject to the tax imposed by this section. Services purchased from the same source or sources shall be subject to the service tax imposed by this subchapter and apply to the user of the services.

Sec. 197. Section 423.5, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. (1) The use in this state of specified digital products. The tax applies whether the purchaser obtains permanent use or less than permanent use of the specified digital product, whether the use is conditioned or not conditioned upon continued payment from the purchaser, and whether the use is on a subscription basis or is not on a subscription basis.

(2) The use of a digital code that may be used to obtain or access a specified digital product shall be taxed in the same manner as the specified digital product. For purposes of this subparagraph, "digital code" means the same as defined in section 423.2, subsection 9A.

Sec. 198. Section 423.5, subsection 3, Code 2018, is amended to read as follows:

3. For the purpose of the proper administration of the use tax and to prevent its evasion, evidence that tangible personal property ~~was~~ or specified digital products were sold by any person for delivery in this state shall be prima facie evidence that such tangible personal property ~~was~~ or specified digital products were sold for use in this state.

Sec. 199. Section 423.5, subsection 4, Code 2018, is amended by striking the subsection.

Sec. 200. Section 423.6, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The use in this state of the following tangible personal property, specified digital products, and services is exempted from the tax imposed by this subchapter:

Sec. 201. Section 423.6, subsections 1, 2, 4, and 6, Code 2018, are amended to read as follows:

1. Tangible personal property, specified digital products, and enumerated services, the sales price from the sale of which are required to be included in the measure of the sales tax, if that tax has been paid to the department or the retailer. This exemption does not include vehicles subject to registration or subject only to the issuance of a certificate of title.

2. The sale of tangible personal property, specified digital products, or the furnishing of services in the regular course of business.

4. All articles of tangible personal property and all specified digital products brought into the state of Iowa by a nonresident individual for the individual's use or enjoyment while within the state.

6. Tangible personal property, specified digital products, or services the sales price of which is exempt from the sales tax under section 423.3, except section 423.3, subsections 39 and 73, as it relates to the sale, but not the lease or rental, of vehicles subject only to the issuance of a certificate of title and as it relates to aircraft subject to registration under section 328.20.

Sec. 202. Section 423.14, subsection 2, paragraphs b and c, Code 2018, are amended to read as follows:

b. The tax upon the use of all tangible personal property and specified digital products other than that enumerated in paragraph "a", which is sold by a seller who is a retailer ~~maintaining a place of business in this state, or by such other retailer or agent as the director shall authorize pursuant to section 423.30~~ or its agent that is not otherwise required to collect sales tax under the provisions of this chapter, shall be collected by the retailer or agent and remitted to the department, pursuant to the provisions of paragraph "e", and sections 423.24, 423.29, 423.30, 423.32, and 423.33.

c. The tax upon the use of all tangible personal property and specified digital products not paid pursuant to paragraphs "a" and "b" shall be paid to the department directly by any person using the property within this state, pursuant to the provisions of section 423.34.

Sec. 203. **NEW SECTION. 423.14A Persons required to collect sales and use tax — supplemental conditions, requirements, and responsibilities.**

1. For purposes of this section:

a. "Iowa sales" means sales of tangible personal property, services, or specified digital products sourced to this state pursuant to section 423.15, 423.16, 423.17, 423.19, or 423.20, or that are otherwise sold in this state or for delivery into this state.

b. (1) "Marketplace facilitator" means a person, including any affiliate of the person, who facilitates a retail sale by satisfying subparagraph divisions (a) and (b) as follows:

(a) The person directly or indirectly does any of the following:

(i) Lists, makes available, or advertises tangible personal property, services, or specified digital products for sale by a marketplace seller in a marketplace owned, operated, or controlled by the person.

(ii) Facilitates the sale of a marketplace seller's product through a marketplace by transmitting or otherwise communicating an offer or acceptance of a retail sale of tangible personal property, services, or specified digital products between a marketplace seller and a purchaser in a forum including a shop, store, booth, catalog, internet site, or similar forum.

(iii) Owns, rents, licenses, makes available, or operates any electronic or physical infrastructure or any property, process, method, copyright, trademark, or patent that connects marketplace sellers to purchasers for the purpose of making retail sales of tangible personal property, services, or specified digital products.

(iv) Provides a marketplace for making retail sales of tangible personal property, services, or specified digital products, or otherwise facilitates retail sales of tangible personal property, services, or specified digital products, regardless of ownership or control of the tangible personal property, services, or specified digital products that are the subject of the retail sale.

(v) Provides software development or research and development activities related to any activity described in this subparagraph division (a), if such software development or research

and development activities are directly related to the physical or electronic marketplace provided by a marketplace provider.

(vi) Provides or offers fulfillment or storage services for a marketplace seller.

(vii) Sets prices for a marketplace seller's sale of tangible personal property, services, or specified digital products.

(viii) Provides or offers customer service to a marketplace seller or a marketplace seller's customers, or accepts or assists with taking orders, returns, or exchanges of tangible personal property, services, or specified digital products sold by a marketplace seller.

(ix) Brands or otherwise identifies sales as those of the marketplace facilitator.

(b) The person directly or indirectly does any of the following:

(i) Collects the sales price or purchase price of a retail sale of tangible personal property, services, or specified digital products.

(ii) Provides payment processing services for a retail sale of tangible personal property, services, or specified digital products.

(iii) Charges, collects, or otherwise receives selling fees, listing fees, referral fees, closing fees, fees for inserting or making available tangible personal property, services, or specified digital products on a marketplace, or other consideration from the facilitation of a retail sale of tangible personal property, services, or specified digital products, regardless of ownership or control of the tangible personal property, services, or specified digital products that are the subject of the retail sale.

(iv) Through terms and conditions, agreements, or arrangements with a third party, collects payment in connection with a retail sale of tangible personal property, services, or specified digital products from a purchaser and transmits that payment to the marketplace seller, regardless of whether the person collecting and transmitting such payment receives compensation or other consideration in exchange for the service.

(v) Provides a virtual currency that purchasers are allowed or required to use to purchase tangible personal property, services, or specified digital products.

(2) "*Marketplace facilitator*" includes but is not limited to a person who satisfies the requirements of this paragraph through the ownership, operation, or control of a digital distribution service, digital distribution platform, online portal, or application store.

(3) A "*rental platform*", as defined in section 423C.2, that meets the requirements described in section 423C.3, subsection 3, paragraph "c", subparagraph (2), shall not be considered a "*marketplace facilitator*" with respect to any sale of a transportation service under section 423.2, subsection 6, paragraph "bf", or section 423.5, subsection 1, paragraph "e", consisting of the rental of vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less.

c. "*Marketplace seller*" means any of the following:

(1) A seller that makes retail sales through any physical or electronic marketplace owned, operated, or controlled by a marketplace facilitator, even if such seller would not have been required to collect and remit sales and use tax had the sale not been made through such marketplace.

(2) A seller that makes retail sales resulting from a referral by a referrer, even if such seller would not have been required to collect and remit sales and use tax had the sale not been made through such referrer.

2. In addition to and not in lieu of any application of this chapter to sellers who are retailers and sellers who are retailers maintaining a place of business in this state, any person described in subsection 3, or the person's agents, shall be considered a retailer in this state and a retailer maintaining a place of business in this state for purposes of this chapter on or after January 1, 2019, and shall be subject to all requirements of this chapter imposed on retailers and retailers maintaining a place of business in this state, including but not limited to the requirement to collect and remit sales and use taxes pursuant to sections 423.14 and 423.29, and local option taxes under chapter 423B.

3. a. A retailer that has gross revenue from Iowa sales equal to or exceeding one hundred thousand dollars for an immediately preceding calendar year or a current calendar year.

b. A retailer that makes Iowa sales in two hundred or more separate transactions for an immediately preceding calendar year or a current calendar year.

c. (1) A retailer that owns, licenses, or uses software or data files that are installed or stored on property used in this state. For purposes of this subparagraph, “*software or data files*” include but are not limited to software that is affirmatively downloaded by a user, software that is downloaded as a result of the use of a website, preloaded software, and cookies.

(2) A retailer that uses in-state software to make Iowa sales. For purposes of this subparagraph, “*in-state software*” means computer software that is installed or stored on property located in this state or that is distributed within this state for the purpose of facilitating a sale by the retailer.

(3) A retailer that provides, or enters into an agreement with another person to provide, a content distribution network in this state to facilitate, accelerate, or enhance the delivery of the retailer’s internet site to purchasers. For purposes of this subparagraph, “*content distribution network*” means a system of distributed servers that deliver internet sites and other internet content to a user based on the geographic location of the user, the origin of the internet site or internet content, and a content delivery server.

(4) This paragraph “c” shall not apply to a retailer that has gross revenue from Iowa sales of less than one hundred thousand dollars for an immediately preceding calendar year or a current calendar year.

d. (1) A marketplace facilitator that makes or facilitates Iowa sales on its own behalf or for one or more marketplace sellers equal to or exceeding one hundred thousand dollars, or in two hundred or more separate transactions, for an immediately preceding calendar year or a current calendar year.

(2) A marketplace facilitator shall collect sales and use tax on the entire sales price or purchase price paid by a purchaser on each Iowa sale subject to sales and use tax that is made or facilitated by the marketplace facilitator, regardless of whether the marketplace seller for whom an Iowa sale is made or facilitated has or is required to have a retail sales tax permit or would have been required to collect sales and use tax had the sale not been facilitated by the marketplace facilitator, and regardless of the amount of the sales price or purchase price that will ultimately accrue to or benefit the marketplace facilitator, the marketplace seller, or any other person. This sales and use tax collection responsibility of a marketplace facilitator applies but shall not be limited to sales facilitated through a computer software application, commonly referred to as in-app purchases, or through another specified digital product.

(3) A marketplace facilitator shall be relieved of liability under this paragraph “d” for failure to collect and remit sales and use tax on an Iowa sale made or facilitated for a marketplace seller under the following circumstances and up to the amounts permitted under the following circumstances:

(a) If the marketplace facilitator demonstrates to the satisfaction of the department that the marketplace facilitator has made a reasonable effort to obtain accurate information from the marketplace seller about a retail sale and that the failure to collect and remit the correct tax was due to incorrect information provided to the marketplace facilitator by the marketplace seller, then the marketplace facilitator shall be relieved of liability for that retail sale. This subparagraph division does not apply with regard to a retail sale for which the marketplace facilitator is the seller or if the marketplace facilitator and the seller are affiliates. For Iowa sales for which a marketplace facilitator is relieved of liability under this subparagraph division, the marketplace seller and purchaser are liable for any amount of uncollected, unpaid, or unremitted tax.

(b) (i) Subject to the limitation in subparagraph subdivision (ii), if the marketplace facilitator demonstrates to the satisfaction of the department that the Iowa sale was made or facilitated for a marketplace seller prior to January 1, 2026, through a marketplace of the marketplace facilitator, that the marketplace facilitator is not the seller and that the marketplace facilitator and the seller are not affiliates, and that the failure to collect sales and use tax was due to an error other than an error in sourcing the sale. To the extent that a marketplace facilitator is relieved of liability for collection of sales and use tax under this subparagraph division, the marketplace seller for whom the marketplace facilitator has made or facilitated the Iowa sale is also relieved of liability. The department may determine the manner in which a marketplace facilitator or marketplace seller shall claim the liability relief provided in this subparagraph division.

(ii) The liability relief provided in subparagraph subdivision (i) shall not exceed the following percentage of the total sales and use tax due on Iowa sales made or facilitated by a marketplace facilitator for marketplace sellers and sourced to this state during a calendar year, which Iowa sales shall not include sales by the marketplace facilitator or affiliates of the marketplace facilitator:

(A) For Iowa sales made or facilitated during the 2019 calendar year, ten percent.

(B) For Iowa sales made or facilitated during calendar years 2020 through 2024, five percent.

(C) For Iowa sales made or facilitated during the 2025 calendar year, three percent.

(c) Nothing in this subparagraph (3) shall be construed to relieve any person of liability for collecting but failing to remit to the department sales and use tax.

(d) A marketplace facilitator is deemed to be an agent of any marketplace seller making retail sales through a marketplace of the marketplace facilitator.

e. (1) A referrer if, for any immediately preceding calendar year or a current calendar year, one hundred thousand dollars or more in Iowa sales or two hundred or more separate Iowa sales transactions result from referrals from a platform of the referrer. A referrer is not required to collect and remit sales and use tax pursuant to this paragraph if the referrer does all of the following:

(a) The referrer posts a conspicuous notice on each platform of the referrer that includes all of the following:

(i) A statement that sales or use tax is due on certain purchases.

(ii) A statement that the marketplace seller from whom the person is purchasing on the platform may or may not collect and remit sales and use tax on a purchase.

(iii) A statement that Iowa requires the purchaser to pay sales or use tax and file sales or use tax returns if sales or use tax is not collected at the time of the sale by the marketplace seller.

(iv) Information informing the purchaser that the notice is provided under the requirements of this subparagraph.

(v) Instructions for obtaining additional information from the department regarding whether and how to remit sales and use tax to the state of Iowa.

(b) The referrer provides a monthly notice to each marketplace seller to whom the referrer made a referral of a potential customer located in Iowa during the previous calendar year, which monthly notice shall contain all of the following:

(i) A statement that Iowa imposes a sales or use tax on Iowa sales.

(ii) A statement that a marketplace facilitator or other retailer making Iowa sales must collect and remit sales and use tax.

(iii) Instructions for obtaining additional information from the department regarding the collection and remittance of Iowa sales and use tax.

(c) The referrer provides the department with monthly reports in an electronic format and in the manner prescribed by the department, which monthly reports contain all of the following:

(i) A list of marketplace sellers who received the referrer's notice under subparagraph division (b).

(ii) A list of marketplace sellers that collect and remit Iowa sales and use tax and that list or advertise the marketplace seller's products for sale on a platform of the referrer.

(iii) An affidavit signed under penalty of perjury from an officer of the referrer affirming that the referrer made reasonable efforts to comply with the applicable sales and use tax notice and reporting requirements of this subparagraph.

(2) A referrer is deemed to be an agent of any marketplace seller making retail sales resulting from a referral of the referrer.

(3) For purposes of this paragraph:

(a) "*Platform*" means an electronic or physical medium, including but not limited to an internet site or catalog, that is owned, operated, or controlled by a referrer.

(b) "*Referral*" means the transfer through telephone, internet link, or other means by a referrer of a potential customer to a retailer or seller who advertises or lists products for sale on a platform of the referrer.

(c) (i) "*Referrer*" means a person who does all of the following:

(A) Contracts or otherwise agrees with a retailer, seller, or marketplace facilitator to list or advertise for sale a product of the retailer, seller, or marketplace facilitator on a platform, provided such listing or advertisement identifies whether or not the retailer, seller, or marketplace facilitator collects sales and use tax.

(B) Receives a commission, fee, or other consideration from the retailer, seller, or marketplace facilitator for the listing or advertisement.

(C) Provides referrals to a retailer, seller, or marketplace facilitator, or an affiliate of a retailer, seller, or marketplace facilitator.

(D) Does not collect money or other consideration from the customer for the transaction.

(i) “Referrer” does not include any of the following:

(A) A person primarily engaged in the business of printing or publishing a newspaper.

(B) A person who does not provide the retailer’s, seller’s, or marketplace facilitator’s shipping terms and who does not advertise whether a retailer, seller, or marketplace facilitator collects sales or use tax.

(4) This paragraph only applies to referrals by a referrer and shall not preclude the applicability of other provisions of this section to a person who is a referrer and is also a retailer, a marketplace facilitator, or a marketplace seller.

f. (1) A retailer that makes Iowa sales through the use of a solicitor. For purposes of this paragraph, “solicitor” means a person that directly or indirectly solicits business for a retailer.

(2) (a) A retailer is deemed to have a solicitor in this state if the retailer enters into an agreement with a resident under which the resident, for a commission, fee, or other similar consideration, directly or indirectly refers potential customers, whether by link on an internet site, or otherwise, to the retailer. This determination may be rebutted by a showing of proof that the resident with whom the retailer has an agreement did not engage in any solicitation in this state on behalf of the retailer that would satisfy the nexus requirement of the United States Constitution during the calendar year in question.

(b) This subparagraph (2) shall not apply to a retailer that has Iowa gross revenue from Iowa sales of ten thousand dollars or less for an immediately preceding calendar year or a current calendar year.

(c) For purposes of this subparagraph (2):

(i) “Iowa gross revenue” means gross revenue from Iowa sales to purchasers who were referred to the retailer by all solicitors who are residents.

(ii) “Resident” includes an individual who is a resident of this state, as defined in section 422.4, and any business that owns any tangible or intangible property with a situs in this state, or that has one or more employees performing or providing services for the business in this state.

(d) This paragraph “f” does not apply to chapter 422 and does not expand or contract the state’s jurisdiction to tax a trade or business under chapter 422.

g. A retailer that owns, controls, rents, licenses, makes available, or uses any tangible or intangible property in this state or with a situs in this state, to make or otherwise facilitate a retail sale.

h. (1) Any person that enters into a contract or agreement with a governmental entity, including but not limited to contracts for the provision of financial assistance or incentives such as a tax credit, forgivable loan, grant, tax rebate, or any other thing of value. For purposes of this subparagraph, “governmental entity” means any unit of government in the executive, legislative, or judicial branch, or any political subdivision of the state, including but not limited to a city, county, township, or school district.

(2) Every bid submitted and each contract or agreement executed by a state agency shall contain a certification by the bidder or contractor stating that the bidder or contractor is registered with the department pursuant to this chapter and will collect and remit Iowa sales and use tax due under this chapter. In the certification, the bidder or contractor shall also acknowledge that the state agency may declare the contractor or bid void if the certification is false or becomes false. Fraudulent certification, by act or omission, may result in the state agency or its representative filing for damages for breach of contract.

i. Any affiliate of any person that is required to collect and remit sales and use tax under this chapter, provided the affiliate makes retail sales.

Sec. 204. NEW SECTION. 423.14B Sales and use tax reporting requirements — penalties.

1. For purposes of this section, “Iowa sales” and “marketplace facilitator” all mean the same as defined in section 423.14A.

2. The department may, in its discretion, adopt rules pursuant to chapter 17A establishing and imposing notice and reporting requirements related to Iowa sales for retailers, including but not limited to marketplace facilitators, who do not collect and remit sales and use tax under this chapter. The rules may include but are not limited to rules requiring retailers, including but not limited to marketplace facilitators, to do any of the following:

a. Notify purchasers at the time of an Iowa sales transaction of sales and use tax obligations under this chapter.

b. Provide purchasers with periodic reports of purchases that are Iowa sales.

c. Provide the department with annual reports that include but are not limited to information relating to purchases, purchasers, and Iowa sales.

3. a. The department may adopt rules pursuant to chapter 17A establishing and imposing penalties as described in and subject to the dollar limitations of paragraph “b”, provided that any such penalty shall include a procedure for waiver of the penalty upon a showing of reasonable cause for such failure.

b. (1) The department may impose penalties for failure to provide a notification to a purchaser in the manner and form prescribed by the department by rule. Such penalties shall not exceed five dollars for each failure.

(2) The department may impose penalties for failure to provide a purchaser with a periodic report of purchases in the manner and form prescribed by the department by rule. Such penalties shall not exceed ten dollars for each failure.

(3) The department may impose penalties for failure to provide the department with an annual report in the manner and form prescribed by the department. Such penalties shall not exceed an amount per annual report equal to ten dollars multiplied by the number of purchasers for whom information should have been but was not included in the annual report.

Sec. 205. Section 423.15, unnumbered paragraph 1, Code 2018, is amended to read as follows:

All sales of products tangible personal property, services, or specified digital products, except those sales enumerated in section 423.16, shall be sourced according to this section by sellers obligated to collect Iowa sales and use tax. The sourcing rules described in this section apply to sales of tangible personal property, specified digital goods products, and all services other than telecommunications services. This section only applies to determine a seller’s obligation to pay or collect and remit a Iowa sales or use tax with respect to the seller’s sale of a product. This section does not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions in which the use occurs. A seller’s obligation to collect Iowa sales tax or Iowa use tax only occurs if the sale is sourced to this state. ~~Whether Iowa sales tax applies to a sale sourced to Iowa shall be determined based on the location at which the sale is consummated by delivery or, in the case of a service, where the first use of the service occurs~~ made by a seller subject to section 423.1, subsection 48, or section 423.14A.

Sec. 206. Section 423.15, subsection 1, paragraph e, Code 2018, is amended to read as follows:

e. When paragraphs “a”, “b”, “c”, and “d” do not apply, including the circumstance where the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the specified digital good product or the computer software delivered electronically was first available for transmission by the seller, or from which the service was provided disregarding for these purposes any location that merely provided the digital transfer of the product sold.

Sec. 207. Section 423.22, Code 2018, is amended to read as follows:

423.22 Taxation in another state.

If any person who causes tangible personal property or specified digital products to be brought into this state or who uses in this state services enumerated in section 423.2 has already paid a tax in another state in respect to the sale or use of the property or the performance of the service, or an occupation tax in respect to the property or service, in an amount less than the tax imposed by subchapter II or III, the provisions of those subchapters shall apply, but at a rate measured by the difference only between the rate fixed by subchapter II or III and the rate by which the previous tax on the sale or use, or the occupation tax, was computed. If the tax imposed and paid in the other state is equal to or more than the tax imposed by those subchapters, then a tax is not due in this state on the personal property or service.

Sec. 208. Section 423.29, subsection 1, Code 2018, is amended to read as follows:

1. Every seller who is a retailer and who is making taxable sales of tangible personal property or specified digital products in Iowa shall, at the time of ~~selling the property making the sale,~~ collect the sales tax. Every seller who is a retailer ~~maintaining a place of business in this state that is not otherwise required to collect sales tax under the provisions of this chapter and who is~~ selling tangible personal property or specified digital products for use in Iowa shall, at the time of making the sale, whether within or without the state, collect the use tax. Sellers required to collect sales or use tax shall give to any purchaser a receipt for the tax collected in the manner and form prescribed by the director.

Sec. 209. Section 423.30, subsection 1, Code 2018, is amended to read as follows:

1. The director may, upon application, authorize the collection of the use tax by any seller who is a retailer not maintaining a place of business within this state and not registered under the agreement, who, to the satisfaction of the director, furnishes adequate security to ensure collection and payment of the tax. Such sellers shall be issued, without charge, permits to collect tax subject to any regulations which the director shall prescribe. When so authorized, it shall be the duty of foreign sellers to collect the tax upon all tangible personal property and specified digital products sold, to the retailer's knowledge, for use within this state, in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The authority and permit may be canceled when, at any time, the director considers the security inadequate, or that tax can more effectively be collected from the person using property in this state.

Sec. 210. Section 423.31, subsection 1, Code 2018, is amended to read as follows:

1. Each person subject to this section and section 423.36 and in accordance with the provisions of this section and section 423.36 shall, on or before the last day of the month following the close of each calendar quarter during which such person is or has become or ceased being subject to the provisions of this section and section 423.36, make, sign, and file a return for the calendar quarter in the form as may be required. Returns shall show information relating to sales prices including ~~goods, wares,~~ tangible personal property, specified digital products, and services converted to the use of such person, the amounts of sales prices excluded and exempt from the tax, the amounts of sales prices subject to tax, a calculation of tax due, and any other information for the period covered by the return as may be required. Returns shall be signed by the retailer or the retailer's authorized agent and must be certified by the retailer to be correct in accordance with forms and rules prescribed by the director.

Sec. 211. Section 423.31, subsection 5, paragraph a, Code 2018, is amended to read as follows:

a. Upon making application and receiving approval from the director, a ~~parent corporation person and its affiliated corporations~~ affiliates that make retail sales of tangible personal property, specified digital products, or taxable enumerated services may make deposits and file a consolidated sales tax return for the affiliated group, pursuant to rules adopted by the director. A ~~parent corporation person~~ and each affiliate ~~corporation~~ that files a consolidated return are jointly and severally liable for all tax, penalty, and interest found due for the tax period for which a consolidated return is filed or required to be filed.

Sec. 212. Section 423.32, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. The deposit form is due on or before the twentieth day of the month following the month of collection, except a deposit is not required for the third month of the calendar quarter, and the total quarterly amount, less the amounts deposited for the first two months of the quarter, is due with the quarterly report on the last day of the month following the month of collection. At that time, the retailer shall file with the department a return for the preceding quarterly period in the form prescribed by the director showing the purchase price of the tangible personal property, specified digital products, and services sold by the retailer during the preceding quarterly period, the use of which is subject to the use tax imposed by this chapter, and other information the director deems necessary for the proper administration of the use tax.

Sec. 213. Section 423.33, subsection 3, Code 2018, is amended to read as follows:

3. *Event sponsor's liability for sales tax.* A person sponsoring a flea market or a craft, antique, coin, or stamp show or similar event shall obtain from every retailer selling tangible personal property, specified digital products, or taxable services at the event proof that the retailer possesses a valid sales tax permit or secure from the retailer a statement, taken in good faith, that tangible personal property, specified digital products, or services offered for sale are not subject to sales tax. Failure to do so renders a sponsor of the event liable for payment of any sales tax, interest, and penalty due and owing from any retailer selling property or services at the event. Sections 423.31, 423.32, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42 apply to the sponsors. For purposes of this subsection, a "person sponsoring a flea market or a craft, antique, coin, or stamp show or similar event" does not include an organization which sponsors an event determined to qualify as an event involving casual sales pursuant to section 423.3, subsection 39, or the state fair or a fair as defined in section 174.1.

Sec. 214. Section 423.33, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 4. *Liability of affiliates.*

a. Notwithstanding any other provision of law to the contrary, if any retailer required to collect and remit sales and use tax pursuant to sections 423.14, 423.14A, and 423.29, or any other provision of this chapter, fails to do so, all affiliates that directly, indirectly, or constructively control the retailer shall be jointly and severally liable for any tax, penalty, and interest under this chapter, regardless of whether the affiliate is a retailer.

b. Pursuant to paragraph "a", the department may elect to assess the full amount of any tax, penalty, and interest against the retailer, an affiliate of the retailer described in paragraph "a", or any combination of the retailer and the retailer's affiliates described in paragraph "a".

c. Notwithstanding any other provision of law to the contrary, the department has the discretion to deem an affiliate of a retailer an agent or alter ego of that retailer.

d. Notwithstanding any other provision of law to the contrary, the department has the discretion to disregard or look through any organizational structure of an enterprise in order to assess and collect any tax, penalty, and interest against an affiliate that is acting to benefit an affiliate or an enterprise of which the affiliate is a part.

Sec. 215. Section 423.34, Code 2018, is amended to read as follows:

423.34 Liability of user.

Any person who uses any tangible personal property, specified digital products, or services enumerated in section 423.2 upon which the use tax has not been paid, either to the county treasurer or to a retailer or direct to the department as required by this subchapter, shall be liable for the payment of tax, and shall on or before the last day of the month next succeeding each quarterly period pay the use tax upon all property or services used by the person during the preceding quarterly period in the manner and accompanied by such returns as the director shall prescribe. All of the provisions of sections 423.32 and 423.33 with reference to the returns and payments shall be applicable to the returns and payments required by this section.

Sec. 216. Section 423.36, subsection 1, Code 2018, is amended to read as follows:

1. A person shall not engage in or transact business as a retailer making taxable sales of tangible personal property, specified digital products, or furnishing services within this state or as a retailer making taxable sales of tangible personal property, specified digital products, or furnishing services for use within this state, unless a permit has been issued to the retailer under this section, except as provided in subsection 7. Every person desiring to engage in or transact business as a retailer shall file with the department an application for a permit to collect sales or use tax. Every application for a sales or use tax permit shall be made upon a form prescribed by the director and shall set forth any information the director may require. The application shall be signed by an owner of the business if a natural person; in the case of a retailer which is an association or partnership, by a member or partner; and in the case of a retailer which is a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of the person's authority.

Sec. 217. Section 423.36, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. Notwithstanding subsection 1, if any person will make taxable sales of tangible personal property, specified digital products, or furnish services to any state agency, that person shall, prior to the sale, apply for and receive a permit to collect sales or use tax pursuant to this section. A state agency shall not purchase tangible personal property, specified digital products, or services from any person unless that person has a valid, unexpired permit issued pursuant to this section and is in compliance with all other requirements in this chapter imposed upon retailers, including but not limited to the requirement to collect and remit sales and use tax and file sales and use tax returns.

Sec. 218. Section 423.36, subsection 7, paragraph b, Code 2018, is amended to read as follows:

b. Persons engaged in selling tangible personal property, specified digital products, or furnishing services shall not be required to obtain or retain a sales tax permit for a place of business at which taxable sales of tangible personal property, specified digital products, or taxable performance of services will not occur.

Sec. 219. Section 423.36, subsection 9, paragraph a, Code 2018, is amended to read as follows:

a. Except as provided in paragraph "b", purchasers, users, and consumers of tangible personal property, specified digital products, or enumerated services taxed pursuant to subchapter II or III of this chapter or chapter 423B may be authorized, pursuant to rules adopted by the director, to remit tax owed directly to the department instead of the tax being collected and paid by the seller. To qualify for a direct pay tax permit, the purchaser, user, or consumer must accrue a tax liability of more than four thousand dollars in tax under subchapters II and III in a semimonthly period and make deposits and file returns pursuant to section 423.31. This authority shall not be granted or exercised except upon application to the director and then only after issuance by the director of a direct pay tax permit.

Sec. 220. Section 423.40, subsection 2, Code 2018, is amended to read as follows:

2. a. Any person who knowingly sells tangible personal property, specified digital products, tickets or admissions to places of amusement and athletic events, or gas, water, electricity, or communication service at retail, or engages in the furnishing of services enumerated in section 423.2, in this state without procuring a permit to collect tax, as provided in section 423.36, or who violates section 423.24 and the officers of any corporation who so act are guilty of a serious misdemeanor.

b. A person who knowingly sells tangible personal property, specified digital products, tickets or admissions to places of amusement and athletic events, or gas, water, electricity, or communication service at retail, or engages in the furnishing of services enumerated in section 423.2, in this state after the person's sales tax permit has been revoked and before it has been restored as provided in section 423.36, subsection 6, and the officers of any corporation who so act are guilty of an aggravated misdemeanor.

Sec. 221. Section 423.41, Code 2018, is amended to read as follows:

423.41 Books — examination.

Every retailer required or authorized to collect taxes imposed by this chapter and every person using in this state tangible personal property, specified digital products, services, or the product of services shall keep records, receipts, invoices, and other pertinent papers as the director shall require, in the form that the director shall require, for as long as the director has the authority to examine and determine tax due. The director or any duly authorized agent of the department may examine the books, papers, records, and equipment of any person either selling tangible personal property, specified digital products, or services or liable for the tax imposed by this chapter, and investigate the character of the business of any person in order to verify the accuracy of any return made, or if a return was not made by the person, ascertain and determine the amount due under this chapter. These books, papers, and records shall be made available within this state for examination upon reasonable notice when the director deems it advisable and so orders. If the taxpayer maintains any records in an electronic format, the taxpayer shall comply with reasonable requests by the director or the director's authorized agents to provide those electronic records in a standard record format. The preceding requirements shall likewise apply to users and persons furnishing services enumerated in section 423.2.

Sec. 222. Section 423.45, subsection 4, paragraphs a, b, and e, Code 2018, are amended to read as follows:

a. The department shall issue or the seller may separately provide exemption certificates in the form prescribed by the director, including certificates not made of paper, which conform to the requirements of paragraph "c", to assist retailers in properly accounting for nontaxable sales of tangible personal property, specified digital products, or services to purchasers for a nontaxable purpose. The department shall also allow the use of exemption certificates for those circumstances in which a sale is taxable but the seller is not obligated to collect tax from the buyer.

b. The sales tax liability for all sales of tangible personal property and specified digital products and all sales of services is upon the seller and the purchaser unless the seller takes from the purchaser a valid exemption certificate stating under penalty of perjury that the purchase is for a nontaxable purpose and is not a retail sale as defined in section 423.1, or the seller is not obligated to collect tax due, or unless the seller takes a fuel exemption certificate pursuant to subsection 5. If the tangible personal property, specified digital products, or services are purchased tax free pursuant to a valid exemption certificate and the tangible personal property, specified digital products, or services are used or disposed of by the purchaser in a nonexempt manner, the purchaser is solely liable for the taxes and shall remit the taxes directly to the department and sections 423.31, 423.32, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42 shall apply to the purchaser.

e. If the circumstances change and as a result the tangible personal property, specified digital products, or services are used or disposed of by the purchaser in a nonexempt manner or the purchaser becomes obligated to pay the tax, the purchaser is liable solely for the taxes and shall remit the taxes directly to the department in accordance with this subsection.

Sec. 223. Section 423.57, Code 2018, is amended to read as follows:

423.57 Statutes applicable.

The director shall administer this subchapter as it relates to the taxes imposed in this chapter in the same manner and subject to all the provisions of, and all of the powers, duties, authority, and restrictions contained in sections 423.14, 423.14A, 423.14B, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21, 423.22, 423.23, 423.24, 423.25, 423.29, 423.31, 423.32, 423.33, 423.34, 423.34A, 423.35, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42, section 423.43, subsection 1, and sections 423.45, 423.46, and 423.47.

Sec. 224. Section 423.58, Code 2018, is amended to read as follows:

423.58 Collection, permit, and tax return exemption for certain out-of-state businesses.

Notwithstanding sections 423.14, 423.14A, 423.14B, 423.29, 423.31, 423.32, and 423.36, a person meeting the requirements of section 29C.24 is not required to obtain a sales or use

tax permit, collect and remit sales and use tax, or make and file applicable sales or use tax returns, as provided in section 29C.24, subsection 3, paragraph “a”, subparagraph (2).

Sec. 225. Section 423B.5, subsection 1, Code 2018, is amended to read as follows:

1. A local sales and services tax at the rate of not more than one percent may be imposed by a county on the sales price taxed by the state under chapter 423, subchapter II. A local sales and services tax shall be imposed on the same basis as the state sales and services tax or in the case of the use of natural gas, natural gas service, electricity, or electric service on the same basis as the state use tax and shall not be imposed on the sale of any property or on any service not taxed by the state, except the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in chapter 452A which is consumed for highway use or in watercraft or aircraft if the fuel tax is paid on the transaction and a refund has not or will not be allowed, on the sales price from the sale of equipment by the state department of transportation, or on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from the sale of natural gas or electric energy is subject to a franchise fee or user fee during the period the franchise or user fee is imposed. A local sales and services tax is applicable to transactions within those incorporated and unincorporated areas of the county where it is imposed and, which transactions include but are not limited to sales sourced pursuant to section 423.15, 423.17, 423.19, or 423.20, to a location within that city or unincorporated area of the county. The tax shall be collected by all persons required to collect state sales taxes. All cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favors its imposition. In the case of a local sales and services tax submitted to the registered voters of two or more contiguous counties as provided in section 423B.1, subsection 4, paragraph “c”, all cities contiguous to each other shall be treated as part of one incorporated area, even if the corporate boundaries of one or more of the cities include areas of more than one county, and the tax shall be imposed in each of those contiguous cities only if a majority of those voting on the tax in the total area covered by the contiguous cities favored its imposition.

Sec. 226. Section 423B.6, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. The ordinance of a county board of supervisors imposing a local sales and services tax shall adopt by reference the applicable provisions of the appropriate sections of chapter 423. All powers and requirements of the director to administer the state sales tax law and use tax law are applicable to the administration of a local sales and services tax law and the local excise tax, including but not limited to the provisions of section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70 through 422.75, section 423.14, subsection 1 and subsection 2, paragraphs “b” through “e”, and sections 423.14A, 423.15, 423.23, 423.24, 423.25, 423.31 through 423.35, 423.37 through 423.42, 423.46, and 423.47. Local officials shall confer with the director of revenue for assistance in drafting the ordinance imposing a local sales and services tax. A certified copy of the ordinance shall be filed with the director as soon as possible after passage.

Sec. 227. LEGISLATIVE INTENT. It is the intent of the general assembly that the provisions of this division of this Act amending the definition of “place of business” in section 423.1, subsection 37, and “sales” in section 423.1, subsection 50, enacting definitions of “sold at retail in the state” in section 423.1, subsection 55A, and “subscription” in section 423.1, subsection 57A, and amending the enumerated service of pay television in 423.2, subsection 6, paragraph “al”, are conforming amendments consistent with current state law, and that the amendments do not change the application of current law but instead reflect current law both before and after the enactment of this division of this Act.

Sec. 228. RELATIONSHIP TO EXISTING LAW FOR TAXATION OF SPECIFIED DIGITAL PRODUCTS. The provisions of this division of this Act relating to the imposition of tax on the sale or use of “specified digital products”, as defined in this division of this Act, shall not be construed as affecting the taxability or nontaxability under other provisions of existing

law of sales or uses occurring prior to the enactment of this division of this Act of products meeting the definition of “specified digital products”, as defined in this division of this Act.

Sec. 229. EFFECTIVE DATE. Except as otherwise provided in this division of this Act, this division of this Act takes effect January 1, 2019.

Sec. 230. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The sections of this division of this Act amending section 423.1, subsections 37 and 50.
2. The sections of this division of this Act enacting section 423.1, subsections 55A and 57A.
3. The section of this division of this Act amending section 423.3, subsection 47, paragraph “d”, subparagraph (4).
4. The provision amending the enumerated service of pay television to include but not be limited to streaming video, video on-demand, and pay-per-view, in the section of this division of this Act amending section 423.2, subsection 6, by designating paragraph “al”.
5. The section of this division of this Act entitled “legislative intent” which describes the intent of the general assembly with respect to certain amendments in this division of this Act to the definition of “place of business” in section 423.1, subsection 37, “sales” in section 423.1, subsection 50, the enactment of a definition for “subscription” in section 423.1, subsection 57A, and “sold at retail”⁴ in section 423.1, subsection 55A, and amendments to the enumerated service of pay television in section 423.2, subsection 6, paragraph “al”.

Sec. 231. EFFECTIVE DATE. The following take effect July 1, 2018:

1. The section of this division of this Act amending section 423.2, subsection 1, paragraph “a”, subparagraph (1).
2. The provisions adding photography and retouching to the list of enumerated services subject to the sales tax in the section of this division of this Act amending section 423.2, subsection 6, by enacting paragraphs “bo” and “bp”.
3. The section of this division of this Act enacting section 423.2, subsection 8, paragraph “d”.
4. The section of this division of this Act amending section 423.5, subsection 1, paragraph “a”.

DIVISION XII

APPROVAL AND IMPOSITION OF LOCAL OPTION SALES AND SERVICES TAX

Sec. 232. Section 423B.1, subsection 2, paragraph b, subparagraph (3), Code 2018, is amended to read as follows:

(3) The tax once imposed shall continue to be imposed until the county-imposed tax is ~~reduced or increased in rate or repealed, and then the city-imposed tax shall also be reduced or increased in rate or repealed in the same amount and be effective on the same date.~~

Sec. 233. Section 423B.1, subsections 3, 4, and 5, Code 2018, are amended to read as follows:

3. ~~a. A local option tax shall be imposed only after an election at which~~ If a majority of those voting on the question of imposition of a local option tax favors imposition and, the local option tax shall then be imposed at the rate specified on the ballot until repealed as provided in subsection 6, paragraph “a” this chapter.

b. If the tax is a local vehicle tax imposed by a county, it shall apply to all incorporated and unincorporated areas of the county.

c. (1) If the tax is a local sales and services tax imposed by a county, it shall only apply to those incorporated areas and the unincorporated area of that county in which a majority of those voting in the area on the tax favors its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favors its imposition. In the case

⁴ According to Act; the phrase “sold at retail in the state” probably intended

~~of a local sales and services tax submitted to the registered voters of two or more contiguous counties as provided in subsection 4, paragraph "c", all cities contiguous to each other shall be treated as part of one incorporated area, even if the corporate boundaries of one or more of the cities include areas of more than one county, and the tax shall be imposed in each of those contiguous cities only if a majority of those voting on the tax in the total area covered by the contiguous cities favored its imposition. For purposes of the local sales and services tax, a city is not contiguous to another city if the only road access between the two cities is through another state.~~

~~(2) The treatment of contiguous cities as one incorporated area for the purpose of determining whether a majority of those voting favors imposition does not apply to elections on the question of imposition of a local sales and services tax in all or a portion of a county that is a qualified county if the election occurs on or after January 1, 2019. For purposes of this chapter, "qualified county" means a county with a population in excess of four hundred thousand, a county with a population of at least one hundred thirty thousand but not more than one hundred thirty-one thousand, or a county with a population of at least sixty thousand but not more than seventy thousand, according to the 2010 federal decennial census.~~

~~4. a. (1) A~~ The county board of supervisors shall direct within thirty days the county commissioner of elections to submit the question of imposition of a local vehicle tax ~~or a local sales and services tax~~ to the registered voters of the incorporated and unincorporated areas of the county upon receipt of a petition, requesting imposition of a local vehicle tax ~~or a local sales and services tax~~, signed by eligible electors of the whole county equal in number to five percent of the persons in the whole county who voted at the last preceding general election. ~~In the case of a local vehicle tax, the~~ The petition requesting imposition shall specify the rate of tax and the classes, if any, that are to be exempt. If more than one valid petition is received, the earliest received petition shall be used.

~~(2) The county board of supervisors shall direct within thirty days the county commissioner of elections to submit the question of imposition of a local sales and services tax to the registered voters of the incorporated and unincorporated areas of the county upon receipt of a petition requesting imposition of a local sales and services tax, signed by eligible electors of the whole county equal in number to five percent of the persons in the whole county who voted at the last preceding general election. If more than one valid petition is received, the earliest received petition shall be used.~~

~~(3) In lieu of the petition requirement of subparagraph (2), the county board of supervisors for a county that is a qualified county shall direct within thirty days the county commissioner of elections to submit the question of imposition of a local sales and services tax to the registered voters of a city, or the portion thereof located in the county, or to the registered voters of the unincorporated area of the county upon receipt by the board of supervisors of a petition requesting imposition of a local sales and services tax, signed by eligible electors of the city, or the portion thereof located in the county, or eligible electors of the unincorporated area of the county, as applicable, equal in number to five percent of the persons in the city, or applicable portion thereof, or in the unincorporated area of the county who voted at the last preceding general election. If more than one valid petition is received for a city or for the unincorporated area of the county, the earliest received petition shall be used. This subparagraph applies to petitions received on or after January 1, 2019.~~

~~b. (1) The question of the imposition of a local sales and services tax shall be submitted to the registered voters of the incorporated and unincorporated areas of the county upon receipt by the county commissioner of elections of the motion or motions, requesting such submission, adopted by the governing body or bodies of the city or cities located within the county or of the county, for the unincorporated areas of the county, representing at least one half of the population of the county. Upon adoption of such motion, the governing body of the city or county, for the unincorporated areas, shall submit the motion to the county commissioner of elections and in the case of the governing body of the city shall notify the board of supervisors of the adoption of the motion. The county commissioner of elections shall keep a file on all the motions received and, upon reaching the population requirements, shall publish notice of the ballot proposition concerning the imposition of the local sales and services tax. A motion ceases to be valid at the time of the holding of the regular election for~~

the election of members of the governing body ~~which that~~ adopted the motion. The county commissioner of elections shall eliminate from the file any motion that ceases to be valid.

(2) In lieu of the motion requirements of subparagraph (1), the question of the imposition of a local sales and services tax shall be submitted to the registered voters of a city located in a county that is a qualified county, or the portion thereof located in the county, or to the registered voters of the unincorporated area of a county that is a qualified county upon receipt by the county commissioner of elections of a motion requesting such submission, adopted by the governing body of the city or the county for the unincorporated area of the county, as applicable. Upon adoption of such motion, the governing body of the city or county for the unincorporated area shall submit the motion to the county commissioner of elections. The county commissioner of elections shall publish notice of the ballot proposition concerning the imposition of the local sales and services tax. This subparagraph applies to motions received by the county commissioner of elections on or after January 1, 2019.

(3) The manner methods provided under this paragraph for the submission of the question of imposition of a local sales and services tax is an alternative are alternatives to the manner methods provided in paragraph "a".

~~e. Upon receipt of petitions or motions calling for the submission of the question of the imposition of a local sales and services tax as described in paragraph "a" or "b", the boards of supervisors of two or more contiguous counties in which the question is to be submitted may enter into a joint agreement providing that for purposes of this chapter, a city whose corporate boundaries include areas of more than one county shall be treated as part of the county in which a majority of the residents of the city reside. In such event, the county commissioners of elections from each such county shall cooperate in the selection of a single date upon which the election shall be held, and for all purposes of this chapter relating to the imposition, repeal, change of use, or collection of the tax, such a city shall be deemed to be part of the county in which a majority of the residents of the city reside. A copy of the joint agreement shall be provided promptly to the director of revenue.~~

5. a. The county commissioner of elections shall submit the question of imposition of a local option tax at an election held on a date specified in section 39.2, subsection 4, paragraph "a" or "b", as applicable. The election shall not be held sooner than sixty days after publication of notice of the ballot proposition.

b. The ballot proposition shall specify the type and rate of tax and, in the case of a vehicle tax, the classes that will be exempt and, in the case of a local sales and services tax, the date it will be imposed which date shall not be earlier than ninety days following the election. The ballot proposition shall also specify the approximate amount of local option tax revenues that will be used for property tax relief, subject to the requirement of section 423B.7, subsection 7, paragraph "b", and shall contain a statement as to the specific purpose or purposes for which the revenues shall otherwise be expended. If the county board of supervisors or governing body of the city, as applicable, decides under subsection 6 to specify a date on which the local option sales and services tax shall automatically be repealed, the date of the repeal shall also be specified on the ballot.

c. The rate of the vehicle tax shall be in increments of one dollar per vehicle as set by the petition seeking to impose the tax.

d. The rate of a local sales and services tax shall ~~not be more than~~ one percent as set by the governing body.

e. The state commissioner of elections shall establish by rule the form for the ballot proposition which form shall be uniform throughout the state.

Sec. 234. Section 423B.1, subsection 6, paragraph a, subparagraph (1), Code 2018, is amended by striking the subparagraph.

Sec. 235. Section 423B.1, subsection 6, paragraph a, subparagraphs (2) and (3), Code 2018, are amended to read as follows:

(2) (a) ~~The A~~ local option tax may be repealed or the rate of the local vehicle tax increased or decreased or the use thereof of a local option tax changed after an election at which a majority of those voting on the question of repeal or rate or use change ~~avored~~ favors the repeal or rate or use change.

(b) The date on which the repeal, rate, or use change is to take effect shall not be earlier than ninety days following the election. The election at which the question of repeal or rate or use change is offered shall be called and held in the same manner and under the same conditions as provided in subsections 4 and 5 for the election on the imposition of the local option tax. However, in the case of a local sales and services tax where the tax has not been imposed countywide, the question of repeal or imposition ~~or rate~~ or use change shall be voted on only by the registered voters of the areas of the county where the tax has been imposed or has not been imposed, as appropriate.

(c) ~~However, the~~ The governing body of the ~~incorporated area~~ city or unincorporated area where the local sales and services tax is imposed may, upon its own motion, request the county commissioner of elections to hold an election in the ~~incorporated city, or portion thereof located in the county,~~ or unincorporated area, as appropriate, on the question of the change in use of local sales and services tax revenues. The election may be held at any time but not sooner than sixty days following publication of the ballot proposition. If a majority of those voting in the ~~incorporated city, or portion thereof located in the county,~~ or unincorporated area on the change in use favors the change, the governing body of that area shall change the use to which the revenues shall be used. The ballot proposition shall list the present use of the revenues, the proposed use, and the date after which revenues received will be used for the new use.

(3) When submitting the question of the imposition of a local sales and services tax, the ~~county~~ board of supervisors or if the election is initiated under subsection 4, paragraph "a", subparagraph (3), or subsection 4, paragraph "b", subparagraph (2), the governing board of a city, may direct that the question contain a provision for the repeal, without election, of the local sales and services tax on a specific date, which date shall be as provided in section 423B.6, subsection 1.

Sec. 236. Section 423B.1, subsection 7, paragraph b, Code 2018, is amended to read as follows:

b. Costs of local option tax elections shall be apportioned among jurisdictions within the county voting on the question at the same election on a pro rata basis in proportion to the number of registered voters in each taxing jurisdiction voting on the question and the total number of registered voters in all of the taxing jurisdictions voting on the question.

Sec. 237. Section 423B.1, subsection 8, Code 2018, is amended by striking the subsection.

Sec. 238. Section 423B.1, subsections 9 and 10, Code 2018, are amended to read as follows:

9. a. In a county that has imposed a local option sales and services tax, the board of supervisors shall, notwithstanding any contrary provision of this chapter, repeal the local option sales and services tax in the unincorporated areas or in an incorporated city area in which the tax has been imposed upon adoption of its the board's own motion for repeal in the unincorporated areas or upon receipt of a motion adopted by the governing body of that incorporated city area requesting repeal. The board of supervisors shall repeal the local option sales and services tax effective on the ~~later of the date of the adoption of the repeal motion or the~~ earliest date specified in section 423B.6, subsection 1, following adoption of the motion. For purposes of this ~~subsection~~ paragraph, incorporated city area includes an incorporated city which is contiguous to another incorporated city.

b. If imposition of the local option sales and services tax is initiated under subsection 4, paragraph "a", subparagraph (3), or subsection 4, paragraph "b", subparagraph (2), notwithstanding any contrary provision of this chapter, the board of supervisors may repeal the local sales and services tax in a city, or portion thereof located in the county, upon receipt of a motion adopted by the governing board of the city requesting the repeal. The board of supervisors shall repeal the local sales and services tax effective on the earliest date specified in section 423B.6, subsection 1, following adoption of the motion.

10. Notwithstanding subsection 9 or any other contrary provision of this chapter, a local option sales and services tax shall not be repealed ~~or reduced in rate~~ if obligations are outstanding which are payable as provided in section 423B.9, unless funds sufficient to pay

the principal, interest, and premium, if any, on the outstanding obligations at and prior to maturity have been properly set aside and pledged for that purpose.

Sec. 239. Section 423B.5, subsections 1 and 4, Code 2018, are amended to read as follows:

1. A local sales and services tax ~~at the rate of not more than one percent~~ may be imposed by a county on the sales price taxed by the state under chapter 423, subchapter II. A local sales and services tax shall be imposed on the same basis as the state sales and services tax or in the case of the use of natural gas, natural gas service, electricity, or electric service on the same basis as the state use tax and shall not be imposed on the sale of any property or on any service not taxed by the state, except the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in chapter 452A which is consumed for highway use or in watercraft or aircraft if the fuel tax is paid on the transaction and a refund has not or will not be allowed, on the sales price from the sale of equipment by the state department of transportation, or on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from the sale of natural gas or electric energy is subject to a franchise fee or user fee during the period the franchise or user fee is imposed. A local sales and services tax is applicable to transactions within those ~~incorporated~~ cities and unincorporated areas of the county where it is imposed and shall be collected by all persons required to collect state sales taxes. ~~All cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favors its imposition. In the case of a local sales and services tax submitted to the registered voters of two or more contiguous counties as provided in section 423B.1, subsection 4, paragraph "c", all cities contiguous to each other shall be treated as part of one incorporated area, even if the corporate boundaries of one or more of the cities include areas of more than one county, and the tax shall be imposed in each of those contiguous cities only if a majority of those voting on the tax in the total area covered by the contiguous cities favored its imposition. However, a local sales and services tax is not applicable to transactions sourced under chapter 423 to a place of business, as defined in section 423.1, of a retailer if such place of business is located in part within a city or unincorporated area of the county where the tax is not imposed.~~

4. If a local sales and services tax is imposed by a county pursuant to this chapter, a local excise tax at the same rate shall be imposed by the county on the purchase price of natural gas, natural gas service, electricity, or electric service subject to tax under chapter 423, subchapter III, and not exempted from tax by any provision of chapter 423, subchapter III. The local excise tax is applicable only to the use of natural gas, natural gas service, electricity, or electric service within those ~~incorporated~~ cities and unincorporated areas of the county where it is imposed and, except as otherwise provided in this chapter, shall be collected and administered in the same manner as the local sales and services tax. For purposes of this chapter, "*local sales and services tax*" shall also include the local excise tax.

Sec. 240. Section 423B.6, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. ~~The imposition of or a rate change for~~ a local sales and services tax shall not be applied to purchases from a printed catalog wherein a purchaser computes the local tax based on rates published in the catalog unless a minimum of one hundred twenty days' notice of the imposition ~~or rate change~~ has been given to the seller from the catalog and the first day of a calendar quarter has occurred on or after the one hundred twentieth day.

Sec. 241. Section 423B.7, subsection 1, Code 2018, is amended to read as follows:

1. a. Except as provided in ~~paragraph~~ paragraphs "b" and "c", the director shall credit the local sales and services tax receipts and interest and penalties from a county-imposed tax to the county's account in the local sales and services tax fund ~~and from a city-imposed tax under section 423B.1, subsection 2, to the city's account in the local sales and services tax fund for the county in which the tax was collected.~~ If the director is unable to determine from which county any of the receipts were collected, those receipts shall be allocated among the possible counties based on allocation rules adopted by the director.

~~b. Notwithstanding paragraph “a”, the~~ The director shall credit the designated amount of the increase in local sales and services tax receipts, as computed in section 423B.10, collected in an urban renewal area of an eligible city that has adopted an ordinance pursuant to section 423B.10, subsection 2, into a special city account in the local sales and services tax fund.

c. The director shall credit the local sales and services tax receipts and interest and penalties from a city-imposed tax under section 423B.1, subsection 2, to the city’s account in the local sales and services tax fund.

Sec. 242. Section 423B.7, subsection 7, Code 2018, is amended to read as follows:

7. a. Local ~~Subject to the requirement of paragraph “b”,~~ local sales and services tax moneys received by a city or county may be expended for any lawful purpose of the city or county.

b. Each city located in whole or in part in a qualified county and each qualified county for the unincorporated area for which the imposition of the local sales and services tax in the city or portion thereof or the unincorporated area, as applicable, was approved at election on or after January 1, 2019, shall use not less than fifty percent of the moneys received from the qualified county’s account in the local sales and services tax fund for property tax relief.

Sec. 243. Section 423B.8, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. The goods, wares, or merchandise are incorporated into an improvement to real estate in fulfillment of a written contract fully executed prior to the date of the imposition ~~or increase in rate~~ of a local sales and services tax under this chapter. The refund shall not apply to equipment transferred in fulfillment of a mixed construction contract.

Sec. 244. IMPLEMENTATION. This division of this Act shall not affect the imposition of local option taxes in effect on the effective date of this division of this Act and such taxes shall continue to be imposed until their repeal pursuant to chapter 423B. The law regarding repeal in effect at the time of the repeal governs the repeal of the local option taxes.

Sec. 245. EFFECTIVE DATE. This division of this Act takes effect January 1, 2019.

DIVISION XIII

HOTEL AND MOTEL EXCISE TAX AND AUTOMOBILE RENTAL EXCISE TAX CHANGES

Sec. 246. Section 423A.2, subsection 1, Code 2018, is amended to read as follows:

1. For the purposes of this chapter, unless the context otherwise requires:

a. “Affiliate” means the same as defined in section 423.1.

~~a.~~ b. “Department” means the department of revenue.

b. “Lessor” means any person engaged in the business of renting lodging to users.

c. “Facilitate” or “facilitation” includes brokering, coordinating, or in any way arranging for the rental of lodging by users.

d. “Facilitation fee” means any consideration, by whatever name called, that a lodging facilitator or lodging platform charges to a user for facilitating the user’s rental of lodging. “Facilitation fee” does not include any commission a lodging provider pays to a lodging facilitator or a lodging platform for facilitating the rental of lodging.

~~e.~~ e. “Lodging” means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, cabin, apartment, residential property, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Lodging does not include conference, meeting, or banquet rooms that are not used for or offered as part of sleeping accommodations.

f. “Lodging facilitator” means a person or any affiliate of a person, other than a lodging provider or a lodging platform, that facilitates the renting of lodging and collects or processes the sales price charged to the user.

g. “Lodging platform” means a person or any affiliate of a person, other than a lodging provider, that facilitates the renting of lodging by doing all of the following:

(1) The person or an affiliate of the person owns, operates, or controls a lodging marketplace that allows a lodging provider who is not an affiliate of the person to offer or

list lodging for rent on the marketplace. For purposes of this subparagraph, it is immaterial whether or not the lodging provider has a tax permit under this chapter or in what manner the lodging is classified for property tax or zoning purposes.

(2) The person or an affiliate of the person collects or processes the sales price charged to the user.

h. “Lodging provider” means any of the following:

(1) A person or any affiliate of a person that owns, operates, or manages lodging and makes the lodging available for rent through the person or any affiliate, or through a lodging platform or a lodging facilitator.

(2) A person or any affiliate of a person who possesses or acquires a right to or interest in any lodging with an intent to rent the lodging to another person through the person or any affiliate, or through a lodging platform or a lodging facilitator.

d. i. “Person” means the same as the term is defined in section 423.1.

e. j. “Renting”, “rental”, or “rent” means a transfer of use, possession, or control of lodging for a fixed or indeterminate term for consideration and includes any kind of direct or indirect charge for such lodging or its use.

f. k. “Sales price” means the all consideration charged for the renting and facilitation of renting of lodging and means the same as the term is defined in section 423.1 before taxes, including but not limited to facilitation fees, cleaning fees, linen fees, towel fees, nonrefundable deposits, and any other direct or indirect charge made or consideration provided in connection with the renting and facilitation of renting of lodging.

g. l. “User” means a person to whom lodging is rented.

Sec. 247. Section 423A.3, Code 2018, is amended to read as follows:

423A.3 State-imposed hotel and motel tax.

A tax of five percent is imposed upon the sales price for the renting of any lodging if the ~~renting occurs~~ lodging is located in this state. The tax shall be collected by ~~any lessor of lodging from the user of that lodging and remitted as provided in section 423A.5A.~~ The lessor shall add the tax to the sales price of the lodging, and the state imposed tax, when collected, shall be stated as a distinct item, separate and apart from the sales price of the lodging and the local tax imposed, if any, under section 423A.4.

Sec. 248. Section 423A.4, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 5. The locally imposed hotel and motel tax shall be collected and remitted as provided in section 423A.5A.

Sec. 249. Section 423A.5, Code 2018, is amended to read as follows:

423A.5 Exemptions.

~~1. There are exempted from the provisions of this chapter and from the computation of any amount of tax imposed by section 423A.3 this chapter~~ all of the following:

~~a. 1. The sales price from the renting of lodging which is rented by the same person for a period of more than thirty-one consecutive days.~~

~~b. 2. The sales price from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the state of Iowa.~~

~~2. There is exempted from the provisions of this chapter and from the computation of any amount of tax imposed by section 423A.4 all of the following:~~

~~a. The sales price from the renting of lodging or rooms exempt under subsection 1.~~

~~b. 3. The sales price of lodging furnished to the guests of a religious institution if the property is exempt under section 427.1, subsection 8, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.~~

Sec. 250. NEW SECTION. 423A.5A Collection and remittance of hotel and motel tax.

1. For purposes of this section:

a. “Discount room charge” means the amount a lodging provider charges a lodging facilitator for lodging, excluding any applicable tax.

b. “Travel package” means lodging bundled with one or more separate components such as air transportation, car rental, or similar items and charged for a single retail price.

2. This section shall govern the collection and remittance of all taxes imposed under this chapter.

3. Unless otherwise provided in this section, the state-imposed tax under section 423A.3 and any locally imposed tax under section 423A.4 shall be collected by the lodging provider from the user of that lodging and shall be remitted to the department. The lodging provider shall add the state-imposed tax to the sales price of the lodging and the tax, when collected, shall be stated as a distinct item, separate and apart from the sales price of the lodging and from the locally imposed tax, if any. The lodging provider shall add the locally imposed tax, if any, to the sales price of the lodging and the tax, when collected, shall be stated as a distinct item, separate and apart from the sales price of the lodging and from the state-imposed tax.

4. If a transaction for the rental of lodging involves a lodging facilitator, all of the following shall occur in the order prescribed:

a. The lodging facilitator shall collect the taxes imposed under this chapter on any sales price that the user pays to the lodging facilitator in the same manner as a lodging provider under subsection 3.

b. (1) Unless otherwise required by rule or order of the department, the lodging facilitator shall remit to the lodging provider that portion of the taxes collected on the sales price that represents the discount room charge.

(2) No assessment shall be made against a lodging facilitator for tax due on a discount room charge if the lodging facilitator collected the tax and remitted it to a lodging provider that has a valid tax permit required under this chapter. This subparagraph shall not apply if the lodging facilitator and lodging provider are affiliates, or if the department requires the lodging facilitator to remit taxes collected on that portion of the sales price that represents the discount room charge directly to the department.

c. The lodging facilitator shall remit any remaining tax it collected to the department.

d. (1) The lodging provider shall collect and remit to the department any taxes the lodging facilitator remitted to the lodging provider, and shall collect and remit to the department any taxes due on any amount of sales price the user paid to the lodging provider.

(2) No assessment shall be made against a lodging provider for any tax due on a discount room charge that was not remitted to the lodging provider by a lodging facilitator. This subparagraph shall not apply if the lodging provider and lodging facilitator are affiliates.

e. Notwithstanding any other provision of this section to the contrary, if a lodging facilitator and its affiliates facilitate total rentals under this chapter and chapter 423C that are equal to or less than an aggregate amount of sales price and rental price of ten thousand dollars for an immediately preceding calendar year or a current calendar year, or in ten or fewer separate transactions for an immediately preceding calendar year or a current calendar year, the lodging facilitator shall not be required to collect tax on the amount of sales price that represents the lodging facilitator's facilitation fee.

5. If a transaction for the rental of lodging involves a lodging platform, the lodging platform shall collect and remit the taxes imposed under this chapter in the same manner as a lodging provider under subsection 3.

6. If a transaction for the rental of lodging is part of a travel package, the portion of the total price that represents the sales price for the rental of lodging may be determined by the person required under this section to collect the taxes from the person's books and records that are kept in the regular course of business including but not limited to books and records kept for non-tax purposes.

Sec. 251. Section 423A.6, subsection 4, Code 2018, is amended to read as follows:

4. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31, 423.33, 423.35, 423.37 through 423.42, and 423.47, consistent with the provisions of this chapter, apply with respect to the taxes authorized under this chapter, in the same manner and with the same effect as if the state and local hotel and motel taxes were retail sales taxes within the meaning of those statutes. Notwithstanding this subsection, the director shall provide for quarterly filing of returns and for other than quarterly filing of returns both as prescribed in section 423.31. The director may require all persons who are engaged in the business of deriving any sales price subject

to tax under this chapter to register with the department. All taxes collected under this chapter by a retailer, lodging provider, lodging facilitator, lodging platform, or any individual other person are deemed to be held in trust for the state of Iowa and the local jurisdictions imposing the taxes.

Sec. 252. Section 423C.2, Code 2018, is amended to read as follows:

423C.2 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "Affiliate" means the same as defined in section 423.1.
1. ~~2.~~ "Automobile" means a motor vehicle subject to registration in any state designed primarily for carrying nine passengers or less, excluding motorcycles and motorized bicycles.
3. "Automobile provider" means any of the following:
 - a. A person or any affiliate of a person that owns or controls an automobile and makes the automobile available for rent through the person or any affiliate, or through a rental platform or rental facilitator.
 - b. A person or any affiliate of a person who possesses or acquires a right or interest in any automobile with an intent to rent the automobile to another person through the person or any affiliate, or through a rental platform or a rental facilitator.
2. ~~4.~~ "Department" means the department of revenue.
3. ~~"Lessor" means a person engaged in the business of renting automobiles to users. "Lessor" includes a motor vehicle dealer licensed pursuant to chapter 322 who rents automobiles to users. For this purpose, the objective of making a profit is not necessary to make the renting activity a business.~~
5. "Facilitate" or "facilitation" includes brokering, coordinating, or in any way arranging for the rental of automobiles by users.
6. "Facilitation fee" means any consideration, by whatever name called, that a rental facilitator or a rental platform charges to a user for facilitating the user's rental of an automobile. "Facilitation fee" does not include any commission an automobile provider pays to a rental facilitator or a rental platform for facilitating the rental of an automobile.
4. ~~7.~~ "Person" means person as defined in section 423.1.
5. ~~8.~~ "Rental", "renting", or "rent" means a transfer of the use, control, or possession or right to use, control, or possession of an automobile to a user for a valuable consideration for a period of sixty days or less.
9. "Rental facilitator" means a person or any affiliate of a person, other than an automobile provider or a rental platform, that facilitates the renting of an automobile and collects or processes the rental price charged to the user.
10. "Rental platform" means a person or any affiliate of a person, other than an automobile provider, that facilitates the renting of an automobile by doing all of the following:
 - a. The person or an affiliate of the person owns, operates, or controls an automobile rental marketplace that allows an automobile provider who is not an affiliate of the person to offer or list an automobile for rent on the marketplace. For purposes of this paragraph, it is immaterial whether or not the automobile provider has a tax permit under this chapter or chapter 423 or whether the automobile is owned by a natural person or by a business entity.
 - b. The person or an affiliate of the person collects or processes the rental price charged to the user.
6. ~~11.~~ "Rental price" means the all consideration charged for the renting and facilitation of renting of an automobile valued in money, and means the same as "sales price" as defined in section 423.1 before taxes, including but not limited to facilitation fees, reservation fees, services fees, nonrefundable deposits, and any other direct or indirect charge made or consideration provided in connection with the renting or facilitation of renting of an automobile.
7. ~~12.~~ "User" means a person to whom the possession or the right to possession of an automobile is transferred for a period of sixty days or less for a valuable consideration which is paid by the user or by another person an automobile is rented.

Sec. 253. Section 423C.3, Code 2018, is amended to read as follows:

423C.3 Tax on rental of automobiles — collection and remittance of tax.

1. For purposes of this section:

a. "Discount rental charge" means the amount an automobile provider charges to a rental facilitator for the rental of an automobile, excluding any applicable tax.

b. "Travel package" means an automobile rental bundled with one or more separate components such as lodging, air transportation, or similar items and charged for a single retail price.

1. 2. A tax of five percent is imposed upon the rental price of an automobile if the rental transaction is subject to the sales and services tax under chapter 423, subchapter II, or the use tax under chapter 423, subchapter III. The tax shall not be imposed on any rental transaction not taxable under the state sales and services tax, as provided in section 423.3, or the state use tax, as provided in section 423.6, on automobile rental receipts.

2. 3. ~~The lessor~~ This subsection shall govern the collection and remittance of the tax imposed under subsection 2.

a. Unless otherwise provided in this subsection, the automobile provider shall collect the tax by adding the tax to the rental price of the automobile.

3. ~~The~~ and the tax, when collected, shall be stated as a distinct item separate and apart from the rental price of the automobile and the sales and services tax imposed under chapter 423, subchapter II, or the use tax imposed under chapter 423, subchapter III.

b. If a transaction for the rental of an automobile involves a rental facilitator, all of the following shall occur in the order prescribed:

(1) The rental facilitator shall collect the tax on any rental price that the user pays to the rental facilitator in the same manner as an automobile provider under paragraph "a".

(2) (a) Unless otherwise required by rule or order of the department, the rental facilitator shall remit to the automobile provider that portion of the tax collected on the rental price that represents the discount rental charge.

(b) No assessment shall be made against a rental facilitator for tax due on a discount rental charge if the rental facilitator collected the tax and remitted it to an automobile provider that has a valid tax permit required under this chapter or under chapter 423. This subparagraph division shall not apply if the rental facilitator and automobile provider are affiliates, or if the department requires the rental facilitator to remit taxes collected on that portion of the sales price that represents the discount rental charge directly to the department.

(3) The rental facilitator shall remit any remaining tax it collected to the department.

(4) (a) The automobile provider shall collect and remit to the department any taxes the rental facilitator remitted to the automobile provider, and shall collect and remit to the department any taxes due on any amount of rental price the user paid to the automobile provider.

(b) No assessment shall be made against an automobile provider for any tax due on a discount rental charge that was not remitted to the automobile provider by a rental facilitator. This subparagraph division shall not apply if the automobile provider and the rental facilitator are affiliates.

(5) Notwithstanding any other provision of this paragraph to the contrary, if a rental facilitator and its affiliates facilitate total rentals under this chapter and chapter 423A that are equal to or less than an aggregate amount of rental price and sales price of ten thousand dollars for an immediately preceding calendar year or a current calendar year, or in ten or fewer separate transactions for an immediately preceding calendar year or a current calendar year, the rental facilitator shall not be required to collect tax on the amount of sales price that represents the rental facilitator's facilitation fee.

c. (1) If a transaction for the rental of an automobile involves a rental platform, other than a rental platform described in subparagraph (2), the rental platform shall collect and remit the tax imposed under this chapter in the same manner as an automobile provider under paragraph "a".

(2) A rental platform is not required to collect and remit the tax imposed under this chapter in the same manner as an automobile provider under paragraph "a" if the rental platform meets all of the following requirements:

(a) The only sales the rental platform and its affiliates facilitate that are subject to tax under chapter 423 are sales of a transportation service under section 423.2, subsection 6, paragraph "bf", or section 423.5, subsection 1, paragraph "e", consisting of the rental of vehicles subject

to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less.

(b) The rental platform operates a peer-to-peer automobile sharing marketplace.

(3) For any rental transaction for which the rental platform is required to or elects to collect and remit the tax under this chapter, the rental platform shall also be liable for the collection and remittance of any sales or use tax due on that transaction under section 423.2, subsection 6, paragraph “bf”, or section 423.5, subsection 1, paragraph “e”, notwithstanding any other provision to the contrary in chapter 423.

(4) For any rental transaction for which the rental platform is not required to collect and remit the tax under this chapter as provided under subparagraph (2), the automobile provider shall be solely liable for any amount of uncollected or unremitted tax under this chapter.

Sec. 254. LEGISLATIVE INTENT. It is the intent of the general assembly that the provision of this division of this Act amending the definition of “lodging” in section 423A.2, subsection 1, is a conforming amendment consistent with current state law, and that the amendment does not change the application of current law but instead reflects current law both before and after the enactment of this division of this Act.

Sec. 255. EFFECTIVE DATE. Except as otherwise provided in this division of this Act, this division of this Act takes effect January 1, 2019.

Sec. 256. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The provision amending the definition of “lodging” in the section of this division of this Act amending section 423A.2, subsection 1.

2. The section of this division of this Act entitled “legislative intent” which describes the intent of the general assembly with respect to the amendment in this division of this Act to the definition of “lodging” in section 423A.2, subsection 1.

Approved May 30, 2018

CHAPTER 1162

APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS

S.F. 2414

AN ACT relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund, providing for related matters, and including effective date provisions.

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

DIVISION I REBUILD IOWA INFRASTRUCTURE FUND

Section 1. REBUILD IOWA INFRASTRUCTURE FUND — APPROPRIATIONS. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For major maintenance projects:

FY 2018-2019:

..... \$ 24,500,000

Of the moneys appropriated in this subsection for the fiscal year beginning July 1, 2018, the department shall give priority to projects for repair of the roof of the state historical building and is authorized to expend such amount not to exceed \$3,300,000 for the costs associated with projects for repair of the roof of the state historical building.

FY 2019-2020:

..... \$ 20,000,000

Of the moneys appropriated in this subsection for the fiscal year beginning July 1, 2019, the department shall give priority to projects for repair of the roof of the state historical building and is authorized to expend such amount not to exceed \$3,300,000 for the costs associated with projects for repair of the roof of the state historical building.

FY 2020-2021:

..... \$ 20,000,000

FY 2021-2022:

..... \$ 20,000,000

FY 2022-2023:

..... \$ 20,000,000

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. (1) For deposit in the water quality initiative fund created in section 466B.45 for purposes of supporting the water quality initiative administered by the division of soil conservation and water quality as provided in section 466B.42, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2018-2019:

..... \$ 5,200,000

(2) (a) The moneys appropriated in this lettered paragraph shall be used to support demonstration projects in subwatersheds as designated by the department that are part of high-priority watersheds identified by the water resources coordinating council.

(b) The moneys appropriated in this lettered paragraph shall be used to support demonstration projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council.

(3) In supporting projects in watersheds and subwatersheds as provided in subparagraph (2), subparagraph divisions (a) and (b), all of the following shall apply:

(a) The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

(b) The division shall implement demonstration projects as provided in subparagraph division (a) by providing for participation by persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation by such persons who hold a legal interest in agricultural land located within the same subwatershed.

(c) The division shall implement demonstration projects on a cost-share basis as determined by the division. Except for edge-of-field practices, the state's share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

(d) The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

(e) The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record.

(4) The moneys appropriated in this lettered paragraph shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural

land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

(5) The moneys appropriated in this lettered paragraph may be used to contract with persons to coordinate the implementation of efforts provided in this paragraph.

(6) The moneys appropriated in this lettered paragraph may be used by the department to support urban soil and water conservation efforts, which may include but are not limited to management practices related to bioretention, landscaping, the use of permeable or pervious pavement, and soil quality restoration. The moneys shall be allocated on a cost-share basis as provided in chapter 161A.

(7) Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in this lettered paragraph to carry out the provisions of this paragraph on a cost-share basis in combination with other moneys available to the department from a state or federal source.

(8) Not more than 10 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of the water quality initiative administered by the soil conservation division.

b. For deposit in the agricultural drainage well water quality assistance fund created in section 460.303 for purposes of supporting the agricultural drainage well water quality assistance program as provided in section 460.304, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2018-2019: \$ 1,875,000

Not more than 10 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of soil conservation practices.

c. For deposit in the renewable fuels infrastructure fund created in section 159A.16 for renewable fuel infrastructure programs:

FY 2018-2019: \$ 3,000,000

3. OFFICE OF THE CHIEF INFORMATION OFFICER

For deposit in the connecting Iowa farms, schools, and communities broadband grant fund established in section 8B.11 for a broadband grant program, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2018-2019: \$ 1,300,000

4. DEPARTMENT OF CULTURAL AFFAIRS

a. For deposit in the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

FY 2018-2019: \$ 1,000,000

b. For grants to nonprofit organizations committed to strengthening communities through youth development, healthy living, and social responsibility for costs associated with the renovation and maintenance of facility infrastructure at facilities located in cities with a population of less than 28,000 as determined by the 2010 federal decennial census:

FY 2018-2019: \$ 250,000

5. ECONOMIC DEVELOPMENT AUTHORITY

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

FY 2018-2019: \$ 5,000,000

b. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2018-2019: \$ 500,000

c. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2018-2019:	\$	300,000
d. For providing assistance to a city or nonprofit organization hosting the national junior olympics, notwithstanding section 8.57, subsection 5, paragraph "c":		
FY 2018-2019:	\$	250,000
e. To a regional port authority for engineering and other related expenses associated with the proposed construction of a natural gas pipeline that crosses two counties:		
FY 2018-2019:	\$	250,000
6. DEPARTMENT OF HUMAN SERVICES		
a. For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:		
FY 2018-2019:	\$	500,000
b. For a grant to a nonprofit agency that provides expert care for children with medical complexity to expand its services to those children who reach adulthood in their care by providing infrastructure funding for expanding its nursing facility:		
FY 2018-2019:	\$	500,000
7. IOWA LAW ENFORCEMENT ACADEMY		
For costs associated with the renovation and remodeling of the building used by the Iowa law enforcement academy:		
FY 2018-2019:	\$	1,449,938
FY 2019-2020:	\$	10,826,911
8. DEPARTMENT OF NATURAL RESOURCES		
a. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report, notwithstanding section 8.57, subsection 5, paragraph "c":		
FY 2018-2019:	\$	9,600,000
b. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph "c":		
FY 2018-2019:	\$	500,000
c. For state park vertical infrastructure improvements:		
FY 2018-2019:	\$	2,000,000
9. DEPARTMENT OF PUBLIC DEFENSE		
a. For major maintenance projects at national guard armories and facilities:		
FY 2018-2019:	\$	1,000,000
b. For improvement projects for Iowa national guard installations and readiness centers to support operations and training requirements:		
FY 2018-2019:	\$	1,000,000
c. For construction improvement projects at the Camp Dodge facility:		
FY 2018-2019:	\$	250,000
d. The department of public defense shall report to the general assembly by December 15, 2018, regarding the projects the department has funded, or intends to fund, from moneys appropriated to the department pursuant to this subsection.		
10. BOARD OF REGENTS		

a. For allocation by the state board of regents to the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in the operating funds resulting from the pledging of tuition, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

FY 2018-2019:
 \$ 31,471,292

b. For construction of a new veterinary diagnostic laboratory at Iowa state university of science and technology, to include reimbursement of infrastructure costs incurred by the university for construction of the laboratory in the prior fiscal year:

FY 2018-2019:
 \$ 1,000,000
 FY 2019-2020:
 \$ 12,500,000
 FY 2020-2021:
 \$ 12,500,000
 FY 2021-2022:
 \$ 12,500,000
 FY 2022-2023:
 \$ 12,500,000
 FY 2023-2024:
 \$ 12,500,000

11. DEPARTMENT OF PUBLIC SAFETY

a. For payments and other costs due under a financing agreement entered into by the treasurer of state for building the statewide interoperable communications system pursuant to section 29C.23, subsection 2, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2018-2019:
 \$ 1,351,666

b. For the purchase of electronic control devices, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2018-2019:
 \$ 740,000

12. DEPARTMENT OF TRANSPORTATION

a. For acquiring, constructing, and improving recreational trails within the state:

FY 2018-2019:
 \$ 1,000,000

b. For deposit in the public transit infrastructure grant fund created in section 324A.6A, for projects that meet the definition of vertical infrastructure in section 8.57, subsection 5, paragraph “c”:

FY 2018-2019:
 \$ 1,500,000

c. For deposit in the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2018-2019:
 \$ 1,000,000

d. For vertical infrastructure improvements at the commercial service airports within the state:

FY 2018-2019:
 \$ 1,500,000

e. For vertical infrastructure improvements at general aviation airports within the state:
 FY 2018-2019:
 \$ 700,000

13. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs for county fair vertical infrastructure improvements:

FY 2018-2019:
 \$ 1,060,000

14. JUDICIAL BRANCH

For furniture and equipment for the Polk county justice center, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2018-2019:

..... \$ 1,464,705

Sec. 2. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II
TECHNOLOGY REINVESTMENT FUND

Sec. 3. TECHNOLOGY REINVESTMENT FUND. There is appropriated from the technology reinvestment fund created in section 8.57C to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OFFICE OF THE CHIEF INFORMATION OFFICER

For technology consolidation and technology improvement projects approved by the state chief information officer pursuant to chapter 8B:

FY 2018-2019:

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

2. DEPARTMENT OF EDUCATION

a. For the continued development and implementation of an educational data warehouse that will be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:

FY 2018-2019:

..... \$ 600,000

The department may use a portion of the moneys appropriated in this lettered paragraph for an e-transcript data system capable of tracking students throughout their education via interconnectivity with multiple schools.

b. For maintenance and lease costs associated with connections for part III of the Iowa communications network:

FY 2018-2019:

..... \$ 2,727,000

c. To the public broadcasting division for the replacement of equipment:

FY 2018-2019:

..... \$ 500,000

3. DEPARTMENT OF HUMAN RIGHTS

a. For the cost of equipment and computer software for the continued development and implementation of Iowa's criminal justice information system:

FY 2018-2019:

..... \$ 1,200,000

b. For the costs associated with the justice enterprise data warehouse:

FY 2018-2019:

..... \$ 157,980

4. DEPARTMENT OF HUMAN SERVICES

For the upgrade of the Medicaid management information system:

FY 2018-2019:

..... \$ 636,000

FY 2019-2020:

..... \$ 1,228,535

FY 2020-2021:

.....	\$	1,979,319
FY 2021-2022:		
.....	\$	1,625,363
FY 2022-2023:		
.....	\$	1,416,680
FY 2023-2024:		
.....	\$	1,578,280
FY 2024-2025:		
.....	\$	1,335,178
5. STATE PUBLIC DEFENDER		
For technology projects:		
FY 2018-2019:		
.....	\$	88,800
6. DEPARTMENT OF MANAGEMENT		
a. For the continued development and implementation of a searchable database that can be placed on the internet for budget and financial information:		
FY 2018-2019:		
.....	\$	45,000
b. For the continued development and implementation of the comprehensive electronic grant management system:		
FY 2018-2019:		
.....	\$	70,000
c. For the upgrade of the local government budget and property tax system:		
FY 2018-2019:		
.....	\$	600,000
7. DEPARTMENT OF PUBLIC HEALTH		
For the development and implementation of a medical cannabidiol registry and tracking system:		
FY 2018-2019:		
.....	\$	350,000
8. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT		
For the implementation of a statewide mass notification and emergency messaging system:		
FY 2018-2019:		
.....	\$	400,000
9. DEPARTMENT OF PUBLIC SAFETY		
a. For replacement radios for the investigative division:		
FY 2018-2019:		
.....	\$	860,000
b. For crime scene processing equipment:		
FY 2018-2019:		
.....	\$	125,000
10. JUDICIAL BRANCH		
For technology projects:		
FY 2018-2019:		
.....	\$	3,000,000
11. SECRETARY OF STATE		
For upgrading the current voter registration system, and the development and implementation of a new voter registration system:		
FY 2018-2019:		
.....	\$	1,050,000
FY 2019-2020:		
.....	\$	2,100,000
FY 2020-2021:		
.....	\$	1,400,000
FY 2021-2022:		
.....	\$	1,400,000
FY 2022-2023:		

.....	\$	1,400,000
12. BOARD OF PAROLE		
For technology projects:		
FY 2018-2019:		
.....	\$	50,000
13. DEPARTMENT OF NATURAL RESOURCES		
For a new online air quality application:		
FY 2018-2019:		
.....	\$	954,000

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION III CHANGES TO PRIOR APPROPRIATIONS

Sec. 5. 2012 Iowa Acts, chapter 1140, section 4, as amended by 2016 Iowa Acts, chapter 1133, section 9, is amended to read as follows:

SEC. 4. REVERSION.

1. Except as provided in subsection 2, for purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

2. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys appropriated in section 3, subsection 3, paragraph “b”, of this division of this Act, shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, ~~2017~~ 2019, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 6. 2014 Iowa Acts, chapter 1136, section 1, subsection 7, paragraph b, as amended by 2016 Iowa Acts, chapter 1133, section 10, and 2017 Iowa Acts, chapter 173, section 9, is amended to read as follows:

b. For costs associated with the renovation, modernization, and construction of a new addition at the pharmacy building at the state university of Iowa, to include reimbursement of infrastructure costs incurred by the university for construction of the facility in the prior fiscal year:

FY 2015-2016:		
.....	\$	13,000,000
FY 2016-2017:		
.....	\$	23,000,000
FY 2017-2018:		
.....	\$	22,800,000
FY 2018-2019:		
.....	\$	5,500,000

Sec. 7. 2014 Iowa Acts, chapter 1136, section 1, subsection 7, paragraph c, as amended by 2016 Iowa Acts, chapter 1133, section 11, and 2017 Iowa Acts, chapter 173, section 10, is amended to read as follows:

c. For the construction of a new facility and an addition, renovation, and modernization of current facilities and related improvements for biosciences at Iowa state university of science

and technology, to include reimbursement of infrastructure costs incurred by the university for construction of the facility in the prior fiscal year:

FY 2015-2016:	\$	11,000,000
.....		
FY 2016-2017:	\$	15,500,000
.....		
FY 2017-2018:	\$	19,500,000
.....		
FY 2018-2019:	\$	4,000,000
.....		

Sec. 8. 2014 Iowa Acts, chapter 1136, section 2, is amended to read as follows:

SEC. 2. REVERSION.

1. ~~For~~ Except as otherwise provided in subsection 2, for purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

2. For purposes of section 8.33, unencumbered or unobligated moneys from an appropriation in section 1, subsection 5, paragraph “c”, in this division of this Act shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2018, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 9. 2015 Iowa Acts, chapter 139, section 1, subsection 10, paragraph b, as amended by 2017 Iowa Acts, chapter 173, section 11, is amended to read as follows:

b. For construction of a student innovation center at Iowa state university of science and technology, to include reimbursement of infrastructure costs incurred by the university for construction of the facility in the prior fiscal year:

FY 2016-2017:	\$	1,000,000
.....		
FY 2017-2018:	\$	6,000,000
.....		
FY 2018-2019:	\$	10,000,000
.....		
		<u>6,000,000</u>
FY 2019-2020:	\$	10,000,000
.....		
FY 2020-2021:	\$	10,000,000
.....		
FY 2021-2022:	\$	3,000,000
.....		
		<u>7,000,000</u>

Sec. 10. 2016 Iowa Acts, chapter 1133, section 1, subsection 10, as amended by 2016 Iowa Acts, chapter 1138, section 19, and 2017 Iowa Acts, chapter 173, section 13, is amended to read as follows:

10. STATE FAIR AUTHORITY

For infrastructure costs associated with the remodeling of the northwest portion of the fairgrounds, including but not limited to a new events area and updates to the grandstand, stage, and midway, to include reimbursement of infrastructure costs incurred by the authority for construction of the facility in the prior fiscal year:

FY 2016-2017:	\$	500,000
.....		
FY 2017-2018:		

.....	\$	1,000,000
FY 2018-2019:		
.....	\$	8,500,000

Sec. 11. 2016 Iowa Acts, chapter 1133, section 6, subsection 1, as amended by 2017 Iowa Acts, chapter 173, section 14, is amended to read as follows:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For costs associated with the repair and renovation of the dome of the Iowa state capitol:

.....	\$	9,990,900
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As a condition of receiving the appropriation provided in this subsection, the department shall not expend any moneys to pay an owners' representative fee related to the repair and renovation of the dome of the Iowa state capitol.

Of the moneys appropriated in this subsection, the department shall be authorized to expend such amount as is necessary for the costs of installing outdoor lighting at the Iowa state capitol.

From any moneys appropriated in this subsection and remaining upon completion of the repair and renovation of the dome of the Iowa state capitol, the department shall expend such amount as is necessary for maintenance projects for the Iowa state capitol and the Ola Babcock Miller building. However, any unencumbered or unobligated moneys made from an appropriation in this subsection and remaining at the close of the fiscal year beginning July 1, 2017, shall be deposited in the state capitol maintenance fund created in section 2.12B.

Sec. 12. 2017 Iowa Acts, chapter 173, is amended by adding the following new section:

NEW SECTION. 4A. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in section 4 shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 13. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV MISCELLANEOUS PROVISIONS

Sec. 14. Section 8.57C, subsection 3, paragraph a, subparagraph (2), Code 2018, is amended to read as follows:

(2) The fiscal year beginning July 1, ~~2018~~ 2019, and for each subsequent fiscal year thereafter.

Sec. 15. Section 8.57C, subsection 3, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the sum of fourteen million four hundred thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph "c".

DIVISION V MAINTENANCE FUNDS

Sec. 16. **NEW SECTION. 2.12B State capitol maintenance fund — appropriation.**

1. A state capitol maintenance fund is created in the state treasury under the control of the legislative council. The fund shall consist of all moneys appropriated to the fund.

2. There is appropriated from the rebuild Iowa infrastructure fund for deposit in the state capitol maintenance fund, for the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, the sum of five hundred thousand dollars.

3. Moneys in the state capitol maintenance fund shall be expended upon approval of the legislative council and used for maintenance projects for the Iowa state capitol and the Ola Babcock Miller building.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the state capitol maintenance fund shall be credited to the state capitol maintenance fund. Notwithstanding section 8.33, moneys credited to the state capitol maintenance fund shall not revert at the close of a fiscal year.

Sec. 17. **NEW SECTION. 8A.331 Routine maintenance fund — appropriation.**

1. A routine maintenance fund is created in the state treasury under the control of the department. The fund shall consist of all moneys appropriated to the fund.

2. There is appropriated from the rebuild Iowa infrastructure fund to the department for deposit in the routine maintenance fund, for the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, the sum of two million dollars.

3. Moneys in the routine maintenance fund are appropriated to the department for purposes of routine maintenance projects for physical properties under the control of the department. For purposes of this section, routine maintenance includes regular upkeep of physical properties and recurring, preventive, and ongoing maintenance necessary to delay or prevent the failure of physical properties.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the routine maintenance fund shall be credited to the routine maintenance fund. Notwithstanding section 8.33, moneys credited to the routine maintenance fund shall not revert at the close of a fiscal year.

Approved June 1, 2018

CHAPTER 1163

APPROPRIATIONS — EDUCATION

S.F. 2415

AN ACT relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing applicability provisions.

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

DIVISION I

FY 2018-2019 APPROPRIATIONS

DEPARTMENT FOR THE BLIND

Section 1. 2017 Iowa Acts, chapter 172, section 45, is amended to read as follows:

SEC. 45. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:	\$	1,093,671
		<u>2,167,622</u>
	FTEs	88.00
		<u>78.00</u>

COLLEGE STUDENT AID COMMISSION

Sec. 2. 2017 Iowa Acts, chapter 172, section 46, is amended to read as follows:

SEC. 46. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	214,640
		<u>429,279</u>
.....	FTEs	3.95

2. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.115:

.....	\$	200,487
		<u>400,973</u>

3. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

.....	\$	1,550,000
		<u>4,700,000</u>

Moneys appropriated in accordance with this subsection may be distributed to a public university that purchased an Iowa for-profit accredited private institution effective March 22, 2018, whose students were eligible members of the national guard who received educational assistance under the national guard educational assistance program in the fiscal year beginning July 1, 2017, if the students continue to meet the requirements of section 261.86.

4. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

a. For the teacher shortage loan forgiveness program established in section 261.112:

.....	\$	100,000
		<u>105,828</u>

b. For the fiscal year beginning July 1, 2018, and ending June 30, 2019, the commission shall not provide loan forgiveness under the program to any new applicant, but may renew loan forgiveness for an applicant who continues to meet the eligibility requirements of section 261.112.

5. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

.....	\$	1,420,427
		<u>2,840,854</u>

b. For the fiscal year beginning July 1, 2018, if the moneys appropriated by the general assembly to the college student aid commission for purposes of the all Iowa opportunity scholarship program exceed ~~\$250,000~~ \$500,000, "eligible institution" as defined in section 261.87 shall, during the fiscal year beginning July 1, 2018, include accredited private institutions as defined in section 261.9.

6. TEACH IOWA SCHOLAR PROGRAM

For purposes of the teach Iowa scholar program established pursuant to section 261.110:

.....	\$	200,000
		<u>400,000</u>

7. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

.....	\$	562,251
		<u>1,124,502</u>

8. HEALTH CARE-RELATED LOAN PROGRAM

For purposes of the health care-related loan program established pursuant to section 261.116:

.....	\$	100,000
		<u>200,000</u>

Sec. 3. 2017 Iowa Acts, chapter 172, section 47, is amended to read as follows:

SEC. 47. IOWA TUITION GRANT APPROPRIATIONS.

Notwithstanding the standing appropriations appropriation in the following designated sections section for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amounts amount appropriated from the general fund of the state to the college student aid commission pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For for Iowa tuition grants under section 261.25, subsection 1: shall not exceed \$46,630,951.

.....	\$	<u>23,315,476</u>
-------	----	-------------------

2. For tuition grants for students attending for-profit accredited private institutions located in Iowa under section 261.25, subsection 2:

.....	\$	750,000
-------	----	---------

3. For vocational-technical tuition grants under section 261.25, subsection 3:

.....	\$	<u>875,093</u>
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DEPARTMENT OF EDUCATION

Sec. 4. 2017 Iowa Acts, chapter 172, section 50, is amended to read as follows:

SEC. 50. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,982,024
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5,949,047

.....	FTEs	81.67
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60.43

b. By January 15, 2019, the department shall submit a written report to the general assembly detailing the department's antibullying programming and current and projected expenditures for such programming for the fiscal year beginning July 1, 2018.

2. CAREER AND TECHNICAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	299,099
-------	----	---------

598,197

.....	FTEs	11.50
-------	------	-------

9.82

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,812,838
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5,677,908

.....	FTEs	255.00
-------	------	--------

244.00

For purposes of optimizing the job placement of individuals with disabilities, the division shall make its best efforts to work with community rehabilitation program providers for job placement and retention services for individuals with significant disabilities and most significant disabilities. By January 15, 2019, the division shall submit a written report to the general assembly on the division's outreach efforts with community rehabilitation program providers.

b. For matching moneys for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

.....	\$	42,412
		<u>84,823</u>
.....	FTEs	1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

.....	\$	69,253
		<u>138,506</u>

d. For costs associated with centers for independent living:

.....	\$	43,229
		<u>86,457</u>

4. STATE LIBRARY

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,265,032
		<u>2,530,063</u>
.....	FTEs	29.00

b. For the enrich Iowa program established under section 256.57:

.....	\$	1,232,412
		<u>2,464,823</u>

5. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,794,708
		<u>7,589,415</u>
.....	FTEs	86.00
		<u>60.17</u>

6. CAREER AND TECHNICAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for career and technical education expenditures made by secondary schools regional career and technical education planning partnerships in accordance with section 258.14:

.....	\$	1,315,067
		<u>2,630,134</u>

Moneys appropriated in this subsection shall be used to reimburse ~~school districts~~ for regional career and technical education planning partnerships for expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14 allowed under section 258.14.

7. SCHOOL FOOD SERVICE

For use as state matching moneys for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,088,399
		<u>2,176,797</u>
.....	FTEs	20.58
		<u>23.86</u>

8. EARLY CHILDHOOD IOWA FUND — GENERAL AID

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	11,081,400
		<u>22,162,799</u>

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2018, and ending June 30, 2019, not more than ~~\$132,975~~ \$265,950 is allocated for the early childhood Iowa office and other technical assistance activities. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. However,

except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

b. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, ~~\$1,159,009~~ \$2,318,018 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The early childhood Iowa state board may reserve a portion of the allocation, not to exceed ~~\$44,325~~ \$88,650, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, ~~\$412,515~~ \$825,030 shall be used for support of professional development and training activities for persons working in early care, health, and education by the early childhood Iowa state board in collaboration with the professional development component groups maintained by the early childhood Iowa stakeholders alliance pursuant to section 256I.12, subsection 7, paragraph "b", and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

9. BIRTH TO AGE THREE SERVICES

a. For expansion of the federal Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2018, birth through age three services due to increased numbers of children qualifying for those services:

..... \$ 860,700
1,721,400

b. From the moneys appropriated in this subsection, ~~\$191,885~~ \$383,769 shall be allocated to the child health specialty clinics administered by the state university of Iowa in order to provide additional support for infants and toddlers who are born prematurely, drug-exposed, or medically fragile.

10. EARLY HEAD START PROJECTS

a. For early head start projects:

..... \$ 287,250
574,500

b. The moneys appropriated in this subsection shall be used for implementation and expansion of early head start pilot projects addressing the comprehensive cognitive, social, emotional, and developmental needs of children from birth to age three, including prenatal support for qualified families. The projects shall promote healthy prenatal outcomes and healthy family functioning, and strengthen the development of infants and toddlers in low-income families. Priority shall be given to those organizations that have previously qualified for and received state funding to administer an early head start project.

11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

a. To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

..... \$ 325,107
652,000

b. Funding under this subsection is limited to ~~\$20~~ \$25 per pupil and shall not exceed the comparable services offered to resident public school pupils.

12. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, and for not more than the following full-time equivalent positions:

..... \$ 1,697,834
2,965,467
..... FTEs 2.00
5.90

~~If moneys appropriated under this subsection and which are allocated to pay the full amount of teacher leadership supplemental aid payments to school districts for their initial year of~~

funding under section 284.13, subsection 1, paragraph “e”, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, are insufficient for such purpose, the department shall prorate the amount of the teacher leadership supplemental aid payments calculated under section 284.13, subsection 1, paragraph “e”, subparagraph (2), subparagraph division (a), and paid to school districts.

12A. STATEWIDE STUDENT ASSESSMENT

For distribution to the Iowa testing program by the department of education on behalf of school districts to offset the costs associated with a statewide student assessment administered in accordance with section 256.7, subsection 21, paragraph “b”:

..... \$ 2,700,000

12B. STATEWIDE CLEARINGHOUSE TO EXPAND WORK-BASED LEARNING

For support costs associated with the creation of a statewide clearinghouse to expand work-based learning as a part of the future ready Iowa initiative:

..... \$ 250,000

12C. POSTSECONDARY SUMMER CLASSES FOR HIGH SCHOOL STUDENTS PROGRAM

For support costs associated with the creation of a program to provide additional funds for resident high school pupils enrolled in grades 9-12 to attend a community college for college-level classes or attend a class taught by a community college-employed instructor during the summer and outside of the regular school year through a contractual agreement between a community college and a school district under the future ready Iowa initiative:

..... \$ 600,000

13. JOBS FOR AMERICA’S GRADUATES

For school districts to provide direct services to the most at-risk senior middle school or high school students enrolled in school districts through direct intervention by a jobs for America’s graduates specialist:

..... \$ 333,094
1,666,188

14. ATTENDANCE CENTER PERFORMANCE/GENERAL INTERNET SITE AND DATA SYSTEM SUPPORT

For administration of a process for school districts to establish specific performance goals and to evaluate the performance of each attendance center operated by the district in order to arrive at an overall school performance grade and report card for each attendance center, for internet site and data system support, and for not more than the following full-time equivalent positions:

..... \$ 125,000
250,000
..... FTEs 2.00
1.95

15. ONLINE STATE JOB POSTING SYSTEM

For purposes of administering the online state job posting system in accordance with section 256.27:

..... \$ 115,000
230,000

16. SUCCESSFUL PROGRESSION FOR EARLY READERS

For distribution to school districts for implementation of section 279.68, subsection 2, relating to successful progression for early readers:

..... \$ 3,912,391
7,824,782

17. EARLY WARNING SYSTEM FOR LITERACY

For purposes of purchasing a statewide license for an early warning assessment and administering the early warning system for literacy established in accordance with section 279.68 and rules adopted in accordance with section 256.7, subsection 31:

..... \$ 957,500
1,915,000

The department shall administer and distribute to school districts and accredited nonpublic schools the early warning assessment system that allows teachers to screen and monitor

student literacy skills from prekindergarten through grade six. The department may charge school districts and accredited nonpublic schools a fee for the system not to exceed the actual costs to purchase a statewide license for the early warning assessment minus the moneys received by the department under this subsection. The fee shall be determined by dividing the actual remaining costs to purchase the statewide license for the school year by the number of pupils assessed under the system in the current fiscal year. School districts may use moneys received pursuant to section 257.10, subsection 11, and moneys received for purposes of implementing section 279.68, subsection 2, to pay the early warning assessment system fee.

18. IOWA READING RESEARCH CENTER

a. For purposes of the Iowa reading research center in order to implement, in collaboration with the area education agencies, the provisions of section 256.9, subsection 49, paragraph “c”:

.....	\$	478,750
		<u>1,300,176</u>

b. Notwithstanding section 8.33, moneys received by the department pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection for the following fiscal year.

19. COMPUTER SCIENCE PROFESSIONAL DEVELOPMENT INCENTIVE FUND

For deposit in the computer science professional development incentive fund established under section 284.6A, if enacted:

.....	\$	250,000
		<u>500,000</u>

20. MIDWESTERN HIGHER EDUCATION COMPACT

a. For distribution to the midwestern higher education compact to pay Iowa’s member state annual obligation:

.....	\$	57,500
		<u>115,000</u>

b. Notwithstanding section 8.33, moneys appropriated for distribution to the midwestern higher education compact pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

21. COMMUNITY COLLEGES

For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

.....	\$	100,595,445
		<u>202,690,889</u>

~~The moneys appropriated in this subsection shall be allocated pursuant to the formula established in section 260C.18C.~~

Notwithstanding the allocation formula in section 260C.18C, the moneys appropriated in this subsection shall be allocated as follows:

a. Merged Area I

.....	\$	10,000,076
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b. Merged Area II

.....	\$	10,146,364
-------	----	------------

c. Merged Area III

.....	\$	9,391,092
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d. Merged Area IV

.....	\$	4,619,543
-------	----	-----------

e. Merged Area V

.....	\$	11,469,504
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f. Merged Area VI

.....	\$	9,000,646
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g. Merged Area VII

.....	\$	13,668,239
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h. Merged Area IX

.....	\$	17,312,504
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<u>i. Merged Area X</u>	\$	31,691,864
<u>j. Merged Area XI</u>	\$	33,916,985
<u>k. Merged Area XII</u>	\$	11,242,657
<u>l. Merged Area XIII</u>	\$	12,204,008
<u>m. Merged Area XIV</u>	\$	4,708,909
<u>n. Merged Area XV</u>	\$	14,776,328
<u>o. Merged Area XVI</u>	\$	8,542,170

Sec. 5. 2017 Iowa Acts, chapter 172, section 51, is amended to read as follows:

SEC. 51. LIMITATION OF STANDING APPROPRIATIONS FOR AT-RISK CHILDREN. Notwithstanding the standing appropriation in section 279.51 for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amount appropriated from the general fund of the state to the department of education for programs for at-risk children under section 279.51 shall be not more than ~~\$5,365,000~~ \$10,524,389. The amount of any reduction in this section shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs “a”, “b”, and “c”.

STATE BOARD OF REGENTS

Sec. 6. 2017 Iowa Acts, chapter 172, section 52, as amended by 2017 Iowa Acts, chapter 170, section 40, is amended to read as follows:

SEC. 52. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	397,357
		<u>775,655</u>
..... FTEs		<u>15.00</u>
		<u>2.48</u>

The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency. The report submitted in December 2018 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated between the southwest Iowa regents resource center in Council Bluffs, the northwest Iowa regents resource center in Sioux City, and the quad-cities graduate studies center as determined by the board:

.....	\$	139,424
		<u>272,161</u>

c. For moneys to be distributed to Iowa public radio for public radio operations:

.....	\$	179,632
		<u>350,648</u>

d. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to support new strategic initiatives, meet enrollment increases, meet the demand for new courses and services, to fund new but unavoidable or mandated cost increases, and to support any other initiatives important to the core functions of the universities:

.....	\$	8,300,000
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2. STATE UNIVERSITY OF IOWA

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	108,379,534
		<u>211,560,793</u>
.....	FTEs	5,058.55

b. Oakdale campus

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,093,279
		<u>2,134,120</u>
.....	FTEs	38.25

c. State hygienic laboratory

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,201,308
		<u>4,297,032</u>
.....	FTEs	<u>102.50</u> 103.77

d. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice residency education program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	894,133
		<u>1,745,379</u>
.....	FTEs	190.40 <u>2.19</u>

e. Child health care services

For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	329,728
		<u>643,641</u>
.....	FTEs	57.97 <u>4.25</u>

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

.....	\$	74,526
		<u>145,476</u>
.....	FTEs	2.10 <u>1.04</u>

g. Substance abuse consortium

For moneys to be allocated to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent position:

.....	\$	27,765
		<u>54,197</u>
.....	FTEs	1.00

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

.....	\$	361,864
		<u>706,371</u>
.....	FTEs	6.28

i. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

.....	\$	324,465
		<u>633,367</u>
.....	FTEs	5.89
		<u>5.36</u>

From the moneys appropriated in this lettered paragraph, ~~\$127,445~~ \$254,889 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

j. Birth defects registry

For the birth defects registry, and for not more than the following full-time equivalent position:

.....	\$	19,144
		<u>37,370</u>
.....	FTEs	1.00

k. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:

.....	\$	81,270
		<u>158,641</u>
.....	FTEs	2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the establishment of the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative established pursuant to section 263.8A:

.....	\$	240,925
		<u>470,293</u>

m. Iowa flood center

For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:

.....	\$	600,000
		<u>1,171,222</u>

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	86,437,431
		<u>167,474,125</u>
.....	FTEs	3,647.42

b. Agricultural experiment station

For the agricultural experiment station salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	14,943,439
		<u>29,886,877</u>
.....	FTEs	546.98

c. Cooperative extension service in agriculture and home economics

For the cooperative extension service in agriculture and home economics salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	9,133,361
		<u>18,266,722</u>
.....	FTEs	383.34
		<u>382.34</u>

d. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

.....	\$	86,422
		<u>172,844</u>

4. UNIVERSITY OF NORTHERN IOWA

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	46,856,181
		<u>93,712,362</u>
.....	FTEs	1,447.50
		<u>1,426.69</u>

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

.....	\$	87,628
		<u>175,256</u>
.....	FTEs	3.00
		<u>1.93</u>

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of the science, technology, engineering, and mathematics (STEM) collaborative initiative established pursuant to section 268.7, and for not more than the following full-time equivalent positions:

.....	\$	2,723,188
		<u>5,446,375</u>
.....	FTEs	6.20
		<u>5.50</u>

(1) Except as otherwise provided in this lettered paragraph, the moneys appropriated in this lettered paragraph shall be expended for salaries, staffing, institutional support, activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers, and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

(3) From the moneys appropriated in this lettered paragraph, not less than \$250,000 \$500,000 shall be used to provide technology education opportunities to high school, career academy, and community college students through a public-private partnership, as well as opportunities for students and faculties at these institutions to secure broad-based information technology certification. The partnership shall provide all of the following:

- (a) A research-based curriculum.
- (b) Online access to the curriculum.
- (c) Instructional software for classroom and student use.
- (d) Certification of skills and competencies in a broad base of information technology-related skill areas.
- (e) Professional development for teachers.
- (f) Deployment and program support, including but not limited to integration with current curriculum standards.

(4) Notwithstanding section 8.33, of the moneys appropriated in this paragraph “c” that remain unencumbered or unobligated at the close of the fiscal year, an amount equivalent to not more than 5 percent of the amount appropriated in this paragraph “c” shall not revert but shall remain available for expenditure for summer programs for students until the close of the succeeding fiscal year.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

.....	\$	62,651
		<u>125,302</u>
.....	FTEs	1.00
		<u>0.96</u>

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,948,676
		<u>9,996,325</u>
.....	FTEs	126.60

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,063,248
		<u>4,167,759</u>
.....	FTEs	62.87

Sec. 7. 2008 Iowa Acts, chapter 1191, section 14, subsection 4, as amended by 2013 Iowa Acts, chapter 140, section 44, is amended to read as follows:

4. The following are range 4 positions: director of the department of human rights, director of the Iowa state civil rights commission, ~~executive director of the college student aid commission~~, director of the department for the blind, executive director of the ethics and campaign disclosure board, executive director of the Iowa public information board, members of the public employment relations board, and chairperson, vice chairperson, and members of the board of parole.

Sec. 8. 2008 Iowa Acts, chapter 1191, section 14, subsection 5, as amended by 2013 Iowa Acts, chapter 123, section 63, is amended to read as follows:

5. The following are range 5 positions: administrator of the division of homeland security and emergency management of the department of public defense, state public defender, drug policy coordinator, labor commissioner, workers' compensation commissioner, executive director of the college student aid commission, director of the department of cultural affairs, director of the department of elder affairs, director of the law enforcement academy, members of the property assessment appeal board, and administrator of the historical division of the department of cultural affairs.

Sec. 9. Section 256.9, subsection 56, Code 2018, as amended by 2018 Iowa Acts, Senate File 475,¹ section 4, is amended to read as follows:

56. Develop and establish an online learning program model in accordance with rules adopted pursuant to section 256.7, subsection 32, and in accordance with section 256.43. The director shall maintain a list of approved online providers that meet the standards of section 256.42, subsection 6, and provide course content through an online learning platform taught by ~~an Iowa licensed~~ a teacher that licensed under chapter 272 who has specialized training or experience in online learning. Providers shall apply for approval annually or as determined by the department.

Sec. 10. Section 256.11, subsection 5, paragraph k, as enacted by 2018 Iowa Acts, Senate File 475,² section 20, is amended to read as follows:

k. One-half unit of personal finance literacy. All students shall complete at least one-half unit of personal finance literacy as a condition of graduation.

(1) The curriculum shall, at a minimum, address the following:

(1) ~~(a)~~ (a) Savings, including emergency fund, purchases, and wealth building.

(2) ~~(b)~~ (b) Understanding investments, including compound and simple interest, liquidity, diversification, risk return ratio, certificates of deposit, money market accounts, single stocks, bonds, mutual funds, rental real estate, annuities, commodities, and futures.

(3) ~~(c)~~ (c) Wealth building and college planning, including long-term and short-term investing using tax-favored plans, individual retirement accounts and payments from such accounts, employer-sponsored retirement plans and investments, public and private educational savings accounts, and uniform gifts and transfers to minors.

¹ Chapter 1119 herein

² Chapter 1119 herein

(4) (d) Credit and debt, including credit cards, payday lending, rent-to-own transactions, debt consolidation, automobile leasing, cosigning a loan, debt avoidance, and the marketing of debt, especially to young people.

(5) (e) Consumer awareness of the power of marketing on buying decisions including zero percent interest offers; marketing methods, including product positioning, advertising, brand recognition, and personal selling; how to read a credit report and correct inaccuracies; how to build a credit score; how to develop a plan to deal with creditors and avoid bankruptcy; and the federal Fair Debt Collection Practices Act.

(6) (f) Financial responsibility and money management, including creating and living on a written budget and balancing a checkbook; basic rules of successful negotiating and techniques; and personality or other traits regarding money.

(7) (g) Insurance, risk management, income, and career decisions, including career choices that fit personality styles and occupational goals, job search strategies, cover letters, resumes, interview techniques, payroll taxes and other income withholdings, and revenue sources for federal, state, and local governments.

(8) (h) Different types of insurance coverage including renters, homeowners, automobile, health, disability, long-term care, identity theft, and life insurance; term life, cash value and whole life insurance; and insurance terms such as deductible, stop loss, elimination period, replacement coverage, liability, and out-of-pocket.

(9) (i) Buying, selling, and renting advantages and disadvantages relating to real estate, including adjustable rate, balloon, conventional, government-backed, reverse, and seller-financed mortgages.

(2) (a) One-half unit of personal finance literacy may count as one-half unit of social studies in meeting the requirements of paragraph “b”, though the teacher providing personal finance literacy coursework that counts as one-half unit of social studies need not hold a social studies endorsement.

(b) Units of coursework that meet the requirements of any combination of coursework required under paragraphs “b”, “d”, “e”, or “h” and incorporate the curriculum required under subparagraph (1) shall be deemed to satisfy the offer and teach requirements of this paragraph “k” and a student who completes such units shall be deemed to have met the graduation requirement of this paragraph “k”.

Sec. 11. Section 256.42, subsection 7, paragraph c, as enacted by 2018 Iowa Acts, Senate File 475,³ section 6, is amended to read as follows:

c. Any specified subject course to which section 256.11, subsection 5, does not apply under paragraph “a” or “b” shall be provided by the initiative if the initiative offers the course unless the course offered by the initiative lacks the capacity to accommodate additional students. In that case, the specified subject course may instead be provided by the school district or accredited nonpublic school through if either of the following applies:

(1) Through an online learning platform if the course is developed by the school district or accredited nonpublic school itself, provided the online learning platform course is taught by an Iowa licensed teacher with online learning experience and the course content is aligned with the Iowa content standards and satisfies the requirements of subsection 6.

(2) Through a private provider utilized to provide the course that meets the standards of section 256.42 and is approved in accordance with section 256.9, subsection 56.

Sec. 12. Section 256.43, subsection 2, Code 2018, as amended by 2018 Iowa Acts, Senate File 475,⁴ section 10, is amended to read as follows:

2. *Private providers.*

a. At the discretion of the school board or authorities in charge of an accredited nonpublic school, after consideration of circumstances created by necessity, convenience, and cost-effectiveness, courses developed by private providers may be utilized by the school district or school in implementing a high-quality online learning program. Courses obtained from private providers shall be taught by teachers licensed under chapter 272.

³ Chapter 1119 herein

⁴ Chapter 1119 herein

b. A school district may provide courses developed by private providers and delivered primarily over the internet to pupils who are participating in open enrollment under section 282.18. However, if a student's participation in open enrollment to receive educational instruction and course content delivered primarily over the internet results in the termination of enrollment in the receiving district, the receiving district shall, within thirty days of the termination, notify the district of residence of the termination and the date of the termination.

c. Private providers utilized to provide courses by a school district or accredited nonpublic school in accordance with this section shall meet the standards of section 256.42 and be approved in accordance with section 256.9, subsection 56.

Sec. 13. Section 261.25, subsection 2, Code 2018, is amended to read as follows:

2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~one million five three hundred seventy-six thousand two hundred twenty~~ dollars for tuition grants for qualified students who are enrolled in eligible institutions. Of the moneys appropriated under this subsection, not more than eighty thousand dollars annually shall be used for tuition grants to qualified students who are attending an eligible institution under section 261.9, subsection 3, paragraph "b".

Sec. 14. Section 261.86, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* Completes and submits application forms required by the commission, including the free application for federal student aid and applies for all nonrepayable state and federal financial aid for which the member is eligible.

Sec. 15. Section 261.114, subsection 3, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A program agreement shall be entered into by an eligible student and the commission when the eligible student begins the final year of study in an academic program leading to eligibility for licensure as a nurse practitioner or physician assistant. The commission shall not enter into any new program agreement under this section on or after July 1, 2018. Under the agreement, to receive loan repayments pursuant to subsection 5, an eligible student shall agree to and shall fulfill all of the following requirements:

Sec. 16. Section 261.114, subsection 8, Code 2018, is amended by striking the subsection.

Sec. 17. Section 261.114, subsection 9, Code 2018, is amended to read as follows:

9. ~~Postponement and satisfaction~~ Satisfaction of service obligation.

~~a.~~ The obligation to engage in practice in accordance with subsection 3 shall be postponed for the following purposes:

~~(1) Active duty status in the armed forces, the armed forces military reserve, or the national guard.~~

~~(2) Service in volunteers in service to America.~~

~~(3) Service in the federal peace corps.~~

~~(4) A period of service commitment to the United States public health service commissioned corps.~~

~~(5) A period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code.~~

~~(6) Any period of temporary medical incapacity during which the person obligated is unable, due to a medical condition, to engage in full-time practice as required under subsection 3.~~

~~b.~~ Except for a postponement under paragraph "a", subparagraph (6), an obligation to engage in practice under an agreement entered into pursuant to subsection 3, shall not be postponed for more than two years from the time the full-time practice was to have commenced under the agreement.

~~e.~~ a. An obligation to engage in full-time practice under an agreement entered into pursuant to subsection 3 shall be considered satisfied when any of the following conditions are met:

(1) The terms of the agreement are completed.

(2) The person who entered into the agreement dies.

(3) The person who entered into the agreement, due to a permanent disability, is unable to practice as an advanced registered nurse practitioner or physician assistant.

d. b. If a loan repayment recipient fails to fulfill the obligation to engage in practice in accordance with subsection 3, the recipient shall be subject to repayment to the commission of the loan amount plus interest as specified by rule. A loan repayment recipient who fails to meet the requirements of the obligation to engage in practice in accordance with subsection 3 may also be subject to repayment of moneys advanced by the service commitment area as provided in any agreement with the service commitment area.

Sec. 18. Section 261.114, subsection 10, Code 2018, is amended to read as follows:

10. *Trust fund established.* A rural Iowa advanced registered nurse practitioner and physician assistant trust fund is created in the state treasury as a separate fund under the control of the commission. The commission shall remit all repayments made pursuant to this section to the rural Iowa advanced registered nurse practitioner and physician assistant trust fund. All moneys deposited or paid into the trust fund are appropriated and made available to the commission to be used for meeting the requirements of this section. Moneys in the fund up to the total amount that an eligible student may receive for an eligible loan in accordance with this section and upon fulfilling the requirements of subsection 3 shall be considered encumbered for the duration of the agreement entered into pursuant to subsection 3. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section in subsequent fiscal years. Notwithstanding section 8.33, any balance in the fund on June 30, 2023, shall not revert to the general fund of the state but shall be transferred to the health care loan repayment fund established pursuant to section 261.116 to be used for purposes of the health care loan repayment program.

Sec. 19. Section 261.114, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 10A. This section is repealed July 1, 2023.

Sec. 20. Section 261.116, Code 2018, is amended to read as follows:

261.116 Registered nurse and nurse educator Health care loan forgiveness repayment program.

1. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. “Advanced registered nurse practitioner” means a person licensed as a registered nurse under chapter 152 or 152E who is licensed by the board of nursing as an advanced registered nurse practitioner.

b. “Nurse educator” means a registered nurse who holds a master’s degree or doctorate degree and is employed by a community college, an accredited private institution, or an institution of higher education governed by the state board of regents as a faculty member to teach nursing at a nursing education program approved by the board of nursing pursuant to section 152.5.

c. “Physician assistant” means a person licensed as a physician assistant under chapter 148C.

d. “Qualified student loan” means a loan that was made, insured, or guaranteed under Tit. IV of the federal Higher Education Act of 1965, as amended, or under Tit. VII or VIII of the federal Public Health Service Act, as amended, directly to the borrower for attendance at an approved postsecondary educational institution.

e. “Service commitment area” means a city in Iowa with a population of less than twenty-six thousand that is located more than twenty miles from a city with a population of fifty thousand or more.

2. *Program established.* A registered nurse and nurse educator health care loan forgiveness repayment program is established to be administered by the commission. The program shall consist of loan forgiveness for eligible federally guaranteed for purposes of repaying the qualified student loans for of registered nurses, advanced registered nurse practitioners, physician assistants, and nurse educators who practice full-time in a service commitment area or teach in this state, as appropriate, and who are selected for the program

~~in accordance with this section. For purposes of this section, unless the context otherwise requires, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing as provided in 655 IAC 2.6(152) at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents. An applicant who is a member of the Iowa national guard is exempt from the service commitment area requirement, but shall submit an affidavit verifying the applicant is practicing full-time in this state.~~

~~2. 3. Application requirements. Each applicant for loan forgiveness repayment shall, in accordance with the rules of the commission, do the following:~~

~~a. Complete and file an application for registered nurse or nurse educator loan forgiveness repayment. The individual shall be responsible for the prompt submission of any information required by the commission.~~

~~b. File a new application and submit information as required by the commission annually on the basis of which the applicant's eligibility for the renewed loan forgiveness repayment will be evaluated and determined.~~

~~c. Complete and return, on a form approved by the commission, an affidavit of practice verifying that the applicant is a registered nurse, an advanced registered nurse practitioner, or a physician assistant who is practicing full-time in a service commitment area in this state or is a nurse educator teaching at a community college, an accredited private institution, or an institution of higher learning governed by the state board of regents who teaches full-time in this state. If practice in a service commitment area is required as a condition of receiving loan repayment, the affidavit shall specify the service commitment area in which the applicant is practicing full-time.~~

~~3. 4. Loan repayment amounts.~~

~~a. The annual amount of registered nurse loan forgiveness for a registered nurse who completes a course of study, which leads to a baccalaureate or associate degree of nursing, diploma in nursing, or a graduate or equivalent degree in nursing, and who practices in this state, repayment provided to a recipient under this section shall not exceed the resident tuition rate established for institutions of higher learning governed by the state board of regents for the first year following the registered nurse's graduation from a nursing education program approved by the board of nursing pursuant to section 152.5 six thousand dollars, or twenty percent of the registered nurse's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, including principal and interest recipient's total qualified student loan, whichever amount is less. A registered nurse shall be recipient is eligible for the loan forgiveness repayment program for not more than five consecutive years.~~

~~b. The annual amount of nurse educator loan forgiveness shall not exceed the resident tuition rate established for institutions of higher learning governed by the state board of regents for the first year following the nurse educator's graduation from an advanced formal academic nursing education program approved by the board of nursing pursuant to section 152.5, or twenty percent of the nurse educator's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, including principal and interest, whichever amount is less. A nurse educator shall be eligible for the loan forgiveness program for not more than five consecutive years.~~

~~4. 5. Selection criteria. The commission shall establish by rule the evaluation criteria to be used in evaluating applications submitted under this section. Priority shall be given to applicants who are residents of Iowa and, if requested by the adjutant general, to applicants who are members of the Iowa national guard.~~

~~6. Health care loan repayment fund. A registered nurse and nurse educator health care loan forgiveness repayment fund is created for deposit of moneys appropriated to or received by the commission for use under the program. Notwithstanding section 8.33, moneys deposited in the health care loan repayment fund shall not revert to any fund of the state at the end of any fiscal year but shall remain in the loan forgiveness repayment fund and be continuously available for loan forgiveness repayment under the program. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the health care loan fund shall be credited to the fund.~~

~~5.~~ 7. Report. The commission shall submit in a report to the general assembly by January 1, annually, the number of individuals who received loan forgiveness repayment pursuant to this section, where the participants practiced or taught, the amount paid to each program participant, and other information identified by the commission as indicators of outcomes from of the program.

~~6.~~ 8. Rules. The commission shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 21. Section 284.13, subsection 1, paragraphs a, b, c, e, f, and g, Code 2018, are amended to read as follows:

a. For the fiscal year beginning July 1, 2017 2018, and ending June 30, 2018 2019, to the department, the amount of ~~eight~~ five hundred ~~forty-six~~ eight thousand two hundred fifty dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

b. For the fiscal year beginning July 1, 2017 2018, and ending June 30, 2018 2019, up to seven hundred ~~seventy-four~~ twenty-eight thousand ~~three~~ two hundred sixteen dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph "b", and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

c. For the fiscal year beginning July 1, 2017 2018, and ending June 30, 2018 2019, an amount up to one million ~~one hundred twenty-three~~ seventy-seven thousand ~~nine~~ eight hundred ten dollars to the department for the establishment of teacher development academies in accordance with section 284.6, subsection 10. A portion of the funds allocated to the department for purposes of this paragraph may be used for administrative purposes.

e. For the fiscal year beginning July 1, 2017 2018, and ending June 30, 2018 2019, to the department an amount up to twenty-five thousand dollars for purposes of the ~~fine~~ arts beginning teacher mentoring program established under section 256.34.

f. For the fiscal year beginning July 1, 2017 2018, and ending June 30, 2018 2019, to the department an amount up to six hundred twenty-six thousand one hundred ninety-one dollars shall be used by the department for a delivery system, in collaboration with area education agencies, to assist in implementing the career paths and leadership roles considered pursuant to sections 284.15, 284.16, and 284.17, including but not limited to planning grants to school districts and area education agencies, technical assistance for the department, technical assistance for districts and area education agencies, training and staff development, and the contracting of external expertise and services. In using moneys allocated for purposes of this paragraph, the department shall give priority to school districts with certified enrollments of fewer than six hundred students. A portion of the moneys allocated annually to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than five full-time equivalent positions.

g. For the fiscal year beginning July 1, 2018 2019, and for each subsequent fiscal year, to the department of education, ten million dollars for purposes of implementing the supplemental assistance for high-need schools provisions of section 284.11. Annually, of the moneys allocated to the department for purposes of this paragraph, up to one hundred thousand dollars may be used by the department for administrative purposes and for not more than one full-time equivalent position.

Sec. 22. APPLICABILITY. The following provisions of this Act apply to fiscal years beginning on or after July 1, 2018, effective with the pay period beginning June 29, 2018:

1. The section of this Act amending 2008 Iowa Acts, chapter 1191, section 14, subsection 4, as amended by 2013 Iowa Acts, chapter 140, section 44.

2. The section of this Act amending 2008 Iowa Acts, chapter 1191, section 14, subsection 5, as amended by 2013 Iowa Acts, chapter 123, section 63.

DIVISION II
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2018-2019

Sec. 23. 2017 Iowa Acts, chapter 172, section 55, as amended by 2017 Iowa Acts, chapter 170, section 41, is amended to read as follows:

SEC. 55. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF EDUCATION

a. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:

..... \$ 7,550,000
15,100,000

From the moneys appropriated in this lettered paragraph “a”, not more than ~~\$50,000~~ \$100,000 shall be used by the department for administration of the workforce training and economic development funds created pursuant to section 260C.18A.

b. For distribution to community colleges for the purposes of implementing adult education and literacy programs pursuant to section 260C.50:

..... \$ 2,750,000
5,500,000

(1) From the moneys appropriated in this lettered paragraph “b”, ~~\$1,941,500~~ \$3,883,000 shall be allocated pursuant to the formula established in section 260C.18C.

(2) From the moneys appropriated in this lettered paragraph “b”, not more than ~~\$75,000~~ \$150,000 shall be used by the department for implementation of adult education and literacy programs pursuant to section 260C.50.

(3) From the moneys appropriated in this lettered paragraph “b”, not more than ~~\$733,500~~ \$1,467,000 shall be distributed as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language. The department shall establish an application process and criteria to award grants pursuant to this subparagraph to community colleges. The criteria shall be based on need for instruction in English as a second language in the region served by each community college as determined by factors including data from the latest federal decennial census and outreach efforts to determine regional needs.

(4) From the moneys appropriated in this lettered paragraph “b”, ~~\$105,000~~ \$210,000 shall be transferred to the department of human services for purposes of administering a pilot project to provide access to international resources to Iowans and new Iowans to provide economic and leadership development resulting in Iowa being a more inclusive and welcoming place to live, work, and raise a family. The pilot project shall provide supplemental support services for international refugees to improve learning, English literacy, life skills, cultural competencies, and integration in a county with a population over 350,000 as determined by the 2010 federal decennial census. The department of human services shall utilize a request for proposals process to identify the entity best qualified to implement the pilot project.

c. For ~~accelerated career education program~~ capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

..... \$ 3,000,000
6,000,000

Moneys appropriated in this lettered paragraph shall be disbursed pursuant to section 260G.6, subsection 3. Projects that qualify for moneys appropriated in this lettered paragraph shall include at least one of the following:

(1) Accelerated career education program capital projects.

(2) Major renovations and major repair needs, including health, life, and fire safety needs, including compliance with the federal Americans With Disabilities Act.

(3) Projects that meet the requirements under chapter 260G and related projects located at a community college whose campus is located in a city with a population, according to the 2010 federal decennial census, between 99,000 and 100,000. The prohibition against lease payment under section 8.57, subsection 5, paragraph “c”, shall not apply to projects authorized under this subparagraph (3). The provisions of this subparagraph (3) shall also apply to any moneys which remain unobligated and unencumbered and were appropriated in prior years for purposes of this lettered paragraph to such community college. The provisions of this subparagraph (3) are not applicable or effective after June 30, 2019.

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2:

..... \$ 2,500,000
5,000,000

From the moneys appropriated in this lettered paragraph “d”, not more than \$100,000 \$200,000 shall be allocated by the department for implementation of regional industry sector partnerships pursuant to section 260H.7B and for not more than one full-time equivalent position.

e. For deposit in the gap tuition assistance fund established pursuant to section 260I.2:

..... \$ 1,000,000
2,000,000

f. For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40:

..... \$ 750,000
1,500,000

From the moneys appropriated in this lettered paragraph “f”, not more than \$25,000 \$50,000 shall be used by the department to provide statewide support for work-based learning.

g. For support costs associated with administering a workforce preparation outcome reporting system for the purpose of collecting and reporting data relating to the educational and employment outcomes of workforce preparation programs receiving moneys pursuant to this subsection:

..... \$ 100,000
200,000

2. COLLEGE STUDENT AID COMMISSION

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

..... \$ 2,500,000
5,000,000

3. Notwithstanding section 8.33, moneys appropriated in this section of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Approved June 1, 2018

CHAPTER 1164

APPROPRIATIONS — ADMINISTRATION AND REGULATION

S.F. 2416

AN ACT relating to and making appropriations and related statutory changes involving certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions.

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

DIVISION I
FY 2018-2019

Section 1. 2017 Iowa Acts, chapter 171, section 28, is amended to read as follows:

SEC. 28. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,814,748
		<u>3,616,936</u>
.....	FTEs	<u>51.13</u>
		50.37

b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

.....	\$	1,223,680
		<u>2,899,231</u>
.....	FTEs	1.00

Notwithstanding section 8.33, any excess moneys appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

c. For Terrace Hill operations, and for not more than the following full-time equivalent positions:

.....	\$	193,330
		<u>386,660</u>
.....	FTEs	5.07

2. Any moneys and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 2. 2017 Iowa Acts, chapter 171, section 31, is amended to read as follows:

SEC. 31. AUDITOR OF STATE.

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	447,128
		<u>986,193</u>
.....	FTEs	103.00

2. The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full-time equivalent positions retained.

3. The auditor of state shall allocate moneys from the appropriation in this section solely for audit work related to the comprehensive annual financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the comprehensive annual financial report is complete.

Sec. 3. 2017 Iowa Acts, chapter 171, section 32, is amended to read as follows:

SEC. 32. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	273,751
		<u>597,501</u>
.....	FTEs	6.00

Sec. 4. 2017 Iowa Acts, chapter 171, section 33, is amended to read as follows:

SEC. 33. OFFICE OF THE CHIEF INFORMATION OFFICER — INTERNAL SERVICE FUNDS — IOWACCESS.

1. There is appropriated to the office of the chief information officer for the fiscal year beginning July 1, 2018, and ending June 30, 2019, from the revolving funds designated in chapter 8B and from internal service funds created by the office such amounts as the office deems necessary for the operation of the office consistent with the requirements of chapter 8B.

2. a. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the first ~~\$375,000~~ \$750,000 collected by the department of transportation and transferred to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the lowAccess revolving fund created in section 8B.33 for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

b. All fees collected with respect to transactions involving lowAccess shall be deposited in the lowAccess revolving fund created under section 8B.33 and shall be used only for the support of lowAccess projects.

Sec. 5. 2017 Iowa Acts, chapter 171, section 34, is amended to read as follows:

SEC. 34. DEPARTMENT OF COMMERCE.

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	502,731
		<u>1,019,556</u>
.....	FTEs	16.90

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	186,813
-------	----	---------

	370,263
..... FTEs	10.00

2. There is appropriated from the department of commerce revolving fund created in section 546.12 to the department of commerce for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	5,409,895
	<u>11,145,778</u>
..... FTEs	80.00

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	934,628
	<u>2,204,256</u>
..... FTEs	14.00
	<u>15.00</u>

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	2,742,945
	<u>5,485,889</u>
..... FTEs	115.75
	<u>116.85</u>

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

(3) The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	4,520,203
	<u>8,503,174</u>
..... FTEs	67.75
	<u>67.00</u>

(2) In addition to the moneys appropriated and full-time equivalent positions authorized in subparagraph (1), and contingent on the enactment of 2018 Iowa Acts, Senate File 2311, the utilities division is appropriated an additional \$228,924 and is authorized an additional 2.00 full-time equivalent positions to assist in implementing the provisions of 2018 Iowa Acts, Senate File 2311, ¹ if enacted.

~~(2)~~ (3) The utilities division may expend additional moneys, including moneys for additional personnel, if those additional expenditures are actual expenses which exceed the moneys budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the moneys budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

¹ Chapter 1135 herein

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

3. CHARGES. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated an amount sufficient to cover the amount stated in its appropriation and any state-assessed indirect costs determined by the department of administrative services.

Sec. 6. 2017 Iowa Acts, chapter 171, section 35, is amended to read as follows:

SEC. 35. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund created pursuant to section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	31,159
		<u>62,317</u>

Sec. 7. 2017 Iowa Acts, chapter 171, section 36, is amended to read as follows:

SEC. 36. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,037,421
		<u>2,103,954</u>
.....	FTEs	<u>22.00</u>
		<u>20.55</u>

2. TERRACE HILL QUARTERS

For the governor’s quarters at Terrace Hill, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	46,035
		<u>92,070</u>
.....	FTEs	1.93

Sec. 8. 2017 Iowa Acts, chapter 171, section 37, is amended to read as follows:

SEC. 37. GOVERNOR’S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor’s office of drug control policy for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

.....	\$	114,153
		<u>226,247</u>
.....	FTEs	4.00

Sec. 9. 2017 Iowa Acts, chapter 171, section 38, is amended to read as follows:

SEC. 38. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	100,617
-------	----	---------

	<u>210,075</u>
..... FTEs	5.65
	<u>5.51</u>

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	482,792
	<u>956,894</u>
..... FTEs	7.81
	<u>6.49</u>

Sec. 10. 2017 Iowa Acts, chapter 171, section 39, is amended to read as follows:

SEC. 39. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	258,117
	<u>511,580</u>
..... FTEs	13.65

2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	321,410
	<u>625,827</u>
..... FTEs	23.00

3. INVESTIGATIONS DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	1,218,096
	<u>2,471,791</u>
..... FTEs	53.50
	<u>53.00</u>

b. By December 1, 2018, the department, in coordination with the investigations division, shall submit a report to the general assembly concerning the division's activities relative to fraud in public assistance programs for the fiscal year beginning July 1, 2017, and ending June 30, 2018. The report shall include but is not limited to a summary of the number of cases investigated, case outcomes, overpayment dollars identified, amount of cost avoidance, and actual dollars recovered.

4. HEALTH FACILITIES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	2,410,560
	<u>4,734,682</u>
..... FTEs	117.00
	<u>109.50</u>

Ob. From the moneys appropriated in this subsection, the health facilities division shall use \$56,000 for inspections of subacute care facilities as required by 2018 Iowa Acts, House File 2456. From the full-time equivalent positions authorized in this subsection, the health facilities division shall use 0.50 full-time equivalent positions for inspections of subacute care facilities as required by 2018 Iowa Acts, House File 2456.

b. The department shall, in coordination with the health facilities division, make the following information available to the public as part of the department's development efforts to revise the department's internet site:

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation.

5. EMPLOYMENT APPEAL BOARD

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	19,985
		<u>38,912</u>
.....	FTEs	11.00

b. The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

a. For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,268,845
		<u>2,570,605</u>
.....	FTEs	32.25
		<u>27.38</u>

b. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Tit. IV-E of the federal Social Security Act for claims for child advocacy board administrative review costs.

c. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

d. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

7. FOOD AND CONSUMER SAFETY

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	282,374
		<u>574,819</u>
.....	FTEs	28.50

8. APPROPRIATION REDUCTION— REALLOCATION. ~~The department of inspections and appeals shall reduce appropriations made in this section by \$101,591. Notwithstanding section 8.39, the department of inspections and appeals, in consultation with the department of management, may reallocate moneys appropriated in this section as necessary to best fulfill the needs of the department provided for in the appropriation. However, the department of inspections and appeals shall not reallocate moneys appropriated to the department child advocacy board in this section unless notice of the reallocation is given to the legislative services agency prior to the effective date of the reallocation in excess of \$2,470,605. The notice shall include information regarding the rationale for reallocating~~

~~the moneys. The department of inspections and appeals shall not reallocate moneys appropriated in this section for the purpose of eliminating any program.~~

Sec. 11. 2017 Iowa Acts, chapter 171, section 40, is amended to read as follows:

SEC. 40. DEPARTMENT OF INSPECTIONS AND APPEALS — LICENSE OR REGISTRATION FEES.

1. For the fiscal year beginning July 1, 2018, and ending June 30, 2019, the department of inspections and appeals shall collect any license or registration fees or electronic transaction fees generated during the fiscal year as a result of licensing and registration activities under chapters 99B, 137C, 137D, and 137F.

2. From the fees collected by the department under this section on behalf of a municipal corporation with which the department has an agreement pursuant to section 137F.3, through a statewide electronic licensing system operated by the department, notwithstanding section 137F.6, subsection 3, the department shall remit the amount of those fees to the municipal corporation for whom the fees were collected less any electronic transaction fees collected by the department to enable electronic payment.

3. From the fees collected by the department under this section, other than those fees described in subsection 2, the department shall deposit the amount of ~~\$400,000~~ \$800,000 into the general fund of the state prior to June 30, 2019.

4. From the fees collected by the department under this section, other than those fees described in subsections 2 and 3, the department shall retain the remainder of the fees for the purposes of enforcing the provisions of chapters 99B, 137C, 137D, and 137F. Notwithstanding section 8.33, moneys retained by the department pursuant to this subsection that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for expenditure for the purposes of enforcing the provisions of chapters 99B, 137C, 137D, and 137F during the succeeding fiscal year. The department shall provide an annual report to the department of management and the legislative services agency on fees billed and collected and expenditures from the moneys retained by the department in a format as determined by the department of management in consultation with the legislative services agency.

Sec. 12. 2017 Iowa Acts, chapter 171, section 41, is amended to read as follows:

SEC. 41. RACING AND GAMING COMMISSION — RACING AND GAMING REGULATION. There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for regulation, administration, and enforcement of pari-mutuel racetracks, excursion boat gambling, and gambling structure laws, and website construction and maintenance for conducting regulation as required by 2018 Iowa Acts, House File 2349, and for not more than the following full-time equivalent positions:

.....	\$	3,097,250
		<u>6,419,499</u>
.....	FTEs	62.10
		<u>51.10</u>

Sec. 13. 2017 Iowa Acts, chapter 171, section 42, is amended to read as follows:

SEC. 42. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	811,949
		<u>1,623,897</u>

Sec. 14. 2017 Iowa Acts, chapter 171, section 43, is amended to read as follows:

SEC. 43. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource planning, providing for a salary model administrator, conducting performance audits, and the department’s LEAN process; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	1,255,009
		<u>2,527,389</u>
.....	FTEs	21.00
		<u>20.00</u>

Sec. 15. 2017 Iowa Acts, chapter 171, section 44, is amended to read as follows:

SEC. 44. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF MANAGEMENT. There is appropriated from the road use tax fund created in section 312.1 to the department of management for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	28,000
		<u>56,000</u>

Sec. 16. 2017 Iowa Acts, chapter 171, section 45, is amended to read as follows:

SEC. 45. IOWA PUBLIC INFORMATION BOARD. There is appropriated from the general fund of the state to the Iowa public information board for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$	161,599
		<u>339,343</u>
.....	FTEs	3.00

Sec. 17. 2017 Iowa Acts, chapter 171, section 46, is amended to read as follows:

SEC. 46. DEPARTMENT OF REVENUE.

1. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,846,377
		<u>15,474,482</u>
.....	FTEs	194.92
		<u>152.54</u>

2. From the moneys appropriated in this section, the department shall use \$200,000 \$400,000 to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

3. The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 18. 2017 Iowa Acts, chapter 171, section 47, is amended to read as follows:

SEC. 47. MOTOR VEHICLE FUEL TAX FUND APPROPRIATION. There is appropriated from the motor vehicle fuel tax fund created pursuant to section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for administration and enforcement of the provisions of chapter 452A and the motor vehicle fuel tax program:

.....	\$	652,888
		<u>1,305,775</u>

Sec. 19. 2017 Iowa Acts, chapter 171, section 48, is amended to read as follows:

SEC. 48. SECRETARY OF STATE. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,062,759
		<u>2,109,755</u>
.....	FTEs	15.60
		<u>16.00</u>

The state department or agency that provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

2. BUSINESS SERVICES

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	685,646
		<u>1,405,530</u>
.....	FTEs	15.60
		<u>16.00</u>

Sec. 20. 2017 Iowa Acts, chapter 171, section 49, is amended to read as follows:

SEC. 49. ADDRESS CONFIDENTIALITY PROGRAM REVOLVING FUND APPROPRIATION — SECRETARY OF STATE. There is appropriated from the address confidentiality program revolving fund created in section 9.8 to the office of the secretary of state for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	60,200
		<u>120,400</u>

Sec. 21. 2017 Iowa Acts, chapter 171, section 51, is amended to read as follows:

SEC. 51. TREASURER OF STATE.

1. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	513,349
		<u>1,017,442</u>
.....	FTEs	28.80

2. The office of treasurer of state shall supply administrative support for the executive council.

Sec. 22. 2017 Iowa Acts, chapter 171, section 52, is amended to read as follows:

SEC. 52. ROAD USE TAX FUND APPROPRIATION — OFFICE OF TREASURER OF STATE. There is appropriated from the road use tax fund created in section 312.1 to the office of treasurer of state for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:

.....	\$	46,574
		<u>93,148</u>

Sec. 23. 2017 Iowa Acts, chapter 171, section 53, is amended to read as follows:

SEC. 53. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees’ retirement fund created in section 97B.7 to the Iowa public employees’ retirement system for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees’ retirement system, and for not more than the following full-time equivalent positions:

.....	\$	8,843,484
		<u>17,988,567</u>
.....	FTEs	88.13

DIVISION II
STANDING APPROPRIATIONS — LIMITATIONS

Sec. 24. 2017 Iowa Acts, chapter 171, section 56, is amended to read as follows:

SEC. 56. LIMITATION OF STANDING APPROPRIATION — FY 2018-2019. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amount appropriated from the general fund of the state pursuant to this section for the following designated purpose shall not exceed the following amount:

For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:

.....	\$	8,763
		<u>17,525</u>

DIVISION III
IOWA CODE CHANGES

Sec. 25. Section 8A.311, subsection 20, Code 2018, is amended to read as follows:

20. Life cycle cost and energy efficiency shall be included in the criteria used by the department, institutions under the control of the state board of regents, the state department of transportation, the department for the blind, and other state agencies in developing standards and specifications for purchasing energy-consuming products. ~~For purposes of this subsection, the life cycle costs of American motor vehicles shall be reduced by five percent in order to determine if the motor vehicle is comparable to foreign-made motor vehicles. “American motor vehicles” includes those vehicles manufactured in this state and those vehicles in which at least seventy percent of the value of the motor vehicle was manufactured in the United States or Canada and at least fifty percent of the motor vehicle sales of the manufacturer are in the United States or Canada. In determining the life cycle costs of a motor vehicle, the costs shall be determined on the basis of the bid price, the resale value, and the operating costs based upon a useable life of five years or seventy-five thousand miles, whichever occurs first. However, for the purchase of passenger vehicles, light, medium-duty, and heavy-duty trucks, passenger and cargo vans, and sport utility vehicles, a purchase contract shall be awarded to the lowest responsive and responsible bidder based solely on bid price.~~

DIVISION IV
HARASSMENT TRAINING

Sec. 26. HARASSMENT TRAINING. The department of administrative services shall provide training to all executive branch state employees in calendar year 2018 relating to harassment awareness, prevention, and reporting, including sexual harassment, on or before June 30, 2018. Executive branch state employees hired after June 30, 2018, shall be provided the same harassment training pursuant to this section.

Sec. 27. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 2018

CHAPTER 1165

APPROPRIATIONS — HEALTH AND HUMAN SERVICES

S.F. 2418

AN ACT relating to appropriations for health and human services and veterans and including other related provisions and appropriations, providing penalties, and including effective date and retroactive and other applicability date provisions.

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

DIVISION I

DEPARTMENT ON AGING — FY 2018-2019

Section 1. 2017 Iowa Acts, chapter 174, section 40, unnumbered paragraphs 1 and 2, are amended to read as follows:

There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa’s aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,521,238
.....		<u>11,042,924</u>
.....	FTEs	27.00

Sec. 2. 2017 Iowa Acts, chapter 174, section 40, subsections 2, 4, 5, 6, and 7, are amended to read as follows:

2. Of the funds appropriated in this section, ~~\$139,973~~ \$279,946 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

~~4. Of the funds appropriated in this section, at least \$125,000 shall be used to fund the unmet needs identified through Iowa’s aging and disability resource center network.~~

5. Of the funds appropriated in this section, at least ~~\$300,000~~ \$600,000 shall be used to fund home and community-based services through the area agencies on aging that enable older individuals to avoid more costly utilization of residential or institutional services and remain in their own homes.

6. Of the funds appropriated in this section, ~~\$406,268~~ \$812,537 shall be used for the purposes of chapter 231E and ~~section 231.56A, of which \$175,000 shall be used for the office of substitute decision maker pursuant to chapter 231E, and the remainder shall be distributed equally to the area agencies on aging to administer the prevention of elder abuse, neglect, and exploitation program pursuant to section 231.56A, in accordance with the requirements of the federal Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended.~~

7. Of the funds appropriated in this section, ~~\$375,000~~ \$1,000,000 shall be used to fund continuation of the aging and disability resource center lifelong links to provide individuals and caregivers with information and services to plan for and maintain independence.

Sec. 3. 2017 Iowa Acts, chapter 174, section 40, subsection 8, is amended by striking the subsection.

Sec. 4. 2017 Iowa Acts, chapter 174, section 40, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Of the funds appropriated in this section, \$100,000 shall be used by the department on aging, in collaboration with the department of human services and affected stakeholders, to design a pilot initiative to provide long-term care options counseling utilizing support planning protocols, to assist non-Medicaid eligible consumers who indicate a preference to return to the community and are deemed appropriate for discharge, to return to their community following a nursing facility stay. The department on aging shall submit the design plan as well as recommendations for legislation necessary to administer the initiative, including but not limited to legislation to allow the exchange of contact information for nursing facility residents appropriate for discharge planning, to the governor and the general assembly by December 15, 2018.

DIVISION II
OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2018-2019

Sec. 5. 2017 Iowa Acts, chapter 174, section 41, is amended to read as follows:

SEC. 41. OFFICE OF LONG-TERM CARE OMBUDSMAN. There is appropriated from the general fund of the state to the office of long-term care ombudsman for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

\$	580,140
	<u>1,149,821</u>
FTEs	16.00

DIVISION III
DEPARTMENT OF PUBLIC HEALTH — FY 2018-2019

Sec. 6. 2017 Iowa Acts, chapter 174, section 42, subsections 1, 2, 3, 4, 5, 6, 7, and 8, are amended to read as follows:

1. ADDICTIVE DISORDERS

For reducing the prevalence of the use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

\$	12,492,915
	<u>24,804,344</u>
FTEs	10.00
	<u>11.00</u>

a. (1) Of the funds appropriated in this subsection, ~~\$2,010,612~~ \$4,021,225 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and initiatives. Activities of the programs and initiatives shall be in alignment with the United States centers for disease control and prevention best practices for comprehensive tobacco control programs that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of tobacco cessation. To maximize resources, the department shall determine if third-party sources are available to instead provide nicotine replacement products to an applicant prior to provision of such products to

an applicant under the initiative. The department shall track and report to the individuals specified in this Act, any reduction in the provision of nicotine replacement products realized by the initiative through implementation of the prerequisite screening.

(2) (a) The department shall collaborate with the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances and to engage in tobacco control activities approved by the division of tobacco use prevention and control of the department of public health as specified in the memorandum of understanding entered into between the divisions.

(b) For the fiscal year beginning July 1, 2018, and ending June 30, 2019, the terms of the memorandum of understanding, entered into between the division of tobacco use prevention and control of the department of public health and the alcoholic beverages division of the department of commerce, governing compliance checks conducted to ensure licensed retail tobacco outlet conformity with tobacco laws, regulations, and ordinances relating to persons under 18 years of age, shall continue to restrict the number of such checks to one check per retail outlet, and one additional check for any retail outlet found to be in violation during the first check.

b. Of the funds appropriated in this subsection, ~~\$10,482,303~~ \$20,783,119 shall be used for problem gambling and substance-related disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, youth prevention, and program evaluation.

c. The requirement of section 123.17, subsection 5, is met by the appropriations and allocations made in this division of this Act for purposes of substance-related disorder treatment and addictive disorders for the fiscal year beginning July 1, 2018.

d. The department of public health, in collaboration with the department of human services, shall engage a stakeholder workgroup to review reimbursement provisions applicable to substance use disorder services providers. The issues considered by the workgroup shall include but are not limited to the adequacy of reimbursement provisions including for both outpatient and residential treatment, whether it is appropriate to rebase reimbursement, whether there is equity in reimbursement compared to the reimbursement methodologies used for providers of similar behavioral health services, and access to substance use disorder services providers including whether the designated number of community mental health centers in the state is sufficient. The workgroup shall review the reports of previous workgroups including those authorized in 2014 Iowa Acts, chapter 1140, section 3, subsection 1, and shall report the workgroup's findings and recommendations to the general assembly on or before December 15, 2018.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	2,662,816
.....		<u>5,820,625</u>
.....	FTEs	12.00
		<u>13.00</u>

a. Of the funds appropriated in this subsection, not more than ~~\$367,420~~ \$734,841 shall be used for the healthy opportunities for parents to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2018.

b. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation, it is the intent of the general assembly to phase in the funding priority in accordance with 2012 Iowa Acts, chapter 1133, section 2, subsection 2, paragraph "0b".

c. Of the funds appropriated in this subsection, ~~\$1,537,550~~ \$3,075,101 shall be used for continuation of the department's initiative to provide for adequate developmental surveillance and screening during a child's first five years. The funds shall be used first to fully fund the current sites to ensure that the sites are fully operational, with the remaining funds to be used for expansion to additional sites. The full implementation and expansion

shall include enhancing the scope of the initiative through collaboration with the child health specialty clinics to promote healthy child development through early identification and response to both biomedical and social determinants of healthy development; by monitoring child health metrics to inform practice, document long-term health impacts and savings, and provide for continuous improvement through training, education, and evaluation; and by providing for practitioner consultation particularly for children with behavioral conditions and needs. The department of public health shall also collaborate with the Iowa Medicaid enterprise and the child health specialty clinics to integrate the activities of the first five initiative into the establishment of patient-centered medical homes, community utilities, accountable care organizations, and other integrated care models developed to improve health quality and population health while reducing health care costs. To the maximum extent possible, funding allocated in this paragraph shall be utilized as matching funds for medical assistance program reimbursement.

d. Of the funds appropriated in this subsection, ~~\$32,320~~ \$64,640 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the lifeline network to provide dental services to indigent individuals who are elderly or with disabilities.

e. Of the funds appropriated in this subsection, ~~\$78,241~~ \$156,482 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this program.

f. Of the funds appropriated in this subsection, ~~\$11,500~~ \$23,000 is transferred to the university of Iowa college of dentistry for provision of primary dental services to children. State funds shall be matched on a dollar-for-dollar basis. The university of Iowa college of dentistry shall coordinate efforts with the department of public health, bureau of oral and health delivery systems, to provide dental care to underserved populations throughout the state.

g. Of the funds appropriated in this subsection, ~~\$25,000~~ \$50,000 shall be used to address youth suicide prevention.

h. Of the funds appropriated in this subsection, ~~\$20,255~~ \$40,511 shall be used to support the Iowa effort to address the survey of children who experience adverse childhood experiences known as ACEs.

i. The department of public health shall continue to administer the program to assist parents in this state with costs resulting from the death of a child in accordance with the provisions of 2014 Iowa Acts, chapter 1140, section 22, subsection 12.

j. Of the funds appropriated in this subsection, up to \$494,993 shall be used for childhood obesity prevention.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

.....	\$	2,085,375
		<u>4,528,109</u>
.....	FTEs	5.00
		<u>9.00</u>

a. Of the funds appropriated in this subsection, ~~\$76,877~~ \$153,755 shall be used for grants to individual patients who have an inherited metabolic disorder to assist with the costs of medically necessary foods and formula.

b. Of the funds appropriated in this subsection, ~~\$510,397~~ \$1,055,291 shall be used for the brain injury services program pursuant to section 135.22B, including for contracting with an existing nationally affiliated and statewide organization whose purpose is to educate, serve, and support Iowans with brain injury and their families for resource facilitator services in accordance with section 135.22B, subsection 9, and for contracting to enhance brain injury training and recruitment of service providers on a statewide basis. Of the amount allocated in this paragraph, ~~\$47,500~~ \$95,000 shall be used to fund one full-time equivalent position to serve as the state brain injury services program manager.

c. Of the funds appropriated in this subsection, ~~\$72,048~~ \$144,097 shall be used for the public purpose of continuing to contract with an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living

with epilepsy and their families. The amount allocated in this paragraph in excess of \$50,000 \$100,000 shall be matched dollar-for-dollar by the organization specified.

d. Of the funds appropriated in this subsection, ~~\$404,775~~ \$809,550 shall be used for child health specialty clinics.

e. Of the funds appropriated in this subsection, ~~\$192,276~~ \$384,552 shall be used by the regional autism assistance program established pursuant to section 256.35, and administered by the child health specialty clinic located at the university of Iowa hospitals and clinics. The funds shall be used to enhance interagency collaboration and coordination of educational, medical, and other human services for persons with autism, their families, and providers of services, including delivering regionalized services of care coordination, family navigation, and integration of services through the statewide system of regional child health specialty clinics and fulfilling other requirements as specified in chapter 225D. The university of Iowa shall not receive funds allocated under this paragraph for indirect costs associated with the regional autism assistance program.

f. Of the funds appropriated in this subsection, ~~\$288,687~~ \$577,375 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. Of the funds allocated in this paragraph "f", ~~\$75,000~~ \$150,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

g. Of the funds appropriated in this subsection, ~~\$48,766~~ \$97,532 shall be used for cervical and colon cancer screening, and ~~\$88,860~~ \$177,720 shall be used to enhance the capacity of the cervical cancer screening program to include provision of recommended prevention and early detection measures to a broader range of low-income women.

h. Of the funds appropriated in this subsection, ~~\$253,177~~ \$506,355 shall be used for the center for congenital and inherited disorders.

i. Of the funds appropriated in this subsection, ~~\$107,631~~ \$225,263 shall be used by the department of public health for reform-related activities, including but not limited to facilitation of communication to stakeholders at the state and local level, administering the patient-centered health advisory council pursuant to section 135.159, and involvement in health care system innovation activities occurring across the state.

j. Of the funds appropriated in this subsection, ~~\$11,050~~ \$322,100 shall be used for administration of chapter ~~124D~~ 124E, the medical cannabidiol Act.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	1,453,888
.....		<u>4,970,152</u>
.....	FTEs	13.00

a. Of the funds appropriated in this subsection, ~~\$47,787~~ \$95,575 is allocated for continuation of the child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas. The program shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "a". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on service provided; and the continuing needs of the program.

~~b. Of the funds appropriated in this subsection, \$52,828 is allocated for continuation of an initiative implemented at the university of Iowa to expand and improve the workforce engaged in mental health treatment and services. The initiative shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health and disability services commission to address the focus of the initiative.~~

~~c. Of the funds appropriated in this section, \$41,657 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.~~

~~d. Of the funds appropriated in this subsection, \$24,034 \$48,069 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological~~

association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.180.

e. Of the funds appropriated in this subsection, the following amounts are allocated to be used as follows to support the Iowa collaborative safety net provider network goals of increased access, health system integration, and engagement.

(1) Not less than ~~\$260,931~~ \$542,829 is allocated to the Iowa prescription drug corporation for continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108, and for the prescription drug donation repository program created in chapter 135M.

(2) Not less than ~~\$167,435~~ \$334,870 is allocated to free clinics and free clinics of Iowa for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in securing a medical home inclusive of oral health care.

(3) Not less than ~~\$12,500~~ \$25,000 is allocated to the Iowa association of rural health clinics for necessary infrastructure and service delivery transformation.

(4) Not less than ~~\$50,000~~ \$205,493 is allocated to the Polk county medical society for continuation of the safety net provider patient access to a specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109.

f. Of the funds appropriated in this subsection, ~~\$38,115~~ \$15,000 shall be used by the department in implementing the recommendations in the final report submitted by the direct care worker advisory council to the governor and the general assembly in March 2012, including by continuing to develop, promote, and make available on a statewide basis the prepare-to-care core curriculum and its associated modules and specialties through various formats including online access, community colleges, and other venues; exploring new and maintaining existing specialties including but not limited to oral health and dementia care; supporting instructor training; and assessing and making recommendations concerning the Iowa care book and information technology systems and infrastructure uses and needs.

g. Of the funds appropriated in this subsection, ~~\$95,594~~ \$176,188 shall be allocated for continuation of the contract with an independent statewide direct care worker organization previously selected through a request for proposals process. The contract shall continue to include performance and outcomes measures, and shall continue to allow the contractor to use a portion of the funds received under the contract to collect data to determine results based on the performance and outcomes measures.

h. Of the funds appropriated in this subsection, the department may use up to ~~\$29,087~~ \$58,175 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

i. Of the funds appropriated in this subsection, ~~\$48,069~~ \$96,138 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to continue to develop the criteria and implement the loan repayment program.

~~j. Of the funds appropriated in this subsection, \$26,455 is transferred to the college student aid commission for deposit in the rural Iowa primary care trust fund created in section 261.113 to be used for the purposes of the fund.~~

k. Of the funds appropriated in this subsection, ~~\$75,000~~ \$100,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

l. Of the funds appropriated in this subsection, ~~\$48,069~~ \$96,138 shall be used for continuation of a grant to a nationally affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, and community and patient service programs. The organization shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "l". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on services provided; and the continuing needs of the program.

m. Of the funds appropriated in this subsection, ~~\$436,327~~ \$2,000,000 shall be deposited in the medical residency training account created in section 135.175, subsection 5, paragraph

“a”, and is appropriated from the account to the department of public health to be used for the purposes of the medical residency training state matching grants program as specified in section 135.176.

n. Of the funds appropriated in this subsection, \$250,000 shall be used for the public purpose of providing funding to Des Moines university to establish a provider education project to provide primary care physicians with the training and skills necessary to recognize signs of mental illness in patients.

5. ESSENTIAL PUBLIC HEALTH SERVICES

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

.....	\$	4,098,939
		<u>7,662,464</u>

6. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

.....	\$	823,213
		<u>1,796,426</u>
.....	FTEs	4.00

7. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

.....	\$	2,097,569
		<u>4,095,139</u>
.....	FTEs	138.00
		<u>141.00</u>

a. Of the funds appropriated in this subsection, not more than ~~\$152,350~~ \$304,700 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, up to ~~\$121,630~~ \$243,260 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department’s sexual violence prevention program, and for continuation of a training program for sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel. The amount allocated in this paragraph “b” shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, up to ~~\$287,813~~ \$500,000 shall be used for the state poison control center. Pursuant to the directive under 2014 Iowa Acts, chapter 1140, section 102, the federal matching funds available to the state poison control center from the department of human services under the federal Children’s Health Insurance Program Reauthorization Act allotment shall be subject to the federal administrative cap rule of 10 percent applicable to funding provided under Tit. XXI of the federal Social Security Act and included within the department’s calculations of the cap.

d. Of the funds appropriated in this subsection, up to ~~\$258,491~~ \$504,796 shall be used for childhood lead poisoning provisions.

8. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

.....	\$	485,607
		<u>971,215</u>
.....	FTEs	4.00

Sec. 7. 2017 Iowa Acts, chapter 174, section 42, subsections 10 and 11, are amended by striking the subsections.

DIVISION IV
DEPARTMENT OF VETERANS AFFAIRS — FY 2018-2019

Sec. 8. 2017 Iowa Acts, chapter 174, section 43, is amended to read as follows:

SEC. 43. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

Table with 2 columns: Description and Amount. Row 1: \$ 571,278. Row 2: 1,150,500. Row 3: FTEs 15.00.

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

Table with 2 columns: Description and Amount. Row 1: \$ 3,614,070. Row 2: 7,162,976.

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses who are participating in the community reentry program.

d. The Iowa veterans home shall continue to include in the annual discharge report applicant information and to provide for the collection of demographic information including but not limited to the number of individuals applying for admission and admitted or denied admittance and the basis for the admission or denial; the age, gender, and race of such individuals; and the level of care for which such individuals applied for admission including residential or nursing level of care.

3. HOME OWNERSHIP ASSISTANCE PROGRAM

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54:

Table with 2 columns: Description and Amount. Row 1: \$ 1,000,000. Row 2: 2,000,000.

Sec. 9. 2017 Iowa Acts, chapter 174, section 44, is amended to read as follows:

SEC. 44. LIMITATION OF COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in section 35A.16 for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amount appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veteran affairs fund under section 35A.16:

Table with 2 columns: Description and Amount. Row 1: \$ 473,962. Row 2: 990,000.

DIVISION V
DEPARTMENT OF HUMAN SERVICES — FY 2018-2019

Sec. 10. 2017 Iowa Acts, chapter 174, section 45, is amended to read as follows:

SEC. 45. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 2,556,231
4,539,006

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

..... \$ 2,787,846
5,412,060

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 1,449,490
2,883,980

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2019, the moneys shall revert.

4. For field operations:

..... \$ 15,648,116
31,296,232

5. For general administration:

..... \$ 1,872,000
3,744,000

6. For state child care assistance:

..... \$ 23,933,413
47,166,826

a. Of the funds appropriated in this subsection, ~~\$13,164,048~~ \$26,205,412 is transferred to the child care and development block grant appropriation made by the Eighty-seventh General Assembly, 2018 session, for the federal fiscal year beginning October 1, 2018, and ending September 30, 2019. Of this amount, ~~\$100,000~~ \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Any funds appropriated in this subsection remaining unallocated shall be used for state child care assistance payments for families who are employed including but not limited to individuals enrolled in the family investment program.

7. For child and family services:

..... \$ 16,190,327
32,380,654

8. For child abuse prevention grants:

..... \$ 62,500
125,000

9. For pregnancy prevention grants on the condition that family planning services are funded:

..... \$ 965,033
1,913,203

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2018, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2018, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which

demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

10. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

.....	\$	518,593
		<u>1,037,186</u>

11. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2017 or 2018 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the temporary assistance for needy families block grant received by the state and not otherwise appropriated in this section and remaining available for the fiscal year beginning July 1, 2018, are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program, for state child care assistance program payments for families who are employed, and for the family investment program share of ~~system costs to develop and maintain a new, integrated~~ eligibility determination system and related functions. The federal funds appropriated in this paragraph “a” shall be expended only after all other funds appropriated in subsection 1 for assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 10 for technology costs related to the family investment program, as applicable, have been expended. For the purposes of this subsection, the funds appropriated in subsection 6, paragraph “a”, for transfer to the child care and development block grant appropriation are considered fully expended when the full amount has been transferred.

b. The department shall, on a quarterly basis, advise the legislative services agency and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

12. Of the amounts appropriated in this section, ~~\$6,481,004~~ \$12,962,008 for the fiscal year beginning July 1, 2018, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

13. For continuation of the program providing categorical eligibility for the food assistance program as specified for the program in the section of this division of this Act relating to the family investment program account:

.....	\$	12,500
		<u>14,236</u>

14. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the same fiscal year for the family investment program from the general fund of the state.

15. With the exception of moneys allocated under this section for the family development and self-sufficiency grant program, to the extent moneys allocated in this section are deemed by the department not to be necessary to support the purposes for which they are allocated, such moneys may be credited used in the same fiscal year for any other purpose for which funds are allocated in this section or in section 7¹ of this division for the family investment program account. If there are conflicting needs, priority shall first be given to the family investment program account as specified under subsection 1 of this section and used for the purposes of assistance under the family investment program under chapter 239B in the same fiscal year, followed by state child care assistance program payments for families who are employed, followed by other priorities as specified by the department.

Sec. 11. 2017 Iowa Acts, chapter 174, section 46, subsection 4, is amended to read as follows:

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2018, and ending June 30, 2019, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in FIP and other shared

¹ According to Act; a reference to section 46 probably intended

clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 10,000
5,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 3,096,417
6,192,834

(1) Of the funds allocated for the family development and self-sufficiency grant program in this paragraph “b”, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2018-2019.

(3) The department of human rights may engage in activities to strengthen and improve family outcomes measures and data collection systems under the family development and self-sufficiency grant program.

c. For the diversion subaccount of the FIP account:

..... \$ 407,500
749,694

A portion of the moneys allocated for the subaccount may be used for field operations, salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program. To the extent moneys allocated in this paragraph “c” are deemed by the department not to be necessary to support diversion activities, such moneys may be used for other efforts intended to increase engagement by family investment program participants in work, education, or training activities, or for the purposes of assistance under the family investment program in accordance with chapter 239B.

d. For the food assistance employment and training program:

..... \$ 33,294
66,588

(1) The department shall apply the federal supplemental nutrition assistance program (SNAP) employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50 percent federal reimbursement provisions for the claiming of allowable federal reimbursement funds from the United States department of agriculture pursuant to the federal SNAP employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall include as many food assistance households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program:

..... \$ 6,761,645
12,139,821

Sec. 12. 2017 Iowa Acts, chapter 174, section 46, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The department of human services shall convene a workgroup to review opportunities to increase state engagement in the supplemental nutrition assistance program (SNAP) employment and training program. The workgroup shall explore the feasibility of expansion of the current pilot program to a statewide basis, the potential involvement of community-based organizations to the extent allowed by federal law, and the leveraging of state and private funding to match available federal funds. The membership of the workgroup shall include representatives of the department of human

services, community colleges, community-based organizations serving SNAP recipients, philanthropic organizations, and other stakeholders with relevant interest or expertise as determined by the department. The workgroup shall submit a report of its findings and recommendations to the governor and the general assembly by December 15, 2018.

Sec. 13. 2017 Iowa Acts, chapter 174, section 47, unnumbered paragraph 2, is amended to read as follows:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

.....	\$	21,502,240
		<u>40,365,715</u>

Sec. 14. 2017 Iowa Acts, chapter 174, section 47, subsections 1, 2, 4, and 5, are amended to read as follows:

1. Of the funds appropriated in this section, ~~\$3,973,798~~ \$6,727,761 is allocated for the JOBS program.

2. Of the funds appropriated in this section, ~~\$1,656,927~~ \$3,313,854 is allocated for the family development and self-sufficiency grant program.

4. Of the funds appropriated in this section, ~~\$97,839~~ \$195,678 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

5. Of the funds appropriated in this section, ~~\$30,000~~ \$70,000 shall be used for the continuation of ~~an unfunded pilot project~~ the parenting program, as ~~defined specified~~ in 441 IAC ~~100.1~~ 100,² relating to parental obligations, in which the child support recovery unit participates, to support the efforts of a nonprofit organization committed to strengthening the community through youth development, healthy living, and social responsibility headquartered in a county with a population over 350,000 according to the latest certified federal census. The funds allocated in this subsection shall be used by the recipient organization to develop a larger community effort, through public and private partnerships, to support a broad-based multi-county ~~fatherhood~~ parenthood initiative that promotes payment of child support obligations, improved family relationships, and full-time employment.

Sec. 15. 2017 Iowa Acts, chapter 174, section 48, unnumbered paragraph 2, is amended to read as follows:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,293,317
		<u>14,586,635</u>
.....	FTEs	459.00

Sec. 16. 2017 Iowa Acts, chapter 174, section 48, subsection 1, is amended to read as follows:

1. The department shall expend up to ~~\$12,164~~ \$24,329, including federal financial participation, for the fiscal year beginning July 1, 2018, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

Sec. 17. 2017 Iowa Acts, chapter 174, section 48, subsection 4, is amended by striking the subsection.

² According to Act; a reference to 441 IAC ch. 100 probably intended

Sec. 18. 2017 Iowa Acts, chapter 174, section 51, unnumbered paragraph 2, is amended to read as follows:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2018, except as otherwise expressly authorized by law, consistent with options under federal law and regulations, and contingent upon receipt of approval from the office of the governor of reimbursement for each abortion performed under the program:

..... \$ 642,202,870
1,337,841,375

Sec. 19. 2017 Iowa Acts, chapter 174, section 51, subsections 3, 4, 5, 6, 7, 8, 14, 17, 18, and 19, are amended to read as follows:

3. The department shall utilize not more than ~~\$30,000~~ \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than ~~\$2,500~~ \$5,000 may be expended for administrative purposes.

4. Of the funds appropriated in this Act to the department of public health for addictive disorders, ~~\$475,000~~ \$950,000 for the fiscal year beginning July 1, 2018, is transferred to the department of human services for an integrated substance-related disorder managed care system. The departments of human services and public health shall work together to maintain the level of mental health and substance-related disorder treatment services provided by the managed care contractors. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

5. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, ~~\$50,000~~ \$100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

6. Of the funds appropriated in this section, up to ~~\$1,525,041~~ \$3,050,082 may be transferred to the field operations or general administration appropriations in this division of this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

7. Of the funds appropriated in this section, up to ~~\$221,050~~ \$442,100 may be transferred to the appropriation in this division of this Act for medical contracts to be used for clinical assessment services and prior authorization of services.

8. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300, and to support other reviews and quality control activities to improve the integrity of these programs.

14. Of the funds appropriated in this section, ~~\$174,505~~ \$349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

17. a. Of the funds appropriated in this section, up to ~~\$25,000~~ \$50,000 may be transferred by the department to the appropriation made in this division of this Act to the department for the same fiscal year for general administration to be used for associated administrative expenses and for not more than one full-time equivalent position, in addition to those authorized for the same fiscal year, to be assigned to implementing the children's mental health home project.

b. Of the funds appropriated in this section, up to ~~\$200,000~~ \$400,000 may be transferred by the department to the appropriation made to the department in this division of this Act for the same fiscal year for Medicaid program-related general administration planning and implementation activities. The funds may be used for contracts or for personnel in addition to the amounts appropriated for and the positions authorized for general administration for the fiscal year.

c. Of the funds appropriated in this section, up to ~~\$1,500,000~~ \$3,000,000 may be transferred by the department to the appropriations made in this division of this Act for the same fiscal year for general administration or medical contracts to be used to support the development and implementation of standardized assessment tools for persons with mental illness, an intellectual disability, a developmental disability, or a brain injury.

18. Of the funds appropriated in this section, ~~\$75,000~~ \$150,000 shall be used for lodging expenses associated with care provided at the university of Iowa hospitals and clinics for patients with cancer whose travel distance is 30 miles or more and whose income is at or below 200 percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. The department of human services shall establish the maximum number of overnight stays and the maximum rate reimbursed for overnight lodging, which may be based on the state employee rate established by the department of administrative services. The funds allocated in this subsection shall not be used as nonfederal share matching funds.

19. Of the funds appropriated in this section, up to ~~\$1,691,940~~ \$3,383,880 shall be used for administration of the state family planning services program as enacted in this 2017 Act, and of this amount the department may use ~~to up to \$100,000~~ up to \$200,000 for administrative expenses.

Sec. 20. 2017 Iowa Acts, chapter 174, section 51, is amended by adding the following new subsections:

NEW SUBSECTION. 22. Of the funds appropriated in this section, \$195,000 shall be used by the department of human services through a request for proposals process to establish a partnership between the university of Iowa hospitals and clinics and a durable medical equipment provider and manufacturer to provide new, refurbished, or repaired durable medical equipment to Medicaid members in the state. Such durable medical equipment provider and manufacturer shall be authorized as a Medicaid provider in the state on or after April 1, 2018, and shall have the capability to provide assessments for customized wheelchairs, manufacture bathing aid equipment and mobility bathing aids, offer in-home care, and sell durable medical equipment at cost in Iowa and online.

NEW SUBSECTION. 23. The department of human services shall expand Medicaid coverage to provide care for young adults with complex medical conditions in a special population nursing facility as specified by rule of the department pursuant to this subsection. The department shall adopt rules pursuant to chapter 17A to expand the criteria for a special population nursing facility under the Medicaid program to include a nursing facility that serves residents, 100 percent of whom are aged 30 and under and require the skilled level of care, and to include a nursing facility that serves residents, 100 percent of whom require care from a facility licensed by the department of inspections and appeals as an intermediate care facility for persons with medical complexity as defined by rule of the department.

* Item veto; see message at end of the Act

NEW SUBSECTION. 24. Consistent with the informational bulletin published May 9, 2017, by the centers for Medicare and Medicaid services of the United States department of health and human services, in implementing the regulation that finalized criteria for home and community-based settings appropriate for provision of home and community-based services, the department of human services shall continue progress with the statewide transition plan to be approved by March 17, 2019, but shall extend the transition period to demonstrate compliance with the home and community-based settings criteria until March 17, 2022, for those settings to which a transition period applies.

NEW SUBSECTION. 25. The department of human services shall utilize \$3,000,000 of the funds appropriated under this section to adjust current supported community living provider daily rate cells under the tiered rate reimbursement methodology effective with dates of service beginning July 1, 2018. The department shall work with the Medicaid program actuary to evaluate the current tiered rates and the tiered rates phase-in plan to determine the necessary apportionment of such funds. In addition, the department, working with the Medicaid program actuary, shall review the current tiered rates and the tiered rates phase-in plan and shall propose recommendations for any changes. The department shall convene the tiered rate provider workgroup initially convened in the fiscal year beginning July 1, 2016, to review the actuarial findings and recommendations. The tiered rates may be adjusted based upon the actuarial findings and recommendations if such adjustments are budget neutral. A report of the actuarial findings, recommendations, and comments provided by the tiered rate provider workgroup shall be submitted to the governor and the general assembly by December 15, 2018. If additional funding is appropriated to implement the recommendations, the additional funding shall be incorporated into the managed care organization capitation rate setting process for the fiscal year beginning July 1, 2019.

NEW SUBSECTION. 26. The department of human services shall review all current Medicaid fee schedules and shall submit a report to the governor and the general assembly by January 15, 2019, regarding how the current rates compare to the equivalent Medicare fee schedules or other appropriate reimbursement methodologies for specific services and including a plan for phased-in implementation of any changes.

NEW SUBSECTION. 27. Of the funds appropriated in this section, \$1,545,530 shall be used and may be transferred to other appropriations in this division of this Act as necessary to administer the provisions in the division of this Act relating to Medicaid program administration.

NEW SUBSECTION. 28. Of the funds appropriated in this section, \$876,015 shall be used and may be transferred to other appropriations in this division of this Act as necessary to administer the provisions of 2018 Iowa Acts, House File 2456, as enacted.

Sec. 21. 2017 Iowa Acts, chapter 174, section 52, is amended to read as follows:

SEC. 52. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 8,813,232
16,603,198

1. The department of inspections and appeals shall provide all state matching funds for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching funds for such activities.

2. Of the funds appropriated in this section, ~~\$25,000~~ \$50,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to ~~\$100,000~~ \$200,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development

of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

4. Of the funds appropriated in this section, ~~\$500,000~~ \$1,000,000 shall be used for planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children.

5. Of the funds appropriated in this section, ~~\$475,000~~ \$573,000 shall be credited to the autism support program fund created in section 225D.2 to be used for the autism support program created in chapter 225D, with the exception of the following amounts of this allocation which shall be used as follows:

a. ~~Of the funds allocated in this subsection, \$125,000 shall be deposited in the board-certified behavior analyst and board-certified assistant behavior analyst grants program fund created in section 135.181, to be used for the purposes of the fund.~~

b. Of the funds allocated in this subsection, ~~\$12,500~~ \$25,000 shall be used for the public purpose of continuation of a grant to a nonprofit provider of child welfare services provider headquartered that has been in existence for more than 115 years, is located in a county with a population between 205,000 200,000 and 215,000 in 220,000 according to the latest certified federal census ~~that provides multiple services including but not limited to, is licensed as a psychiatric medical institution for children, shelter, residential treatment, after school programs, and provides school-based programming, and an Asperger's syndrome program,~~ to be used for support services for children with autism spectrum disorder and their families.

c. ~~Of the funds allocated in this subsection, \$12,500 shall be used for the public purpose of continuing a grant to a hospital-based provider headquartered in a county with a population between 90,000 and 95,000 in the latest certified federal census that provides multiple services including but not limited to diagnostic, therapeutic, and behavioral services to individuals with autism spectrum disorder across one's lifespan. The grant recipient shall utilize the funds to continue the pilot project to determine the necessary support services for children with autism spectrum disorder and their families to be included in the children's disabilities services system. The grant recipient shall submit findings and recommendations based upon the results of the pilot project to the individuals specified in this division of this Act for submission of reports by December 31, 2018.~~

Sec. 22. 2017 Iowa Acts, chapter 174, section 53, unnumbered paragraph 2, is amended to read as follows:

For the state supplementary assistance program:
..... \$ 5,186,329
10,250,873

Sec. 23. 2017 Iowa Acts, chapter 174, section 53, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 24. 2017 Iowa Acts, chapter 174, section 54, is amended to read as follows:

SEC. 54. CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children's health insurance program:

..... \$ 4,259,226
7,064,057

2. Of the funds appropriated in this section, ~~\$21,400~~ \$42,800 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 25. 2017 Iowa Acts, chapter 174, section 55, unnumbered paragraph 2, is amended to read as follows:

For child care programs:

.....	\$	<u>19,671,808</u>
		<u>40,816,931</u>

Sec. 26. 2017 Iowa Acts, chapter 174, section 55, subsections 1 and 4, are amended to read as follows:

1. Of the funds appropriated in this section, ~~\$16,746,808~~ \$34,966,931 shall be used for state child care assistance in accordance with section 237A.13.

4. Of the funds appropriated in this section, ~~\$2,925,000~~ \$5,850,000 shall be credited to the early childhood programs grants account in the early childhood Iowa fund created in section 256I.11. The moneys shall be distributed for funding of community-based early childhood programs targeted to children from birth through five years of age developed by early childhood Iowa areas in accordance with approved community plans as provided in section 256I.8.

Sec. 27. 2017 Iowa Acts, chapter 174, section 56, is amended to read as follows:

SEC. 56. JUVENILE INSTITUTION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>5,675,221</u>
		<u>12,762,443</u>
.....	FTEs	189.00

Of the funds appropriated in this subsection, ~~\$45,575~~ \$91,150 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

2. A portion of the moneys appropriated in this section shall be used by the state training school at Eldora for grants for adolescent pregnancy prevention activities at the institution in the fiscal year beginning July 1, 2018.

3. Of the funds appropriated in this subsection, \$212,000 shall be used by the state training school at Eldora for a substance use disorder treatment program at the institution in the fiscal year beginning July 1, 2018.

Sec. 28. 2017 Iowa Acts, chapter 174, section 57, is amended to read as follows:

SEC. 57. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	<u>43,639,687</u>
		<u>84,939,774</u>

2. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

3. a. Of the funds appropriated in this section, up to ~~\$17,868,324~~ \$34,536,648 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less

than the target amount allocated in this paragraph “a”, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2018, annualization of a service area’s current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

4. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2018-2019. Of the funds appropriated in this section, ~~\$858,876~~ \$1,717,753 is allocated specifically for expenditure for fiscal year 2018-2019 through the decategorization services funding pools and governance boards established pursuant to section 232.188.

5. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

6. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to ~~\$4,048,079~~ \$8,096,158.

7. Federal funds received by the state during the fiscal year beginning July 1, 2018, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

8. a. Of the funds appropriated in this section, up to ~~\$1,645,000~~ \$3,290,000 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this paragraph “a”, up to ~~\$778,143~~ \$1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than ~~\$7,500~~ \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to ~~\$374,492~~ \$748,985 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department’s service areas as determined by the administrator of the department of human services’ division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2018.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers

and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than ~~\$41,500~~ \$83,000 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, ~~\$8,500~~ \$17,000 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

9. Of the funds appropriated in this section, ~~\$6,126,613~~ \$12,253,227 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn a federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

10. Of the funds appropriated in this section, ~~\$829,142~~ \$1,658,285 is transferred to the department of public health to be used for the child protection center grant program for child protection centers located in Iowa in accordance with section 135.118. The grant amounts under the program shall be equalized so that each center receives a uniform base amount of ~~\$122,500~~ \$245,000, so that ~~\$25,000~~ \$50,000 is awarded to establish a satellite child protection center in a city in north central Iowa that is the county seat of a county with a population between 44,000 and 45,000 according to the 2010 federal decennial census, and so that the remaining funds are awarded through a funding formula based upon the volume of children served.

11. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program through 25 years of age, children who participate in the waiver shall be considered to be placed in foster care.

12. Of the funds appropriated in this section, ~~\$2,012,583~~ \$4,025,167 is allocated for the preparation for adult living program pursuant to section 234.46.

13. Of the funds appropriated in this section, ~~\$113,668~~ \$227,337 shall be used for the public purpose of continuing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

14. Of the funds appropriated in this section, ~~\$150,310~~ \$300,620 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

15. Of the funds appropriated in this section, ~~\$101,000~~ \$202,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

16. Of the funds appropriated in this section, ~~\$315,120~~ \$630,240 is allocated for the community partnership for child protection sites.

17. Of the funds appropriated in this section, ~~\$185,625~~ \$371,250 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

18. Of the funds appropriated in this section, ~~\$568,297~~ \$851,595 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

19. Of the funds appropriated in this section, at least ~~\$73,579~~ \$147,158 shall be used for the continuation of the child welfare provider training academy, a collaboration between the coalition for family and children's services in Iowa and the department.

20. Of the funds appropriated in this section, ~~\$105,936~~ \$211,872 shall be used for continuation of the central Iowa system of care program grant through June 30, 2019.

21. Of the funds appropriated in this section, ~~\$117,500~~ \$235,000 shall be used for the public purpose of the continuation and expansion of a system of care program grant implemented

in Cerro Gordo and Linn counties to utilize a comprehensive and long-term approach for helping children and families by addressing the key areas in a child’s life of childhood basic needs, education and work, family, and community.

22. Of the funds appropriated in this section, at least ~~\$12,500~~ \$25,000 shall be used to continue and to expand the foster care respite pilot program in which postsecondary students in social work and other human services-related programs receive experience by assisting family foster care providers with respite and other support.

23. Of the funds appropriated in this section, ~~\$55,000~~ \$110,000 shall be used for the public purpose of funding community-based services and other supports with a system of care approach for children with a serious emotional disturbance and their families through a nonprofit provider of child welfare services that has been in existence for more than 115 years, is located in a county with a population of more than 200,000 but less than 220,000 according to the latest certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2018.

Sec. 29. 2017 Iowa Acts, chapter 174, section 58, subsection 1, paragraph a, is amended to read as follows:

a. For adoption subsidy payments and services:

.....	\$	20,388,955
		<u>40,445,137</u>

Sec. 30. 2017 Iowa Acts, chapter 174, section 60, is amended to read as follows:

SEC. 60. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

.....	\$	534,641
		<u>949,282</u>

2. At least ~~\$393,750~~ \$787,500 of the moneys appropriated in this section is transferred to the department of public health for the family support center component of the comprehensive family support program under chapter 225C, subchapter V.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 31. 2017 Iowa Acts, chapter 174, section 61, is amended to read as follows:

SEC. 61. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

.....	\$	16,816
		<u>33,632</u>

Sec. 32. 2017 Iowa Acts, chapter 174, section 62, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For operation of the state mental health institute at Cherokee as required by chapters 218 and 226 for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,935,127
		<u>13,870,254</u>
.....	FTEs	162.00

b. For operation of the state mental health institute at Independence as required by chapters 218 and 226 for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	8,756,810
		<u>17,513,621</u>
.....	FTEs	204.00

Sec. 33. 2017 Iowa Acts, chapter 174, section 63, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	8,943,890
		<u>16,858,523</u>

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	6,038,517
		<u>11,386,679</u>

Sec. 34. 2017 Iowa Acts, chapter 174, section 64, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,732,373
		<u>10,864,747</u>
.....	FTEs	112.00
		<u>132.00</u>

Sec. 35. 2017 Iowa Acts, chapter 174, section 65, is amended to read as follows:

SEC. 65. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	24,242,217
		<u>49,074,517</u>
.....	FTEs	1,583.00
		<u>1,539.00</u>

Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Sec. 36. 2017 Iowa Acts, chapter 174, section 66, is amended to read as follows:

SEC. 66. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,016,520
		<u>13,833,040</u>
.....	FTEs	294.00

2. Of the funds appropriated in this section, ~~\$75,000~~ \$150,000 shall be used to continue the contract for the provision of a program to provide technical assistance, support, and consultation to providers of habilitation services and home and community-based services waiver services for adults with disabilities under the medical assistance program.

3. Of the funds appropriated in this section, ~~\$25,000~~ \$50,000 is transferred to the Iowa finance authority to be used for administrative support of the council on homelessness established in section 16.2D and for the council to fulfill its duties in addressing and reducing homelessness in the state.

4. Of the funds appropriated in this section, ~~\$100,000~~ \$200,000 shall be transferred to and deposited in the administrative fund of the Iowa ABLE savings plan trust created in section 12I.4, to be used for implementation and administration activities of the Iowa ABLE savings plan trust.

5. Of the funds appropriated in this section, ~~\$100,000~~ \$200,000 is transferred to the economic development authority for the Iowa commission on volunteer services to continue to be used for RefugeeRISE AmeriCorps program established under section 15H.8 for member recruitment and training to improve the economic well-being and health of economically disadvantaged refugees in local communities across Iowa. Funds transferred may be used to supplement federal funds under federal regulations.

7. Of the funds appropriated in this section, \$300,000 shall be used to contract for children’s well-being collaboratives grants for the development and implementation of children’s well-being collaboratives to establish and coordinate prevention and early intervention services to promote improved mental health and well-being for children and families, as enacted in 2017 Iowa Acts, chapter 174, section 88.

8. The department of human services shall submit the strategic plan to create and implement a children’s mental health system submitted to the governor by the children’s system state board established by Executive Order Number Two³ issued April 23, 2018, to the general assembly by November 15, 2018.

Sec. 37. 2017 Iowa Acts, chapter 174, section 67, is amended to read as follows:

SEC. 67. DEPARTMENT-WIDE DUTIES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes at facilities under the purview of the department of human services:

.....	\$	1,439,637
		<u>2,879,274</u>

Sec. 38. 2017 Iowa Acts, chapter 174, section 68, is amended to read as follows:

SEC. 68. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

.....	\$	42,343
		<u>84,686</u>

³ Published in IAB XL, No. 23 (5/9/18) p. 2899

Sec. 39. 2017 Iowa Acts, chapter 174, section 70, subsection 1, paragraph f, subparagraph (1), is amended to read as follows:

(1) For the fiscal year beginning July 1, 2018, reimbursement rates for home health agencies shall continue to be based on the Medicare low utilization payment adjustment (LUPA) methodology with state geographic wage adjustments and shall be adjusted to increase the rates to the extent possible within the \$1,000,000 of state funding appropriated for this purpose. The department shall continue to update the rates every two years to reflect the most recent Medicare LUPA rates to the extent possible within the state funding appropriated for this purpose.

Sec. 40. 2017 Iowa Acts, chapter 174, section 70, subsection 1, paragraphs j and k, are amended to read as follows:

j. For the fiscal year beginning July 1, 2018, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2018, except for area education agencies, local education agencies, infant and toddler services providers, home and community-based services providers including consumer-directed attendant care providers under a section 1915(c) or 1915(i) waiver, targeted case management providers, and those providers whose rates are required to be determined pursuant to section 249A.20, or to meet federal mental health parity requirements.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2018, the reimbursement rate for anesthesiologists shall be adjusted to implement the cost containment strategies authorized for the medical assistance program in this 2017 Act remain at the rate in effect on June 30, 2018, and updated on January 1, 2019, to align with the most current Iowa Medicare anesthesia base rate.

Sec. 41. 2017 Iowa Acts, chapter 174, section 70, subsection 7, is amended to read as follows:

7. a. For the purposes of this subsection, “combined reimbursement rate” means the combined service and maintenance reimbursement rate for a service level under the department’s reimbursement methodology. ~~Effective July 1, 2018, the combined reimbursement rate for a group foster care service level shall be the amount designated in this subsection. However, if a group foster care provider’s reimbursement rate for a service level as of June 30, 2018, is more than the rate designated in this subsection, the provider’s reimbursement shall remain at the higher rate.~~

b. ~~Unless a group foster care provider is subject to the exception provided in paragraph “a”, effective July 1, 2018, the combined reimbursement rates for the service levels under the department’s reimbursement methodology shall be as follows:~~

~~(1) For service level, community - D1, the daily rate shall be at least \$84.17.~~

~~(2) For service level, comprehensive - D2, the daily rate shall be at least \$119.09.~~

~~(3) For service level, enhanced - D3, the daily rate shall be at least \$131.09 established by contract.~~

Sec. 42. 2017 Iowa Acts, chapter 174, section 70, subsection 11, is amended to read as follows:

11. a. ~~For the fiscal year beginning July 1, 2018, Effective July 1, 2018, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2018. Effective January 1, 2019, for child care providers reimbursed under the state child care assistance program, the department shall set utilize \$3,000,000 of the amount appropriated for child care assistance under this division to increase provider reimbursement rates based on the rate reimbursement survey completed in December 2004 2014. Effective July 1, 2018, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2018. The department shall increase the lowest rate that is furthest from the fiftieth percentile to a rate consistent with the relative percentage of the second lowest rate as compared to the fiftieth percentile. As funds remain available, the department shall increase the subsequent lowest rates in a similar manner until the \$3,000,000 is projected to be fully expended in the fiscal year. The department shall set rates in a manner so as to provide~~

incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

b. Effective January 1, 2019, for infant and toddler child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates at the seventy-fifth percentile of the rate reimbursement survey completed in December 2014, within the expected increase for the federal child care and development block grant expenditure requirement for infant and toddler quality improvement, subject to quality rating system criteria developed pursuant to section 237A.30. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

Sec. 43. 2017 Iowa Acts, chapter 174, section 70, subsection 13, is amended by striking the subsection.

Sec. 44. REPEAL. 2017 Iowa Acts, chapter 174, section 69, is repealed.

DIVISION VI
HEALTH CARE ACCOUNTS AND FUNDS — FY 2018-2019

Sec. 45. 2017 Iowa Acts, chapter 174, section 75, is amended to read as follows:

SEC. 75. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for medical contracts under the medical assistance program for the fiscal year beginning July 1, 2018, and ending June 30, 2019:

.....	\$	400,000
		<u>1,446,266</u>

Sec. 46. 2017 Iowa Acts, chapter 174, section 76, is amended to read as follows:

SEC. 76. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:

.....	\$	18,352,604
		<u>36,705,208</u>

Sec. 47. 2017 Iowa Acts, chapter 174, section 77, is amended to read as follows:

SEC. 77. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:

.....	\$	16,960,277
		<u>33,920,554</u>

DIVISION VII
 PRIOR YEAR APPROPRIATIONS AND OTHER PROVISIONS

FEDERAL FUNDING

Sec. 48. 2017 Iowa Acts, chapter 165, section 13, subsection 3, paragraphs b and e, are amended to read as follows:

b. Child and family services:

(1) FFY 2017-2018:

.....	\$	7,672,390
		<u>8,022,390</u>

(2) FFY 2018-2019:

.....	\$	7,672,390
		<u>8,272,390</u>

e. For distribution to counties for state case services provided for persons with mental illness, intellectual disability, or a developmental disability in accordance with section 331.440, Code 2013, or in accordance with a dispute resolution process implemented in accordance with section 331.394, subsections 5 or 6:

(1) FFY 2017-2018:

.....	\$	600,000
		<u>250,000</u>

(2) FFY 2018-2019:

.....	\$	600,000
		<u>0</u>

Moneys appropriated in this lettered paragraph “e” that remain unencumbered or unallocated at the close of a federal fiscal year shall not revert but shall be retained by the department and used to supplement amounts otherwise appropriated for child and family services under paragraph “b”.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

Sec. 49. 2017 Iowa Acts, chapter 174, section 6, is amended to read as follows:

SEC. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2017, and ending June 30, 2018, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

.....	\$	5,112,462
		<u>4,539,006</u>

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

.....	\$	5,575,693
		<u>5,412,060</u>

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

.....	\$	2,898,980
		<u>2,883,980</u>

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2018, the moneys shall revert.

4. For field operations:

.....	\$	31,296,232
5. For general administration:		
.....	\$	3,744,000
6. For state child care assistance:		
.....	\$	47,866,826

53,603,561

a. Of the funds appropriated in this subsection, ~~\$26,328,097~~ \$26,205,412 is transferred to the child care and development block grant appropriation made by the Eighty-seventh General Assembly, 2017 session, for the federal fiscal year beginning October 1, 2017, and ending September 30, 2018. Of this amount, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Any funds appropriated in this subsection remaining unallocated shall be used for state child care assistance payments for families who are employed including but not limited to individuals enrolled in the family investment program.

7. For child and family services:	\$	32,380,654
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8. For child abuse prevention grants:	\$	125,000
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9. For pregnancy prevention grants on the condition that family planning services are funded:

.....	\$	1,930,067
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1,913,203

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2017, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2017, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

10. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

.....	\$	1,037,186
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294,155

11. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2016 or 2017 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the temporary assistance for needy families block grant received by the state and not otherwise appropriated in this section and remaining available for the fiscal year beginning July 1, 2017, are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program, for state child care assistance program payments for families who are employed, and for the family investment program share of costs to develop and maintain a new, integrated eligibility determination system. The federal funds appropriated in this paragraph “a” shall be expended only after all other funds appropriated in subsection 1 for assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 10 for technology costs related to the family investment program, as applicable, have been expended. For the purposes of this subsection, the funds appropriated in subsection 6, paragraph “a”, for transfer to the child care and development block grant appropriation are considered fully expended when the full amount has been transferred.

b. The department shall, on a quarterly basis, advise the legislative services agency and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

12. Of the amounts appropriated in this section, \$12,962,008 for the fiscal year beginning July 1, 2017, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

13. For continuation of the program providing categorical eligibility for the food assistance program as specified for the program in the section of this division of this Act relating to the family investment program account:

.....	\$	25,000
		14,236

14. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the same fiscal year for the family investment program from the general fund of the state.

15. With the exception of moneys allocated under this section for the family development and self-sufficiency grant program, to the extent moneys allocated in this section are deemed by the department not to be necessary to support the purposes for which they are allocated, such moneys may be credited used in the same fiscal year for any other purpose for which funds are allocated in this section or in section 7 of this division for the family investment program account. If there are competing needs, priority shall first be given to the family investment program account as specified under subsection 1 of this section and used for the purposes of assistance under the family investment program in accordance with chapter 239B in the same fiscal year, followed by state child care assistance program payments for families who are employed, followed by other priorities as specified by the department.

MEDICAID TRANSFERS TO SUPPORT REVIEWS AND QUALITY CONTROL ACTIVITIES

Sec. 50. 2017 Iowa Acts, chapter 174, section 12, subsection 8, is amended to read as follows:

8. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the children’s health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children’s health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300, and to support other reviews and quality control activities to improve the integrity of these programs.

STATE SUPPLEMENTARY ASSISTANCE

Sec. 51. 2017 Iowa Acts, chapter 174, section 14, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

JUVENILE INSTITUTION

Sec. 52. 2017 Iowa Acts, chapter 174, section 17, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

MENTAL HEALTH INSTITUTES

Sec. 53. 2017 Iowa Acts, chapter 174, section 23, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

STATE RESOURCE CENTERS

Sec. 54. 2017 Iowa Acts, chapter 174, section 24, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding section 8.33, and notwithstanding the amount limitation specified in section 222.92, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

SEXUALLY VIOLENT PREDATORS

Sec. 55. 2017 Iowa Acts, chapter 174, section 25, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 56. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 57. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2017.

DIVISION VIII
DECATEGORIZATION

Sec. 58. DECATEGORIZATION CARRYOVER FUNDING — TRANSFER TO MEDICAID PROGRAM. Notwithstanding section 232.188, subsection 5, paragraph “b”, any state appropriated moneys in the funding pool that remained unencumbered or unobligated at the close of the fiscal year beginning July 1, 2015, and were deemed carryover funding to remain available for the two succeeding fiscal years that still remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2017, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2018.

Sec. 59. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 60. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2017.

DIVISION IX
STATE CASES

Sec. 61. Section 218.99, Code 2018, is amended to read as follows:

218.99 Counties to be notified of patients’ personal accounts.

The administrator in control of a state institution shall direct the business manager of each institution under the administrator’s jurisdiction which is mentioned in section 331.424, subsection 1, paragraph “a”, subparagraphs (1) and (2), and for which services are paid

under section 331.424A, to quarterly inform the county of residence of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the county of residence at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no residency in this state or the person's residency is unknown ~~so that the person is deemed to be a state case~~, notice shall be made to the director of human services and the administrator in control of the institution involved.

Sec. 62. Section 222.60, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. The state when the person is a resident in another state or in a foreign country, or when the person's residence is unknown. ~~The payment responsibility shall be deemed to be a state case.~~

Sec. 63. Section 222.60, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. The cost of a regional administrator-required diagnosis and an evaluation is at the mental health and disability services region's expense. ~~For a state case~~ When a person is a resident in another state or in a foreign country, or when the persons' residence is unknown, the state may apply the diagnosis and evaluation provisions of this subsection at the state's expense.

Sec. 64. Section 222.65, subsection 1, Code 2018, is amended to read as follows:

1. If the administrator concurs with a certified determination as to residency of the person ~~so that the person is deemed a state case~~ in another state or in a foreign country, or the person's residence is unknown under section 222.60, the administrator shall cause the person either to be transferred to a resource center or a special unit or to be transferred to the place of foreign residency.

Sec. 65. Section 222.66, Code 2018, is amended to read as follows:

222.66 Transfers — state cases no residency in the state or residency unknown — expenses.

1. The transfer to a resource center or a special unit or to the place of residency of a person with an intellectual disability who has no residence in this state or whose residency is unknown, shall be made in accordance with such directions as shall be prescribed by the administrator and when practicable by employees of the state resource center or the special unit. The actual and necessary expenses of such transfers shall be paid by the department on itemized vouchers sworn to by the claimants and approved by the administrator and the approved amount is appropriated to the department from any funds in the state treasury not otherwise appropriated.

2. ~~The case of a person with an intellectual disability who is determined to have no residence in this state or whose residence is unknown shall be considered a state case.~~

Sec. 66. Section 222.67, Code 2018, is amended to read as follows:

222.67 Charge on finding of residency.

If a person has been received into a resource center or a special unit as a patient whose residency is unknown and the administrator determines that the residency of the patient was at the time of admission in a county of this state, the administrator shall certify the determination and charge all legal costs and expenses pertaining to the admission and support of the patient to the county of residence. The certification shall be sent to the county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. If the person's residency status has been determined in accordance with section 331.394, the legal costs and expenses shall be charged to the county ~~or as a state case~~ in accordance with that determination. The costs and expenses shall be collected as provided by law in other cases.

Sec. 67. Section 222.70, Code 2018, is amended to read as follows:

222.70 Residency disputes.

If a dispute arises between counties or between the department and a county as to the residency of a person admitted to a resource center, or a special unit, or a community-based service, the dispute shall be resolved as provided in section 331.394.

Sec. 68. Section 226.45, Code 2018, is amended to read as follows:

226.45 Reimbursement to county or state.

If a patient is not receiving medical assistance under chapter 249A and the amount to in the account of any patient in the patients' personal deposit fund exceeds two hundred dollars, the business manager of the hospital may apply any of the excess to reimburse the county of residence or the state for a state case when the patient is a resident in another state or in a foreign country, or when the patient's residence is unknown for liability incurred by the county or the state for the payment of care, support and maintenance of the patient, when billed by the county of residence or by the administrator for a state case when the patient is a resident in another state or in a foreign country, or when the patient's residence is unknown.

Sec. 69. Section 230.1, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. By the state ~~as a state case~~ if such person has no residence in this state, if the person's residence is unknown, or if the person is under eighteen years of age.

Sec. 70. Section 230.2, Code 2018, is amended to read as follows:

230.2 Finding of residence.

If a person's residency status is disputed, the residency shall be determined in accordance with section 331.394. Otherwise, the district court may, when the person is ordered placed in a hospital for psychiatric examination and appropriate treatment, or as soon thereafter as the court obtains the proper information, make one of the following determinations and enter of record whether the residence of the person is in a county or the person is ~~deemed to be a state case~~ a resident in another state or in a foreign country, or when the person's residence is unknown, as follows:

1. That the person's residence is in the county from which the person was placed in the hospital.
2. That the person's residence is in another county of the state.
3. That the person's residence is in a foreign state or country ~~and the person is deemed to be a state case.~~
4. That the person's residence is unknown ~~and the person is deemed to be a state case.~~

Sec. 71. Section 230.8, Code 2018, is amended to read as follows:

230.8 Transfers of persons with mental illness — expenses.

The transfer to any state hospitals or to the places of their residence of persons with mental illness who have no residence in this state or whose residence is unknown ~~and deemed to be a state case~~, shall be made according to the directions of the administrator, and when practicable by employees of the state hospitals. The actual and necessary expenses of such transfers shall be paid by the department on itemized vouchers sworn to by the claimants and approved by the administrator.

Sec. 72. Section 230.9, Code 2018, is amended to read as follows:

230.9 Subsequent discovery of residence.

If, after a person has been received by a state hospital for persons with mental illness ~~as a state case patient~~ whose residence is supposed to be outside this state, the administrator determines that the residence of the person was, at the time of admission or commitment, in a county of this state, the administrator shall certify the determination and charge all legal costs and expenses pertaining to the admission or commitment and support of the person to the county of residence. The certification shall be sent to the county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The costs and expenses shall be collected as provided by law in other cases. If the person's residency status has been determined in accordance with section 331.394, the legal costs and expenses shall be charged ~~to the county of residence or as a state case~~ in accordance with that determination.

Sec. 73. Section 230.11, Code 2018, is amended to read as follows:

230.11 Recovery of costs from state.

Costs and expenses attending the taking into custody, care, and investigation of a person who has been admitted or committed to a state hospital, United States department of veterans affairs hospital, or other agency of the United States government, for persons with mental illness and who has no residence in this state or whose residence is unknown, including cost of commitment, if any, shall be paid as a state case as approved by the administrator. The amount of the costs and expenses approved by the administrator is appropriated to the department from any money in the state treasury not otherwise appropriated. Payment shall be made by the department on itemized vouchers executed by the auditor of the county which has paid them, and approved by the administrator.

Sec. 74. Section 249A.26, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. The state shall pay for one hundred percent of the nonfederal share of the costs of case management provided for adults, day treatment, partial hospitalization, and the home and community-based services waiver services for persons who have no residence in this state or whose residence is unknown so that the persons are deemed to be state cases.

Sec. 75. Section 249A.26, subsection 7, Code 2018, is amended by striking the subsection.

Sec. 76. Section 331.394, Code 2018, is amended to read as follows:

331.394 County of residence — services to residents — service authorization appeals — disputes between counties or regions and the department.

1. For the purposes of this section, unless the context otherwise requires:

a. “*County of residence*” means the county in this state in which, at the time a person applies for or receives services, the person is living and has established an ongoing presence with the declared, good faith intention of living in the county for a permanent or indefinite period of time. The county of residence of a person who is a homeless person is the county where the homeless person usually sleeps. A person maintains residency in the county or state in which the person last resided while the person is present in another county or this state receiving services in a hospital, a correctional facility, a halfway house for community-based corrections or substance-related treatment, a nursing facility, an intermediate care facility for persons with an intellectual disability, or a residential care facility, or for the purpose of attending a college or university.

b. “*Homeless person*” means the same as defined in section 48A.2.

c. “*Mental health professional*” means the same as defined in section 228.1.

d. “*Person*” means a person who is a United States citizen or a qualified alien as defined in 8 U.S.C. §1641.

2. If a person appeals a decision regarding a service authorization or other services-related decision made by a regional administrator that cannot be resolved informally, the appeal shall be heard in a contested case proceeding by a state administrative law judge. The administrative law judge’s decision shall be considered final agency action under chapter 17A.

3. If a service authorization or other services-related decision made by a regional administrator concerning a person varies from the type and amount of service identified to be necessary for the person in a clinical determination made by a mental health professional and the mental health professional believes that failure to provide the type and amount of service identified could cause an immediate danger to the person’s health or safety, the person may request an expedited review of the regional administrator’s decision to be made by the department of human services. An expedited review held in accordance with this subsection is subject to the following procedures:

a. The request for the expedited review shall be filed within five business days of receiving the notice of decision by the regional administrator. The request must be in writing, plainly state the request for an expedited review in the caption and body of the request, and be supported by written documentation from the mental health professional who made

the clinical determination stating how the notice of decision on services could cause an immediate danger to the person's health or safety.

b. The expedited review shall be performed by a mental health professional, who is either the administrator of the division of mental health and disability services of the department of human services or the administrator's designee. If the administrator is not a mental health professional, the expedited review shall be performed by a designee of the administrator who is a mental health professional and is free of any conflict of interest to perform the expedited review. The expedited review shall be performed within two business days of the time the request is filed. If the reviewer determines the information submitted in connection with the request is inadequate to perform the review, the reviewer shall request the submission of additional information and the review shall be performed within two business days of the time that adequate information is submitted. The regional administrator and the person, with the assistance of the mental health professional who made the clinical determination, shall each provide a brief statement of facts, conclusions, and reasons for the decision made. Supporting clinical information shall also be attached. All information related to the proceedings and any related filings shall be considered to be mental health information subject to chapter 228.

c. The administrator or designee shall issue an order, including a brief statement of findings of fact, conclusions of law, and policy reasons for the order, to justify the decision made concerning the expedited review. If the decision concurs with the contention that there is an immediate danger to the person's health or safety, the order shall identify the type and amount of service which shall be provided for the person. The administrator or designee shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when issued.

d. The decision of the administrator or designee shall be considered a final agency action and is subject to judicial review in accordance with section 17A.19. The record for judicial review consists of any documents regarding the matter that were considered or prepared by the administrator or designee. The administrator or designee shall maintain these documents as the official record of the decision. If the matter is appealed to the district court, the record shall be filed as confidential.

4. If a county of residence is part of a mental health and disability services region that has agreed to pool funding and liability for services, the responsibilities of the county under law regarding such services shall be performed on behalf of the county by the regional administrator. The county of residence or the county's mental health and disability services region, as applicable, is responsible for paying the public costs of the mental health and disability services that are not covered by the medical assistance program under chapter 249A and are provided in accordance with the region's approved service management plan to persons who are residents of the county or region.

5. a. The dispute resolution process implemented in accordance with this subsection applies to residency disputes. The dispute resolution process is not applicable to disputes involving persons committed to a state facility pursuant to chapter 812 or rule of criminal procedure 2.22, Iowa court rules, or to disputes involving service authorization decisions made by a region.

b. If a county, or region, or the department, as applicable, receives a billing for services provided to a resident in another county or region, or objects to a residency determination certified by ~~the department or another county's or region's regional administrator~~ and asserts either that the person has residency in another county or region or the person is not a resident of this state ~~or the person's residency is unknown so that the person is deemed a state case~~, the person's residency status shall be determined as provided in this subsection. ~~The county or region shall notify the department of the county's or region's assertion within one hundred twenty days of receiving the billing.~~ If the county or region asserts that the person has residency in another county or region, ~~that the county or region shall be notified at the same time as the department.~~ notify the other county or region within one hundred twenty days of receiving the billing for services. ~~If the department disputes a residency determination certification made by a regional administrator, the department shall notify the affected counties or regions of the department's assertion~~

c. ~~The department~~, county, or region that received the notification, as applicable, shall respond to the party that provided the notification within forty-five days of receiving the

notification. If the parties cannot agree to a settlement as to the person's residency status within ninety days of the date of notification, on motion of any of the parties, the matter shall be referred to the department of inspections and appeals for a contested case hearing under chapter 17A before an administrative law judge assigned in accordance with section 10A.801 to determine the person's residency status.

d. (1) The administrative law judge's determination of the person's residency status shall be considered final agency action, notwithstanding contrary provisions of section 17A.15. The party that does not prevail in the determination or subsequent judicial review is liable for costs associated with the proceeding, including reimbursement of the department of inspections and appeals' actual costs associated with the administrative proceeding. Judicial review of the determination may be sought in accordance with section 17A.19.

(2) If following the determination of a person's residency status in accordance with this subsection, additional evidence becomes available that merits a change in that determination, the parties affected may change the determination by mutual agreement. Otherwise, a party may move that the matter be reconsidered by the ~~department~~, county, or region, or by the administrative law judge.

e. (1) Unless a petition is filed for judicial review, the administrative law judge's determination of the person's residency status shall result in one of the following:

(a) If a county or region is determined to be the person's residence, the county or region shall pay the amounts due and shall reimburse any other amounts paid for services provided by the other county or region ~~or the department~~ on the person's behalf prior to the determination.

(b) If it is determined that the person is not a resident of this state ~~or the person's residency is unknown so that the person is deemed to be a state case, the department shall pay the amounts due and shall reimburse the county or region, as applicable, for any payment made on behalf of the person prior to the determination~~ neither the region in which the services were provided nor the state shall be liable for payment of amounts due for services provided to the person prior to the determination.

(2) The payment or reimbursement shall be remitted within forty-five days of the date the determination was issued. After the forty-five-day period, a penalty of not greater than one percent per month may be added to the amount due.

6. a. The dispute resolution process implemented in accordance with this subsection applies beginning July 1, 2012, to billing disputes between the state and a county or region, other than residency disputes or other dispute processes under this section, involving the responsibility for service costs for services provided on or after July 1, 2011, under any of the following:

- (1) Chapter 221.
- (2) Chapter 222.
- (3) Chapter 229.
- (4) Chapter 230.
- (5) Chapter 249A.
- (6) Chapter 812.

b. If a county, region, or the department, as applicable, disputes a billing for service costs listed in paragraph "a", the dispute shall be resolved as provided in this subsection. The county or region shall notify the department of the county's or region's assertion within ninety days of receiving the billing. However, for services provided on or after July 1, 2011, for which a county has received the billing as of July 1, 2012, the county shall notify the department of the county's assertion on or before October 1, 2012. If the department disputes such a billing of a regional administrator, the department shall notify the affected counties or regions of the department's assertion.

c. The department, county, or region that received the notification, as applicable, shall respond to the party that provided the notification within forty-five days of receiving the notification. If the parties cannot agree to a settlement as to the dispute within ninety days of the date of notification, on motion of any of the parties, the matter shall be referred to the department of inspections and appeals for a contested case hearing under chapter 17A before an administrative law judge assigned in accordance with section 10A.801 to determine facts and issue a decision to resolve the dispute.

d. (1) The administrative law judge's decision is a final agency action, notwithstanding contrary provisions of section 17A.15. The party that does not prevail in the decision or subsequent judicial review is liable for costs associated with the proceeding, including reimbursement of the department of inspections and appeals' actual costs associated with the administrative proceeding. Judicial review of the decision may be sought in accordance with section 17A.19.

(2) If following the decision regarding a dispute in accordance with this subsection, additional evidence becomes available that merits a change in that decision, the parties affected may change the decision by mutual agreement. Otherwise, a party may move that the matter be reconsidered by the department, county, or region, or by the administrative law judge.

e. (1) Unless a petition is filed for judicial review, the administrative law judge's decision regarding a disputed billing shall result in one of the following:

(a) If a county or region is determined to be responsible for the disputed amounts, the county or region shall pay the amounts due and shall reimburse any other amounts paid for services provided by the other county or region or the department on the person's behalf prior to the decision.

(b) If it is determined that the state is responsible for the disputed amounts, the state shall pay the amounts due and shall reimburse the county or region, as applicable, for any payment made on behalf of the person prior to the decision.

(2) The payment or reimbursement shall be remitted within forty-five days of the date the decision was issued. After the forty-five-day period, a penalty of not greater than one percent per month may be added to the amount due.

Sec. 77. REPEAL. Section 226.9C, Code 2018, is repealed.

DIVISION X IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING

Sec. 78. IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING. The department on aging and the department of human services shall collaborate to develop a cost allocation plan requesting Medicaid administrative funding to provide for the claiming of federal financial participation for aging and disability resource center activities that are performed to assist with administration of the Medicaid program. By January 1, 2019, the department of human services shall submit to the centers for Medicare and Medicaid services of the United States department of health and human services any Medicaid state plan amendment as necessary and shall enter into an interagency agreement with the department on aging to implement this section.

Sec. 79. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XI EXECUTIVE DIRECTOR — DEPARTMENT OF VETERANS AFFAIRS

Sec. 80. 2008 Iowa Acts, chapter 1191, section 14, subsection 3, is amended to read as follows:

3. The following are range 3 positions: administrator of the division of criminal and juvenile justice planning of the department of human rights, administrator of the division of community action agencies of the department of human rights, ~~executive director of the department of veterans affairs~~, and chairperson and members of the employment appeal board of the department of inspections and appeals.

Sec. 81. 2008 Iowa Acts, chapter 1191, section 14, subsection 5, as amended by 2013 Iowa Acts, chapter 123, section 63, is amended to read as follows:

5. The following are range 5 positions: administrator of the division of homeland security and emergency management of the department of public defense, state public defender, drug policy coordinator, labor commissioner, workers' compensation commissioner, director of

the department of cultural affairs, director of the department of elder affairs, director of the law enforcement academy, members of the property assessment appeal board, executive director of the department of veterans affairs, and administrator of the historical division of the department of cultural affairs.

Sec. 82. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII FAMILY PLANNING SERVICES PROGRAM

Sec. 83. Section 217.41B, subsection 3, Code 2018, is amended to read as follows:

3. a. (1) Distribution of family planning services program funds shall not be made to any entity that performs abortions or that maintains or operates a facility where abortions are performed, which shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides family planning services but does not perform abortions or maintain or operate as a facility where abortions are performed.

(2) The department of human services shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as a provider under the family planning services program, each distinct location of a nonprofit health care delivery system shall enroll in the program as a separate provider, be assigned a distinct provider identification number, and complete an attestation that abortions are not performed at the distinct location.

(3) For the purposes of this section, "nonprofit health care delivery system" means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

b. For the purposes of this section, "abortion" does not include any of the following:

a. (1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

b. (2) The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

DIVISION XIII PROVISIONAL REGIONALIZATION AUTHORIZATION

Sec. 84. Section 331.389, subsection 1, paragraphs b and c, Code 2018, are amended to read as follows:

~~b. The director of human services shall exempt a county from being required to enter into a regional service system if the county furnishes evidence that the county complies with the requirements in subsection 3, paragraphs "c", "d", "e", and "f", and is able to provide the core services required by law to the county's residents in a manner that is as cost effective and with outcomes that are at least equal to what could be provided to the residents if the county would provide the services through a regional service system. The director shall identify criteria for evaluating the evidence provided by counties applying for the exemption. The criteria identified shall be specified in rule adopted by the state commission.~~

~~e. b. If a county has been exempted pursuant to this subsection prior to July 1, 2014, from the requirement to enter into a regional service system, the county and the county's board of supervisors shall fulfill all requirements under this chapter and chapter 225C for a regional service system, regional service system management plan, regional governing board, and regional administrator, and any other provisions applicable to a region of counties providing local mental health and disability services.~~

Sec. 85. Section 331.389, subsection 2, Code 2018, is amended to read as follows:

~~2. The director of human services shall approve any region meeting the requirements of subsection 3. However, the director of human services, in consultation with the state commission, may grant a waiver from the requirement relating to the minimum number~~

~~of counties if there is convincing evidence that compliance with such requirement is not workable.~~

Sec. 86. Section 331.389, subsection 3, paragraph a, Code 2018, is amended to read as follows:

~~a. The counties comprising the region are contiguous except that a region may include a county that is not contiguous with any of the other counties in the region, if the county that is not contiguous has had a formal relationship for two years or longer with one or more of the other counties in the region for the provision of mental health and disability services.~~

Sec. 87. Section 331.389, subsection 4, paragraph c, Code 2018, is amended to read as follows:

~~c. During the period of April 2, 2013, through July 1, 2013, the~~ The department shall work with any county that has not agreed to be part of a region in accordance with paragraph “a” and with the regions forming around the county to resolve issues preventing the county from joining a region. ~~By July 1, 2013, a~~ A county that has not agreed to be part of a region in accordance with paragraph “a” shall be assigned by the department to a region, unless exempted pursuant to subsection 1 prior to July 1, 2014.

Sec. 88. Section 331.389, subsection 4, paragraph e, unnumbered paragraph 1, Code 2018, is amended to read as follows:

~~On or before June 30, 2014, unless exempted pursuant to subsection 1 prior to July 1, 2014,~~ all counties shall be in compliance with all of the following mental health and disability services region implementation criteria:

Sec. 89. Section 331.424A, subsection 8, Code 2018, is amended to read as follows:

8. a. For the fiscal year beginning July 1, 2017, the regional per capita expenditure target amount is the sum of the base expenditure amount for all counties in the region divided by the population of the region. However, a regional per capita expenditure target amount shall not exceed the statewide per capita expenditure target amount. For the fiscal year beginning July 1, 2018, and each subsequent fiscal year, the regional per capita expenditure target amount for each region is equal to the regional per capita expenditure target amount for the fiscal year beginning July 1, 2017.

b. Notwithstanding paragraph “a”, for the fiscal year beginning July 1, 2019, the regional per capita expenditure target amount for a region formed pursuant to the section of this Act which authorizes regionalization is the sum of the base expenditure amount for all counties in the region divided by the population of the region. However, the regional per capita expenditure target amount shall not exceed the statewide per capita expenditure target amount. For the fiscal year beginning July 1, 2020, and each subsequent fiscal year, the regional per capita expenditure target amount for the region shall be equal to the regional per capita expenditure target amount for the fiscal year beginning July 1, 2019.

Sec. 90. MENTAL HEALTH AND DISABILITY SERVICES — REGIONALIZATION AUTHORIZATION.

1. Upon receiving a request from any county within the county social services mental health and disability services region to be removed from the region, the director of human services may authorize the county to join with other counties requesting to be removed from the county social services mental health and disability services region in the formation of a proposed new mental health and disability services region.

2. County formation of a proposed new mental health and disability services region pursuant to this section is subject to all of the following:

a. The aggregate population of all counties forming the region is at least 100,000 and includes at least one incorporated city with a population of more than 24,000. For purposes of this subparagraph, ⁴ “population” means the same as defined in section 331.388, subsection 3, Code 2018.

⁴ According to Act; the word “paragraph” probably intended

b. Notwithstanding section 331.389, subsection 4, on or before February 1, 2019, the counties forming the region have complied with section 331.389, subsection 3, as amended in this division of this Act, and all of the following additional requirements:

(1) The board of supervisors of each county forming the region has voted to approve a chapter 28E agreement.

(2) The duly authorized representatives of all the counties forming the region have signed a chapter 28E agreement that is in compliance with section 331.392 and 441 IAC 25.14.

(3) The county board of supervisors' or supervisors' designee members and other members of the region's governing board are appointed in accordance with section 331.390.

(4) Executive staff for the region's regional administrator are identified or engaged.

(5) The regional service management plan is developed in accordance with section 331.393 and 441 IAC 25.18 and 441 IAC 25.21 and is submitted to the department.

(6) The initial regional service management plan shall identify the service provider network for the region, identify the information technology and data management capacity to be employed to support regional functions, and establish business functions, accounting procedures, and other administrative processes.

c. Each county forming the region shall submit the compliance information required in paragraph "b" to the director of human services on or before February 1, 2019. Within 45 days of receipt of such information, the director of human services shall determine if the region is in full compliance and shall approve the region if the region has met all of the requirements of this section.

d. The director of human services shall work with a county making a request under this section that has not agreed or is unable to join the proposed new region to resolve issues preventing the county from joining the proposed new region.

e. By February 1, 2019, the director of human services shall assign a county making a request under this section that has not reached an agreement to be part of the proposed new region to an existing region or to the new proposed region, consistent with this section.

3. If approved by the department, the region shall commence full operations no later than July 1, 2019.

Sec. 91. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV MANDATORY REPORTER TRAINING AND CERTIFICATION WORKGROUP

Sec. 92. DEPARTMENT OF HUMAN SERVICES — MANDATORY REPORTER TRAINING AND CERTIFICATION WORKGROUP. The department of human services, in cooperation with the departments of education and public health, shall facilitate a study by a workgroup of stakeholders to make recommendations relating to mandatory child abuse and mandatory dependent adult abuse reporter training and certification requirements. The workgroup shall develop interdepartmental strategies for improving mandatory child abuse and mandatory dependent adult abuse reporter training and certification requirements. The workgroup shall consist of representatives from the departments of human services, education, public health, public safety, and human rights, the department on aging, and the office of the attorney general; a court appointed special advocate; and other experts the department of human services deems necessary. The membership of the workgroup shall also include four members of the general assembly. The legislative members shall serve as ex officio, nonvoting members of the workgroup, with one member to be appointed by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. The workgroup shall submit a report with recommendations, including but not limited to strategies developed and other proposed improvements, to the governor and the general assembly on or before December 15, 2018.

DIVISION XV
NURSING FACILITY QUALITY ASSURANCE ASSESSMENT

Sec. 93. Section 249L.3, subsection 1, paragraph d, Code 2018, is amended to read as follows:

d. The aggregate quality assurance assessments imposed under this chapter shall not exceed ~~the lower of three percent of the aggregate non-Medicare revenues of a nursing facility or~~ the maximum amount that may be assessed pursuant to the indirect guarantee threshold as established pursuant to 42 C.F.R. §433.68(f)(3)(i), and shall be stated on a per-patient-day basis.

Sec. 94. Section 249L.4, subsection 2, Code 2018, is amended to read as follows:

2. Moneys in the trust fund shall be used, subject to their appropriation by the general assembly, by the department only for reimbursement of nursing facility services for which federal financial participation under the medical assistance program is available to match state funds. ~~Any moneys~~ Moneys appropriated from the trust fund for reimbursement of nursing facilities, in addition to the quality assurance assessment pass-through and the quality assurance assessment rate add-on which shall be used as specified in subsection 5, paragraph “b”, shall be used in a manner such that no less than thirty-five percent of the amount received by a nursing facility is used for increases in compensation and costs of employment for direct care workers, and no less than sixty percent of the total is used to increase compensation and costs of employment for all nursing facility staff. For the purposes of use of such funds, “*direct care worker*”, “*nursing facility staff*”, “*increases in compensation*”, and “*costs of employment*” mean as defined or specified in this chapter.

Sec. 95. DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES.

1. The department of human services shall request approval from the centers for Medicare and Medicaid services of the United States department of health and human services for any waiver or state plan amendment necessary to administer this division of this Act.

2. The change in the quality assurance assessment shall accrue beginning on the first day of the calendar quarter following the date of approval of any waiver or state plan amendment.

DIVISION XVI
SEXUAL OFFENSES AND SEX OFFENDERS

Sec. 96. Section 229A.2, subsection 4, Code 2018, is amended to read as follows:

4. “*Discharge*” means an unconditional discharge from the sexually violent predator program. A person released from a secure facility into a transitional release program or released with ~~or without~~ supervision is not considered to be discharged.

Sec. 97. Section 229A.5B, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A person who is detained pursuant to section 229A.5 or is subject to an order of civil commitment under this chapter shall remain in custody unless released by court order or discharged under section 229A.8 or 229A.10. A person who has been placed in a transitional release program or who is under release with ~~or without~~ supervision is considered to be in custody. A person in custody under this chapter shall not do any of the following:

Sec. 98. Section 229A.5C, subsection 4, Code 2018, is amended to read as follows:

4. A person who committed a public offense while in a transitional release program or on release with ~~or without~~ supervision may be returned to a secure facility operated by the department of human services upon completion of any term of confinement that resulted from the commission of the public offense.

Sec. 99. Section 229A.6A, subsection 1, paragraph d, Code 2018, is amended to read as follows:

d. To a facility for placement or treatment in a transitional release program or for release with ~~or without~~ supervision. A transport order is not required under this paragraph.

Sec. 100. Section 229A.7, subsection 7, Code 2018, is amended to read as follows:

7. The control, care, and treatment of a person determined to be a sexually violent predator shall be provided at a facility operated by the department of human services. At all times prior to placement in a transitional release program or release with ~~or without~~ supervision, persons committed for control, care, and treatment by the department of human services pursuant to this chapter shall be kept in a secure facility and those patients shall be segregated at all times from any other patient under the supervision of the department of human services. A person committed pursuant to this chapter to the custody of the department of human services may be kept in a facility or building separate from any other patient under the supervision of the department of human services. The department of human services may enter into a chapter 28E agreement with the department of corrections or other appropriate agency in this state or another state for the confinement of patients who have been determined to be sexually violent predators. Patients who are in the custody of the director of the department of corrections pursuant to a chapter 28E agreement and who have not been placed in a transitional release program or released with ~~or without~~ supervision shall be housed and managed separately from criminal offenders in the custody of the director of the department of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from those offenders.

Sec. 101. Section 229A.8B, subsection 3, Code 2018, is amended to read as follows:

3. Upon the return of the committed person to a secure facility, the director of human services or the director's designee shall notify the court that issued the ex parte order that the absconder has been returned to a secure facility, and the court shall set a hearing ~~within five days~~ to determine if a violation occurred. If a court order was not issued, the director or the director's designee shall contact the nearest district court with jurisdiction to set a hearing to determine whether a violation of the rules or directives occurred. The court shall schedule a hearing ~~within five days of after~~ receiving notice that the committed person has been returned from the transitional release program to a secure facility.

Sec. 102. Section 229A.9A, Code 2018, is amended to read as follows:

229A.9A Release with ~~or without~~ supervision.

1. In any proceeding under section 229A.8, the court may order the committed person released with ~~or without~~ supervision if any of the following apply:

a. The attorney general stipulates to the release with ~~or without~~ supervision.

b. The court or jury has determined that the person should be ~~discharged~~ released from ~~the program~~ a secure facility or a transitional release program, but the court has determined the person suffers from a mental abnormality and it is in the best interest of the community to order release with ~~or without~~ supervision before the committed person is discharged.

2. If release with ~~or without~~ supervision is ordered, the department of human services shall prepare within sixty days of the order of the court a release plan addressing the person's needs for counseling, medication, community support services, residential services, vocational services, alcohol or other drug abuse treatment, sex offender treatment, or any other treatment or supervision necessary.

3. The court shall set a hearing on the release plan prepared by the department of human services before the committed person is released from a secure facility or a transitional release program.

4. If the court orders release with supervision, the court shall order supervision by an agency with jurisdiction that is familiar with the placement of criminal offenders in the community. The agency with jurisdiction shall be responsible for initiating proceedings for violations of the release plan as provided in section 229A.9B. ~~If the court orders release without supervision, the agency with jurisdiction shall also be responsible for initiating proceedings for any violations of the release plan as provided in section 229A.9B.~~

5. A committed person may not petition the court for release with ~~or without~~ supervision.

6. A committed person released with ~~or without~~ supervision is not considered discharged from civil commitment under this chapter.

7. After being released with ~~or without~~ supervision, the person may petition the court for discharge as provided in section 229A.8.

8. The court shall retain jurisdiction over the committed person who has been released with ~~or without~~ supervision until the person is discharged from the program. The department of human services or a judicial district department of correctional services shall not be held liable for any acts committed by a committed person who has been ordered released with ~~or without~~ supervision.

Sec. 103. Section 229A.9B, Code 2018, is amended to read as follows:

229A.9B Violations of release with ~~or without~~ supervision.

1. If a committed person violates the release plan, the agency with jurisdiction over the person may request the ~~district~~ court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody so that the person can be returned to a secure facility. The request for an ex parte order may be made orally or by telephone, but the original written request or a facsimile copy of the request shall be filed with the clerk of court no later than 4:30 p.m. on the next business day the office of the clerk of court is open.

2. If a committed person has absconded in violation of the conditions of the person's release plan, a presumption arises that the person poses a risk to public safety. The department of human services or contracting agency, in cooperation with local law enforcement agencies, may make a public announcement about the absconder. The public announcement may include a description of the committed person, that the committed person is on release with ~~or without~~ supervision from the sexually violent predator program, and any other information pertinent to public safety.

3. Upon the return of the committed person to a secure facility, the director of human services or the director's designee shall notify the court that issued the ex parte order that the committed person has been returned to a secure facility, and the court shall set hearing ~~within five days~~ to determine if a violation occurred. If a court order was not issued, the director or the director's designee shall contact the nearest district court with jurisdiction to set a hearing to determine whether a violation of the conditions of the release plan occurred. The court shall schedule a hearing ~~within five days of~~ after receiving notice that the committed person has been returned to a secure facility.

4. At the hearing, the burden shall be upon the attorney general to show by a preponderance of the evidence that a violation of the release plan occurred.

5. If the court determines a violation occurred, the court shall receive release recommendations from the department of human services and either order that the committed person be returned to release with ~~or without~~ supervision or placed in a transitional release program, or be confined in a secure facility. The court may impose further conditions upon the committed person if returned to release with ~~or without~~ supervision or placed in the transitional release program. If the court determines no violation occurred, the committed person shall be returned to release with ~~or without~~ supervision.

Sec. 104. Section 232.68, subsection 2, paragraph a, subparagraph (3), Code 2018, is amended to read as follows:

(3) The commission of a sexual offense with or to a child pursuant to chapter 709, section 726.2, or section 728.12, subsection 1, as a result of the acts or omissions of the person responsible for the care of the child or of a person who is fourteen years of age or older and resides in a home with the child. Notwithstanding section 702.5, the commission of a sexual offense under this subparagraph includes any sexual offense referred to in this subparagraph with or to a person under the age of eighteen years.

Sec. 105. Section 232.68, subsection 2, paragraph a, subparagraph (9), Code 2018, is amended to read as follows:

(9) (a) Knowingly ~~A person who is responsible for the care of a child knowingly~~ allowing a ~~person another person~~ custody ~~or of~~, control ~~or over~~, or unsupervised access to a ~~child or minor child under the age of fourteen or a child with a physical or mental disability~~, after knowing the ~~person other person~~ is required to register or is on the sex offender registry under chapter 692A ~~for a violation of section 726.6~~.

(b) This subparagraph does not apply in any of the following circumstances:

(i) A child living with a parent or guardian who is a sex offender required to register or on the sex offender registry under chapter 692A.

(ii) A child living with a parent or guardian who is married to and living with a sex offender required to register or on the sex offender registry under chapter 692A.

(iii) A child who is a sex offender required to register or on the sex offender registry under chapter 692A who is living with the child's parent, guardian, or foster parent and is also living with the child to whom access was allowed.

(c) For purposes of this subparagraph, "control over" means any of the following:

(i) A person who has accepted, undertaken, or assumed supervision of a child from the parent or guardian of the child.

(ii) A person who has undertaken or assumed temporary supervision of a child without explicit consent from the parent or guardian of the child.

Sec. 106. Section 901A.2, subsection 6, Code 2018, is amended to read as follows:

6. A person who has been placed in a transitional release program, released with ~~or without~~ supervision, or discharged pursuant to chapter 229A, and who is subsequently convicted of a sexually predatory offense or a sexually violent offense, shall be sentenced to life in prison on the same terms as a class "A" felon under section 902.1, notwithstanding any other provision of the Code to the contrary. The terms and conditions applicable to sentences for class "A" felons under chapters 901 through 909 shall apply to persons sentenced under this subsection. However, if the person commits a sexually violent offense which is a misdemeanor offense under chapter 709, the person shall be sentenced to life in prison, with eligibility for parole as provided in chapter 906.

DIVISION XVII MEDICAID RETROACTIVE ELIGIBILITY

Sec. 107. 2017 Iowa Acts, chapter 174, section 12, subsection 15, paragraph a, subparagraph (7), is amended to read as follows:

(7) (a) Elimination of the three-month retroactive Medicaid coverage benefit for Medicaid applicants effective October 1, 2017. The department shall seek a waiver from the centers for Medicare and Medicaid services of the United States department of health and human services to implement the strategy. If federal approval is received, an applicant's Medicaid coverage shall be effective on the first day of the month of application, as allowed under the Medicaid state plan.

(b) Effective July 1, 2018, a three-month retroactive Medicaid coverage benefit shall apply to a Medicaid applicant who is otherwise Medicaid-eligible and is a resident of a nursing facility licensed under chapter 135C. The department shall seek federal approval for any Medicaid waiver or state plan amendment necessary to implement this subparagraph (b).⁵

Sec. 108. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVIII MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER OF FUNDS

Sec. 109. MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER OF FUNDS. Notwithstanding section 331.432, a county with a population of over 300,000 based on the most recent federal decennial census, may transfer funds from any other fund of the county to the mental health and disability regional services fund for the purposes of providing mental health and disability services for the fiscal year beginning July 1, 2018, and ending June 30, 2019. The county shall submit a report to the governor and the general assembly by September 1, 2019, including the source of any funds transferred, the amount of the funds transferred, and the mental health and disability services provided with the transferred funds.

⁵ According to Act; the phrase "subparagraph division (b)" probably intended

DIVISION XIX
MISCELLANEOUS TECHNICAL PROVISIONS

Sec. 110. Section 135.15, Code 2018, is amended to read as follows:

135.15 Oral and health delivery system bureau established — responsibilities.

An oral and health delivery system bureau is established within the division of health promotion and chronic disease prevention of the department. The bureau shall be responsible for all of the following:

1. Providing population-based oral health services, including public health training, improvement of dental support systems for families, technical assistance, awareness-building activities, and educational services, at the state and local level to assist Iowans in maintaining optimal oral health throughout all stages of life.

2. Performing infrastructure building and enabling services through the administration of state and federal grant programs targeting access improvement, prevention, and local oral health programs utilizing maternal and child health programs, Medicaid, and other new or existing programs.

3. Leveraging federal, state, and local resources for programs under the purview of the bureau.

4. Facilitating ongoing strategic planning and application of evidence-based research in oral health care policy development that improves oral health care access and the overall oral health of all Iowans.

5. Developing and implementing an ongoing oral health surveillance system for the evaluation and monitoring of the oral health status of children and other underserved populations.

6. Facilitating the provision of oral health services through dental homes. For the purposes of this section, “*dental home*” means a network of individualized care based on risk assessment, which includes oral health education, dental screenings, preventive services, diagnostic services, treatment services, and emergency services.

Sec. 111. Section 135.175, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, the nurse residency state matching grants program created in section 135.178, and the fulfilling Iowa’s need for dentists matching grant program created in section 135.179.

Sec. 112. Section 135.175, subsection 5, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. b. The nurse residency state matching grants program account. The nurse residency state matching grants program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the nurse residency state matching grants program as specified in section 135.178. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the nurse residency state matching grants program account for the purposes of such account.

Sec. 113. Section 135.175, subsection 6, paragraph a, Code 2018, is amended to read as follows:

a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to section 135.163 to support the medical residency training state matching grants program, the nurse residency state matching grants program, the fulfilling Iowa’s need for dentists matching grant program, and to provide funding for state health care workforce shortage programs as provided in this section.

DIVISION XX
STATE TRAINING SCHOOL — ELDORA

Sec. 114. Section 233A.1, Code 2018, is amended to read as follows:

233A.1 State training school — Eldora and Toledo.

1. Effective January 1, 1992, a diagnosis and evaluation center and other units are established at Eldora the state training school to provide to court-committed male juvenile delinquents a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.

2. The diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora and the unit for juvenile delinquents at Toledo shall together be known as the “*state training school*”. For the purposes of this chapter “*director*” means the director of human services and “*superintendent*” means the administrator in charge of the diagnosis and evaluation center for juvenile delinquents and other units at Eldora and the unit for juvenile delinquents at Toledo the state training school.

3. The number of children present at any one time at the state training school at Eldora shall not exceed the population guidelines established under 1990 Iowa Acts, ch. 1239, §21, as adjusted for subsequent changes in the capacity at the training school.

Sec. 115. Section 233A.14, Code 2018, is amended to read as follows:

233A.14 Transfers to other institutions.

The administrator may transfer to the schools state training school minor wards of the state from any institution under the administrator’s charge but no person shall be so transferred who is mentally ill or has an intellectual disability. Any child in the schools state training school who is mentally ill or has an intellectual disability may be transferred by the administrator to the proper state institution.

Sec. 116. Section 915.29, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The department of human services shall notify a registered victim regarding a juvenile adjudicated delinquent for a violent crime, committed to the custody of the department of human services, and placed at the state training school at Eldora or Toledo, of the following:

DIVISION XXI
GERIATRIC PATIENT HOUSING REVIEW

Sec. 117. GERIATRIC PATIENT HOUSING REVIEW.

1. During the 2018 legislative interim, the department on aging and the departments of human services, inspections and appeals, and corrections, cooperatively, shall review issues and develop policy recommendations relating to housing for geriatric persons, including geriatric individuals who are registered on the sex offender registry or who are sexually aggressive. The review shall address all aspects of the issue including the feasibility of private entities utilizing facilities located at Mount Pleasant, Clarinda, or other vacant, state-owned facilities to care for such geriatric persons; related workforce recruitment and training; requirements that a facility must meet in order to receive Medicaid reimbursement; and any other information or issues deemed appropriate by the agencies.

2. The agencies shall submit a joint report with recommendations to the governor and general assembly by December 15, 2018.

DIVISION XXII
WRONGFUL BIRTH OR WRONGFUL LIFE CAUSE OF ACTION

Sec. 118. NEW SECTION. **613.15B Wrongful birth or wrongful life cause of action — prohibitions — exceptions.**

1. A cause of action shall not arise and damages shall not be awarded, on behalf of any person, based on a wrongful birth claim that, but for an act or omission of the defendant, a child would not or should not have been born.

2. A cause of action shall not arise and damages shall not be awarded, on behalf of any person, based on a wrongful life claim that, but for an act or omission of the defendant, the person bringing the action would not or should not have been born.

3. The prohibitions specified in this section apply to any claim regardless of whether the child is born healthy or with a birth defect or disorder or other adverse medical condition. However, the prohibitions specified in this section shall not apply to any of the following:

a. A civil action for damages for an intentional or grossly negligent act or omission, including any act or omission that constitutes a public offense.

b. A civil action for damages for the intentional failure of a physician to comply with the duty imposed by licensure pursuant to chapter 148 to provide a patient with all information reasonably necessary to make decisions about a pregnancy.

Sec. 119. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 120. APPLICABILITY. This division of this Act applies on or after the effective date of this division of this Act to causes of action that accrue on or after that date. A cause of action that accrues before the effective date of this division of this Act is governed by the law in effect prior to the effective date of this division of this Act.

DIVISION XXIII TRANSFERS OF FUNDS BETWEEN DHS INSTITUTIONS

Sec. 121. Section 218.6, Code 2018, is amended to read as follows:

218.6 Transfer of appropriations made to institutions.

1. Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds between the appropriations made for the institutions, listed as follows:

1. a. The state resource centers.

2. b. The state mental health institutes.

3. c. The state training school.

4. d. The civil commitment unit for sexual offenders.

2. The department shall report any transfer made pursuant to subsection 1 during a fiscal quarter to the legislative services agency within thirty days of the beginning of the subsequent fiscal quarter.

DIVISION XXIV MEDICAL CANNABIDIOL

Sec. 122. Section 124E.7, subsections 7 and 8, Code 2018, are amended to read as follows:

7. A medical cannabidiol manufacturer shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol manufacturer shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to section 124E.19.

8. A medical cannabidiol manufacturer owner shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to section 124E.19.

Sec. 123. Section 124E.9, subsections 7 and 8, Code 2018, are amended to read as follows:

7. A medical cannabidiol dispensary shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol dispensary shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to section 124E.19.

8. A medical cannabidiol dispensary owner shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to section 124E.19.

Sec. 124. Section 124E.10, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

124E.10 Fees.

All fees collected by the department under this chapter shall be retained by the department for operation of the medical cannabidiol registration card program and the medical cannabidiol manufacturer and medical cannabidiol dispensary licensing programs. The moneys retained by the department shall be considered repayment receipts as defined in section 8.2 and shall be used for any of the department's duties under this chapter, including but not limited to the addition of full-time equivalent positions for program services and investigations. Notwithstanding section 8.33, moneys retained by the department pursuant to this section shall not revert to the general fund of the state but shall remain available for expenditure only for the purposes specified in this section.

Sec. 125. NEW SECTION. **124E.19 Background investigations.**

1. The division of criminal investigation of the department of public safety shall conduct thorough background investigations for the purposes of licensing medical cannabidiol manufacturers and medical cannabidiol dispensaries under this chapter. The results of any background investigation conducted pursuant to this section shall be presented to the department.

a. An applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license and their owners, investors, and employees shall submit all required information on a form prescribed by the department of public safety.

b. The department shall charge an applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license a fee determined by the department of public safety and adopted by the department by rule to defray the costs associated with background investigations conducted pursuant to the requirements of this section. The fee shall be in addition to any other fees charged by the department. The fee may be retained by the department of public safety and shall be considered repayment receipts as defined in section 8.2.

2. The department shall require an applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license, their owners and investors, and applicants for employment at a medical cannabidiol manufacturer or medical cannabidiol dispensary to submit fingerprints and other required identifying information to the department on a form prescribed by the department of public safety. The department shall submit the fingerprint cards and other identifying information to the division of criminal investigation of the department of public safety for submission to the federal bureau of investigation for the purpose of conducting a national criminal history record check. The department may require employees and contractors involved in carrying out a background investigation to submit fingerprints and other identifying information for the same purpose.

3. The department may enter into a chapter 28E agreement with the department of public safety to meet the requirements of this section.

4. An applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license shall submit information and fees required by this section at the time of application.

5. The results of background investigations conducted pursuant to this section shall not be considered public records under chapter 22.

Sec. 126. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXV
DEPARTMENT OF HUMAN SERVICES PROGRAMS AND ACTIVITIES
INMATES OF PUBLIC INSTITUTIONS — MEDICAID

Sec. 127. Section 249A.38, Code 2018, is amended to read as follows:

249A.38 Inmates of public institutions — suspension or termination of medical assistance.

1. ~~The following conditions shall apply to~~ Following the first thirty days of commitment, the department shall suspend the eligibility of an individual who is an inmate of a public institution as defined in 42 C.F.R. §435.1010, who is enrolled in the medical assistance program at the time of commitment to the public institution, and who remains eligible for medical assistance as an individual except for the individual's institutional status:

~~a. The department shall suspend the individual's eligibility for up to the initial twelve months of the period of commitment. The department shall delay the suspension of eligibility for a period of up to the first thirty days of commitment if such delay is approved by the centers for Medicare and Medicaid services of the United States department of health and human services. If such delay is not approved, the department shall suspend eligibility during the entirety of the initial twelve months of the period of commitment. Claims submitted on behalf of the individual under the medical assistance program for covered services provided during the delay period shall only be reimbursed if federal financial participation is applicable to such claims.~~

~~b. The department shall terminate an individual's eligibility following a twelve-month period of suspension of the individual's eligibility under paragraph "a", during the period of the individual's commitment to the public institution.~~

2. a. A public institution shall provide the department and the social security administration with a monthly report of the individuals who are committed to the public institution and of the individuals who are discharged from the public institution. The monthly report to the department shall include the date of commitment or the date of discharge, as applicable, of each individual committed to or discharged from the public institution during the reporting period. The monthly report shall be made through the reporting system created by the department for public, nonmedical institutions to report inmate populations. Any medical assistance expenditures, including but not limited to monthly managed care capitation payments, provided on behalf of an individual who is an inmate of a public institution but is not reported to the department in accordance with this subsection, shall be the financial responsibility of the respective public institution.

b. The department shall provide a public institution with the forms necessary to be used by the individual in expediting restoration of the individual's medical assistance benefits upon discharge from the public institution.

~~3. This section applies to individuals as specified in subsection 1 on or after January 1, 2012.~~

4. 3. The department may adopt rules pursuant to chapter 17A to implement this section.

MEDICAID PROGRAM ADMINISTRATION

Sec. 128. MEDICAID PROGRAM ADMINISTRATION.

1. PROVIDER PROCESSES AND PROCEDURES.

a. When all of the required documents and other information necessary to process a claim have been received by a managed care organization, the managed care organization shall either provide payment to the claimant within the timelines specified in the managed care contract or, if the managed care organization is denying the claim in whole or in part, shall provide notice to the claimant including the reasons for such denial consistent with national industry best practice guidelines.

b. A managed care organization shall correct any identified system configuration error within a reasonable time frame approved by the department, and shall fully and accurately reprocess claims affected by such errors within thirty days of the successful system correction. The department shall define "system configuration error" as appropriate to

include errors in provider data caused by a managed care organization or improper claims edits that result in incorrect payments to providers.

c. A managed care organization shall provide written notice to affected individuals at least sixty days prior to making any program or procedural change, as determined necessary by the department. The department shall develop and distribute a list of the types of changes that require the sixty-day notice to the managed care organizations effective July 1, 2018. Such changes may include but are not limited to billing and collection provisions, provider network provisions, member or provider services, and prior authorization requirements.

d. The department of human services shall engage dedicated provider relations staff to assist Medicaid providers in resolving billing conflicts with managed care organizations including those involving denied claims, technical omissions, or incomplete information. If the provider relations staff observe trends evidencing fraudulent claims or improper reimbursement, the staff shall forward such evidence to the department of human services for further review.

e. The department of human services shall adopt rules pursuant to chapter 17A to require the inclusion by a managed care organization of advanced registered nurse practitioners and physician assistants as primary care providers for the purposes of population health management.

f. The department of human services shall provide for the development and shall require the use of standardized Medicaid provider enrollment forms to be used by the department and uniform Medicaid provider credentialing specifications to be used by managed care organizations.

2. MEMBER SERVICES AND PROCESSES.

a. If a Medicaid member is receiving court-ordered services or treatment for a substance-related disorder pursuant to chapter 125 or for a mental illness pursuant to chapter 229, such services or treatment shall be provided and reimbursed for an initial period of three days before a managed care organization may apply medical necessity criteria to determine the most appropriate services, treatment, or placement for the Medicaid member.

b. The department of human services shall maintain and update Medicaid member eligibility files in a timely manner consistent with national industry best practices.

c. The department of human services shall utilize an independent, external quality review vendor to complete a review of a random case sample of decreased level of care determinations using national best practices to ensure that appropriate medically necessary services are provided to meet Medicaid member needs. The department shall report the findings of the review to the governor and the general assembly by December 15, 2018, including any plan necessary to address the findings.

d. The department of human services, on an annual basis, shall conduct an analysis of all Medicaid member appeals that have been dismissed, withdrawn, or overturned to determine if there are any negative patterns or trends based on the analysis. The services of any member whose appeal is subject to the analysis shall continue for the period during which an interdisciplinary team conducts a new assessment to determine which services are medically necessary for that member, which period shall not exceed ninety days. A report of the analysis and findings shall be submitted to the governor and the general assembly on a biannual basis and the department shall develop a plan as necessary to address any negative patterns or trends identified by the analysis.

3. MEDICAID PROGRAM REVIEW AND OVERSIGHT.

a. (1) The department of human services shall facilitate a workgroup, in collaboration with representatives of the managed care organizations and health home providers, to review the health home programs. The review shall include all of the following:

(a) An analysis of the state plan amendments applicable to health homes.

(b) An analysis of the current health home system, including the rationale for any recommended changes.

(c) The development of a clear and consistent delivery model linked to program-determined outcomes and data reporting requirements.

(d) A work plan to be used in communicating with stakeholders regarding the administration and operation of the health home programs.

(2) The department of human services shall submit a report of the workgroup's findings, recommendations, and any actions taken by December 15, 2018, to the governor and to the Eighty-eighth General Assembly, 2019 session, for consideration.

(3) The workgroup and the workgroup's activities shall not affect the department's authority to apply or enforce the Medicaid state plan amendment relative to health homes.

b. The department of human services, in collaboration with Medicaid providers and managed care organizations, shall initiate a review process to determine the effectiveness of prior authorizations used by the managed care organizations with the goal of making adjustments based on relevant service costs and member outcomes data utilizing existing industry-accepted standards. Prior authorization policies shall comply with existing rules, guidelines, and procedures developed by the centers for Medicare and Medicaid services of the United States department of health and human services.

c. The department of human services shall enter into a contract with an independent review organization to perform an audit of a random sample of small dollar claims paid to or denied Medicaid long-term services and supports providers during the first quarter of the 2018 calendar year. The department of human services shall submit a report of the findings of the audit to the governor and the general assembly by February 1, 2019. The department may take any action specified in the managed care contract relative to any claim the auditor determines to be incorrectly paid or denied, subject to appeal by the managed care organization to the director of human services. For the purposes of this paragraph, "small dollar claims" means those claims less than or equal to two thousand five hundred dollars.

MEDICAID PROGRAM PHARMACY COPAYMENT

Sec. 129. 2005 Iowa Acts, chapter 167, section 42, is amended to read as follows:

SEC. 42. COPAYMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAL ASSISTANCE PROGRAM. The department of human services shall require recipients of medical assistance to pay the following copayments a copayment of \$1 on each prescription filled for a covered prescription drug, including each refill of such prescription, ~~as follows:~~

~~1. A copayment of \$1 on each prescription filled⁶ for each covered nonpreferred generic prescription drug.~~

~~2. A copayment of \$1 for each covered preferred brand-name or generic prescription drug.~~

~~3. A copayment of \$1 for each covered nonpreferred brand-name prescription drug for which the cost to the state is up to and including \$25.~~

~~4. A copayment of \$2 for each covered nonpreferred brand-name prescription drug for which the cost to the state is more than \$25 and up to and including \$50.~~

~~5. A copayment of \$3 for each covered nonpreferred brand-name prescription drug for which the cost to the state is more than \$50.~~

MEDICAL ASSISTANCE ADVISORY COUNCIL

Sec. 130. Section 249A.4B, subsection 2, paragraph a, subparagraphs (27) and (28), Code 2018, are amended by striking the subparagraphs.

Sec. 131. MEDICAL ASSISTANCE ADVISORY COUNCIL — REVIEW OF MEDICAID MANAGED CARE REPORT DATA. The executive committee of the medical assistance advisory council shall review the data collected and analyzed for inclusion in periodic reports to the general assembly, including but not limited to the information and data specified in 2016 Iowa Acts, chapter 1139, section 93, to determine which data points and information should be included and analyzed to more accurately identify trends and issues with, and promote the effective and efficient administration of, Medicaid managed care for all stakeholders. At a minimum, the areas of focus shall include consumer protection, provider network access and safeguards, outcome achievement, and program integrity. The executive committee shall report its findings and recommendations to the medical assistance advisory council for review and comment by October 1, 2018, and shall submit a final report of findings and recommendations to the governor and the general assembly by December 31, 2018.

⁶ According to Act; the words "on each prescription filled" were not included in 2005 Iowa Acts, chapter 167, section 42

TARGETED CASE MANAGEMENT AND INPATIENT PSYCHIATRIC SERVICES
REIMBURSEMENT

Sec. 132. Section 249A.31, Code 2018, is amended to read as follows:

249A.31 Cost-based reimbursement.

~~1. Providers of individual case management services for persons with an intellectual disability, a developmental disability, or chronic mental illness shall receive cost-based reimbursement for one hundred percent of the reasonable costs for the provision of the services in accordance with standards adopted by the mental health and disability services commission pursuant to section 225C.6. Effective July 1, 2018, targeted case management services shall be reimbursed based on a statewide fee schedule amount developed by rule of the department pursuant to chapter 17A.~~

~~2. Effective July 1, 2010 2014, the department shall apply a cost-based reimbursement methodology for reimbursement of psychiatric medical institution for children providers of inpatient psychiatric services for individuals under twenty-one years of age shall be reimbursed as follows:~~

~~a. For non-state-owned providers, services shall be reimbursed according to a fee schedule without reconciliation.~~

~~b. For state-owned providers, services shall be reimbursed at one hundred percent of the actual and allowable cost of providing the service.~~

DIVISION XXVI
PREAPPLICATION SCREENING ASSESSMENT

Sec. 133. Section 229.5A, Code 2018, is amended to read as follows:

229.5A Preapplication screening assessment — program.

~~Prior to filing an application pursuant to section 229.6, the clerk of the district court or the clerk's designee shall inform the interested person referred to in section 229.6, subsection 1, about the option of requesting a preapplication screening assessment through a preapplication screening assessment program, if available. The state court administrator shall prescribe practices and procedures for implementation of the preapplication screening assessment program.~~

Sec. 134. Section 602.1209, subsection 16, Code 2018, is amended to read as follows:

~~16. Prescribe practices and procedures for the implementation of the preapplication screening assessment program referred to in sections section 125.74 and 229.5A.~~

DIVISION XXVII
COVERAGE OF BEHAVIORAL HEALTH SERVICES PROVIDED BY CERTAIN PROVIDERS

Sec. 135. Section 249A.15, Code 2018, is amended to read as follows:

249A.15 Licensed psychologists eligible for payment — provisional licensees.

1. The department shall adopt rules pursuant to chapter 17A entitling psychologists who are licensed pursuant to chapter 154B and psychologists who are licensed in the state where the services are provided and have a doctorate degree in psychology, have had at least two years of clinical experience in a recognized health setting, or have met the standards of a national register of health service providers in psychology, to payment for services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations and of funds available for the medical assistance program. The rules shall also provide that an individual, who holds a provisional license to practice psychology pursuant to section 154B.6, is entitled to payment under this section for services provided to recipients of medical assistance, when such services are provided under the supervision of a supervisor who meets the qualifications determined by the board of psychology by rule, and claims for payment for such services are submitted by the supervisor.

2. Entitlement to payment under this section is applicable to services provided to recipients of medical assistance under both the fee-for-service and managed care payment and delivery systems. Neither the fee-for-service nor the managed care payment and delivery system shall

impose a practice or supervision restriction which is inconsistent with or more restrictive than the authority already granted by law, including the authority to provide supervision in person or remotely through electronic means as specified by rule of the board of psychology.

Sec. 136. Section 249A.15A, Code 2018, is amended to read as follows:

249A.15A Licensed marital and family therapists, licensed master social workers, licensed mental health counselors, and certified alcohol and drug counselors — temporary licensees.

1. The department shall adopt rules pursuant to chapter 17A entitling marital and family therapists who are licensed pursuant to chapter 154D to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations. The rules shall also provide that a marital and family therapist, who holds a temporary license to practice marital and family therapy pursuant to section 154D.7, is entitled to payment under this section for behavioral health services provided to recipients of medical assistance, when such services are provided under the supervision of a qualified supervisor as determined by the board of behavioral science by rule, and claims for payment for such services are submitted by the qualified supervisor.

2. The department shall adopt rules pursuant to chapter 17A entitling master social workers who hold a master's degree approved by the board of social work, are licensed as a master social worker pursuant to section 154C.3, subsection 1, paragraph "b", and provide treatment services under the supervision of an independent social worker licensed pursuant to section 154C.3, subsection 1, paragraph "c", to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

3. The department shall adopt rules pursuant to chapter 17A entitling mental health counselors who are licensed pursuant to chapter 154D to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations. The rules shall also provide that a mental health counselor, who holds a temporary license to practice mental health counseling pursuant to section 154D.7, is entitled to payment under this section for behavioral health services provided to recipients of medical assistance, when such services are provided under the supervision of a qualified supervisor as determined by the board of behavioral science by rule, and claims for payment for such services are submitted by the qualified supervisor.

4. The department shall adopt rules pursuant to chapter 17A entitling alcohol and drug counselors who are certified by the nongovernmental Iowa board of substance abuse certification to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

5. Entitlement to payment under this section is applicable to services provided to recipients of medical assistance under both the fee-for-service and managed care payment and delivery systems. Neither the fee-for-service nor the managed care payment and delivery system shall impose a practice or supervision restriction which is inconsistent with or more restrictive than the authority already granted by law, including the authority to provide supervision in person or remotely through electronic means as specified by rule of the applicable licensing board.

Sec. 137. **NEW SECTION. 514C.32 Services provided by certain licensed master social workers, licensed mental health counselors, and licensed marital and family therapists.**

1. Notwithstanding section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall include a provision for the payment of necessary behavioral health services provided by any of the following:

a. A licensed master social worker who is licensed by the board of social work as a master social worker pursuant to section 154C.3, subsection 1, paragraph "b", and who provides services under the supervision of an independent social worker licensed pursuant to section 154C.3, subsection 1, paragraph "c".

b. A licensed mental health counselor or a licensed marital and family therapist who holds a temporary license to practice mental health counseling or marital and family therapy pursuant to section 154D.7, and who provides services under the supervision of a qualified supervisor as determined by the board of behavioral science by rule.

2. A policy or contract subject to this section shall not impose a practice or supervision restriction which is inconsistent with or more restrictive than the authority already granted by law, including the authority to provide supervision in person or remotely through electronic means as specified by rule of the applicable licensing board.

3. The requirements of this section apply to and supersede any conflicting requirements regarding services provided under a policy or contract, which is delivered, issued for delivery, continued, or renewed in this state on or after the effective date of this Act,⁷ and apply to and supersede any conflicting requirements regarding services contained in an existing policy or contract on the policy's or contract's anniversary or renewal date, whichever is later.

4. For the purposes of this section, third-party payment or prepayment includes an individual or group policy of accident or health insurance or individual or group hospital or health care service contract issued pursuant to chapter 509, 514, or 514A, an individual or group health maintenance organization contract issued and regulated under chapter 514B, or a preferred provider organization contract regulated pursuant to chapter 514F.

5. Nothing in this section shall be interpreted to require an individual or group health maintenance organization or a preferred provider organization or arrangement to provide payment or prepayment for services provided by a licensed master social worker providing behavioral health services under the supervision of an independent social worker, or to a licensed mental health counselor or licensed marital and family therapist who holds a temporary license to practice mental health counseling or marital and family therapy providing behavioral health services under the supervision of a qualified supervisor, as specified in this section, unless the supervising independent social worker or the qualified supervisor, respectively, has entered into a contract or other agreement to provide behavioral health services with the individual or group health maintenance organization or the preferred provider organization or arrangement.

Sec. 138. NEW SECTION. 514C.33 Services provided by provisionally licensed psychologists.

1. Notwithstanding section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall include a provision for the payment of necessary behavioral health services provided by a person who holds a provisional license to practice psychology pursuant to section 154B.6, and who practices under the supervision of a supervisor who meets the qualifications determined by the board of psychology by rule.

2. A policy or contract subject to this section shall not impose a practice or supervision restriction which is inconsistent with or more restrictive than the authority already granted by law, including the authority to provide supervision in person or remotely through electronic means as specified by rule of the board of psychology.

3. The requirements of this section apply to and supersede any conflicting requirements regarding services provided under a policy or contract which is delivered, issued for delivery, continued, or renewed in this state on or after the effective date of this Act,⁸ and apply to and supersede any conflicting requirements regarding services contained in an existing policy or contract on the policy's or contract's anniversary or renewal date, whichever is later.

4. For the purposes of this section, third-party payment or prepayment includes an individual or group policy of accident or health insurance or individual or group hospital or health care service contract issued pursuant to chapter 509, 514, or 514A, an individual or group health maintenance organization contract issued and regulated under chapter 514B, or a preferred provider organization contract regulated pursuant to chapter 514F.

5. Nothing in this section shall be interpreted to require an individual or group health maintenance organization or a preferred provider organization or arrangement to provide payment or prepayment for services provided by a provisionally licensed psychologist

⁷ According to Act; the phrase "effective date of this division of this Act" probably intended

⁸ According to Act; the phrase "effective date of this division of this Act" probably intended

providing behavioral health services under the supervision of a supervisor as specified in this section, unless the supervisor has entered into a contract or other agreement to provide behavioral health services with the individual or group health maintenance organization or the preferred provider organization or arrangement.

Sec. 139. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVIII
PHARMACY BENEFITS MANAGER — RIGHTS OF COVERED INDIVIDUALS

Sec. 140. **NEW SECTION. 510B.10 Rights related to covered individuals.**

1. A pharmacy or pharmacist, as defined in section 155A.3, has the right to provide a covered individual information regarding the amount of the covered individual's cost share for a prescription drug. A pharmacy benefits manager shall not prohibit a pharmacy or pharmacist from discussing any such information or from selling a more affordable alternative to the covered individual, if one is available.

2. A health benefit plan, as defined in section 514J.102, issued or renewed on or after July 1, 2018, that provides coverage for pharmacy benefits shall not require a covered individual to pay a copayment for pharmacy benefits that exceeds the pharmacy's or pharmacist's submitted charges.

3. Any amount paid by a covered individual for a covered prescription drug pursuant to this section shall be applied toward any deductible imposed by the covered individual's health benefit plan in accordance with the covered individual's health benefit plan coverage documents.

4. To the extent that any provision of this section is inconsistent or conflicts with applicable federal law, rule, or regulation, such federal law, rule, or regulation shall prevail to the extent necessary to eliminate the inconsistency or conflict.

DIVISION XXIX
FOSTER CARE AND ADOPTED CHILDREN

Sec. 141. **FOSTER CARE AND ADOPTED CHILDREN — ANNUAL MEDICAL VISIT.**

1. The department of human services shall adopt rules pursuant to chapter 17A to require every child receiving foster care to receive an annual visit to a medical professional.

2. The department shall submit a request to the United States department of health and human services to allow the department to adopt rules requiring a child adopted from foster care and whose parents receive an adoption subsidy to receive an annual visit to a medical professional.

Approved June 1, 2018, with exception noted.

KIM REYNOLDS, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 2418, an Act relating to appropriations for health and human services and veterans and including other related provisions and appropriations, providing penalties, and including effective date and retroactive and other applicability date provisions.

The above Senate File is hereby approved this date with the following exception of which I disapprove.

I am unable to approve the designated portion of Section 20 of Senate File 2418, inserting a new subsection 22 into 2017 Iowa Acts, Chapter 174, Section 51. This item provides that \$195,000 of the funds appropriated by 2017 Iowa Acts, Chapter 174, Section 51 shall be used by the Department of Human Services (DHS) for a request for proposal relating to

a partnership between the University of Iowa Hospitals and Clinics and a durable medical equipment provider. There is nothing in current law that would prevent a durable medical equipment provider from independently responding to a request for proposal and/or providing durable medical equipment products and services in the State of Iowa. The request for proposal process should be applied fairly and competitively to all providers of durable medical equipment and not limited in a way that excludes Iowa's existing providers.

The effect of this specific item veto disapproval of Section 20 of Senate File 2418, inserting a new subsection 22 into 2017 Iowa Acts, Chapter 174, Section 51, shall cause the \$195,000 contained in this item to revert back to the General Fund. None of the \$195,000 contained in this item shall be retained by DHS, nor shall it be diverted for purposes not legislatively specified.

For the above reasons, I respectfully disapprove Senate File 2418 in part only as specified above, in accordance with Article III, Section 16, of the Constitution of the State of Iowa. The remainder of Senate File 2418 not disapproved of as stated herein is approved as of this date.

Sincerely,
KIM REYNOLDS, Governor

CHAPTER 1166

SCHOOL DISTRICT SUPPLEMENTARY WEIGHTING — SHARED OPERATIONAL FUNCTIONS

H.F. 633

AN ACT relating to shared operational functions for purposes of supplementary weighting for school districts and including effective date and applicability provisions.

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

Section 1. Section 257.11, subsection 5, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Shared operational functions — increased student opportunities — budget years beginning in 2014 through ~~2019~~ 2024.

Sec. 2. Section 257.11, subsection 5, paragraph a, subparagraph (1), Code 2018, is amended to read as follows:

(1) In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, a district that shares with a political subdivision one or more operational functions of a curriculum director, master social worker, independent social worker, or school counselor, or one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or operation and maintenance for at least twenty percent of the school year shall be assigned a supplementary weighting for each shared operational function. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of eight pupils for the function. A school district that shares an operational function in the area of business management, human resources, transportation, or operation and maintenance shall be assigned a supplementary weighting of five pupils for the function. A school district that shares the operational functions of a curriculum director, a master social worker or an independent social worker licensed under chapters 147 and 154C, or a school counselor shall be assigned a supplementary weighting of three pupils for the function. The additional weighting shall be assigned for each discrete operational function shared. However, a school

district may receive the additional weighting under this subsection for sharing the services of an individual with a political subdivision even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision are not the same operational function, so long as both operational functions are eligible for weighting under this subsection. In such case, the school district shall be assigned the additional weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement to receive supplementary weighting under this subsection.

Sec. 3. Section 257.11, subsection 5, paragraphs c, d, and e, Code 2018, are amended to read as follows:

c. Supplementary weighting pursuant to this subsection shall be available to a school district ~~for a maximum of five years~~ during the period commencing with the budget year beginning July 1, 2014, through the budget year beginning July 1, ~~2019~~ 2024. The maximum amount of additional weighting for which a school district shall be eligible in a budget year is twenty-one additional pupils. Criteria for determining the qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of increased student opportunities.

d. Supplementary weighting pursuant to this subsection shall be available to an area education agency ~~for a maximum of five years~~ during the period commencing with the budget year beginning July 1, 2014, through the budget year beginning July 1, ~~2019~~ 2024. The minimum amount of additional funding for which an area education agency shall be eligible in a budget year is thirty thousand dollars, and the maximum amount of additional funding for which an area education agency shall be eligible is two hundred thousand dollars. The department of management shall annually set a weighting for each area education agency to generate the approved operational sharing expense using the area education agency's special education cost per pupil amount and foundation level. Criteria for determining the qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of increased student opportunities.

e. This subsection is repealed effective July 1, ~~2020~~ 2025.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 5. APPLICABILITY. This Act applies to school budget years beginning on or after July 1, 2018, subject to the school budget year limitations of section 257.11, subsection 5.

Approved June 1, 2018

CHAPTER 1167

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

H.F. 2491

AN ACT relating to and making appropriations and related statutory changes involving state government entities involved with agriculture, natural resources, and environmental protection.

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

DIVISION I
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATION
GENERAL FUND

Section 1. 2017 Iowa Acts, chapter 168, section 36, is amended to read as follows:

SEC. 36. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

Table with 2 columns: Description, Amount. Row 1: \$ 8,820,288. Row 2: 18,023,339. Row 3: FTEs 372.00.

2. Of the amount appropriated in subsection 1, the following amount is transferred to Iowa state university of science and technology, to be used for the university's midwest grape and wine industry institute:

Table with 2 columns: Description, Amount. Row 1: \$ 144,000. Row 2: 288,000.

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department's administration, regulation, and programs.

DESIGNATED APPROPRIATIONS
MISCELLANEOUS SOURCES

Sec. 2. 2017 Iowa Acts, chapter 168, section 37, is amended to read as follows:

SEC. 37. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS — HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department's administration and enforcement of horse and dog racing law pursuant to section 99D.22, including for salaries, support, maintenance, and miscellaneous purposes:

Table with 2 columns: Description, Amount. Row 1: \$ 147,758. Row 2: 305,516.

Sec. 3. 2017 Iowa Acts, chapter 168, section 38, is amended to read as follows:

SEC. 38. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION.

1. There is appropriated from the renewable fuel infrastructure fund created in section 159A.16 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes:

Table with 2 columns: Description, Amount. Row 1: \$ 250,000. Row 2: 500,000.

2. The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

Sec. 4. 2017 Iowa Acts, chapter 168, is amended by adding the following new section:

NEW SECTION. 38A. MONEYS CREDITED TO THE WATERSHED IMPROVEMENT FUND — FARM MANAGEMENT DEMONSTRATION PROGRAM. Notwithstanding 2017 Iowa Acts, chapter 168, section 22, as amended by 2017 Iowa Acts, chapter 170, section 42, of the moneys credited to the watershed improvement fund that are unencumbered or unobligated and managed by and otherwise appropriated to the department of agriculture and land stewardship pursuant to those sections, the department shall expend the following amount, or so much thereof as is necessary, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, for the purpose designated:

1. For the continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

..... \$ 100,000

2. The amount required to be expended by the department of agriculture and land stewardship pursuant to subsection 1 shall be allocated by the department to an organization representing soybean growers to provide for an agriculture and environment performance program in the same manner as enacted in 2017 Iowa Acts, chapter 168, section 17, subsection 3.

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 5. 2017 Iowa Acts, chapter 168, section 39, is amended to read as follows:

SEC. 39. DAIRY REGULATION.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade “A” milk and certifying the results to the secretary of agriculture:

..... \$ 94,598
189,196

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 6. 2017 Iowa Acts, chapter 168, section 40, is amended to read as follows:

SEC. 40. LOCAL FOOD AND FARM PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the local food and farm program pursuant to chapter 267A:

..... \$ 37,500
75,000

2. The department shall enter into a cost-sharing agreement with Iowa state university of science and technology to support the local food and farm program coordinator position as part of the university’s cooperative extension service in agriculture and home economics pursuant to chapter 267A.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 7. 2017 Iowa Acts, chapter 168, section 41, is amended to read as follows:

SEC. 41. AGRICULTURAL EDUCATION.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 12,500
25,000

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 8. 2017 Iowa Acts, chapter 168, section 42, is amended to read as follows:

SEC. 42. FARMERS WITH DISABILITIES PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting a program for farmers with disabilities:

..... \$ 65,000
130,000

2. The moneys appropriated in subsection 1 shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs. The moneys shall be used to support a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, and that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 9. 2017 Iowa Acts, chapter 168, is amended by adding the following new section:

NEW SECTION. SEC. 42A. FOREIGN ANIMAL DISEASES AFFLICTING LIVESTOCK.

There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the foreign animal disease preparedness and response fund created in section 163.3B:

..... \$ 250,000

DIVISION II
 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 GENERAL WATER QUALITY INITIATIVE APPROPRIATION
 GENERAL FUND

Sec. 10. 2017 Iowa Acts, chapter 168, section 43, is amended to read as follows:

SEC. 43. WATER QUALITY INITIATIVE — GENERAL.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the water quality initiative fund created in section 466B.45, for purposes of supporting the water quality initiative administered by the division of soil conservation and water quality as provided in section 466B.42, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 1,500,000
3,000,000

2. a. The moneys appropriated in subsection 1 shall be used to support projects in subwatersheds as designated by the division that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

b. The moneys appropriated in subsection 1 shall be used to support projects in watersheds generally, including regional watersheds, as designated by the division and high-priority

watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

3. In supporting projects in subwatersheds and watersheds as provided in subsection 2, all of the following shall apply:

a. ~~The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology~~ Iowa nutrient reduction strategy as defined in section 455B.171, as amended by 2018 Iowa Acts, Senate File 512, section 18.

b. The division shall implement demonstration projects as provided in paragraph “a” by providing for participation by persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation by such persons who hold a legal interest in agricultural land located within the same subwatershed.

c. The division shall implement a demonstration project on a cost-share basis as determined by the division. However, except for edge-of-field practices, the state’s share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

d. The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

e. The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under section 22.7.

4. The moneys appropriated in subsection 1 shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

5. The moneys appropriated in subsection 1 may be used to contract with persons to coordinate the implementation of efforts provided in this section.

6. The moneys appropriated in subsection 1 may be used by the department to support urban soil and water conservation efforts, which may include but are not limited to management practices related to bioretention, landscaping, the use of permeable or pervious pavement, and soil quality restoration. The moneys shall be allocated on a cost-share basis as provided in chapter 161A.

7. Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in subsection 1 to carry out the provisions of this section on a cost-share basis in combination with other moneys available to the department from a state or federal source.

8. Not more than 10 percent of the moneys appropriated in this section may be used to pay for the costs of administering and implementing the water quality initiative by the department’s division of soil conservation and water quality as provided in section 466B.42 and this section.

DIVISION III
DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS
GENERAL FUND AND MAJOR FUNDS

Sec. 11. 2017 Iowa Acts, chapter 168, section 44, is amended to read as follows:

SEC. 44. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	5,649,905.50
		<u>11,554,987</u>
.....		FTEs 1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact park ranger or park manager positions within the department.

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated under this section to support the department’s administration, regulation, and programs.

Sec. 12. 2017 Iowa Acts, chapter 168, section 45, is amended to read as follows:

SEC. 45. STATE FISH AND GAME PROTECTION FUND — REGULATION AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

1. There is appropriated from the state fish and game protection fund created pursuant to section 456A.17 to the department of natural resources for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the regulation or advancement of hunting, fishing, or trapping, or the protection, propagation, restoration, management, or harvest of fish or wildlife, including for administration, regulation, law enforcement, and programs; and for salaries, support, maintenance, equipment, and miscellaneous purposes:

.....	\$	21,573,996.50
		<u>43,768,530</u>

2. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the state fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

3. Notwithstanding section 455A.10, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2018, and ending June 30, 2019, as is necessary to fund salary adjustments for departmental employees for which the general assembly has made an operating budget appropriation in subsection 1.

Sec. 13. 2017 Iowa Acts, chapter 168, section 46, is amended to read as follows:

SEC. 46. GROUNDWATER PROTECTION FUND — WATER QUALITY. There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2018, and ending June 30, 2019, from those moneys which are not allocated pursuant to that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department’s protection of the state’s groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

.....	\$	1,727,916
		<u>3,455,832</u>

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 14. 2017 Iowa Acts, chapter 168, section 47, is amended to read as follows:

SEC. 47. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM. There is appropriated from the special snowmobile fund created under section 321G.7 to the department of natural resources for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile programs:

.....	\$	50,000
		<u>100,000</u>

Sec. 15. 2017 Iowa Acts, chapter 168, section 48, is amended to read as follows:

SEC. 48. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE TANKS SECTION EXPENSES. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive petroleum underground storage tank fund board established pursuant to section 455G.4 to the department of natural resources for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of paying for administration expenses of the department’s underground storage tanks section:

.....	\$	100,000
		<u>200,000</u>

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 16. 2017 Iowa Acts, chapter 168, section 49, is amended to read as follows:

SEC. 49. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of supporting floodplain management and dam safety:

.....	\$	942,500
		<u>1,510,000</u>

2. Of the amount appropriated in subsection 1, up to ~~\$200,000~~ \$400,000 may be used by the department to acquire or install stream gages for purposes of tracking and predicting flood events and for compiling necessary data to improve flood frequency analysis.

3. Notwithstanding section 8.33, moneys appropriated in subsection 1 that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 17. 2017 Iowa Acts, chapter 168, section 50, is amended to read as follows:

SEC. 50. FORESTRY HEALTH MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of providing for forestry health management programs:

.....	\$	250,000
		<u>500,000</u>

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

DIVISION IV
 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 SPECIAL APPROPRIATION
 GENERAL FUND
 VETERINARY DIAGNOSTIC LABORATORY

Sec. 18. 2017 Iowa Acts, chapter 168, section 51, is amended to read as follows:

SEC. 51. VETERINARY DIAGNOSTIC LABORATORY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full-time equivalent positions:

	\$	2,000,000
		<u>4,100,000</u>
	FTEs	51.00

2. a. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

b. Paragraph “a” does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university of science and technology’s budget units.

3. If by June 30, 2019, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

DIVISION V
 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP,
 DEPARTMENT OF NATURAL RESOURCES,
 AND STATE UNIVERSITY OF IOWA
 GENERAL ENVIRONMENTAL APPROPRIATIONS
 ENVIRONMENT FIRST FUND

Sec. 19. 2017 Iowa Acts, chapter 168, section 52, is amended to read as follows:

SEC. 52. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

	\$	500,000
		<u>1,000,000</u>

b. Not more than 10 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

c. Notwithstanding any other provision in law, the department may use moneys appropriated in this subsection, in combination with other appropriate environment first fund appropriations, for cost sharing to match United States department of agriculture, natural resources conservation service, wetlands reserve enhancement program (WREP) funding available to Iowa.

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

..... \$ 450,000
900,000

b. Not more than 10 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

~~3. FARM MANAGEMENT DEMONSTRATION PROGRAM~~

~~a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:~~

~~..... \$ 187,500~~

~~b. The amount appropriated in paragraph “a” shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program.~~

4. SOIL AND WATER CONSERVATION — ADMINISTRATION

a. For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 1,900,000
3,800,000

b. Of the moneys appropriated in paragraph “a”, ~~\$75,000~~ \$150,000 is allocated to support field staff providing technical assistance.

5. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 450,000
900,000

b. Not more than 10 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

6. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation:

..... \$ 4,162,500
8,325,000

b. (1) Of the amount appropriated in paragraph “a”, for transfer to the loess hills development and conservation fund created in section 161D.2:

..... \$ 245,000
490,000

(2) (a) Of the amount transferred to the loess hills development and conservation fund in subparagraph (1), ~~\$225,000~~ \$450,000 shall be allocated to the fund’s hungry canyons account.

(b) Not more than ~~10~~ 5 percent of the moneys allocated to the fund’s hungry canyons account as provided in subparagraph division (a) may be used for administrative costs.

(3) (a) Of the amount transferred to the loess hills development and conservation fund in subparagraph (1), ~~\$20,000~~ \$40,000 shall be allocated to the fund’s loess hills alliance account.

(b) Not more than 10 percent of the moneys allocated to the fund’s loess hills alliance account as provided in subparagraph division (a) may be used for administrative costs.

c. Of the remaining amount appropriated in paragraph “a”, for use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation districts:

..... \$ 3,917,500
7,835,000

d. Of the amount appropriated in paragraph “c” that the department allocates to a soil and water conservation district, the first ~~\$7,500~~ \$15,000 may be expended by the district for the purpose of providing financial incentives under section 161A.73 to establish management practices for the control of soil erosion on land that is row-cropped, including but not limited to nontill planting, ridge-till planting, and contouring strip-cropping. Of any remaining amount of that appropriation allocated by the department to a district, 30 percent may be expended by the district for that same purpose.

e. Not more than 5 percent of the moneys appropriated in paragraph “c” may be allocated for cost sharing to address complaints filed under section 161A.47.

f. Of the moneys appropriated in paragraph “c”, 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

g. The state soil conservation and water quality committee established by section 161A.4 may allocate moneys appropriated in paragraph “c” to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

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

i. Not more than 15 percent of the moneys appropriated in paragraph “c” may be used for costs of administration and implementation of soil and water conservation practices.

Sec. 20. 2017 Iowa Acts, chapter 168, section 53, is amended to read as follows:

SEC. 53. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the environment first fund created in section 8.57A to the department of natural resources for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE PARKS MAINTENANCE AND OPERATIONS

a. For regular maintenance and operations of state parks and staff time associated with these activities:

.....	\$	3,117,500
		<u>6,235,000</u>

b. Of the amount appropriated in paragraph “a”, up to ~~\$50,000~~ \$100,000 shall be allocated for statewide coordination of volunteer efforts ~~under the water quality and keepers of the land programs.~~

2. GEOGRAPHIC INFORMATION SYSTEM (GIS)

To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

.....	\$	97,500
		<u>195,000</u>

3. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

.....	\$	1,477,500
		<u>2,955,000</u>

4. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

For deposit in the public water supply system account of the water quality protection fund created in section 455B.183A:

.....	\$	250,000
		<u>500,000</u>

5. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 through 459B:

.....	\$	660,000
		<u>1,320,000</u>

6. AMBIENT AIR QUALITY

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

.....	\$	212,500
		<u>425,000</u>

7. WATER QUANTITY REGULATION

~~For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:~~

.....	\$	247,500
-------	----	---------

~~8. GEOLOGICAL AND WATER SURVEY~~

~~For continuing the operations of the department's geological and water survey including but not limited to providing analysis, data collection, investigative programs, and information for water supply development and protection:~~

~~..... \$ 100,000~~

9. FLOODPLAIN MANAGEMENT AND DAM SAFETY

For supporting floodplain management and dam safety:

..... \$ 375,000

Sec. 21. 2017 Iowa Acts, chapter 168, is amended by adding the following new section:

NEW SECTION. SEC. 53A. STATE UNIVERSITY OF IOWA GEOGRAPHICAL AND WATER SURVEY. There is appropriated from the environment first fund created in section 8.57A to the state university of Iowa for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OPERATIONS

For purposes of supporting the operations of the geological and water survey of the state as created within the state university of Iowa pursuant to section 456.1 as amended by 2018 Iowa Acts, House File 2303, section 12, including but not limited to providing analysis; data maintenance, collection, and compilation; investigative programs; and information for water supply development and protection:

..... \$ 200,000

2. WATER RESOURCE MANAGEMENT

For purposes of supporting the geological and water survey in measuring, assessing, and evaluating the quantity of water sources in this state and assisting the department of natural resources in regulating water quantity as provided in chapter 455B, division III, part 4, pursuant to sections 455B.262B and 456.14, as enacted by this Act: ¹

..... \$ 495,000

DIVISION VI
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
SPECIAL WATER QUALITY INITIATIVE APPROPRIATION
ENVIRONMENT FIRST FUND

Sec. 22. 2017 Iowa Acts, chapter 168, section 55, is amended to read as follows:

SEC. 55. WATER QUALITY INITIATIVE — DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

1. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the water quality initiative fund created in section 466B.45, for purposes of supporting the water quality initiative administered by the division of soil conservation and water quality as provided in section 466B.42, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 1,187,500
2,375,000

2. a. The moneys appropriated in subsection 1 shall be used to support projects in subwatersheds as designated by the division that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

b. The moneys appropriated in subsection 1 shall be used to support projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

¹ See chapter 1172, §45 herein

3. In supporting projects in subwatersheds and watersheds as provided in subsection 2, all of the following shall apply:

a. ~~The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology~~ Iowa nutrient reduction strategy as defined in section 455B.171, as amended by 2018 Iowa Acts, Senate File 512, section 18.

b. The division shall implement demonstration projects as provided in paragraph “a” by providing for participation by persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation by such persons who hold a legal interest in agricultural land located within the same subwatershed.

c. The division shall implement a demonstration project on a cost-share basis as determined by the division. However, except for edge-of-field practices, the state’s share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

d. The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

e. The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under section 22.7.

4. The moneys appropriated in subsection 1 shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

5. The moneys appropriated in subsection 1 may be used to contract with persons to coordinate the implementation of efforts provided in this section.

6. The moneys appropriated in subsection 1 may be used by the department to support urban soil and water conservation efforts, which may include but are not limited to management practices related to bioretention, landscaping, the use of permeable or pervious pavement, and soil quality restoration. The moneys shall be allocated on a cost-share basis as provided in chapter 161A.

7. Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in subsection 1 to carry out the provisions of this section on a cost-share basis in combination with other moneys available to the department from a state or federal source.

8. Not more than 10 percent of the moneys appropriated in this section may be used to pay for the costs of administering and implementing the water quality initiative by the department’s division of soil conservation and water quality as provided in section 466B.42 and this section.

DIVISION VII
IOWA RESOURCES ENHANCEMENT AND PROTECTION (REAP) FUND
SPECIAL PROVISIONS

Sec. 23. 2017 Iowa Acts, chapter 168, is amended by adding the following new section:
NEW SECTION. SEC. 56. REAP — IN LIEU OF GENERAL FUND APPROPRIATION. In lieu of the standing appropriation in section 455A.18, there is appropriated from the environment first fund created in section 8.57A to the Iowa resources enhancement and

protection fund for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, to be allocated as provided in section 455A.19:

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

Sec. 24. 2017 Iowa Acts, chapter 168, is amended by adding the following new section:
NEW SECTION. SEC. 57. REAP — STATE PARK MAINTENANCE AND OPERATIONS.

1. Notwithstanding sections 455A.18 and 455A.19, there is allocated from moneys in the Iowa resources enhancement and protection fund to the department of natural resources for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the regular maintenance and operations of state parks and staff time associated with these activities:

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

2. After the allocation of moneys provided in subsection 1, all remaining unobligated and unencumbered moneys in the Iowa resources enhancement and protection fund shall be allocated as otherwise required in section 455A.19.

Sec. 25. 2017 Iowa Acts, chapter 168, is amended by adding the following new section:
NEW SECTION. SEC. 58. REAP — OPEN SPACES ACCOUNT — STATE PARK MAINTENANCE AND REPAIR.

Notwithstanding section 455A.19, subsection 1, paragraph “a”, subparagraph (1), of the moneys allocated to the open spaces account of the Iowa resources enhancement and protection fund, up to \$1,000,000 may be used by the department of natural resources for state park maintenance and repair for the fiscal year beginning July 1, 2018, and ending on June 30, 2019.

DIVISION VIII
 IOWA CODE CHANGES

Sec. 26. NEW SECTION. 455B.262B Cooperation with the state geologist.

The department may request and shall receive assistance from the state geologist pursuant to section 456.14 to allow for the allocation and use of water resources, and the preclusion of conflicts among users of water resources, as provided in this part.

Sec. 27. NEW SECTION. 456.14 Water resource management.

1. The state geologist shall maintain historical data, collect existing data, and compile new data regarding water resources, including surface water sources and groundwater sources, and geological formations that impact upon those water resources. Such data shall be managed in a manner that allows it to be made available for use by the department of natural resources and the public.

2. The state geologist shall measure, assess, and evaluate groundwater sources and subsurface geological formations in a manner that assists the department of natural resources in optimizing allocations and uses of groundwater sources in this state, including as provided in chapter 455B, division III, part 4. The state geologist may use data described in subsection 1 to measure, assess, and evaluate all of the following:

- a. The sustainability and existing or potential vulnerabilities of groundwater sources.
- b. The risk, prediction, or indication of drought, the impacts of drought, and the presence, intensity, or duration of drought conditions.
- c. Subsurface geologic hazards to groundwater resources.
- d. The recharge of groundwater sources, including recharge rates.
- e. The presence of reserves of groundwater sources.
- f. The potential of groundwater sources present in subsurface geologic formations.

3. The state geologist shall develop and use management tools, computer programming, or modeling as necessary or convenient to administer this section.

4. The state geologist shall prepare, use, and make available maps or other methods of presentation that provide for the geospatial visualization of data described in subsection 1 as necessary or convenient to administer this section.

5. Upon request by the department of natural resources, the state geologist shall assist the department in regulating water quantity from water resources as provided in section 455B.262B.

Approved June 1, 2018

CHAPTER 1168
APPROPRIATIONS — JUSTICE SYSTEM
H.F. 2492

AN ACT relating to appropriations to the justice system, providing penalties, and including effective date provisions.

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

DIVISION I
FY 2018-2019 APPROPRIATIONS

Section 1. 2017 Iowa Acts, chapter 167, section 27, is amended to read as follows:
SEC. 27. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	<u>3,336,154</u>
		<u>5,911,705</u>
.....	FTEs	215.00

As a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

.....	\$	<u>2,508,354</u>
		<u>5,016,708</u>

The moneys appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 24.00 full-time equivalent positions and to provide maintenance for the victim compensation functions of the department of justice. In addition to the full-time equivalent positions authorized pursuant to this paragraph, 5.00 full-time equivalent positions are authorized and shall be used by the department of justice to employ one accountant and four program planners. The department of justice may employ the additional 5.00 full-time equivalent positions authorized pursuant to this paragraph that are in excess of the number of full-time equivalent positions authorized only if the department of justice receives sufficient federal moneys to maintain employment for the additional full-time equivalent positions during the current fiscal year. The department of justice shall only employ the additional 5.00 full-time equivalent positions in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

The department of justice shall transfer at least \$150,000 from the victim compensation fund established in section 915.94 to the victim assistance grant program.

Notwithstanding section 8.33, moneys appropriated in this paragraph “b” that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

c. For legal services for persons in poverty grants as provided in section 13.34:

.....	\$	1,152,301
		<u>2,304,601</u>

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2019, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2017, and actual and expected reimbursements for the fiscal year commencing July 1, 2018.

b. The department of justice shall include the report required under paragraph “a”, as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2019.

3. a. The department of justice shall fully reimburse the costs and necessary related expenses incurred by the Iowa law enforcement academy to continue to employ one additional instructor position who shall provide training for ~~domestic abuse and human trafficking-related issues~~ throughout the state.

b. The department of justice shall obtain the moneys necessary to reimburse the Iowa law enforcement academy to employ such an instructor from unrestricted moneys from either the victim compensation fund established in section 915.94, the human trafficking victim fund established in section 915.95, or the human trafficking enforcement fund established in 2015 Iowa Acts, chapter 138, section 141.

4. The department of justice shall be subject to an agreed-upon procedures engagement performed by the auditor of state to identify sources and uses of discretionary funds of the department, including but not limited to legal settlement funds controlled by the department. The auditor of state shall complete and file the written report of the auditor’s findings and recommendations with the general assembly and the governor’s office by February 1, 2019. The department of justice shall fully reimburse the auditor of state for the agreed-upon procedures engagement.

Sec. 2. 2017 Iowa Acts, chapter 167, section 28, is amended to read as follows:

SEC. 28. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:	\$	1,568,794
.....		<u>3,137,588</u>
.....	FTEs	22.00

Sec. 3. 2017 Iowa Acts, chapter 167, section 29, is amended to read as follows:

SEC. 29. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 21,359,525
41,079,882

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 16,413,582
32,164,148

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 29,745,767
60,314,427

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 13,830,610
28,061,220

e. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,338,207
25,526,413

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 4,860,229
10,458,861

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,542,793
24,780,950

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 11,197,045
22,594,090

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 14,883,498
29,660,231

j. For reimbursement of counties for temporary confinement of prisoners, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 787,546
1,575,092

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 242,206
484,411

2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.

Sec. 4. 2017 Iowa Acts, chapter 167, section 30, is amended to read as follows:

SEC. 30. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries and the adjustment of salaries throughout the department, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... \$ 2,576,953
9,231,488

a. It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

b. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

2. For educational programs for inmates at state penal institutions:

..... \$ 1,304,055
2,608,109

a. To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

b. The director of the department of corrections may transfer moneys from Iowa prison industries and the canteen operating funds established pursuant to section 904.310, for use in educational programs for inmates.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:

..... \$ 1,000,000
2,000,000

4. For offender mental health and substance abuse treatment:

..... \$ 14,033
28,065

5. For department-wide duties, including operations, costs, and miscellaneous purposes:

..... \$ ~~648,947~~

Sec. 5. 2017 Iowa Acts, chapter 167, section 31, is amended to read as follows:

SEC. 31. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the first judicial district department of correctional services:

..... \$ 7,318,383
14,786,766

It is the intent of the general assembly that the first judicial district department of correctional services maintain the drug courts operated by the district department.

b. For the second judicial district department of correctional services:

..... \$ 5,691,870
11,433,739

It is the intent of the general assembly that the second judicial district department of correctional services establish and maintain two drug courts to be operated by the district department.

c. For the third judicial district department of correctional services:
..... \$ 3,583,979
7,167,957

d. For the fourth judicial district department of correctional services:
..... \$ 2,789,961
5,679,922

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:
..... \$ 10,428,970
21,557,940

It is the intent of the general assembly that the fifth judicial district department of correctional services maintain the drug court operated by the district department.

f. For the sixth judicial district department of correctional services:
..... \$ 7,356,583
14,713,165

It is the intent of the general assembly that the sixth judicial district department of correctional services maintain the drug court operated by the district department.

g. For the seventh judicial district department of correctional services:
..... \$ 3,888,671
7,777,341

It is the intent of the general assembly that the seventh judicial district department of correctional services maintain the drug court operated by the district department.

h. For the eighth judicial district department of correctional services:
..... \$ 4,042,261
8,084,521

2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

4. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

6. The public safety assessment shall not be utilized in pretrial hearings when determining whether to detain or release a defendant before trial, and the use of the public safety assessment pilot program shall be terminated as of the effective date of this subsection, until such time the use of the public safety assessment has been specifically authorized by the general assembly.

Sec. 6. 2017 Iowa Acts, chapter 167, section 36, is amended to read as follows:
SEC. 36. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

* Item veto; see message at end of the Act

.....	\$	477,378
		<u>971,341</u>
.....	FTEs	25.00
		<u>26.00</u>

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of state patrol.

3. The Iowa law enforcement academy shall provide training for domestic abuse and human trafficking-related issues throughout the state. The training shall be offered at no cost to the attendees and the training shall not replace any existing domestic abuse or human trafficking training offered by the academy.

Sec. 7. 2017 Iowa Acts, chapter 167, section 37, is amended to read as follows:

SEC. 37. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	13,091,122
		<u>26,505,299</u>
.....	FTEs	223.00

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:

.....	\$	16,722,224
		<u>35,144,448</u>

Sec. 8. 2017 Iowa Acts, chapter 167, section 38, is amended to read as follows:

SEC. 38. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	595,866
		<u>1,221,374</u>
.....	FTEs	10.75

Sec. 9. 2017 Iowa Acts, chapter 167, section 39, is amended to read as follows:

SEC. 39. DEPARTMENT OF PUBLIC DEFENSE.

1. There is appropriated from the general fund of the state to the department of public defense, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,111,662
		<u>6,334,961</u>
.....	FTEs	248.00

2. The department of public defense may temporarily exceed and draw more than the amount appropriated in this section and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this section is not exceeded at the close of the fiscal year.

Sec. 10. 2017 Iowa Acts, chapter 167, section 40, is amended to read as follows:

SEC. 40. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of homeland security and emergency management for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,060,964
		<u>2,123,610</u>
.....	FTEs	33.87

2. The department of homeland security and emergency management may temporarily exceed and draw more than the amount appropriated in this section and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this section is not exceeded at the close of the fiscal year.

Sec. 11. 2017 Iowa Acts, chapter 167, section 41, is amended to read as follows:

SEC. 41. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department’s administrative functions, including salaries and the adjustment of salaries throughout the department, the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	2,071,566
		<u>4,734,703</u>
.....	FTEs	37.00

2. For the division of criminal investigation, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	6,795,272
		<u>14,663,083</u>
.....	FTEs	160.00
		<u>163.00</u>

a. As a condition of the appropriation in this subsection, the division of criminal investigation shall expend up to \$200,000 to employ and ¹ additional 3.00 full-time equivalent positions to assist in expediting the processing and analysis of DNA samples.

b. The division of criminal investigation may employ two of the three additional full-time equivalent positions authorized pursuant to this subsection that are in excess of the number of full-time equivalent positions authorized for the previous fiscal year only if the division of criminal investigation receives sufficient federal moneys to maintain employment for the additional 2.00 full-time equivalent positions during the current fiscal year. The division of criminal investigation shall only employ the additional 2.00 full-time equivalent positions in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

3. For the criminalistics laboratory fund created in section 691.9:

¹ According to Act; the word “an” probably intended

.....	\$	151,173
		<u>650,000</u>

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

4. a. For the division of narcotics enforcement, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	3,726,650
		<u>7,785,873</u>
.....	FTEs	66.50

The division of narcotics enforcement may employ an additional 1.00 full-time equivalent position authorized pursuant to this lettered paragraph that is in excess of the number of full-time equivalent positions authorized for the previous fiscal year only if the division of narcotics enforcement receives sufficient federal moneys to maintain employment for the additional full-time equivalent position during the current fiscal year. The division of narcotics enforcement shall only employ the additional full-time equivalent position in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

b. For the division of narcotics enforcement for undercover purchases:

.....	\$	54,521
		<u>209,042</u>

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	2,343,357
		<u>4,965,056</u>
.....	FTEs	53.00

As a condition of receiving the appropriation in this subsection, the commissioner of the department of public safety shall appoint the administrator of the fire service training bureau of the division of state fire marshal as provided in section 100B.7.

6. For the division of state patrol, for salaries, support, maintenance, workers’ compensation costs, and miscellaneous purposes, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	30,683,170
		<u>63,926,287</u>
.....	FTEs	511.40

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

.....	\$	139,759
		<u>279,517</u>

8. For costs associated with the training and equipment needs of volunteer fire fighters:

.....	\$	412,760
		<u>825,520</u>

a. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

b. Notwithstanding section 8.39, the department of public safety may reallocate moneys appropriated in this section as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate moneys appropriated to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information regarding the rationale for reallocating the moneys. The department shall not reallocate moneys appropriated in this section for the purpose of eliminating any program.

9. For the public safety interoperable and broadband communications fund established in section 80.44:

.....	\$	57,831
		<u>115,661</u>

10. For the office to combat human trafficking established pursuant to section 80.45 as enacted by 2016 Iowa Acts, chapter 1077, section 1, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	75,000
		<u>150,000</u>
.....	FTEs	2.00

~~11. For department wide duties, including operations, costs, and miscellaneous purposes:~~

.....	\$	<u>917,487</u>
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Sec. 12. 2017 Iowa Acts, chapter 167, section 42, is amended to read as follows:

SEC. 42. GAMING ENFORCEMENT.

1. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct support costs for agents and officers of the division of criminal investigation's excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,872,636
		<u>10,239,218</u>
.....	FTEs	73.00

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1, 2018, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2018, and ending June 30, 2019, an additional amount of not more than \$300,000 to be used for not more than 3.00 additional full-time equivalent positions.

3. The department of public safety, with the approval of the department of management, may employ no more than three special agents for each additional riverboat or gambling structure regulated after July 1, 2018, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2018. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 13. 2017 Iowa Acts, chapter 167, section 43, is amended to read as follows:

SEC. 43. CIVIL RIGHTS COMMISSION.

1. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	578,531
		<u>1,198,266</u>
.....	FTEs	30.00

2. The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 14. 2017 Iowa Acts, chapter 167, section 44, is amended to read as follows:
 SEC. 44. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

1. There is appropriated from the general fund of the state to the criminal and juvenile justice planning division of the department of human rights for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	593,917
		<u>1,209,410</u>
.....	FTEs	9.56

2. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 15. 2017 Iowa Acts, chapter 167, section 45, is amended to read as follows:

SEC. 45. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. There is appropriated from the ~~E911~~ 911 emergency communications fund created in section 34A.7A to the department of homeland security and emergency management for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the ~~E911~~ 911 emergency communications fund:

.....	\$	125,000
		<u>250,000</u>

Sec. 16. 2017 Iowa Acts, chapter 167, is amended by adding the following new section:

NEW SECTION. SEC. 46. CONSUMER EDUCATION AND LITIGATION — FARM MEDIATION AND PROSECUTIONS, APPEALS, AND CLAIMS. Notwithstanding section 714.16C, there is appropriated from the consumer education and litigation fund to the department of justice for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

a. For farm mediation services as specified in section 13.13, subsection 2:

.....	\$	300,000
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b. For salaries, support, maintenance, and miscellaneous purposes for criminal prosecutions, criminal appeals, and performing duties pursuant to chapter 669:

.....	\$	1,500,000
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*Sec. 17. *EFFECTIVE DATE.* The following, being deemed of immediate importance, takes effect upon enactment:

*The portion of this division of this Act amending 2017 Iowa Acts, chapter 167, section 31, prohibiting the utilization of the public safety assessment in pretrial hearings.**

* Item veto; see message at end of the Act

DIVISION II
ATTORNEY GENERAL REPORTS

Sec. 18. Section 13.2, subsection 1, paragraph g, Code 2018, is amended by striking the paragraph.

DIVISION III
PUBLIC SAFETY SUPPORT TRUST FUND

Sec. 19. **NEW SECTION. 80.46 Public safety support trust fund.**

1. A public safety support trust fund is established in the state treasury under the control of the department. The department may receive and accept donations, grants, loans, and contributions in accordance with section 565.3 from any public or private source for deposit into the trust fund. Moneys credited to the trust fund are appropriated to the department for the purpose of supporting the activities of the department.

2. Notwithstanding section 8.33, moneys in the trust fund shall not revert. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

DIVISION IV
UNMANNED AERIAL VEHICLES

Sec. 20. **NEW SECTION. 719.9 Use of unmanned aerial vehicle — prohibitions.**

1. As used in this section:

a. “Facility” means a county jail, municipal holding facility, secure facility for the detention or custody of juveniles, community-based correctional facility, or institution under the management of the department of corrections.

b. “Unmanned aerial vehicle” means a vehicle or device that uses aerodynamic forces to achieve flight and is piloted remotely.

2. A person shall not operate an unmanned aerial vehicle knowing that the unmanned aerial vehicle is operating in, on, or above a facility and any contiguous real property comprising the surrounding grounds of the facility, unless the unmanned aerial vehicle is operated by a law enforcement agency or the person has permission from the authority in charge of the facility to operate an unmanned aerial vehicle in, on, or above such facility.

3. This section does not apply to an unmanned aerial vehicle while operating for commercial use in compliance with federal aviation administration regulations, authorizations, or exemptions.

4. A person who violates this section commits a class “D” felony.

DIVISION V
PRISON READING ROOMS

Sec. 21. Section 904.310A, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

904.310A Information or materials — distribution.

1. Funds appropriated to the department or other funds made available to the department shall not be used to distribute or make available any commercially published information or material to an inmate when such information or material is sexually explicit or features nudity.

2. The department shall adopt rules pursuant to chapter 17A to administer this section.

DIVISION VI
SPECIALTY COURTS — STUDY

Sec. 22. **SPECIALTY COURTS — STUDY.** The judicial branch and the department of corrections in cooperation with the division of criminal and juvenile justice planning of the department of human rights, and the judicial district departments of correctional services, shall study the effectiveness and recidivism rates of persons assigned to the specialty courts

of the judicial branch. The national center for state courts may be utilized in order to complete the study. The judicial branch shall file a report detailing the cost-effectiveness of the specialty courts including any recommendations with the general assembly and the fiscal services division of the legislative services agency by January 15, 2019.

DIVISION VII
SMALL CLAIMS JURISDICTION

Sec. 23. Section 631.1, subsections 1, 3, 4, 5, 7, and 8, Code 2018, are amended to read as follows:

1. The following actions or claims are small claims and shall be commenced, heard and determined as provided in this chapter:

a. A civil action for a money judgment where the amount in controversy is ~~four~~ five thousand dollars or less for actions commenced before July 1, ~~2002~~ 2018, exclusive of interest and costs.

b. A civil action for a money judgment where the amount in controversy is five six thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018, exclusive of interest and costs.

3. The district court sitting in small claims has concurrent jurisdiction of an action of replevin if the value of the property claimed is ~~four~~ five thousand dollars or less for actions commenced before July 1, ~~2002~~ 2018, and five six thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018. When commenced under this chapter, the action is a small claim for the purposes of this chapter.

4. The district court sitting in small claims has concurrent jurisdiction of motions and orders relating to executions against personal property, including garnishments, where the value of the property or garnisheed money involved is ~~four~~ five thousand dollars or less for actions commenced before July 1, ~~2002~~ 2018, and five six thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018.

5. The district court sitting in small claims has concurrent jurisdiction of an action for abandonment of a manufactured or mobile home or personal property pursuant to section 555B.3, if no money judgment in excess of ~~four~~ five thousand dollars is sought for actions commenced before July 1, ~~2002~~ 2018, and five six thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018. If commenced under this chapter, the action is a small claim for the purposes of this chapter.

7. The district court sitting in small claims has concurrent jurisdiction of an action for the collection of taxes brought by a county treasurer pursuant to sections 445.3 and 445.4 where the amount in controversy is five thousand dollars or less for actions commenced ~~on or after~~ before July 1, ~~2003~~ 2018, and six thousand five hundred dollars or less for actions commenced on or after July 1, 2018, exclusive of interest and costs.

8. The district court sitting in small claims has concurrent jurisdiction of motions and orders relating to releases of judgments in whole or in part including motions and orders under section 624.23, subsection 2, paragraph "c" and section 624.37, where the amount owing on the judgment, including interests and costs, is five thousand dollars or less for actions commenced before July 1, 2018, and six thousand five hundred dollars or less for actions commenced on or after July 1, 2018.

Sec. 24. JURISDICTIONAL AMOUNT REVERSION — SMALL CLAIMS. The jurisdictional amount in the section of this division of this Act that amends section 631.1 shall revert to five thousand dollars if a court of competent jurisdiction declares the six thousand five hundred dollar amount unconstitutional.

Approved June 1, 2018, with exceptions noted.

KIM REYNOLDS, Governor

Dear Mr. Secretary:

I hereby transmit House File 2492, an Act relating to appropriations to the justice system, providing penalties, and including effective date provisions.

House File 2492 is approved this date with the following exceptions in Sections 5 and 17, of which I disapprove:

The State of Iowa is currently taking part in a Public Safety Assessment (PSA) pilot program that provides judges with an objective, data-driven approach that they can use in pretrial proceedings when exercising their discretion. Sections 5 and 17 end that pilot program immediately.

I disapprove of these sections because I believe that we should consider and study ways to create a fairer pretrial system that protects the public. But I also understand that the legislature and other stakeholders have questions about the PSA and whether it considers all of the appropriate factors. For that reason, I am instructing the agencies of the executive branch to continue their participation in this pilot program until December 31, 2018. At that time, the pilot will be concluded, and further use of this assessment suspended, until the data from the pilot can be analyzed. If, after studying the data and research conclusions, it is found that this program will be in the best interests of the public, then new legislation should be considered that authorizes the PSA or similar risk-assessment tools. I want to also emphasize that, even during the short pendency of the pilot project, the PSA does not and should not replace the judge's discretion. The PSA is but one piece of information and the ultimate decision rests with each person sitting on the bench.

For the above reasons, I respectfully disapprove House File 2492 in part only as specified above, in accordance with Article III, Section 16, of the Constitution of the State of Iowa. The remainder of House File 2492 not disapproved of as stated herein is approved of as this date.

Sincerely,
KIM REYNOLDS, *Governor*

CHAPTER 1169

APPROPRIATIONS — ECONOMIC DEVELOPMENT

H.F. 2493

AN ACT making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, and the state board of regents and certain regents institutions, and properly related matters, and including effective date and retroactive applicability provisions.

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

DIVISION I FY 2018-2019

Section 1. 2017 Iowa Acts, chapter 169, section 18, is amended to read as follows:
SEC. 18. DEPARTMENT OF CULTURAL AFFAIRS.

1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions for the department:

.....	\$	84,318
		<u>168,637</u>
.....	FTEs	56.50

The department of cultural affairs shall coordinate activities with the tourism office of the economic development authority to promote attendance at the state historical building and at this state’s historic sites.

Full-time equivalent positions authorized under this paragraph are funded, in full or in part, using moneys appropriated under this paragraph and paragraphs “c” through “g”.

b. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

.....	\$	86,045
		<u>172,090</u>

c. HISTORICAL DIVISION

For the support of the historical division:

.....	\$	1,488,898
		<u>3,027,797</u>

d. HISTORIC SITES

For the administration and support of historic sites:

.....	\$	213,199
		<u>426,398</u>

e. ARTS DIVISION

For the support of the arts division:

.....	\$	596,094
		<u>1,217,188</u>

Of the moneys appropriated in this paragraph, the department shall allocate ~~\$150,000~~ \$300,000 for purposes of the film office.

f. IOWA GREAT PLACES

For the Iowa great places program established under section 303.3C:

.....	\$	75,000
		<u>150,000</u>

g. RECORDS CENTER RENT

For payment of rent for the state records center:

.....	\$	113,621
		<u>227,243</u>

h. CULTURAL TRUST GRANTS

For grant programs administered by the Iowa arts council including but not limited to those programs supporting the long-term financial stability and sustainability of nonprofit cultural organizations:

.....	\$	12,500
		<u>75,000</u>

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 2. 2017 Iowa Acts, chapter 169, section 20, is amended to read as follows:

SEC. 20. ECONOMIC DEVELOPMENT AUTHORITY.

1. APPROPRIATION

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated in this subsection, and for not more than the following full-time equivalent positions:

.....	\$	6,700,000
		<u>13,413,379</u>

..... FTEs 147.45

b. (1) For salaries, support, miscellaneous purposes, programs, marketing, and the maintenance of an administration division, a business development division, a community development division, a small business development division, and other divisions the authority may organize.

(2) The full-time equivalent positions authorized under this section are funded, in whole or in part, by the moneys appropriated under this subsection or by other moneys received by the authority, including certain federal moneys.

(3) For business development operations and programs, international trade, export assistance, workforce recruitment, and the partner state program.

(4) For transfer to a fund created pursuant to section 15.313 for purposes of financing strategic infrastructure projects.

(5) For community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer youth programs, the mainstreet and rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs.

(6) For achieving the goals and accountability, and fulfilling the requirements and duties required under this Act.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection until the close of the succeeding fiscal year.

2. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs through moneys appropriated in subsection 1 shall be subject to contract provisions requiring new and retained jobs to be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

b. Any vendor who receives moneys appropriated in subsection 1 shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

c. A business that receives financial assistance from the authority from moneys appropriated in subsection 1 shall only employ individuals legally authorized to work in this state. In addition to all other applicable penalties provided by current law, all or a portion of the assistance received by a business which is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the authority.

3. USES OF APPROPRIATIONS

a. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of a grant to a community economic development entity for conducting a local workforce recruitment effort designed to recruit former citizens of the state and former students at colleges and universities in the state to meet the needs of local employers.

b. From the moneys appropriated in subsection 1, the authority may provide financial assistance to early stage industry companies being established by women entrepreneurs.

c. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of grants, loans, or forgivable loans for advanced research and commercialization projects involving value-added agriculture, advanced technology, or biotechnology.

d. The authority shall not use any moneys appropriated in subsection 1 for purposes of providing financial assistance for the Iowa green streets pilot project or for any other program or project that involves the installation of geothermal systems for melting snow and ice from streets or sidewalks.

4. WORLD FOOD PRIZE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount for the world food prize and in lieu of the standing appropriation in section 15.368:

..... \$ 200,000

400,000

5. IOWA COMMISSION ON VOLUNTEER SERVICE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount for allocation to the Iowa commission on volunteer service for purposes of the Iowa state commission grant program, the Iowa’s promise and Iowa mentoring partnership programs, and for not more than the following full-time equivalent positions:

.....	\$	84,100
		<u>168,201</u>
.....	FTEs	7.00

Of the moneys appropriated in this subsection, the authority shall allocate ~~\$37,500~~ \$75,000 for purposes of the Iowa state commission grant program and ~~\$46,600~~ \$93,201 for purposes of the Iowa’s promise and Iowa mentoring partnership programs.

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

6. COUNCILS OF GOVERNMENTS — ASSISTANCE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount to be used for the purposes of providing financial assistance to Iowa’s councils of governments:

.....	\$	87,500
		<u>200,000</u>

6A. REGISTERED APPRENTICESHIP PROGRAM

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount to be used for the funding of a registered apprenticeship development program designed to encourage small to midsize businesses to start or grow registered apprenticeships:

.....	\$	1,000,000
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7. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIPS

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the Iowa economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, for the purposes designated:

For the funding of internships for students studying in the fields of science, technology, engineering, and mathematics with eligible Iowa employers as provided in section 15.411, subsection 3, paragraph “c”:

.....	\$	500,000
		<u>1,000,000</u>

b. No more than 3 percent of the moneys appropriated in this subsection may be used by the authority for costs associated with administration of the internship program.

c. Notwithstanding section 8.33, moneys appropriated in this subsection which remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in subsequent fiscal years.

Sec. 3. 2017 Iowa Acts, chapter 169, section 21, is amended to read as follows:

SEC. 21. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2018-2019. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amounts appropriated from the general fund of the state pursuant to these sections for the following purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph “d”, subparagraph (1):

.....	\$	208,351
		<u>448,403</u>

2. For the purposes of regional tourism marketing under section 99F.11, subsection 3, paragraph “d”, subparagraph (2):

.....	\$	450,000
		<u>900,000</u>

Sec. 4. 2017 Iowa Acts, chapter 169, is amended by adding the following new section:

NEW SECTION. SEC. 21A. FINANCIAL ASSISTANCE REPORTING — ECONOMIC DEVELOPMENT AUTHORITY. The economic development authority and the department of revenue shall submit a joint annual report to the general assembly no later than November 1 of each year that details the amount of every direct loan, forgivable loan, tax credit, tax exemption, tax refund, grant, or any other financial assistance awarded to a person during the prior fiscal year by the authority under an economic development program administered by the authority. The report shall identify the county where the project associated with each such award is located.

Sec. 5. 2017 Iowa Acts, chapter 169, section 22, is amended to read as follows:

SEC. 22. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2018, ~~\$50,000~~ \$100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 6. 2017 Iowa Acts, chapter 169, section 23, is amended to read as follows:

SEC. 23. IOWA FINANCE AUTHORITY.

1. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used to provide reimbursement for rent expenses to eligible persons under the home and community-based services rent subsidy program established in section 16.55:

.....	\$	329,000
		<u>658,000</u>

~~2. If the Iowa finance authority utilizes a waiting list, the authority shall give priority to a person participating in the state’s money follows the person partnership for community integration project who has been assigned to work with a transition specialist.~~ Of the moneys appropriated in this section, not more than ~~\$17,500~~ \$35,000 may be used for administrative costs.

Sec. 7. 2017 Iowa Acts, chapter 169, section 25, is amended to read as follows:

SEC. 25. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	671,226
		<u>1,492,452</u>
.....	FTEs	10.00
		<u>11.00</u>

2. Of the moneys appropriated in this section, the board shall allocate ~~\$7,500~~ \$15,000 for maintaining an internet site that allows searchable access to a database of collective bargaining information.

Sec. 8. 2017 Iowa Acts, chapter 169, section 26, is amended to read as follows:

SEC. 26. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

a. For the division of labor services, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,745,626
		<u>3,491,252</u>
.....	FTEs	61.12

b. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF WORKERS' COMPENSATION

a. For the division of workers' compensation, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,629,522
		<u>3,309,044</u>
.....	FTEs	27.20

b. The division of workers' compensation shall charge a \$100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of administering the division of workers' compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices, the workforce development board, and for not more than the following full-time equivalent positions:

.....	\$	3,972,825
		<u>7,925,650</u>
.....	FTEs	187.75

b. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate ~~\$75,000~~ \$150,000 to the state library for the purpose of licensing an online resource which prepares persons to succeed in the workplace through programs which improve job skills and vocational test-taking abilities.

4. OFFENDER REENTRY PROGRAM

a. For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full-time equivalent positions:

.....	\$	143,579
		<u>337,158</u>
.....	FTEs	4.00
		<u>5.00</u>

b. The department of workforce development shall partner with the department of corrections to provide staff within the correctional facilities to improve offenders' abilities to find and retain productive employment.

5. INTEGRATED INFORMATION FOR IOWA SYSTEM

For the payment of services provided by the department of administrative services related to the integrated information for Iowa system:

.....	\$	114,411
		<u>228,822</u>

5A. SUMMER YOUTH INTERN PILOT PROGRAM

For the funding of a summer youth intern pilot program that will help young people at risk of not graduating from high school to explore and prepare for high-demand careers through summer work experience, including the development of soft skills:

.....	\$	250,000
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5B. FUTURE READY IOWA COORDINATOR

For the funding of a future ready Iowa coordinator in the department, and for not more than the following full-time equivalent positions:

.....	\$	150,000
.....	FTEs	1.00

6. NONREVERSION

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 9. 2017 Iowa Acts, chapter 169, section 27, is amended to read as follows:

SEC. 27. GENERAL FUND — EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enhancing efforts to investigate employers that misclassify workers and for not more than the following full-time equivalent positions:

.....	\$	214,815
.....		<u>379,631</u>
.....	FTEs	5.00

Sec. 10. 2017 Iowa Acts, chapter 169, section 28, is amended to read as follows:

SEC. 28. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for field offices:

.....	\$	883,042
.....		<u>1,766,084</u>

2. Any remaining additional penalty and interest revenue collected by the department of workforce development is appropriated to the department for the fiscal year beginning July 1, 2018, and ending June 30, 2019, to accomplish the mission of the department.

Sec. 11. 2017 Iowa Acts, chapter 169, section 29, is amended to read as follows:

SEC. 29. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD OFFICES. Notwithstanding section 96.9, subsection 8, paragraph “e”, there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

.....	\$	530,000
.....		<u>1,600,000</u>

Sec. 12. 2017 Iowa Acts, chapter 169, section 32, is amended to read as follows:

SEC. 32. IOWA SKILLED WORKER AND JOB CREATION FUND.

1. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ECONOMIC DEVELOPMENT AUTHORITY

(1) For the purposes of providing assistance under the high quality jobs program as described in section 15.335B:

.....	\$	7,950,000
.....		<u>13,650,000</u>

(2) From the moneys appropriated in this lettered paragraph “a”, the economic development authority may use not more than ~~\$500,000~~ \$1,000,000 for purposes of providing infrastructure grants to mainstreet communities under the main street Iowa program.

(3) As a condition of receiving moneys appropriated in this lettered paragraph “a”, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

b. STATE BOARD OF REGENTS AND REGENTS INSTITUTIONS

(1) STATE BOARD OF REGENTS. For capacity building infrastructure in areas related to technology commercialization, marketing and business development efforts in areas related

to technology commercialization, entrepreneurship, and business growth, and infrastructure projects and programs needed to assist in implementation of activities under chapter 262B:

.....	\$	1,500,000
		<u>3,000,000</u>

Of the moneys appropriated pursuant to this subparagraph (1), 35 percent shall be allocated for Iowa state university of science and technology, 35 percent shall be allocated for the state university of Iowa, and 30 percent shall be allocated for the university of northern Iowa.

(a) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subparagraph (1).

(b) The state board of regents shall annually submit a report by January 15 to the governor, the general assembly, and the legislative services agency regarding the activities, projects, and programs funded with moneys appropriated under this subparagraph (1). The report shall be provided in an electronic format and shall include a list of metrics and criteria mutually agreed to in advance by the board of regents and the economic development authority. The metrics and criteria shall allow the governor’s office and the general assembly to quantify and evaluate the progress of the board of regents institutions with regard to their activities, projects, and programs in the areas of technology commercialization, entrepreneurship, regional development, and market research.

(2) IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY. For small business development centers, the science and technology research park, and the center for industrial research and service, and for not more than the following full-time equivalent positions:

.....	\$	1,212,151
		<u>2,424,302</u>
.....	FTEs	56.63

(a) Of the moneys appropriated in this subparagraph (2), Iowa state university of science and technology shall allocate at least \$367,864 \$735,728 for purposes of funding small business development centers. Iowa state university of science and technology may allocate the appropriated moneys to the various small business development centers in any manner necessary to achieve the purposes of this subparagraph.

(b) Iowa state university of science and technology shall do all of the following:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(c) It is the intent of the general assembly that the industrial incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations, and that moneys for the center for industrial research and service industrial incentive program shall be allocated only for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 8, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and the legislative services agency the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

(3) STATE UNIVERSITY OF IOWA. For the state university of Iowa research park and for the advanced drug development program at the Oakdale research park, including salaries, support, maintenance, equipment, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	104,639
		<u>209,279</u>
.....	FTEs	6.00

The state university of Iowa shall do all of the following:

(a) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(b) Provide emphasis to providing services to Iowa-based companies.

(4) STATE UNIVERSITY OF IOWA. For the purpose of implementing the entrepreneurship and economic growth initiative, and for not more than the following full-time equivalent positions:

.....	\$	1,000,000
		<u>2,000,000</u>
.....		FTEs 8.00

(5) UNIVERSITY OF NORTHERN IOWA. For the metal casting institute center, the MyEntreNet internet application, and the institute of for decision making, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	533,209
		<u>1,066,419</u>
.....		FTEs 8.12

(a) Of the moneys appropriated pursuant to this subparagraph (5), the university of northern Iowa shall allocate at least ~~\$308,819~~ \$617,638 for purposes of support of entrepreneurs through the university’s center for business growth and innovation and advance Iowa program.

(b) The university of northern Iowa shall do all of the following:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(6) As a condition of receiving moneys appropriated in this lettered paragraph “b”, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

c. DEPARTMENT OF WORKFORCE DEVELOPMENT

To develop a long-term sustained program to train unemployed and underemployed central Iowans with skills necessary to advance to higher-paying jobs with full benefits:

.....	\$	50,000
		<u>100,000</u>

(1) The department of workforce development shall begin a request for proposals process, issued for purposes of this lettered paragraph “c”, no later than September 1, 2018.

(2) As a condition of receiving moneys appropriated under this lettered paragraph “c”, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

2. Notwithstanding section 8.33, moneys appropriated in this section of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION II
UNEMPLOYMENT INSURANCE SYSTEMS MODERNIZATION

Sec. 13. AUTHORIZATION OF USE OF FUNDS — UNEMPLOYMENT INSURANCE SYSTEMS MODERNIZATION. Incentive payment funds made to the state pursuant to the federal Assistance for Unemployed Workers and Struggling Families Act, Pub. L. No. 111-5, enacted February 17, 2009, as a special transfer under section 903 of the Social Security Act, may be used up to \$39,200,000, or so much thereof as may be necessary, by the department of workforce development, for the purpose of unemployment insurance systems modernization and for the acquisition of programming, software, and equipment required to provide an administrative system for the Iowa unemployment insurance program.

Sec. 14. REPEAL. 2017 Iowa Acts, chapter 169, section 15, is repealed.

Sec. 15. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 16. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2017:

The section of this division of this Act relating to unemployment insurance systems modernization.

DIVISION III
INDEPENDENT INVESTIGATION OF IOWA FINANCE AUTHORITY

Sec. 17. FINANCIAL AND SEXUAL HARASSMENT INVESTIGATIONS OF IOWA FINANCE AUTHORITY. The independent investigators who have been selected to conduct an investigation of the Iowa finance authority shall each submit a report with a summary of the results of the independent investigator's investigation to the general assembly no later than December 1, 2018. The financial investigation shall include an analysis of all expenses reimbursed by the state to the former director of the authority and all employees of the authority for the period January 1, 2011, through June 30, 2018. Such expenses shall include all travel, lodging, meals, beverages, personal services, entertainment, office expenses, and all other expenditures not included in the authority's budget. The financial investigation shall also include an analysis of any personal financial or other personal accounts used by the former authority director or any employee of the authority to collect agency fees or other moneys collected by the authority. The sexual harassment investigation shall include a review of any conduct of current and former authority employees in violation of a state human resources policy or an authority personnel policy that is related to the termination of the former director of the authority.

DIVISION IV
MISCELLANEOUS

Sec. 18. Section 8.57, subsection 5, paragraph f, subparagraph (1), subparagraph division (c), Code 2018, is amended to read as follows:

(c) (i) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter through the fiscal year beginning July 1, 2017, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next sixty-six million dollars shall be deposited in the Iowa skilled worker and job creation fund created in section 8.75.

(ii) For the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next sixty-three million seven hundred fifty thousand dollars shall be deposited in the Iowa skilled worker and job creation fund created in section 8.75.

Sec. 19. Section 8.57, subsection 5, paragraph f, subparagraph (1), Code 2018, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0d) For the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next two million two hundred fifty thousand dollars shall be deposited in the general fund of the state.

Sec. 20. Section 8.57, subsection 5, paragraph f, subparagraph (1), subparagraph division (d), Code 2018, is amended to read as follows:

(d) For the fiscal year beginning July 1, ~~2013~~, 2018, and for each fiscal year thereafter, the total moneys in excess of the moneys deposited under this paragraph "f" in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, the vision Iowa fund, and the Iowa skilled worker and job creation fund, and the general fund of the state shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

Sec. 21. Section 96.5, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 13. *Overpayment resulting in disqualification.* If the department finds that an individual has received benefits by reason of misrepresentation pursuant to section 96.16, such individual shall be disqualified for benefits until the balance of the

benefits received by the individual due to misrepresentation, including all penalties, interest, and lien fees, is paid in full.

Sec. 22. **NEW SECTION. 507E.2A Definition of insurer — workers’ compensation.**

As used in this chapter, unless the context otherwise requires:

1. “Insurance” means any and all contracts, arrangements, and agreements by or through which one party, for compensation, assumes risks of another party and promises to pay the second party or the second party’s nominee a certain or ascertainable sum of money on the occurrence of a specified contingency. “Insurance” includes any and all contracts, arrangements, or agreements contemplated by, falling within, and coming under section 87.11. Without limiting the foregoing, “insurance” includes any contract of insurance, indemnity, subscription, membership, suretyship, or annuity that has been issued, is proposed for issuance, or is intended for issuance by any person or entity.

2. “Insurer” includes an insurer that issues a policy of workers’ compensation, a self-insured business for purposes of workers’ compensation liability, or a group or self-insured plan as described in section 87.4.

Approved June 1, 2018

CHAPTER 1170

APPROPRIATIONS — TRANSPORTATION

H.F. 2494

AN ACT relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, providing for other properly related matters, and including effective date provisions.

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

DIVISION I

FY 2018-2019 APPROPRIATIONS

Section 1. 2017 Iowa Acts, chapter 164, section 3, is amended to read as follows:

SEC. 3. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver’s licenses, as defined in section 321.1, subsection 20A:

.....	\$	1,938,000
		<u>3,876,000</u>

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations Administrative services:

.....	\$	3,350,073
		<u>6,677,758</u>

b. Planning:

.....	\$	224,770
		<u>447,822</u>

c. Motor vehicles:		
.....	\$	18,005,103
		<u>25,962,748</u>
d. <u>Performance and technology Strategic performance:</u>		
.....	\$	262,670
		<u>671,369</u>
e. <u>Highways:</u>		
.....	\$	10,233,174
3. For payments to the department of administrative services for utility services:		
.....	\$	129,780
		<u>259,560</u>
4. For unemployment compensation:		
.....	\$	3,500
		<u>7,000</u>
5. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of employees of the department of transportation:		
.....	\$	87,740
		<u>175,748</u>
6. For payment to the general fund of the state for indirect cost recoveries:		
.....	\$	45,000
		<u>90,000</u>
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		
.....	\$	43,659
		<u>87,318</u>
8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:		
.....	\$	703,000
		<u>1,406,000</u>
9. For costs associated with the participation in the Mississippi river parkway commission:		
.....	\$	20,000
		<u>40,000</u>
10. For costs associated with the traffic and criminal software program and the mobile architecture and communications handling program:		
.....	\$	150,000
		<u>300,000</u>
11. For motor vehicle division field facility maintenance projects at various locations:		
.....	\$	150,000
		<u>300,000</u>
For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsection 11 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.		
12. <u>For costs associated with the statewide interoperability network:</u>		
.....	\$	497,191

Sec. 2. 2017 Iowa Acts, chapter 164, section 4, is amended to read as follows:

SEC. 4. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. Operations Administrative services:

.....	\$	20,579,021
.....		<u>41,020,512</u>
.....	FTEs	259.00
		<u>250.00</u>
b. Planning:		
.....	\$	4,270,616
.....		<u>8,508,616</u>
.....	FTEs	97.00
		<u>94.00</u>
c. Highways:		
.....	\$	122,985,456
.....		<u>247,828,001</u>
.....	FTEs	1,962.00
		<u>2,056.00</u>
d. Motor vehicles:		
.....	\$	750,213
.....		<u>1,081,781</u>
.....	FTEs	395.00
		<u>281.00</u>
e. Performance and technology <u>Strategic performance:</u>		
.....	\$	1,611,825
.....		<u>4,124,123</u>
.....	FTEs	35.00
		<u>41.00</u>
2. For payments to the department of administrative services for utility services:		
.....	\$	797,220
		<u>1,594,440</u>
3. For unemployment compensation:		
.....	\$	69,000
		<u>138,000</u>
4. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of the employees of the department of transportation:		
.....	\$	2,105,762
		<u>4,217,954</u>
5. For disposal of hazardous wastes from field locations and the central complex:		
.....	\$	400,000
		<u>800,000</u>
6. For payment to the general fund of the state for indirect cost recoveries:		
.....	\$	330,000
		<u>660,000</u>
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		
.....	\$	268,191
		<u>536,382</u>
8. For costs associated with producing transportation maps:		
.....	\$	121,000
		<u>242,000</u>
9. For inventory and equipment replacement:		
.....	\$	5,232,500
		<u>10,465,000</u>
<u>9A. For costs associated with the statewide interoperability network:</u>		
.....	\$	3,054,172
10. For utility improvements at various locations:		
.....	\$	200,000
		<u>400,000</u>
11. For roofing projects at various locations:		
.....	\$	250,000

		<u>500,000</u>
12. For heating, cooling, and exhaust system improvements at various locations:		
.....	\$	350,000
		<u>700,000</u>
13. For deferred maintenance projects at field facilities throughout the state:		
.....	\$	850,000
		<u>1,700,000</u>
14. For maintenance projects at rest area facilities throughout the state:		
.....	\$	125,000
		<u>250,000</u>
15. For improvements related to compliance with the federal Americans with Disabilities Act to facilities throughout the state:		
.....	\$	75,000
		<u>150,000</u>
16. For renovations to the Waterloo maintenance garage:		
.....	\$	895,000
		<u>1,790,000</u>

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 16 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II

DEPARTMENT OF TRANSPORTATION EMPLOYEES DESIGNATED AS PEACE OFFICERS

Sec. 3. 2017 Iowa Acts, chapter 149, section 4, is amended to read as follows:

SEC. 4. REPEAL. The section of this Act amending section 321.477 is repealed July 1, 2018 2019.

Sec. 4. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III

SPECIAL MINOR'S LICENSES

Sec. 5. Section 321.194, subsection 1, Code 2018, is amended to read as follows:

1. ~~Persons eligible. Upon certification of a special need by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent, the~~ The department may issue a class C or M driver's license to a person between the ages of fourteen and eighteen years if all of the following apply:

a. The person's driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and the person has not been convicted of a moving traffic violation or involved in a motor vehicle accident for, the six-month period immediately preceding the application for the special minor's license.

b. The person has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

c. The person's school has certified to the department that the person has a special need for the license pursuant to subsection 3.

Sec. 6. Section 321.194, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. Permitted operations. The driver's license entitles the ~~holder~~ licensee, while having the license in immediate possession, to operate a motor vehicle, ~~other than a commercial motor vehicle or as a chauffeur;~~, during the times and for the purposes set forth in this paragraph.

(1) If the licensee attends a public school, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. as follows:

~~(a) During the hours of 5:00 a.m. to 10:00 p.m. over~~ Over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district of enrollment.

~~(2) (b) During the hours of 5:00 a.m. to 10:00 p.m. over~~ Over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the licensee's school of enrollment, for the purpose of participating in extracurricular activities conducted under a sharing agreement with the licensee's school of enrollment or conducted at a site, ~~or facility, or school~~ designated by the licensee's school district for the accommodation of the school's extracurricular activities, provided the site, facility, or school is within the licensee's school district of enrollment or is within a school district contiguous to the licensee's school district of enrollment.

(2) If the licensee attends an accredited nonpublic school, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. as follows:

(a) Over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities, provided the driving distance between the point of origin and the destination is no more than twenty-five miles.

(b) Over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the licensee's school of enrollment, for the purpose of participating in extracurricular activities conducted at a site, facility, or school designated by the licensee's school of enrollment for the accommodation of the school's extracurricular activities, provided the driving distance between the point of origin and the destination is no more than twenty-five miles.

(3) To a service station for the purpose of refueling, so long as the service station is the station closest to the route on which the licensee is traveling ~~or~~ under subparagraph (1) or (2).

(4) At any time when the licensee is accompanied in accordance with section 321.180B, subsection 1.

Sec. 7. Section 321.194, subsection 3, Code 2018, is amended to read as follows:

3. *Certification of need and issuance of license.*

a. Each application shall be accompanied by a statement from the ~~school board, superintendent, or principal, if authorized by the superintendent,~~ of the applicant's school of enrollment. The statement shall be upon a form provided by the department. ~~The school board, superintendent, or principal, if authorized by the superintendent, and~~ shall certify that a need exists for the license and that the ~~board, superintendent, or principal authorized by the superintendent~~ person signing the statement is not responsible for actions of the applicant which pertain to the use of the driver's license.

(1) If the applicant attends a public school, the certification shall be made by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent.

(2) If the applicant attends an accredited nonpublic school, the certification shall be made by the authorities in charge of the accredited nonpublic school or a duly authorized representative of the authorities.

b. Upon receipt of a statement of necessity, the department shall issue the driver's license provided the applicant is otherwise eligible for issuance of the license. The fact that the

applicant resides at a distance less than one mile from the applicant’s school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license.

c. The school board shall develop and adopt a policy establishing the criteria that the school shall be used by a school district administrator use to approve or deny certification that a need exists for a license. If the school is a public school, the policy shall be developed and adopted by the school board. If the school is an accredited nonpublic school, the policy shall be developed and adopted according to procedures determined by the authorities in charge of the accredited nonpublic school.

d. The A student enrolled in a public school may appeal to the school board the decision of a school district administrator to deny certification. A student enrolled in an accredited nonpublic school may appeal the school’s decision to deny certification as permitted by the authorities in charge of the accredited nonpublic school. The decision of the school board or authorities in charge of the accredited nonpublic school is final.

e. The driver’s license shall not be issued for purposes of attending a public school in a school district other than either of the following:

a. (1) The district of residence of the parent or guardian of the student.

b. (2) A district which is contiguous to the district of residence of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under section 282.18 or as a result of an election by the student’s district of residence to enter into one or more sharing agreements pursuant to the procedures in chapter 282.

f. The driver’s license shall not be issued for purposes of attending an accredited nonpublic school if the driving distance between the school and the residence of the parent or guardian of the student is more than twenty-five miles.

Approved June 1, 2018

CHAPTER 1171

APPROPRIATIONS — JUDICIAL BRANCH

H.F. 2495

AN ACT relating to appropriations to the judicial branch.

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

Section 1. 2017 Iowa Acts, chapter 166, section 9, is amended to read as follows:

SEC. 9. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2018; and maintenance, equipment, and miscellaneous purposes:

..... \$ 87,843,306
177,574,797

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, costs and fees for interpreters and translators, and reimbursement of attorney fees paid by the state public defender:

..... \$ 1,550,000
3,100,000

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of administrative services. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

4. The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

5. It is the intent of the general assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this division of this Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2019, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 9, during the fiscal year beginning July 1, 2017, and ending June 30, 2018, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2018, and ending June 30, 2019. A copy of the report shall be provided to the legislative services agency.

Approved June 1, 2018

CHAPTER 1172

**STATE AND LOCAL GOVERNMENT FINANCIAL AND REGULATORY MATTERS —
APPROPRIATIONS AND MISCELLANEOUS CHANGES**

H.F. 2502

AN ACT relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and providing for effective date, contingent effective date, applicability, and retroactive applicability provisions.

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

**DIVISION I
STANDING APPROPRIATIONS AND RELATED MATTERS**

Section 1. 2017 Iowa Acts, chapter 170, is amended by adding the following new section:
NEW SECTION. SEC. 5A. GENERAL ASSEMBLY — FY 2018-2019.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2018, and ending June 30, 2019, are reduced by the following amount:

..... \$ 1,417,318

2. The budgeted amounts for the general assembly and legislative agencies for the fiscal year beginning July 1, 2018, may be adjusted to reflect the unexpended budgeted amounts from the previous fiscal year.

3. Annual membership dues for organizations, associations, and conferences shall not be paid from moneys appropriated pursuant to section 2.12, except reimbursement for travel expenses may be paid to commissioners serving on the commission of uniform state laws.

4. Costs for out-of-state travel and per diems for out-of-state travel shall not be paid from moneys appropriated pursuant to section 2.12.

Sec. 2. 2017 Iowa Acts, chapter 170, is amended by adding the following new section:

NEW SECTION. SEC. 6A. INSTRUCTIONAL SUPPORT STATE AID — FY 2018-2019. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2018, and ending June 30, 2019, for paying instructional support state aid under section 257.20 for such fiscal years is zero.

Sec. 3. 2017 Iowa Acts, chapter 170, section 15, is amended to read as follows:

SEC. 15. CASH RESERVE FUND APPROPRIATION — FY 2018-2019.

There is appropriated from the general fund of the state to the cash reserve fund for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount:

..... \$ 111,100,000

113,100,000

Sec. 4. Section 257.35, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2018, and ending June 30, 2019, shall be reduced by the department of management by fifteen million dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

Sec. 5. **TAXPAYERS TRUST FUND.** On July 1, 2018, any unencumbered and unobligated moneys in the taxpayers trust fund created in section 8.57E are transferred to the general fund of the state.

Sec. 6. **SALARY MODEL ADMINISTRATOR.** The salary model administrator shall work in conjunction with the legislative services agency to maintain the state’s salary model used for analyzing, comparing, and projecting state employee salary and benefit information,

including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state’s salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in section 20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

DIVISION II
MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

Sec. 7. Section 331.424A, subsection 9, Code 2018, as amended by 2018 Iowa Acts, House File 2456,¹ section 14, is amended to read as follows:

a. For the fiscal year beginning July 1, 2017, and each subsequent fiscal year, the county budgeted amount determined for each county shall be the amount necessary to meet the county’s financial obligations for the payment of services provided under the regional service system management plan approved pursuant to section 331.393, not to exceed an amount equal to the product of the regional per capita expenditure target amount multiplied by the county’s population, and, for fiscal years beginning on or after July 1, 2021, reduced by the amount of the county’s cash flow reduction amount for the fiscal year calculated under subsection 4, if applicable.

b. If a county officially joins a different region, the county’s budgeted amount shall be the amount necessary to meet the county’s financial obligations for payment of services provided under the new region’s regional service system management plan approved pursuant to section 331.393, not to exceed an amount equal to the product of the new region’s regional per capita expenditure target amount multiplied by the county’s population, and, for fiscal years beginning on or after July 1, 2021, reduced by the amount of the county’s cash flow reduction amount for the fiscal year calculated under subsection 4, if applicable.

Sec. 8. 2017 Iowa Acts, chapter 170, section 13, is amended to read as follows:

SEC. 13. TRANSFER FROM CASH RESERVE FUND. Notwithstanding section 8.56, subsection 3 and subsection 4, paragraph “a” and section 8.57, subsection 1, paragraph “a”, there is transferred from the cash reserve fund created in section 8.56 to the general fund of the state for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount:

..... \$ 131,100,000

Sec. 9. 2018 Iowa Acts, House File 2441,² section 17, subsection 1, is amended by striking the subsection.

Sec. 10. 2018 Iowa Acts, Senate File 2117,³ section 11, subsection 1, is amended to read as follows:

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the general fund of the state for the fiscal year beginning July 1, 2017 2016, and ending June 30, 2018 2017, the following amount:

..... \$ 13,000,000

Sec. 11. 2018 Iowa Acts, Senate File 2117,⁴ section 12, is amended to read as follows:

SEC. 12. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to ~~September 28, 2017~~ June 30, 2017:

¹ Chapter 1056 herein

² Chapter 1112 herein

³ Chapter 1028 herein

⁴ Chapter 1028 herein

The section of this division of this Act appropriating moneys from the Iowa economic emergency fund to the general fund in lieu of a prior standing appropriation.

Sec. 12. RETROACTIVE APPLICABILITY. The following applies retroactively to May 12, 2017:

The section of this division of this Act amending 2017 Iowa Acts, chapter 170, section 13.

Sec. 13. RETROACTIVE APPLICABILITY. The following applies retroactively to the effective date of section 256.9A, as enacted by 2018 Iowa Acts, House File 2441,⁵ section 1:

The section of this division of this Act amending 2018 Iowa Acts, House File 2441,⁶ section 17, subsection 1.

Sec. 14. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III CORRECTIVE PROVISIONS

Sec. 15. Section 9A.102, subsection 1, Code 2017, as amended by 2018 Iowa Acts, Senate File 385,⁷ section 2, is amended to read as follows:

1. “Agency contract” means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional sports services contract or an endorsement contract.

Sec. 16. Section 68B.2C, as enacted by 2018 Iowa Acts, Senate File 2323,⁸ section 7, is amended to read as follows:

68B.2C Prohibited outside employment and activities — agents of foreign principals.

Officials and state employees shall not engage in any outside employment or activity that requires the person to register under the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq., as amended.

Sec. 17. Section 84A.4, subsection 4, paragraph f, Code 2018, if enacted by 2018 Iowa Acts, Senate File 2353,⁹ section 6, is amended to read as follows:

f. *Proven and promising practices.* The local workforce development board shall lead efforts in the local workforce development area to ~~do all of the following:~~

(1) ~~Identify~~ identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers, including individuals with a barrier to employment, in the local workforce development system, including providing physical and programmatic accessibility, in accordance with 29 U.S.C. §3248, if applicable, applicable provisions of chapter 216, and applicable provisions of the Americans with Disabilities Act of 1990, codified at 42 U.S.C. §12101 et seq., to the one-stop delivery system.

Sec. 18. Section 123.92, subsection 3, paragraph a, Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,¹⁰ section 47, is amended to read as follows:

a. Notwithstanding section 123.49, subsection 1, any person who is injured in person or property or means of support by an intoxicated person who is under legal age or resulting from the intoxication of a person who is under legal age, has a right of action for all damages actually sustained, severally or jointly, against a person who is not a licensee or permittee and who dispensed or gave any alcoholic beverage to the intoxicated underage person when the nonlicensee or nonpermittee who dispensed or gave the alcoholic beverage to the underage person knew or should have known the underage person was intoxicated, or who dispensed or gave any alcoholic beverage to the underage person to a point where the

⁵ Chapter 1112 herein

⁶ Chapter 1112 herein

⁷ Chapter 1139 herein

⁸ Chapter 1061 herein

⁹ Chapter 1143 herein

¹⁰ Chapter 1060 herein

nonlicensee or nonpermittee knew or should have known that the underage person would become intoxicated.

Sec. 19. Section 135.16A, subsection 1, paragraph a, as enacted by 2018 Iowa Acts, House File 2408,¹¹ section 1, is amended to read as follows:

a. “*Conventional eggs*” means eggs ~~others~~ other than specialty eggs.

Sec. 20. Section 147C.1, subsection 7, paragraph e, subparagraph (2), subparagraph division (h), as enacted by 2018 Iowa Acts, House File 2425,¹² section 1, is amended to read as follows:

(h) Disclosure of investigative records compiled for law enforcement purposes ~~of any of the following~~.

Sec. 21. Section 148H.1, subsection 4, as enacted by 2018 Iowa Acts, Senate File 2228,¹³ section 5, is amended to read as follows:

4. “*Genetic counseling intern*” means a student enrolled in a genetic counseling program accredited by the accreditation council for genetic counseling or its equivalent or successor organization, or the American board of medical genetics and genomics or its equivalent or successor organization.

Sec. 22. Section 256.7, subsection 21, paragraph b, subparagraph (2), subparagraph division (d), as enacted by 2018 Iowa Acts, House File 2235,¹⁴ section 1, is amended to read as follows:

(d) That the assessment be peer-reviewed by an independent, third-party evaluator to determine that the assessment is aligned with the Iowa core academic standards, provides a measurement of student growth and student proficiency, and meets the summative assessment requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95. The assessment developed by the Iowa testing ~~service~~ program within the university of Iowa college of education shall ~~make any necessary adjustments as determined by the peer review~~ be adjusted as necessary to meet the requirements of this subparagraph (2) as determined by the peer review.

Sec. 23. Section 256.42, subsection 5, Code 2018, as amended by 2018 Iowa Acts, Senate File 2131,¹⁵ section 1, is amended to read as follows:

5. Under the initiative, a student must be enrolled in a participating school district or accredited nonpublic school or be receiving private instruction under chapter 299A as described in subsection 1. For a student enrolled in a participating school district or accredited nonpublic school, the school district or school is responsible for recording grades received for initiative coursework in a student’s permanent record, awarding high school credit for initiative coursework, and issuing a high school diploma ~~diplomas~~ diploma to a student enrolled in the district or school who participates and completes coursework under the initiative. Each participating school shall identify a site coordinator to serve as a student advocate and as a liaison between the initiative staff and teachers and the school district or accredited nonpublic school. The individual providing instruction to a student under chapter 299A as described in subsection 1 shall receive the student’s score for completed initiative coursework.

Sec. 24. Section 261.131, subsection 1, paragraph d, Code 2018, as enacted by 2018 Iowa Acts, House File 2458,¹⁶ section 12, is amended to read as follows:

d. “*Eligible program*” means a program of study or an academic major jointly approved by the commission and the department of workforce development, in consultation with an eligible institution, that leads to a credential aligned with a high-demand job designated by the workforce development board or a community college pursuant to section 84A.1B, subsection

¹¹ Chapter 1025 herein

¹² Chapter 1087 herein

¹³ Chapter 1052 herein

¹⁴ Chapter 1037 herein

¹⁵ Chapter 1029 herein

¹⁶ Chapter 1067 herein

13A. If the board or a community college removes a high-demand job from a list created under section 84A.1B, subsection 13A, an eligible student who received a scholarship for a program based on that high-demand job shall continue to receive the scholarship until achieving a postsecondary credential, up to an associate degree, as long as the student continues to meet all other eligibility requirements.

Sec. 25. Section 280.13C, subsection 4, paragraph a, Code 2018, as amended by 2018 Iowa Acts, House File 2442,¹⁷ section 1, is amended to read as follows:

a. The department of public health, Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to distribute the guidelines of the centers for disease control and prevention guidelines of the United States department of health and human services and other pertinent information to inform and educate coaches, students, and the parents and guardians of students of the risks, signs, symptoms, and behaviors consistent with a concussion or brain injury, including the danger of continuing to participate in extracurricular interscholastic activities after suffering a concussion or brain injury and their responsibility to report such signs, symptoms, and behaviors if they occur.

Sec. 26. Section 280.13C, subsection 8, paragraph a, Code 2018, as amended by 2018 Iowa Acts, House File 2442,¹⁸ section 1, is amended to read as follows:

a. A school district or accredited nonpublic school that adopts and follows the protocol required by this section and provides an emergency medical care provider or a licensed health care provider at a contest that is a contact or limited contact activity as identified by the American academy of pediatrics shall not be liable for any claim for injuries or damages based upon the actions or inactions of the emergency medical care provider or the licensed health care provider present at the contest at the request of the school district or accredited nonpublic school so long as the emergency medical care provider or the licensed health care provider acts reasonably and in good faith and in the best interest of the student athlete and without undue influence of the school district or accredited nonpublic school or coaching staff employed by the school district or accredited nonpublic school. A school district or accredited nonpublic school shall not be liable for any claim for injuries or damages if an emergency medical care provider or a licensed health care provider who was scheduled in accordance with a prearranged agreement with the school district or accredited nonpublic school to be present and available at a contest is not able to be present and available due to documentable, unforeseen circumstances and the school district or accredited nonpublic school otherwise followed the protocol.

Sec. 27. Section 298.3, subsection 1, paragraph j, Code 2018, as amended by 2018 Iowa Acts, House File 2253,¹⁹ section 9, is amended to read as follows:

j. The purchase of buildings or lease-purchase option agreements for school buildings. However, a contract for construction by a private party of property to be lease-purchased by a public school corporation is a contract for a public improvement as defined in section 26.2. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction ~~in excess of~~ exceeds the competitive bid threshold in section 26.3, the board of directors shall comply with the competitive bidding requirements of section 26.3.

Sec. 28. Section 321G.13, subsection 2, paragraph b, subparagraph (2), Code 2018, as amended by 2018 Iowa Acts, Senate File 2231,²⁰ section 1, is amended to read as follows:

(2) A person may operate or ride on a snowmobile with a loaded pistol or revolver, whether concealed or not, if a the person is operating or riding the snowmobile on land that is not owned, possessed, or rented by the person, and the person's conduct is otherwise lawful.

¹⁷ Chapter 1131 herein

¹⁸ Chapter 1131 herein

¹⁹ Chapter 1075 herein

²⁰ Chapter 1058 herein

Sec. 29. Section 321I.14, subsection 2, paragraph b, subparagraph (2), Code 2018, as amended by 2018 Iowa Acts, Senate File 2231,²¹ section 3, is amended to read as follows:

(2) A person may operate or ride ~~on all an~~ all-terrain vehicle with a loaded pistol or revolver, whether concealed or not, if a the person is operating or riding the all-terrain vehicle on land that is not owned, possessed, or rented by the person, and the person's conduct is otherwise lawful.

Sec. 30. Section 321I.14, subsection 6, as enacted by 2018 Iowa Acts, Senate File 2231,²² section 4, is amended to read as follows:

6. As used in this section, "*rented by the person*" includes a person who does not necessarily rent the land but who principally provides labor for the production of crops located on agricultural land or for the production of livestock principally located on agricultural land. The person must personally provide such labor on a regular, continuous, and substantial basis.

Sec. 31. Section 364.4, subsection 4, paragraph i, Code 2018, as amended by 2018 Iowa Acts, House File 2253,²³ section 11, is amended to read as follows:

i. A contract for construction by a private party of property to be lease-purchased by a city is a contract for a public improvement under section 26.2, subsection 3. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold set in section 26.3, the city shall comply with the competitive bidding requirements of section 26.3.

Sec. 32. Section 633.42, subsection 1, Code 2018, as amended by 2018 Iowa Acts, Senate File 2098,²⁴ section 3, is amended to read as follows:

1. At any time after the issuance of letters of appointment, any interested person in the proceeding may file with the clerk a written request for notice of the time and place of all hearings in such proceeding for which notice is required by law, by rule of court, or by an order in such proceeding. The request for notice shall state the name of the requester, the name of the requester's attorney, if any, and the reason the requester is an interested person in the proceeding. The request for notice shall provide the requester's post office address, and, if available, the requester's electronic mail address and telephone number. The request for notice shall also provide the requester's attorney's post office address, electronic mail address, and telephone number. The clerk shall docket the request. Thereafter, unless otherwise ordered by the court, the fiduciary shall serve by ordinary or electronic mail a notice of each hearing upon such requester and the requester's attorney, if any.

Sec. 33. Section 633.418, Code 2018, as amended by 2018 Iowa Acts, Senate File 2098,²⁵ section 6, is amended to read as follows:

633.418 Form and verification of claims — general requirements.

No claim shall be allowed against an estate on application of the claimant unless it shall be in writing, filed with the clerk, stating the claimant's name, and address, and, if available, telephone number and electronic mail address, describing the nature and the amount thereof, if ascertainable, and accompanied by the affidavit of the claimant, or someone for the claimant, that the amount is justly due, or if not yet due, when it will or may become due, that no payments have been made thereon which are not credited, and that there are no offsets to the same, to the knowledge of the affiant, except as therein stated. If the claim is contingent, the nature of the contingency shall also be stated.

²¹ Chapter 1058 herein

²² Chapter 1058 herein

²³ Chapter 1075 herein

²⁴ Chapter 1027 herein

²⁵ Chapter 1027 herein

Sec. 34. Section 651.29, subsection 5, paragraphs b and c, as enacted by 2018 Iowa Acts, Senate File 2175,²⁶ section 29, are amended to read as follows:

b. If none of the cotenants ~~has~~ have paid the entire price for the remaining interest in the heirs property, the court shall ~~resolve~~ the partition action under section 651.30 as if the interest of the cotenant that had requested partition by sale of the heirs property has not been purchased.

c. If more than one cotenant ~~have~~ has paid the entire price for the remaining interest in the heirs property, the court shall reapportion the remaining interest among such cotenants based on each cotenant’s original fractional ownership of the entire heirs property divided by the total original fractional ownership of all cotenants that paid the entire price for the remaining interest. The court shall promptly issue an order reallocating all cotenants’ interests, disburse the amounts held by the court to the persons entitled to such disbursements, and promptly refund any excess payments held by the court to the appropriate persons.

Sec. 35. Section 655.6, subsection 1, as enacted by 2018 Iowa Acts, House File 2232,²⁷ section 5, is amended to read as follows:

1. The mortgagee established reasonable procedures to achieve compliance with its obligations under section 655.3.

Sec. 36. Section 716.11, subsection 1, paragraph b, as enacted by 2018 Iowa Acts, Senate File 2235,²⁸ section 1, is amended to read as follows:

b. A gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical critical generation, storage, transportation, or delivery system.

Sec. 37. 2018 Iowa Acts, Senate File 2117,²⁹ section 1, paragraphs p and s, are amended to read as follows:

p. Department of economic <u>Economic development authority</u>	\$	157,960
.....		
s. College <u>student</u> aid commission	\$	94,172
.....		

Sec. 38. 2018 Iowa Acts, House File 2442,³⁰ section 4, is amended to read as follows:

SEC. 4. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in ~~this division of this Act~~ shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

Sec. 39. REPEAL. 2018 Iowa Acts, House File 2348,³¹ section 9, is repealed.

Sec. 40. REPEAL. 2018 Iowa Acts, House File 2457,³² sections 115 and 116 are repealed.

Sec. 41. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act amending 2018 Iowa Acts, Senate File 2117,³³ section 1, paragraphs “p” and “s”.

Sec. 42. RETROACTIVE APPLICABILITY. The following applies retroactively to March 28, 2018:

²⁶ Chapter 1108 herein
²⁷ Chapter 1036 herein
²⁸ Chapter 1120 herein
²⁹ Chapter 1028 herein
³⁰ Chapter 1131 herein
³¹ Chapter 1041 herein
³² Chapter 1026 herein
³³ Chapter 1028 herein

The section of this division of this Act amending 2018 Iowa Acts, Senate File 2117,³⁴ section 1, paragraphs “p” and “s”.

Sec. 43. APPLICABILITY. The following apply July 1, 2018, to probate filings made on or after that date:

1. The section of this division of this Act amending section 633.42.
2. The section of this division of this Act amending section 633.418.

DIVISION IV LAND ACQUISITION AND INVENTORY

Sec. 44. LAND ACQUISITION AND INVENTORY.

1. By December 1, 2018, the department of natural resources shall submit a report to the general assembly including all financial assistance provided to private entities for the acquisition of land and an inventory of all land managed or owned on behalf of the state by the department.

2. The portion of the report regarding financial assistance to private entities for land acquisition shall include the name of the private entities, a description of the assistance provided, the price of the tract, the date the assistance was provided, the date of full loan repayment or cessation of the linked deposit account, and the total amount of outstanding loans and linked deposits associated with such land acquisitions. This portion of the report shall also include information regarding the land purchase including the location and description of the land, a description of the conservation benefits of the purchase, the name of the seller, the price paid, and the size of the tract. If the land was later acquired by a governmental entity, the report shall include the name of the governmental entity, the date of the subsequent acquisition, the price paid, and the source of the funds.

3. The portion of the report regarding the land inventory shall include a list of all properties owned by the state whose purchase or donation was facilitated by the department and a list of properties which are managed by the department, but not owned by the state. For each owned tract of land, the inventory shall include the location of the tract, the date of acquisition or first management agreement, the name of the seller or donor of the tract, the price paid for state-owned land and the source of the funds; the owner of the tract if not owned by the state, the size of the tract, the present use of the tract including whether the property is open to the public, and the identification of the government entity charged with managing the tract. The inventory shall also identify the location and size of all tracts which were conveyed to cities or counties within the past twenty years after termination of state ownership.

4. For the fiscal year beginning July 1, 2018, the environmental protection commission shall not authorize a contract or approve costs related to the purchase of land which obligates moneys from the water pollution control works revolving loan fund for financial assistance to acquire new land under the general nonpoint source program set-aside.

DIVISION V IOWA GEOLOGICAL SURVEY

Sec. 45. 2018 Iowa Acts, House File 2491,³⁵ section 21, if enacted, is amended to read as follows:

~~SEC. 53A. STATE UNIVERSITY OF IOWA GEOGRAPHICAL AND WATER GEOLOGICAL SURVEY.~~ There is appropriated from the environment first fund created in section 8.57A to the state university of Iowa for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OPERATIONS

For purposes of supporting the operations of the Iowa geological ~~and water~~ survey of the ~~state~~ as created within the state university of Iowa pursuant to section 456.1 as amended by 2018 Iowa Acts, House File 2303, section 12, including but not limited to providing analysis;

³⁴ Chapter 1028 herein

³⁵ Chapter 1167 herein

data maintenance, collection, and compilation; investigative programs; and information for water supply development and protection:

..... \$ 200,000

2. WATER RESOURCE MANAGEMENT

For purposes of supporting the Iowa geological and water survey in measuring, assessing, and evaluating the quantity of water sources in this state and assisting the department of natural resources in regulating water quantity as provided in chapter 455B, division III, part 4, pursuant to sections 455B.262B and 456.14, as enacted by this Act:

..... \$ 495,000

DIVISION VI
PODIATRY

Sec. 46. Section 147.139, subsections 3 and 4, Code 2018, are amended to read as follows:

3. If the defendant is board-certified in a specialty, the person is certified in the same or a substantially similar specialty by a board recognized by the American board of medical specialties, or the American osteopathic association, or the council on podiatric medical education.

4. a. If the defendant is a licensed physician or osteopathic physician under chapter 148, the person is a physician or osteopathic physician licensed in this state or another state.

b. If the defendant is a licensed podiatric physician under chapter 149, the person is a physician, osteopathic physician, or a podiatric physician licensed in this state or another state.

DIVISION VII
CATTLE GUARDS

Sec. 47. Section 314.30, subsection 1, paragraph c, as enacted by 2018 Iowa Acts, Senate File 449, 36 section 1, is amended to read as follows:

c. The landowner owns the property on both sides of the street or highway and owns property on both sides of any access to the street or highway.

Sec. 48. 2018 Iowa Acts, Senate File 449, 37 is amended by adding the following new section:

NEW SECTION. SEC. 4. INSTALLATION OF CATTLE GUARD — SUBSEQUENT COUNTY ACTION. Any cattle guard installed pursuant to this Act on or before April 25, 2018, that meets the requirements of this Act at the time of installation shall not be ordered uninstalled or found to be noncompliant with this Act as a result of any action taken after April 25, 2018, by the county with jurisdiction over the street or highway on which the cattle guard is installed to alter the area service classification of the street or highway or to otherwise alter the street or highway in such a way that the installation of the cattle guard no longer complies with this Act.

Sec. 49. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 50. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to April 17, 2018.

36 Chapter 1118 herein

37 Chapter 1118 herein

DIVISION VIII
DRAMSHOP

Sec. 51. Section 123.92, subsection 1, paragraph a, Code 2018, as amended by 2018 Iowa Acts, Senate File 2169,³⁸ section 1, is amended to read as follows:

a. ~~Any Subject to the limitation amount specified in paragraph “c”, if applicable, any third party who is not the intoxicated person who caused the injury at issue and who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for damages actually sustained, severally or jointly, up to the amount specified in paragraph “e”, against any licensee or permittee, whether or not the license or permit was issued by the division or by the licensing authority of any other state, who sold and served any beer, wine, or intoxicating liquor directly to the intoxicated person, provided that the person was visibly intoxicated at the time of the sale or service.~~

Sec. 52. **NEW SECTION. 505.33 Dramshop liability insurance evaluation.**

The division shall biennially conduct an evaluation concerning minimum coverage requirements of dramshop liability insurance. In conducting the evaluation, the division shall include a comparison of other states’ minimum dramshop liability insurance coverage and any other relevant issues the division identifies. By January 31, 2019, and every two years thereafter, the division shall submit a report, including any findings and recommendations, to the general assembly as provided in chapter 7A.

Sec. 53. REPEAL. 2018 Iowa Acts, Senate File 2169,³⁹ section 2, is repealed.

DIVISION IX
ALCOHOL

Sec. 54. Section 123.30, subsection 3, paragraphs a and b, Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,⁴⁰ section 12, are amended to read as follows:

a. *Class “A”*. A class “A” liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in section 123.173 and section 123.177, and to sell alcoholic beverages to bona fide members and their guests by the individual drink for consumption on the premises only.

b. *Class “B”*. A class “B” liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in section 123.173 and section 123.177, and to sell alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises described in the application.

Sec. 55. Section 123.30, subsection 3, paragraph c, subparagraph (1), Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,⁴¹ section 12, is amended to read as follows:

(1) A class “C” liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in section 123.173 and section 123.177, and to sell alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the

³⁸ Chapter 1090 herein

³⁹ Chapter 1090 herein

⁴⁰ Chapter 1060 herein

⁴¹ Chapter 1060 herein

premises. The holder of a class “C” liquor control license may also hold a special class “A” beer permit for the premises licensed under a class “C” liquor control license for the purpose of operating a brewpub pursuant to this chapter.

Sec. 56. Section 123.30, subsection 3, paragraph c, subparagraph (3), Code 2018, is amended to read as follows:

(3) A class “C” native distilled spirits liquor control license may be issued to a native distillery but shall be issued in the name of the individuals who actually own the business and shall only be issued to a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of distilled spirits on an annual basis. The license shall authorize the holder to sell native distilled spirits manufactured on the premises of the native distillery to patrons by the individual drink for consumption on the premises. All native distilled spirits sold by a native distillery for on-premises consumption shall be purchased from a class “E” liquor control licensee in original unopened containers.

Sec. 57. Section 123.30, subsection 3, paragraph d, subparagraph (2), Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,⁴² section 12, is amended to read as follows:

(2) A class “D” liquor control licensee who operates a train or a watercraft intrastate only, or an excursion gambling boat licensed under chapter 99F, shall purchase alcoholic liquor in original unopened containers from a class “E” liquor control licensee only, wine from a class “A” wine permittee or a class “B” wine permittee who also holds a class “E” liquor control license only as provided in section 123.173 and section 123.177, and beer from a class “A” beer permittee only.

Sec. 58. Section 123.30, subsection 3, paragraph e, Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,⁴³ section 12, is amended to read as follows:

e. Class “E”.

(1) A class “E” liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor in original unopened containers from the division only and high alcoholic content beer from a class “A” beer permittee only and to sell the alcoholic liquor in original unopened containers and high alcoholic content beer at retail to patrons for consumption off the licensed premises and at wholesale to other liquor control licensees, provided the holder has filed with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A holder of a class “E” liquor control license may hold other retail liquor control licenses or retail wine or beer permits, but the premises licensed under a class “E” liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class “E” liquor control license may also hold a class “B” wine or class “C” beer permit or both for the premises licensed under a class “E” liquor control license.

(2) The division may issue a class “E” liquor control license for premises covered by a liquor control license or wine or beer permit for on-premises consumption, if under any of the following circumstances:

(a) If the premises are in a county having a population under nine thousand five hundred in which no other class “E” liquor control license has been issued by the division, and no other application for a class “E” liquor control license has been made within the previous twelve consecutive months.

(b) If, notwithstanding any provision of this chapter to the contrary, the premises covered by a liquor control license is a grocery store that is at least five thousand square feet.

Sec. 59. Section 123.30, subsection 4, Code 2018, is amended to read as follows:

4. Notwithstanding any provision of this chapter to the contrary, a person holding a liquor control license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if

⁴² Chapter 1060 herein

⁴³ Chapter 1060 herein

the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee or the licensee's agent shall securely reseal such bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been tampered with and provide a dated receipt for the resealed bottle of wine to the customer. A wine bottle resealed pursuant to the requirements of this subsection is subject to the requirements of sections 321.284 and 321.284A. A person holding a liquor control license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to carry an open container of wine from their licensed premises into another immediately adjacent licensed premises, temporary closed public right-of-way, or private property.

Sec. 60. Section 123.30, Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 5. Notwithstanding any provision of this chapter to the contrary, a person holding a liquor control license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to carry an open container of alcoholic liquor from their licensed premises to another immediately adjacent licensed premises, temporary closed public right-of-way, or private property.

Sec. 61. Section 123.131, subsection 2, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Subject to the rules of the division, sales of beer for consumption off the premises made pursuant to this section may be made in a container other than the original container only if the container is carried into an immediately adjacent licensed or permitted premises, temporary closed public right-of-way, or private property, or if all of the following requirements are met:

DIVISION X SEXUALLY VIOLENT PREDATORS

Sec. 62. Section 229A.8, subsection 5, paragraph e, subparagraph (2), Code 2018, is amended to read as follows:

(2) (a) If the committed person shows by a preponderance of the evidence that a final hearing should be held on either determination under subparagraph (1), subparagraph division (a) or (b), or both, the court shall set a final hearing within sixty days of the determination that a final hearing be held.

(b) The committed person may waive the sixty-day final hearing requirement under subparagraph subdivision (a); however, the committed person or the attorney for the committed person may reassert a demand that the final hearing be held within sixty days from the date of filing the demand with the clerk of court.

(c) The final hearing may be continued upon request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and if the committed person is not substantially prejudiced. In determining what constitutes good cause, the court shall consider the length of the pretrial detention of the committed person.

Sec. 63. Section 229A.15, Code 2018, is amended to read as follows:

229A.15 Court records — sealed and opened by court order.

1. ~~Any~~ Except as otherwise provided in this section, any psychological reports, drug and alcohol reports, treatment records, reports of any diagnostic center, medical records, or victim impact statements which have been submitted to the court or admitted into evidence under this chapter shall be part of the record but shall be sealed and opened only on order of the court.

2. The documents described in subsection 1 shall be available to the prosecuting attorney or attorney general, the committed person, and the attorney for the committed person without an order of the court.

DIVISION XI
EARNED TIME

Sec. 64. Section 903A.2, subsection 1, paragraph a, subparagraph (2), Code 2018, is amended to read as follows:

(2) However, an inmate required to participate in a sex offender treatment program shall not be eligible for a any reduction of sentence ~~unless~~ until the inmate participates in and completes a sex offender treatment program established by the director.

Sec. 65. Section 903A.2, subsection 1, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) An inmate required to participate in a domestic abuse treatment program shall not be eligible for a any reduction of sentence ~~unless~~ until the inmate participates in and completes a domestic abuse treatment program established by the director.

Sec. 66. Section 903A.3, subsection 1, Code 2018, is amended to read as follows:

1. Upon finding that an inmate has violated an institutional rule, has failed to complete a sex offender or domestic abuse treatment program as specified in section 903A.2, or has had an action or appeal dismissed under section 610A.2, the independent administrative law judge may order forfeiture of any or all earned time accrued and not forfeited up to the date of the violation by the inmate and may order forfeiture of any or all earned time accrued and not forfeited up to the date the action or appeal is dismissed, unless the court entered such an order under section 610A.3. The independent administrative law judge has discretion within the guidelines established pursuant to section 903A.4, to determine the amount of time that should be forfeited based upon the severity of the violation. Prior violations by the inmate may be considered by the administrative law judge in the decision.

DIVISION XII
MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

**Sec. 67. Section 507A.4, subsection 9, paragraph c, unnumbered paragraph 1, Code 2018, is amended to read as follows:*

*A multiple employer welfare arrangement that is recognized as tax-exempt under Internal Revenue Code section 501(c)(9) that meets all of the conditions of paragraph "a" shall not be considered any of the following:**

Sec. 68. Section 513D.1, as enacted by 2018 Iowa Acts, Senate File 2349,⁴⁴ section 5, is amended to read as follows:

513D.1 Association health plans.

The commissioner shall adopt rules that allow for the creation of association health plans that are consistent with the United States department of labor's regulations in 29 C.F.R. pt. 2510. A multiple employer welfare arrangement that is recognized as tax-exempt under Internal Revenue Code section 501(c)(9) and that is registered with the commissioner prior to January 1, 2018, shall not be considered an association health plan unless the multiple employer welfare arrangement affirmatively elects to be treated as an association health plan.

Sec. 69. REPEAL. 2018 Iowa Acts, Senate File 2349, section 7, is repealed.

DIVISION XIII
SELF-PROMOTION — PUBLIC FUNDS

Sec. 70. **NEW SECTION. 68A.405A Self-promotion with taxpayer funds prohibited.**

1. a. Except as provided in sections 29C.3 and 29C.6, a statewide elected official or member of the general assembly shall not permit the expenditure of public moneys under the control of the statewide elected official or member of the general assembly, including but not limited to moneys held in a private trust fund as defined by section 8.2, for the purpose of any paid

* Item veto; see message at end of the Act

⁴⁴ Chapter 1063 herein

advertisement or promotion bearing the written name, likeness, or voice of the statewide elected official or member of the general assembly distributed through any of the following means:

- (1) A paid direct mass mailing.
- (2) A paid radio advertisement or promotion.
- (3) A paid newspaper advertisement or promotion.
- (4) A paid television advertisement or promotion.
- (5) A paid internet advertisement or promotion.

(6) A paid exhibit display at the Iowa state fair or a fairground or grounds as defined in section 174.1.

b. Except as otherwise provided by law, paragraph “a” shall not apply to bona fide ministerial or ceremonial records or ordinary, common, and frequent constituent correspondence containing the name of the statewide elected official or member of the general assembly.

2. A person who willfully violates this section shall be subject to a civil penalty of an amount up to the amount of moneys withdrawn from a public account or private trust fund as defined in section 8.2 used to fund the communication found to be in violation of this section by the board or, for members of the general assembly, by an appropriate legislative ethics committee. A penalty imposed pursuant to this section shall be paid by the candidate’s committee. Such penalty shall be determined and assessed by the board or, for a member of the general assembly, the appropriate legislative ethics committee, and paid into the account from which such moneys were withdrawn. Additional criminal or civil penalties available under section 68A.701 or established by the board pursuant to section 68B.32A may also be determined and assessed by the board for violations of this section. Nothing in this section shall prevent the imposition of any penalty or sanction for a violation of this section by a legislative ethics committee.

DIVISION XIV LEASE-PURCHASE CONTRACTS

Sec. 71. 2018 Iowa Acts, House File 2253,⁴⁵ section 13, is amended to read as follows:

SEC. 13. APPLICABILITY. This Act applies to lease-purchase contracts entered into on or after the effective date of this Act. This Act does not apply to any lease-purchase contract that results from a request for proposals or request for qualifications issued by a city with a population of less than 21,000 according to the 2016 special census prior to the effective date of this Act.

Sec. 72. RETROACTIVE APPLICABILITY. The following applies retroactively to April 4, 2018:

The section of this division of this Act amending 2018 Iowa Acts, House File 2253,⁴⁶ section 13.

DIVISION XV CONSTRUCTION VEHICLES

Sec. 73. Section 321.463, subsection 9, Code 2018, is amended to read as follows:

9. A vehicle or combination of vehicles transporting materials or equipment on nonprimary highways to or from a construction project or commercial plant site may operate under the maximum gross weight table for primary highways in subsection 6, paragraph “a”, ~~if the route is approved by the appropriate local authority. Route approval is not required if the vehicle or combination of vehicles transporting materials or equipment to or from a construction project or commercial plant site complies with~~ or the maximum gross weight table for noninterstate highways in subsection 6, paragraph “c”. When crossing a bridge, such a vehicle or combination of vehicles shall comply with any weight restriction imposed for the bridge pursuant to section 321.471 or 321.474, provided signs that conform to the

⁴⁵ Chapter 1075 herein

⁴⁶ Chapter 1075 herein

manual of uniform traffic-control devices adopted by the department that give notice of the restriction are posted as required under section 321.472 or 321.474, as applicable.

DIVISION XVI
LOCAL ORDINANCES

Sec. 74. Section 331.301, subsection 6, paragraph c, subparagraph (1), unnumbered paragraph 1, Code 2018, is amended to read as follows:

A county shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any ~~requirement established by~~ state law. For purposes of this paragraph:

Sec. 75. Section 364.3, subsection 3, paragraph c, subparagraph (1), unnumbered paragraph 1, Code 2018, is amended to read as follows:

A city shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any ~~requirement established by~~ state law. For purposes of this paragraph:

DIVISION XVII
HEALTH CARE COVERAGE — SURVIVING SPOUSE AND CHILDREN

Sec. 76. **NEW SECTION. 509A.13C Health care coverage for surviving spouse and children of fire fighters and peace officers killed in the line of duty.**

1. For the purposes of this section, “*eligible peace officer or fire fighter*” means a peace officer as defined in section 801.4, or a fire fighter, to which a line of duty death benefit is payable pursuant to section 97A.6, subsection 16, section 97B.52, subsection 2, or section 411.6, subsection 15.

2. *a.* If a governing body, a county board of supervisors, or a city council has procured accident or health care coverage for its employees under this chapter, such coverage shall permit continuation of existing coverage or reenrollment in previously existing coverage for the surviving spouse and each surviving child of an eligible peace officer or fire fighter.

b. A governing body, a county board of supervisors, or a city council shall also permit continuation of existing coverage for the surviving spouse and each surviving child of a peace officer as defined in section 801.4, or a fire fighter who dies and to which a line of duty death benefit is reasonably expected to be payable pursuant to section 97A.6, subsection 16, section 97B.52, subsection 2, or section 411.6, subsection 15, until such time as the determination of whether to provide a line of duty death benefit is made.

3. A governing body, a county board of supervisors, or a city council providing accident or health care coverage under this section shall not be required to pay for the cost of the coverage. However, a governing body, a county board of supervisors, or a city council may pay the full cost or a portion of the cost of the coverage. If the full cost of the coverage is not paid, a surviving spouse and each surviving child eligible for coverage under this section may elect to continue accident or health care coverage by paying that portion of the cost of the coverage not paid by the governing body, county board of supervisors, or city council.

4. A governing body, a county board of supervisors, or a city council shall notify the provider of accident or health care coverage for its employees of a surviving spouse and each surviving child to be provided coverage pursuant to the requirements of this section.

5. This section shall not require continuation of coverage if the surviving spouse or surviving child who would otherwise be entitled to continuation of coverage under this section was, through the surviving spouse’s or surviving child’s actions, a substantial contributing factor to the death of the eligible peace officer or fire fighter.

Sec. 77. **APPLICABILITY — HEALTH CARE COVERAGE FOR PRIOR DEATHS.** The surviving spouse and each surviving child of a peace officer as defined in section 801.4, or a fire fighter who died on or after January 1, 1985, but before July 1, 2000, to which the requirements for providing a line of duty death pursuant to section 97A.6, subsection 16,

section 97B.52, subsection 2, or section 411.6, subsection 15, would otherwise have been established, and the surviving spouse and each surviving child of an eligible peace officer or fire fighter as defined in section 509A.13C, as enacted in this Act, may be entitled to coverage as provided in section 509A.13C upon written notification of the applicable governing body, county board of supervisors, or city council. Coverage provided under section 509A.13C pursuant to this section shall be for claims for services incurred on or after the date of reenrollment.

Sec. 78. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 79. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to a death occurring on or after January 1, 1985.

DIVISION XVIII
SCHOLARSHIPS FOR SURVIVING CHILDREN OF CERTAIN PERSONS KILLED
IN THE LINE OF DUTY

Sec. 80. Section 261.87, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Od.* “*Eligible surviving-child student*” means a qualified student who is under the age of twenty-six, or under the age of thirty if the student is a veteran who is eligible for benefits, or has exhausted the benefits, under the federal Post-9/11 Veterans Educational Assistance Act of 2008; who is not a convicted felon as defined in section 910.15; and who meets any of the following criteria:

(1) Is the child of a peace officer, as defined in section 97A.1, who was killed in the line of duty as determined by the board of trustees of the Iowa department of public safety peace officers’ retirement, accident, and disability system in accordance with section 97A.6, subsection 16.

(2) Is the child of a police officer or a fire fighter, as each is defined in section 411.1, who was killed in the line of duty as determined by the statewide fire and police retirement system in accordance with section 411.6, subsection 15.

(3) Is the child of a sheriff or deputy sheriff as each is defined in section 97B.49C, who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with section 97B.52, subsection 2.

(4) Is the child of a fire fighter or police officer included under section 97B.49B, who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with section 97B.52, subsection 2.

Sec. 81. Section 261.87, subsection 3, Code 2018, is amended to read as follows:

3. *Priority for scholarship awards.* Priority for scholarships under this section shall be given to eligible foster care students, then to eligible surviving-child students, who meet the eligibility criteria under subsection 2. Following distribution to students who meet the eligibility criteria under subsection 2, the commission may establish priority for awarding scholarships using any moneys that remain in the all Iowa opportunity scholarship fund.

DIVISION XIX
CREDIT UNIONS

Sec. 82. Section 533.212, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A credit union organized in accordance with this chapter shall not include the name of any public university located in the state in its name. For purposes of this subsection, “*public university located in the state*” shall mean the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa.

Sec. 83. Section 533.329, subsection 2, paragraph b, Code 2018, is amended to read as follows:

~~b. The amount collected in each taxing district within a city~~ The moneys and credits tax shall be collected by the department of revenue and shall be apportioned twenty percent to the county, thirty percent to the city general fund, and fifty percent to the general fund of the state, and the amount collected in each taxing district outside of cities shall be apportioned fifty percent to the county and fifty percent to the general fund of the state.

Sec. 84. Section 533.329, subsection 2, paragraph c, Code 2018, is amended by striking the paragraph.

Sec. 85. Section 533.329, Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 3. The department of revenue shall administer and enforce the provisions of this section.

Sec. 86. EFFECTIVE DATE. The following takes effect April 30, 2019:
The section of this division of this Act amending section 533.212.

DIVISION XX MILITARY INSTALLATION — SCHOOL ENROLLMENT

Sec. 87. Section 257.6, subsection 1, paragraph a, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) Pupils who are enrolled in public schools within the district under section 282.1, subsection 3, in grades kindergarten through twelve and including prekindergarten pupils enrolled in special education programs.

Sec. 88. Section 282.1, subsection 2, Code 2018, is amended to read as follows:

2. For purposes of this section, “resident” means a child who is meets either of the following requirements:

a. Is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

α. (1) Is in the district for the purpose of making a home and not solely for school purposes.

b. (2) Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. §11302(a) and (c).

e. (3) Lives in a juvenile detention center or residential facility in the district.

b. Is domiciled with the child’s parent or guardian who is on active duty in the military service of the United States and is stationed at and resides or is domiciled within a federal military installation located contiguous to a county in this state.

Sec. 89. Section 282.1, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The parent or guardian of a child who meets the requirements of subsection 2, paragraph “b”, paragraph ⁴⁷ may enroll the child in a school district in a county in this state that is located contiguous to the out-of-state federal military installation. Notwithstanding section 285.1 relating to transportation of resident pupils, the parent or guardian is responsible for transporting the child without reimbursement to and from a point on a regular school bus route of the district of enrollment.

NEW SUBSECTION. 4. Notwithstanding section 282.6, if a parent or guardian enrolls a child in a school district in accordance with subsection 3, the school district shall be free of tuition for such child.

DIVISION XXI CRIMINALISTICS LABORATORY FUND

Sec. 90. Section 691.9, Code 2018, is amended to read as follows:

691.9 Criminalistics laboratory fund.

⁴⁷ According to Act; omission of the word “paragraph” probably intended

A criminalistics laboratory fund is created as a separate fund in the state treasury under the control of the department of public safety. The fund shall consist of appropriations made to the fund and transfers of interest, and earnings. All moneys in the fund are appropriated to the department of public safety for use by the department in criminalistics laboratory equipment and supply purchasing, maintenance, depreciation, and training. Any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in this section.

DIVISION XXII
IOWA ENERGY CENTER

Sec. 91. Section 476.10A, subsection 1, paragraph c, subparagraph (1), Code 2018, is amended to read as follows:

(1) ~~Eighty-five~~ Of eighty-five percent of the remittances collected pursuant to this section is, the following shall occur:

(a) For the fiscal year beginning July 1, 2018, such remittances are appropriated to the Iowa energy center created in section 15.120.

(b) For the fiscal year beginning July 1, 2019, the first one million two hundred eighty-thousand dollars of such remittances shall be transferred to the general fund of the state, and the remaining amount is appropriated to the Iowa energy center created in section 15.120.

(c) For the fiscal year beginning July 1, 2020, the first two million nine hundred ten thousand dollars of such remittances shall be transferred to the general fund of the state, and the remaining amount is appropriated to the Iowa energy center created in section 15.120.

(d) For the fiscal year beginning July 1, 2021, the first three million five hundred thirty thousand dollars of such remittances shall be transferred to the general fund of the state, and the remaining amount is appropriated to the Iowa energy center created in section 15.120.

DIVISION XXIII
TRIBAL IDENTIFICATION CARD

Sec. 92. Section 48A.7A, subsection 1, paragraph b, subparagraph (1), Code 2018, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) A tribal identification card or other tribal enrollment document issued by a federally recognized Indian tribe or nation, if the tribal identification card or other tribal enrollment document is signed before the card or document is presented to the election official.

Sec. 93. Section 49.78, subsection 2, paragraph a, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) A current, valid tribal identification card or other tribal enrollment document issued by a federally recognized Indian tribe or nation, which includes a photograph, signature, and valid expiration date.

DIVISION XXIV
WIND ENERGY CONVERSION PROPERTY

Sec. 94. Section 441.21, subsection 5, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. For valuations established for the assessment year beginning January 1, 2019, and each assessment year thereafter, the percentages of actual value at which property is assessed, as determined under this subsection, shall not be applied to the value of wind energy conversion property valued under section 427B.26 the construction of which is approved by the Iowa utilities board on or after July 1, 2018.

DIVISION XXV
REVOCATION OF DRIVER'S LICENSE FOR DRUG-RELATED CONVICTIONS

Sec. 95. Section 124.412, Code 2018, is amended to read as follows:

124.412 Notice of conviction.

If a person enters a plea of guilty to, or forfeits bail or collateral deposited to secure the person's appearance in court, and such forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the county attorney's information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state department of transportation and to any state board or officer by whom the convicted person has been licensed or registered to practice the person's profession or carry on the person's business. On the conviction of a person, the court may suspend or revoke the license or registration of the convicted defendant to practice the defendant's profession or carry on the defendant's business. On the application of a person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, the board or officer may reinstate the license or registration.

Sec. 96. Section 321.212, subsection 1, paragraph d, Code 2018, is amended by striking the paragraph.

Sec. 97. Section 321.215, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. However, a temporary restricted license shall not be issued to a person whose license is revoked pursuant to a court order issued under ~~section 901.5, subsection 10,~~ or under section 321.209, subsections 1 through 5 or subsection 7; to a juvenile whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B or section 126.3; to a juvenile whose license has been suspended under section 321.213B; or to a person whose license has been suspended pursuant to a court order under section 714.7D. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

Sec. 98. Section 321.215, subsection 2, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5 or 6, or section 321.210, 321.210A, or 321.513; ~~or upon revocation pursuant to a court order issued under section 901.5, subsection 10;~~ or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or upon suspension or revocation of a juvenile's driver's license pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3; or upon suspension of a driver's license pursuant to a court order under section 714.7D, the person may apply to the department for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied:

Sec. 99. Section 321.215, subsection 2, paragraph c, Code 2018, is amended to read as follows:

c. Proof of financial responsibility is established as defined in chapter 321A. However, such proof is not required if the driver's license was suspended under section 321.210A or 321.513 ~~or revoked pursuant to a court order issued under section 901.5, subsection 10.~~

Sec. 100. Section 321.218, subsection 1, Code 2018, is amended to read as follows:

1. A person whose driver's license or operating privilege has been denied, canceled, suspended, or revoked as provided in this chapter or as provided in section 252J.8 ~~or section 901.5, subsection 10~~, and who operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars.

Sec. 101. Section 321A.17, subsection 4, Code 2018, is amended to read as follows:

4. An individual applying for a driver's license following a period of suspension or revocation pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph "a", or under section 321.180B, section 321.210, subsection 1, paragraph "a", subparagraph (4), or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension or revocation under section 321.178 or 321.194, or following a period of revocation pursuant to a court order issued ~~under section 901.5, subsection 10~~, or under section 321J.2A, is not required to maintain proof of financial responsibility under this section.

Sec. 102. Section 901.5, subsection 10, Code 2018, is amended by striking the subsection.

Sec. 103. REINSTATEMENT OF DRIVER'S LICENSE. A defendant's driver's license suspended or revoked pursuant to section 901.5, subsection 10, prior to the effective date of this division of this Act, shall be reinstated, if the defendant is otherwise eligible for a driver's license.

Sec. 104. CONTINGENT EFFECTIVE DATE. This division of this Act takes effect on the date the governor submits to the United States secretary of transportation a written certification that the governor is opposed to the enforcement in this state of a law described in 23 U.S.C. §159(a)(3)(A) and a written certification that the general assembly has adopted a joint resolution expressing its opposition to the same, in accordance with 23 U.S.C. §159(a)(3)(B). The office of the governor shall notify the Code editor upon submission of the certifications described in this section.

Approved June 1, 2018, with exceptions noted.

KIM REYNOLDS, Governor

Dear Mr. Secretary:

I hereby transmit:

House File 2502, an Act relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and providing for effective date, contingent effective date, applicability, and retroactive applicability provisions.

As to Sections 67 and 69 of House File 2502, I am unable to approve these items. Section 67 prescribes that any newly formed Multiple Employer Welfare Arrangement (MEWA) be formed as a United States Internal Revenue Code Section 501(c)(9) entity. There are other viable tax structure alternatives, and I believe this requirement is overly prescriptive and would have a limiting effect on any future employer interested in the formation of a MEWA for purposes of providing an additional option for health coverage for interested Iowans.

Section 69 repeals the ability of the Commissioner of the Iowa Insurance Division to adopt emergency rules. It is necessary for the Commissioner to retain this ability in order to ensure for the immediate adoption of rules to administer the provisions of the underlying bill.

For the above reasons, I respectfully disapprove House File 2502, in part only as specified above, in accordance with Article III, Section 16, of the Constitution of the State of Iowa. The remainder of House File 2502 not disapproved of as stated herein is approved of as this date.

Sincerely,
KIM REYNOLDS, *Governor*

CHAPTER 1173

CONVICTED DRUG OFFENDERS AND DRIVER'S LICENSE REVOCATION, SUSPENSION, ISSUANCE, OR REINSTATEMENT

S.J.R. 2007

A JOINT RESOLUTION opposing a law of this state relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders, and including effective date provisions.

WHEREAS, 23 U.S.C. §159 and 23 C.F.R. pt. 192 require each state to annually certify the state's compliance with 23 U.S.C. §159 to the secretary of the United States department of transportation and authorize the secretary to annually withhold federal highway funds if a state does not meet the requirements set forth in 23 U.S.C. §159(a)(3); and

WHEREAS, 23 U.S.C. §159(a)(3)(B) provides that a state may demonstrate compliance if the governor of the state submits to the secretary a written certification stating that the governor is opposed to the enactment or enforcement in the state of a law that meets the requirements of a law described in 23 U.S.C. §159(a)(3)(A), relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders, and further submits to the secretary a written certification that the state's legislature has adopted a resolution expressing its opposition to such a law; and

WHEREAS, the general assembly finds that enforcement of a law in this state that meets the requirements of a law described in 23 U.S.C. §159(a)(3)(A) is unrelated to, and does not promote, highway safety; is an unnecessary obstacle to the mobility, employability, and rehabilitation of convicted drug offenders; is an unnecessary use of state resources; and should be opposed; NOW THEREFORE,

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

Section 1. OPPOSITION TO IOWA LAW. The general assembly, by this joint resolution, states its opposition to a law in this state that meets the requirements of a law described in 23 U.S.C. §159(a)(3)(A), relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders.

Sec. 2. DISTRIBUTION. A copy of this Joint Resolution shall be distributed to the governor.

Sec. 3. EFFECTIVE DATE. This Joint Resolution, being deemed of immediate importance, takes effect upon enactment.

Effective March 21, 2018

CHAPTER 1174

PROPOSED CONSTITUTIONAL AMENDMENT — RIGHT TO KEEP AND BEAR ARMS

*H.J.R. 2009**First Time Passed*

A **JOINT RESOLUTION** proposing an amendment to the Constitution of the State of Iowa relating to the right of the people to keep and bear arms.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article I of the Constitution of the State of Iowa is amended by adding the following new section:

Right to keep and bear arms. SEC. 1A. The right of the people to keep and bear arms shall not be infringed. The sovereign state of Iowa affirms and recognizes this right to be a fundamental individual right. Any and all restrictions of this right shall be subject to strict scrutiny.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

CHAPTER 1175PROPOSED CONSTITUTIONAL AMENDMENT — GUBERNATORIAL SUCCESSION
AND LIEUTENANT GOVERNOR VACANCY*S.J.R. 2006**First Time Passed*

A **JOINT RESOLUTION** proposing an amendment to the Constitution of the State of Iowa relating to the gubernatorial line of succession.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952 and by amendment number 1 of the Amendments of 1988, is repealed and the following adopted in lieu thereof:

Election by general assembly in case of tie — inability of governor-elect to qualify — succession by lieutenant governor — inauguration of governor and lieutenant governor upon removal of inability of governor-elect to qualify. SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor.

If after the final canvass of votes but before inauguration the governor-elect has since died, does not qualify, or is permanently unable to become governor, the lieutenant governor-elect shall become the governor upon inauguration, to the exclusion of any other office, for the residue of the term.

In the event of a temporary inability of the governor-elect to assume office, the lieutenant governor-elect shall become governor upon inauguration, until the inability is removed, at

which time, the governor-elect and lieutenant governor-elect shall become governor and lieutenant governor, respectively, upon inauguration.

Section 10 of Article IV of the Constitution of the State of Iowa is amended to read as follows:

Vacancies — lieutenant governor vacancy. SEC. 10. When any office, excluding the office of lieutenant governor, shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people.

When the office of lieutenant governor shall, from any cause, become vacant, and no mode is otherwise provided by the constitution for filling such vacancy, the governor shall have power to fill such vacancy for the residue of the term, by granting a commission, which shall expire as provided in the constitution.

Section 17 of Article IV of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Lieutenant governor to become governor — filling of lieutenant governor vacancy. SEC. 17. In case of death, impeachment, resignation, removal from office, or other inability to serve of the governor, the lieutenant governor shall succeed and become the governor, to the exclusion of any other office. If the preceding governor thereafter becomes able to serve, the preceding governor shall become governor and the succeeding governor shall resume the office of lieutenant governor, to the exclusion of any other office, each for the residue of the term, respectively. If the succeeding governor has filled a vacancy in the office of lieutenant governor by granting a commission, that commission shall expire upon the resumption of the office of lieutenant governor by the preceding lieutenant governor.

Section 19 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 2 of the Amendments of 1952 and by amendment number 2 of the Amendments of 1988, is repealed and the following adopted in lieu thereof:

Succession to office of governor and lieutenant governor — simultaneous inability to serve — qualification of successor governor to office. SEC. 19. If the governor and lieutenant governor are simultaneously unable to serve, the president of the senate shall become governor, followed by the speaker of the house of representatives if the president of the senate is unable or unwilling to serve, followed by the president pro tempore of the senate if the speaker of the house of representatives is unable or unwilling to serve, followed by the speaker pro tempore of the house of representatives if the president pro tempore of the senate is unable or unwilling to serve, each succeeding, to the exclusion of any other office. If none of the above are able or willing to serve as governor and the general assembly is not in session, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president of the senate and a speaker of the house of representatives. The president-elect of the senate shall then become governor. If at that time the president-elect of the senate is unable or unwilling to serve, the speaker-elect of the house of representatives shall become governor.

If the governor so succeeded becomes able to serve, the governor so succeeded shall resume the office of governor. If the lieutenant governor so succeeded becomes able to serve while the governor so succeeded remains unable to serve, the lieutenant governor so succeeded shall assume the office of governor.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly, and the secretary of state is directed to cause the proposed amendment to be published for three consecutive months previous to the date of that election as provided by law.

ANALYSIS OF TABLES

Conversion Tables of Senate and House Files and Joint Resolutions to Chapters of the Acts of the General Assembly

2018 Code Chapters and Sections Amended or Repealed and New Code Sections Added, 2018 Regular Session

Session Laws Amended, Repealed, or Referred to in Acts of the Eighty-seventh General Assembly, 2018 Regular Session

Iowa Codes Referred to in Acts of the Eighty-seventh General Assembly, 2018 Regular Session

Iowa Administrative Code Referred to in Acts of the Eighty-seventh General Assembly, 2018 Regular Session

Acts of Congress, United States Code, and Code of Federal Regulations Referred To

Iowa Court Rules Referred To

Proposed Amendments to the Constitution of the State of Iowa

Constitution of the State of Iowa Referred To

Vetoed Bill

Item Vetoes

**CONVERSION TABLES OF SENATE AND HOUSE FILES
AND JOINT RESOLUTIONS TO
CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

2018 REGULAR SESSION

SENATE FILES

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
192	1106	2201	1031	2321	1117
359	1132	2203	1092	2322	1142
360	1050	2226	1093	2323	1061
385	1139	2227	1133	2325	1034
449	1118	2228	1052	2333	1072
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**2018 CODE CHAPTERS AND SECTIONS AMENDED OR REPEALED
AND NEW CODE SECTIONS ADDED,
2018 REGULAR SESSION**

“NEW” denotes new Code section numbers that are subject to change when codified.
“C2017” denotes 2017 Code chapters and sections amended or repealed.

Code section subunits are referenced by their designated number or letter in parentheses,
with unnumbered paragraphs referenced by a “u” and a number. For example, section 8C.7A, subsection 3,
paragraph c, subparagraph (3), subparagraph division (a), subparagraph subdivision (iv), subparagraph part (A),
subparagraph subpart (i) is “8C.7A(3)(c)(3)(a)(iv)(A)(i)”; and section 2.2, unnumbered paragraph 1 is “2.2(u1)”.

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IN ACTS OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY,
2018 REGULAR SESSION**

**ACTS OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY,
2018 REGULAR SESSION AMENDED, REPEALED, OR REFERRED TO**

Acts section subunits are referenced by their designated number or letter in parentheses, with unnumbered paragraphs referenced by a “u” and a number. For example, section 142, subsection 11, paragraph a, unnumbered paragraph 1 is “§142(11)(a)(u1)”.

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See INTERNET

WORSHIP
See RELIGION

WRITING
See LITERACY

WRITINGS
See RECORDS AND PUBLICATIONS

YOUTHS
See CHILDREN; JUVENILES